

# AGENDA

## Council Meeting Agenda Forum

**6 December 2022**

### Notice of Meeting

#### To Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday 6 December 2022 in the Council chambers at 71 Stirling Highway Nedlands commencing at 6pm.

This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](#)



Bill Parker  
Chief Executive Officer  
1 December 2022

## Information

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

## Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

## Deputations

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 5 minutes. Members of the public must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

## Disclaimer

Members of the public who attend Council Meetings Agenda Forum 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 .....	4
2.	Present and Apologies and Leave of Absence (Previously Approved) .....	4
3.	Public Question Time .....	4
4.	Deputations .....	4
5.	Requests for Leave of Absence .....	4
6.	Petitions .....	4
7.	Disclosures of Financial Interest .....	4
8.	Disclosures of Interests Affecting Impartiality.....	5
9.	Declarations by Members That They Have Not Given Due Consideration to Papers .....	5
10.	Confirmation of Minutes .....	5
11.	Announcements of the Presiding Member without discussion. ....	5
12.	Members Announcements without discussion. ....	5
13.	Matters for Which the Meeting May Be Closed .....	6
14.	En Bloc Items.....	6
15.	Minutes of Council Committees and Administrative Liaison Working Groups.....	6
15.1	Minutes of the following Committee Meetings (in date order) are to be received:.....	6
16.	Divisional Reports - Planning & Development Report No's PD80.12.22 to PD82.12.22 .	7
16.1	PD80.12.22 Consideration of Development Application – Single House at 78 Wood Street, Swanbourne .....	7
16.2	PD81.12.22 Consideration of Development Application – Four Multiple Dwellings at 5A & 5B Alexander Road. Dalkeith.....	14
16.3	PD82.12.22 Reconsideration of Development Application – Amendments of Approval Conditions at 13, 15, 17 and 19 Jenkins Avenue, Nedlands.....	26
17.	Divisional Reports - Technical Services Report No's TS25.12.22 to TS28.12.22 .....	30
17.1	TS25.12.22 Tawarri Car Park Drainage Improvement.....	30
17.2	TS26.12.22 Revised Crossover Construction and Maintenance Policy .....	36
17.3	TS27.12.22 Revised Stormwater Policy.....	42
17.4	TS28.12.22 RFT 2022-23.14 Tree Pruning Services – Streetscapes, Parks, Powerline Clearance & Natural Areas .....	47
18.	Divisional Reports - Corporate & Strategy Report No's CPS57.12.22 to CPS62.12.22 .	52
18.1	CPS57.12.22 Delegation of Authority – Award Tenders during Council Recess .....	52
18.2	CPS58.12.22 Quarterly Budget Review – September 2022 .....	56
18.3	CPS59.12.22 Microsoft Enterprise Licensing Agreement Renewal .....	59
18.4	CPS60.12.22 Monthly Financial Report – November 2022.....	62
18.5	CPS61.12.22 Monthly Investment Report – November 2022 .....	62
18.6	CPS62.12.22 List of Accounts Paid – November 2022.....	62
19.	Reports by the Chief Executive Officer CEO15.12.22 to CEO16.12.22 (copy attached)	63
19.1	CEO15.12.22 Governance Framework Policy Review and Meeting Schedule for 2023	63
19.2	CEO16.12.22 WALGA Best Practice Governance Review .....	69
20.	Council Members Notice of Motions of Which Previous Notice Has Been Given .....	72
21.	Urgent Business Approved By the Presiding Member or By Decision .....	72
22.	Confidential Items .....	72
22.1	CSD06.12.22 Community Citizen of the Year Awards .....	72
23.	Declaration of Closure .....	73

## 1. Declaration of Opening

The Presiding Member will declare the meeting open at 6.00 pm and will draw attention to the disclaimer on page 2.

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

**Leave of Absence (Previously Approved)**      Councillor L J McManus      Coastal Districts Ward

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

## 3. Public Question Time

Public questions will be dealt with at the Ordinary Council Meeting.

## 4. Deputations

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

## 5. Requests for Leave of Absence

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

## 6. Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

## 7. Disclosures of Financial Interest

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

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

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

## **8. Disclosures of Interests Affecting Impartiality**

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

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

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.

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

This item will be dealt with at the Ordinary Council Meeting.

## **10. Confirmation of Minutes**

This item will be dealt with at the Ordinary Council Meeting.

## **11. Announcements of the Presiding Member without discussion.**

This item will be dealt with at the Ordinary Council Meeting.

## **12. Members Announcements without discussion.**

This item will be dealt with at the Ordinary Council Meeting.

**13. Matters for Which the Meeting May Be Closed**

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

22.1 CSD06.12.22 – Confidential Community Citizen of the Year Awards

**14. En Bloc Items**

This item will be dealt with at the Ordinary Council Meeting.

**15. Minutes of Council Committees and Administrative Liaison Working Groups**

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

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

This item will be dealt with at the Ordinary Council Meeting.

**16. Divisional Reports - Planning & Development Report No's PD80.12.22 to PD82.12.22**

**16.1 PD80.12.22 Consideration of Development Application – Single House at 78 Wood Street, Swanbourne**

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	Robeson Architects
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	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.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Aerial Image and Zoning Map 2. Development Plans 3. Architectural Perspective 4. CONFIDENTIAL ATTACHMENT - Submissions

**Purpose**

The purpose of this report is for Council to consider a development application for a single house at 78 Wood Street, Swanbourne. This proposal is being presented to Council for consideration as the proposal received two objections during the consultation period and refusal is recommended.

**Recommendation**

**That Council in accordance with Clause 68(2)(c) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, refuses the development application in accordance with the plans date stamped 22 August 2022 for a single house at 78 Wood Street, Swanbourne, for the following reasons:**

- 1. The development does not satisfy the design principles of Clause 5.1.2 (Street setback) of the Residential Design Codes as the primary street setback is not consistent with and does not contribute to the established streetscape.**
- 2. The development does not satisfy the design principles of Clause 5.1.3 (Lot boundary setback) of the Residential Design Codes as the height, bulk and scale of the proposed west-facing boundary wall will have an adverse impact on the amenity of the neighbouring property to the west.**

## 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 policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

## Background

### Land Details

<b>Metropolitan Region Scheme Zone</b>	Urban
<b>Local Planning Scheme Zone</b>	Residential
<b>R-Code</b>	R15
<b>Land area</b>	485m <sup>2</sup>
<b>Land Use</b>	Residential – Single House
<b>Use Class</b>	'P' – Permitted Use

The site is located at 78 Wood Street, Swanbourne, south of the Swanbourne Bushland across the street. The site is irregular in shape with a curved 13.8m frontage and an area of 485m<sup>2</sup>. The land is sloping with a 0.7m fall from east to west. The site is currently occupied by a single storey single house.

The lot has density coding of R15. The site originally featured 2 grouped dwellings in a 'built strata' scheme configuration. The grouped dwellings were demolished in approximately 2000 and the site was converted to a survey strata scheme, resulting in two lots (78 and 80 Wood Street). In accordance with State Planning Policy 7.3 Residential Design Codes (R-Codes), the minimum size for an R15 lot is 580m<sup>2</sup>. Consequently, the lot is undersized for the R15 code, being 485m<sup>2</sup>, which is more typical of the R20 density code.

### Application Details

The application seeks development approval for the construction of a new two storey single house at 78 Wood Street, Swanbourne. Of particular concern to this assessment is the boundary wall and primary street setback proposed for the dwelling.

## Discussion

### Assessment of Statutory Provisions

If a proposal does not satisfy the deemed to-comply provisions of the R-Codes, Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the R-Codes. Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

### Local Planning Scheme No. 3

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

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

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

The proposed development is seeking a design principle assessment pathway for primary street setback, lot boundary setback, landscaping and visual privacy. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

### Clause 5.1.2 – Street setback

The dwelling proposes a minimum primary street setback of 4m on the ground floor and 4.8m on the upper floor. The design principles require the development to be consistent with the established streetscape, provide sufficient space for landscaping and parking, and not be visually imposing from the street. The application does not satisfy the design principles as:

- The street setback proposed is inconsistent with the existing streetscape. None of the dwellings on the south side of Wood Street are closer to the street than 9m. The only encroachment into the setback area currently is a carport at 72 Wood Street, which is setback 4m.



- The development does not positively contribute to the prevailing development context as it proposes walls be built up to both side boundaries within the street setback area. None of the lots on the south side of Wood Street feature multiple boundary walls visible from the street.
- As a consequence of the proposed street setback, the development does not include an adequate amount of landscaping in the front setback area. An increased street setback will provide more space for landscaping. Refer to the discussion on landscaping below.
- Whilst an appropriately reduced street setback may be considered due to the constraints of the site relating to its shape and size, the street setback proposed does not effectively respond to the established development pattern along Wood Street and will introduce a greater bulk and scale to the streetscape than currently provided.

### **Clause 5.1.3 – Lot boundary setbacks**

The following lot boundary setbacks seek a design principle assessment:

- The eastern (side) garage wall on the ground floor proposes a nil setback (boundary wall).
- The western (side) wall on the ground floor proposes a nil setback (boundary wall).
- The western (side) Theatre to Bed 2 wall on the upper floor proposes a nil setback (boundary wall).
- The southern (rear) wall on the ground floor proposes a minimum 5.3m setback.

The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation, minimising overlooking and allowing effective use of space for privacy and outdoor living areas.

### **West side**

The western setbacks do not achieve the design principles as:

- The impact of the boundary wall's bulk is not mitigated as the adjoining neighbour will perceive the wall as high and out of scale due to the combination of its 8m height and 7.6m length.
- The height of the western wall is further exacerbated for the neighbour as the ground level at 80 Wood Street is approximately 0.5m lower than the ground level at 78 Wood Street.
- The portion of the boundary wall on the ground floor does not positively contribute to the prevailing development context. Only one lot on the street features a boundary wall visible within the front setback area.

### **East side**

The application proposes a garage built up to the eastern boundary. The development achieves the design principles as:

- The majority of the boundary wall is located behind the front setback area. Only 2.5m of the wall protrudes forward of the average 9m front setback observable in the street.
- The boundary wall allows for the provision of a double car garage.

- The boundary wall is a typical size for a garage, being 7.3m in length and 3.5m in height. If the residential density coding of the lot were commensurate with its size, this aspect of the proposal would be deemed-to-comply.

### **South rear**

The southern setback achieves the design principles as:

- The impact of the wall's bulk is minimised as the wall is a single storey and is 1.8m in length, comprising 12% of the lot boundary length. At a setback distance of 5.4m, the wall is adequately separated from the outdoor living area of the adjoining lot.
- Ventilation is maintained by the 5.4m setback.
- The shadow cast by the wall falls onto the subject lot and does not result in overshadowing of the adjoining southern property.
- The wall does not permit overlooking of the adjoining lots as it does not contain any major openings.

### **Clause 5.3.2 - Landscaping**

The application proposes 32% landscaping within the front setback area. The design principles provide for retention or planting of vegetation and a positive contribution to the streetscape.

The proposal **does not** meet the design principles as the landscaping provided is insufficient and is inconsistent with the existing streetscape. The landscape character of Wood Street is defined mostly by front gardens that comprise the majority of the street setback area. The proposal features a small garden and one tree with the remaining space occupied by the driveway, stone pavers and pea gravel.

### **Clause 5.4.1 – Visual privacy**

Bed 2 on the upper floor overlooks the western lot and is seeking a design principle assessment.

The design principles for visual privacy consider the minimal overlooking of active habitable spaces and outdoor living areas of adjacent dwellings and maximum visual privacy to side and rear boundaries. The application meets the design principles as:

- The cone of vision from the bedroom window is reduced by fixed privacy louvres.
- The overlooking from the window avoids the outdoor living area and falls over an upper floor wall without major openings.
- Any overlooking will be further minimised as the window is perpendicular to the lot boundary, so overlooking is oblique rather than direct.

## Consultation

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 9 adjoining owners and occupiers. The application was advertised for a period of 14 days, from 30 September 2022 to 14 October 2022. At the close of the advertising period, two objections were received.

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

1. Primary street setback should be increased to improve vehicle safety and allow more space for visitor parking.

The driveway has been located as far from the corner tangent point as possible. The proposal meets the deemed-to-comply provisions for car parking.

2. The reduced primary street setback will have an adverse impact on the streetscape.

The primary street setback in its current configuration has been assessed as inconsistent with the design principles of the R-Codes and is not supported.

3. The reduced street setback will have an adverse effect on the outdoor living area of the adjoining western property.

The primary street setback in its current configuration has been assessed as inconsistent with the design principles of the R-Codes and is not supported.

4. The boundary wall construction should take care to ensure it does not damage or adversely affect the adjoining property.

Any boundary wall will be required to be contained within the lot boundaries and will be subject to building regulations.

## Strategic Implications

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

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

**Values** **Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**Priority Area** Urban form - protecting our quality living environment

## **Budget/Financial Implications**

N/A

## **Legislative and Policy Implications**

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

## **Decision Implications**

If Council resolves to refuse the application, the applicant will have a right of review to the State Administrative Tribunal. The Tribunal will have regard to the R-Codes as a State Planning Policy.

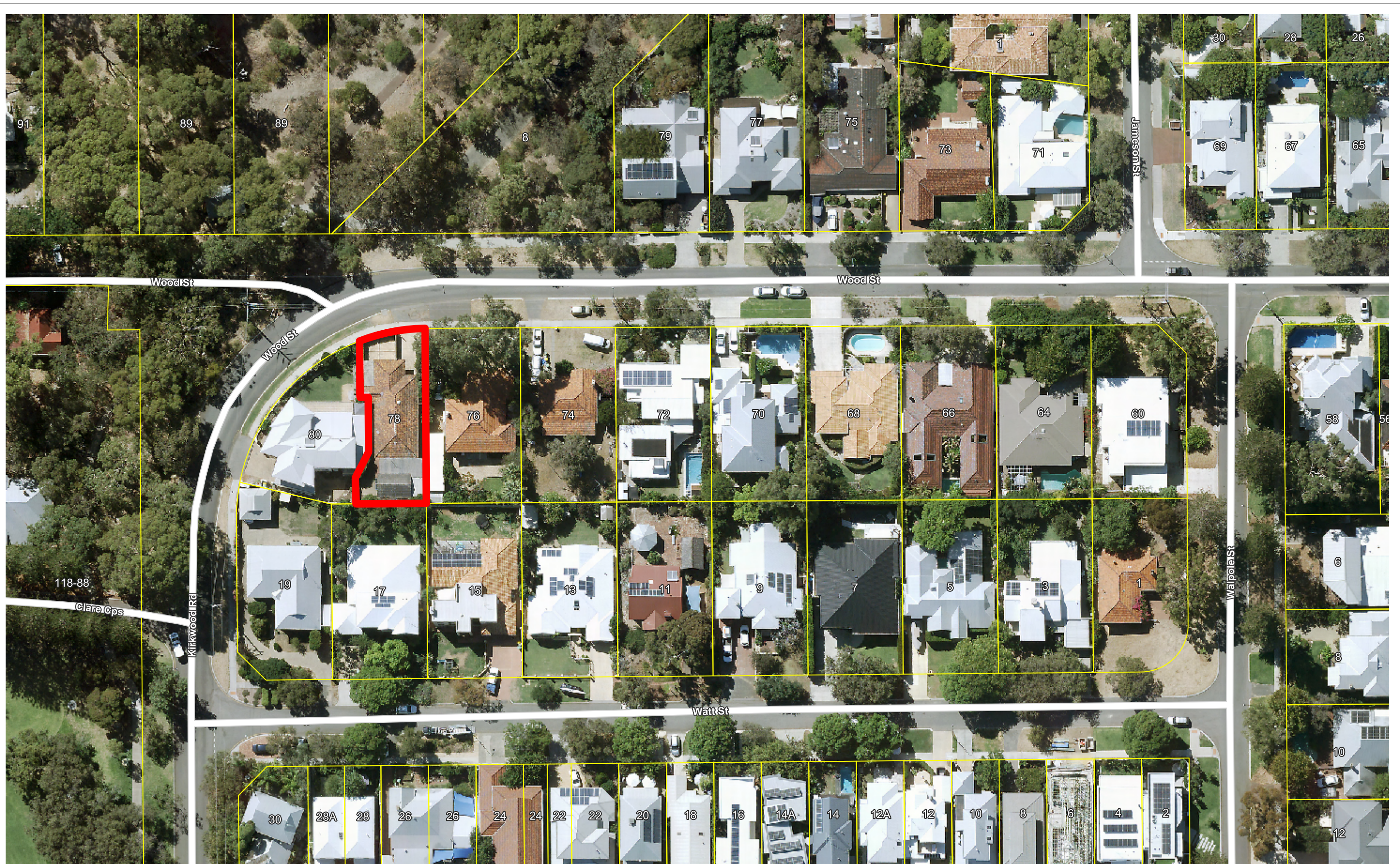
If Council approves the proposal, development can proceed after receiving a Building Permit and necessary clearances. Similarly, should an applicant be aggrieved by one or more conditions of approval, this can be reviewed by the Tribunal.

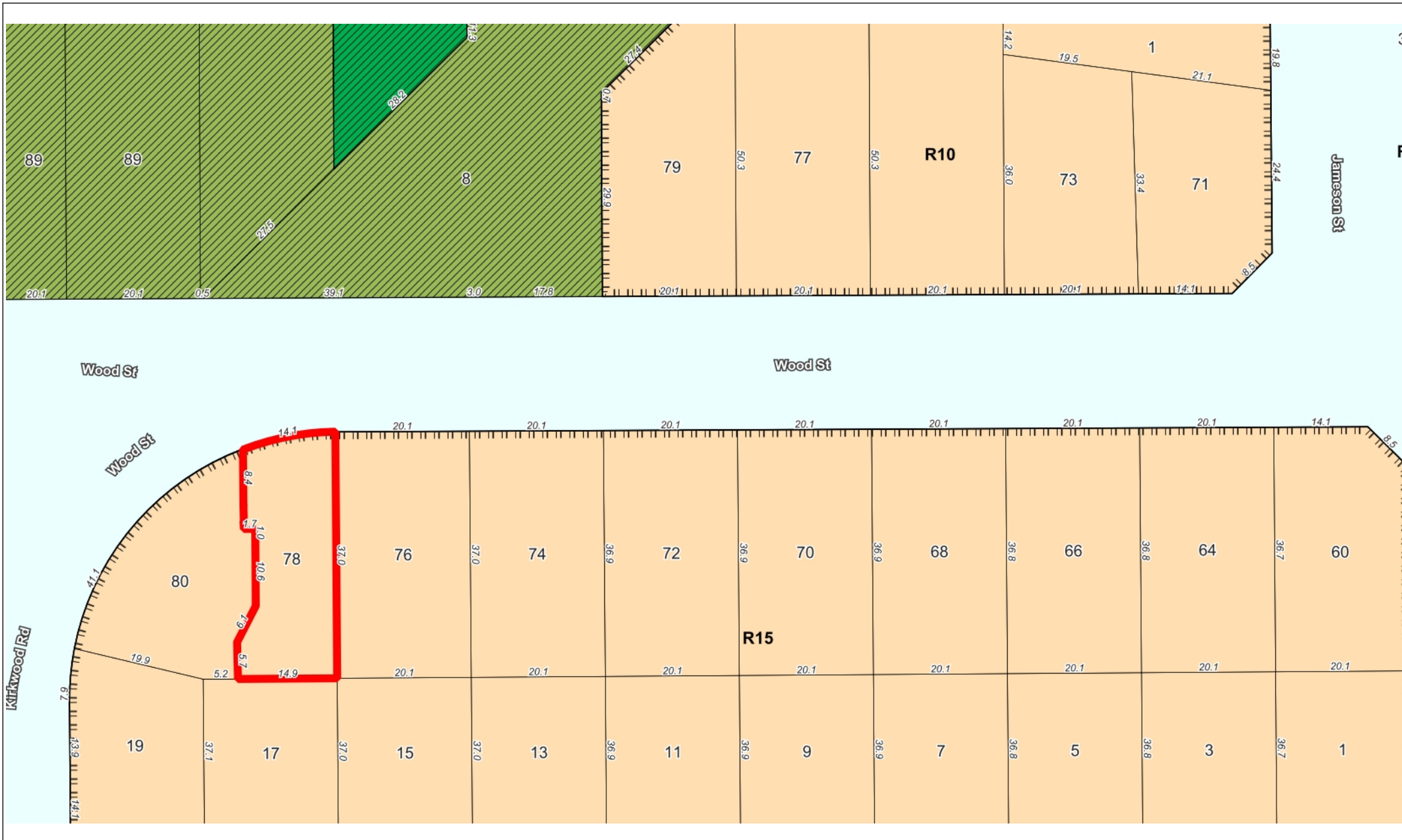
## **Conclusion**

The application for a single house has been presented for Council consideration due to objections being received and refusal being recommended. The proposal does not meet the design principles of the R-Codes related to primary street and lot boundary setback and as such will have an adverse impact on the amenity of adjoining lots and the locality. Accordingly, it is recommended that the application be refused by Council for the reasons contained in the recommendation.

## **Further Information**

Nil.





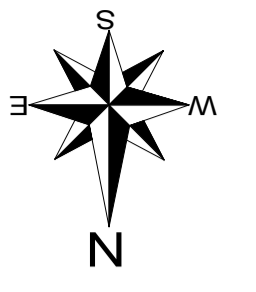
City of Nedlands

The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

14/11/2022

1:750





City of Nedlands Received 22 August 2022

- NOTE: EASEMENT (PARTY WALLS REFER TO SEC. 23 STA REC 33 SEE DOCUMENT)
- NOTE: EASEMENT (PARTY WALLS REFER TO SEC. 23 STA REC 33 SEE DOCUMENT)
- SSL4 MISCLOSE 0.001 m
- SSL3 MISCLOSE 0.001 m

**WARNING:** strata company regarding possible future existing internal service run ins, positions & details. Check for possible private sewer links & position & details of connection to strata lot. Beware possible building restrictions on strata lot. Approx. F/L management statement or by-laws. If strata lot boundaries not defined on plan only party walls to be re-sighted and line page plotted.

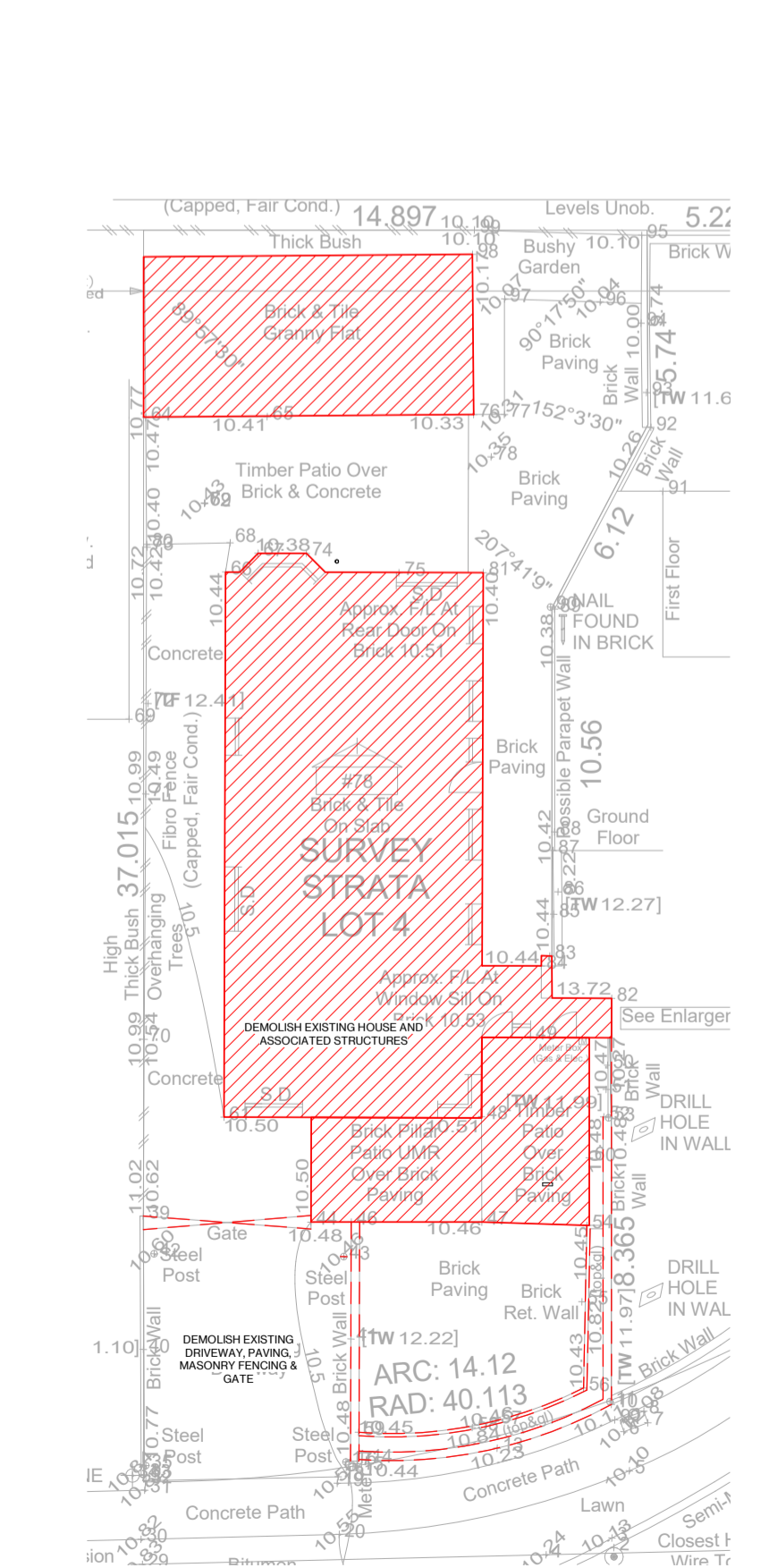
**DISCLAIMER:** Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing posts/fences and walls which may not be on the correct alignment. Any design which involves additions to any structures shown or portion of structures remaining after demolition/alteration of features should be checked by your designer/architect before any plans are produced and before any work is started on site.

**DISCLAIMER:** Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features location verified in relation to the true boundary.

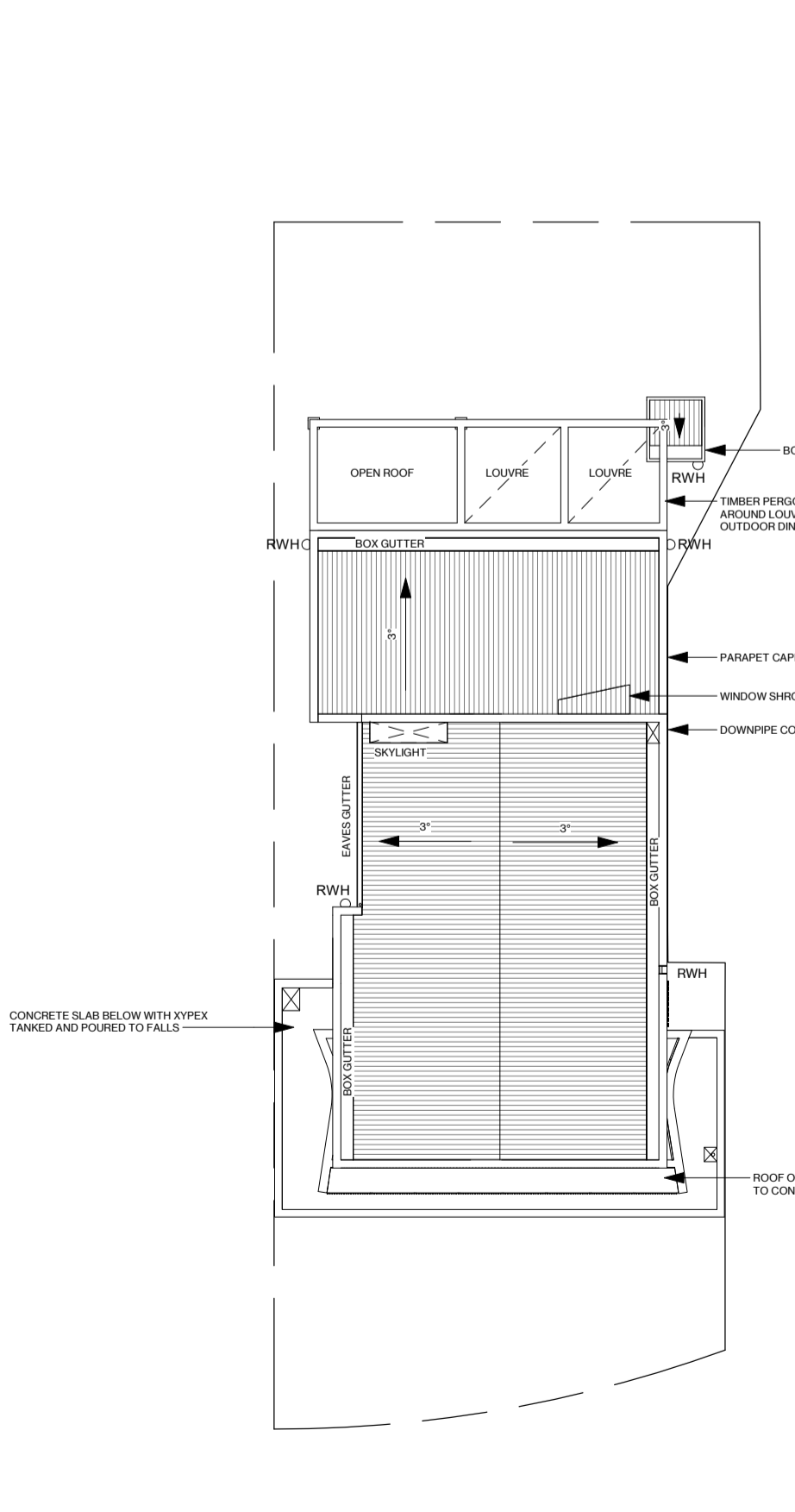
**DISCLAIMER:** Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

**DISCLAIMER:** Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

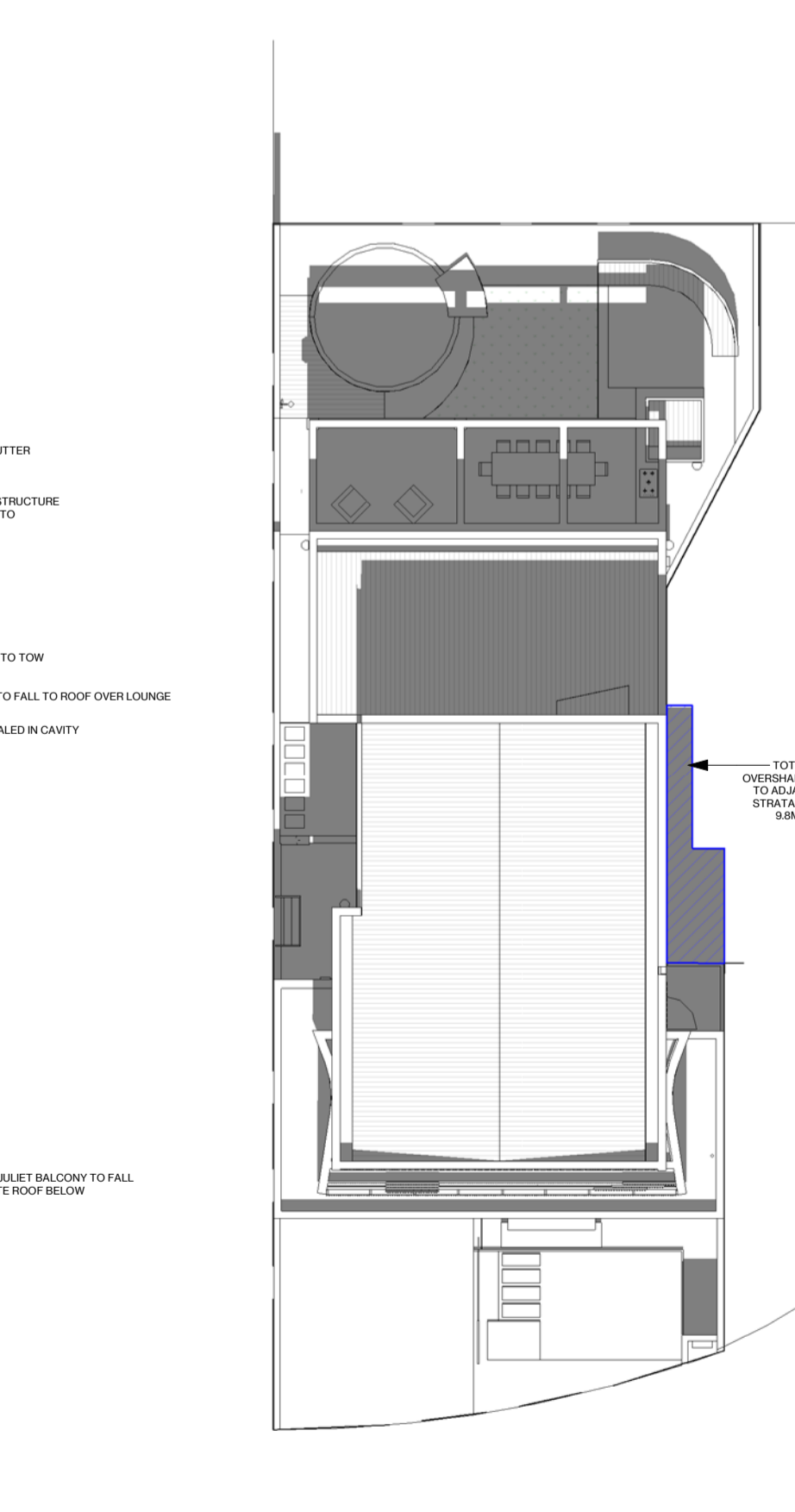
1 SURVEY SCALE 1: 200



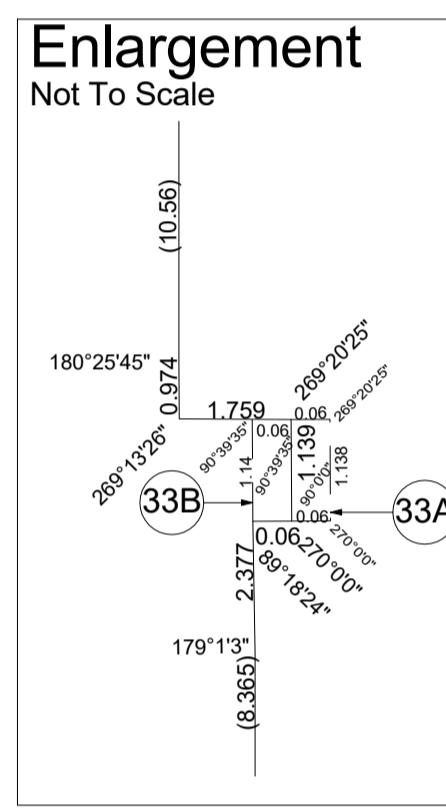
3 DEMOLITION PLAN SCALE 1: 200



4 ROOF PLAN SCALE 1: 200



5 OVERSHADOWING PLAN SCALE 1: 200



LEGEND	SYMBOL	DESCRIPTION
Power Pole	(Symbol)	Power Pole
Phone Pits	(Symbol)	Phone Pits
Water Con	(Symbol)	Water Con
Top Pillar Post	(Symbol)	Top Pillar Post
Top Wall	(Symbol)	Top Wall
Top Retaining	(Symbol)	Top Retaining
Top Fence	(Symbol)	Top Fence

ELEC.	COMMS.	WATER	GAS	SEWER	COASTAL
U/Ground / O/Head	Yes	Yes	Yes	Yes	Yes
Blumen	Semi-Mount / Nil	Concrete	Concrete	Concrete	Concrete
ROADS	Blumen	Blumen	Blumen	Blumen	Blumen
KERBS	Blumen	Blumen	Blumen	Blumen	Blumen
FOOTPATH	Blumen	Blumen	Blumen	Blumen	Blumen
SOIL	Blumen	Blumen	Blumen	Blumen	Blumen
VEGETATION	Blumen	Blumen	Blumen	Blumen	Blumen

GPS	LOT	AREA	DATE
518293	Survey Strata Lot 4 (SP 6394)	2069m <sup>2</sup>	24 Jan 22

JOB#	CLIENT	ADDRESS	SUBURB	LGA	DRAWN
518293	Terry, Miriam	#78 Wood Street	Swanbourne	CITY OF NEDLANDS	J. Brown

NOTE: BEWARE: ADVISE TRADES OF HEAD POWER LINES

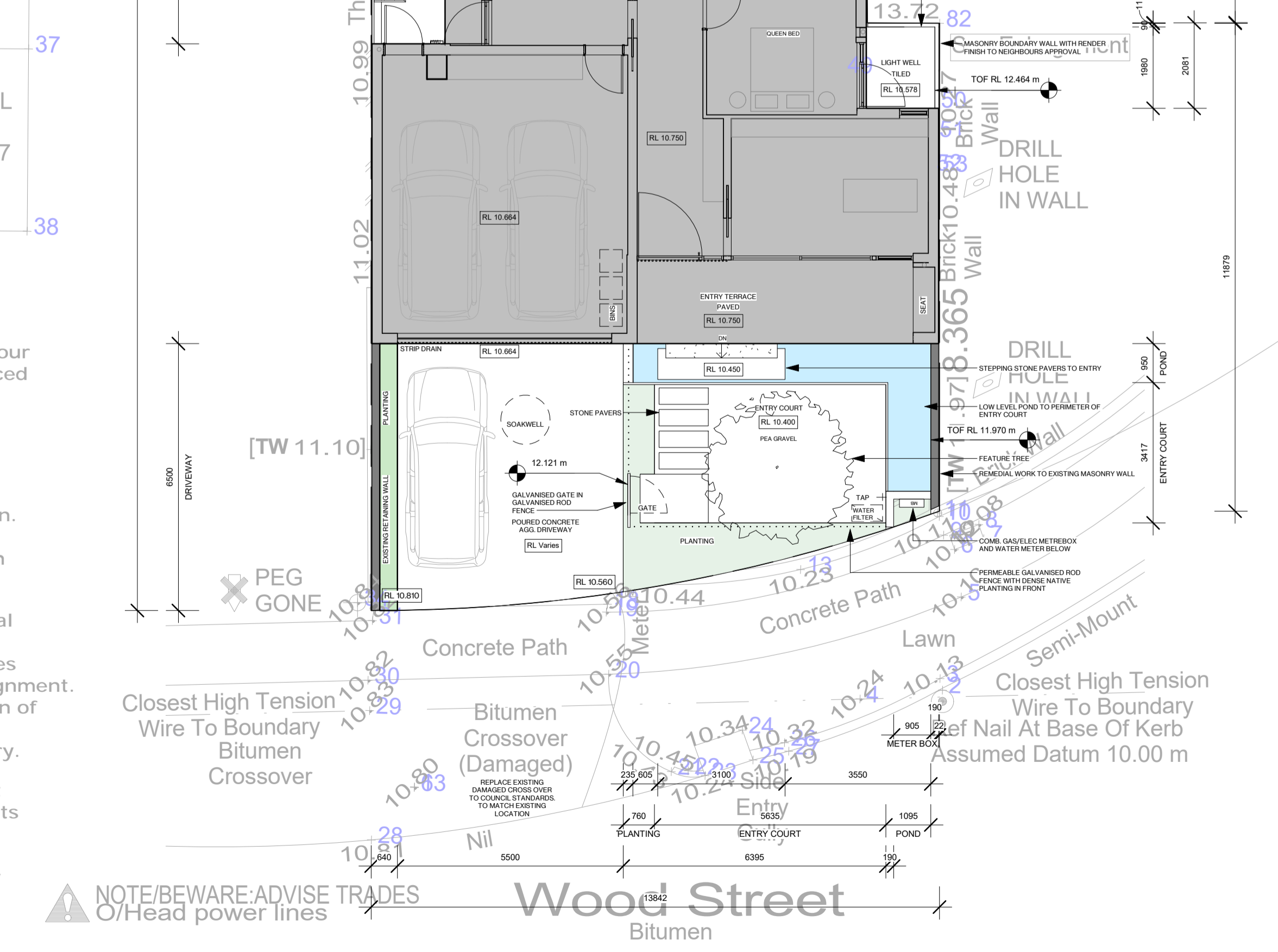
possible offsets & walls. Beware of approx. F/L at Porch level. Any structures to be demolished should be noted on plan. Details of structures which are not shown on plan. Details of structures which are not shown on plan.

cadastre are not shown on plan. Details of structures which are not shown on plan.

I will not show on plan. Details of structures which are not shown on plan.

no changes to show on plan. Details of structures which are not shown on plan.

2 SITE PLAN SCALE 1: 100



2 SITE PLAN SCALE 1: 100

- NOTES
- DO NOT SCALE DRAWINGS.
  - ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
  - ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE PROCEEDING WITH THE WORK. ROBESON ARCHITECTS SHALL BE NOTIFIED OF ANY DISCREPANCIES.
  - THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS AND DRAWINGS.
  - COPYRIGHT OF THIS DRAWING REMAINS THE PROPERTY OF ROBESON ARCHITECTS.

**SITE PLAN GENERAL NOTES**

- TERMS MANAGEMENT SYSTEM TO COMPLY WITH THE NCC AND AS 3660.1 REQUIREMENTS.
- STORMWATER MANAGEMENT TO COMPLY WITH NCC AND AS 3602.1. DRAINAGE, GUTTERS AND DOWNPIPES ARE INDICATIVE ONLY. PLUMBER TO CONFIRM.
- PROPOSED CROSSOVERS TO BE CONSTRUCTED IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS.
- ENSURE THE SITE CLASSIFICATION MATCHES THAT SPECIFIED ON THE STRUCTURAL ENGINEERING SPECIFICATIONS.

**AREA CALCULATIONS - ZONED R40**

LOT AREA	AREA
FULLY ENCLOSED COVERED AREAS	485m <sup>2</sup>
GROUND FLOOR	224m <sup>2</sup>
FIRST FLOOR	142m <sup>2</sup>
TOTAL	366m <sup>2</sup>
OUTER TERRACE	15m <sup>2</sup>
OUTDOOR DINING	35m <sup>2</sup>
JULIET BALCONY	7m <sup>2</sup>
SITE COVERAGE	
MAXIMUM SITE COVERAGE UNDER R CODES FOR LOTS ZONED R5 = 50% OF TOTAL AREA	242.5m <sup>2</sup>
485 X 0.50	242.5m <sup>2</sup>
PROPOSED SITE COVERAGE - COMPLIANT	237m <sup>2</sup>
OPEN SPACE	
MINIMUM OPEN SPACE UNDER R CODES FOR LOTS ZONED R5 = 50% OF TOTAL AREA	242.5m <sup>2</sup>
485 X 0.50	242.5m <sup>2</sup>
PROPOSED OPEN SPACE - COMPLIANT	248m <sup>2</sup>

**OVERSHADOWING CALCULATIONS**

CALCULATIONS	AREA
ADJACENT SITE # 80 LOT 4 WOOD STREET	610m <sup>2</sup>
MAXIMUM 5% OF 80 LOT 4 WOOD STREET CAN BE OVERSHADOWED	30.5m <sup>2</sup>
OVERSHADOWING AREA - COMPLIANT	9.8m <sup>2</sup>

**STORM WATER CALCULATIONS**

LEGEND	AREA
1200 dia x 1200 DEEP SOAKWELL	
TOTAL ROOF & PAVING AREA	= 366m <sup>2</sup>
TOTAL SOAKWELL VOLUME	= 4.56m <sup>3</sup>
255m <sup>2</sup> x 0.0125	= 3.19m <sup>3</sup>
1200 dia x 1200 DEEP SOAKWELL	= 1.36m <sup>3</sup>
130m <sup>2</sup> x 4	= 5.44m <sup>3</sup>
SOAKWELLS REQUIRED	= 3
PLUMBER TO CONFIRM SOAKWELL LOCATIONS ON SITE	

REV	DESCRIPTION	DATE
1	ISSUE TO COUNCIL	11.08.22

**ROBESON ARCHITECTS**

ABN 1215576686  
5 NORTHWOOD STREET  
WEST LEEDERVILLE WA 6007

CLIENT  
**MIRIAM TERRY & SIMON BROWNE**

PROJECT  
**SWANBOURNE  
78 WOOD STREET  
SWANBOURNE**

DRAWING TITLE  
**SITE PLAN**

STATUS  
**DEVELOPMENT APPLICATION**

SCALE @ A1  
As indicated LB SR

PROJECT NUMBER  
2201 A01

DRAWING NUMBER  
DRAWN DESIGNED  
REV

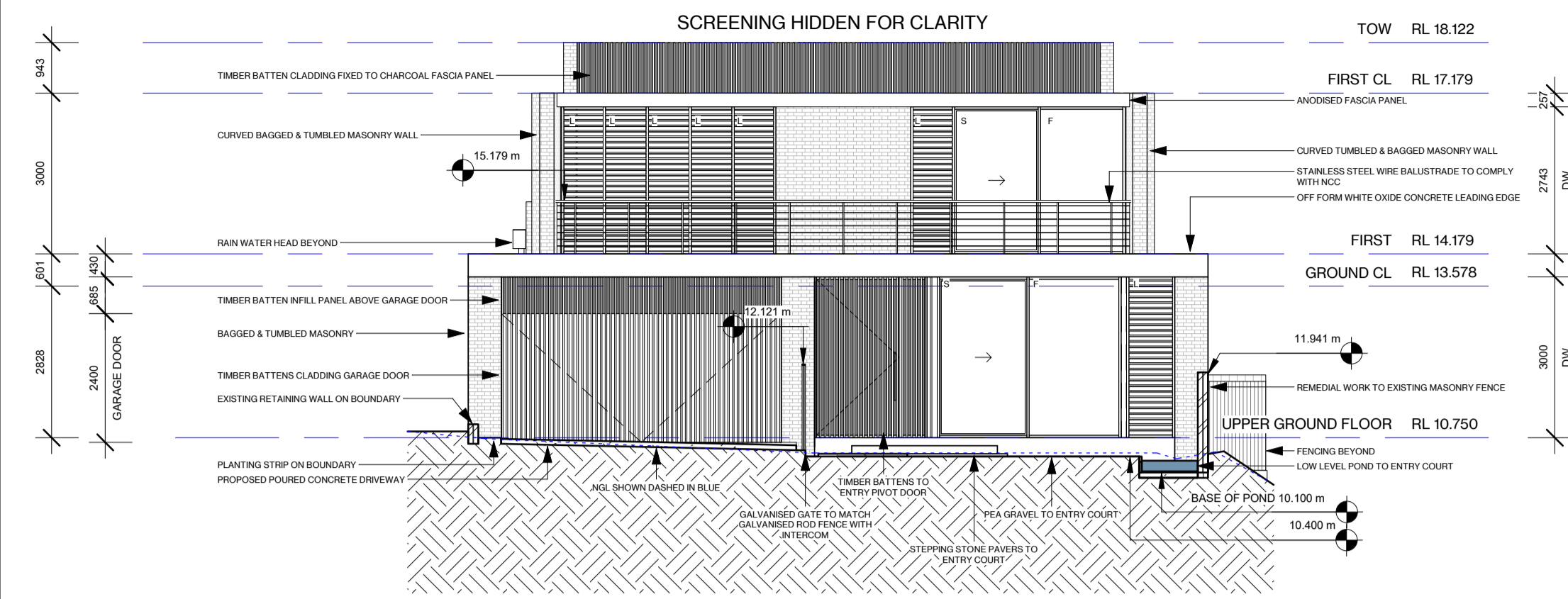
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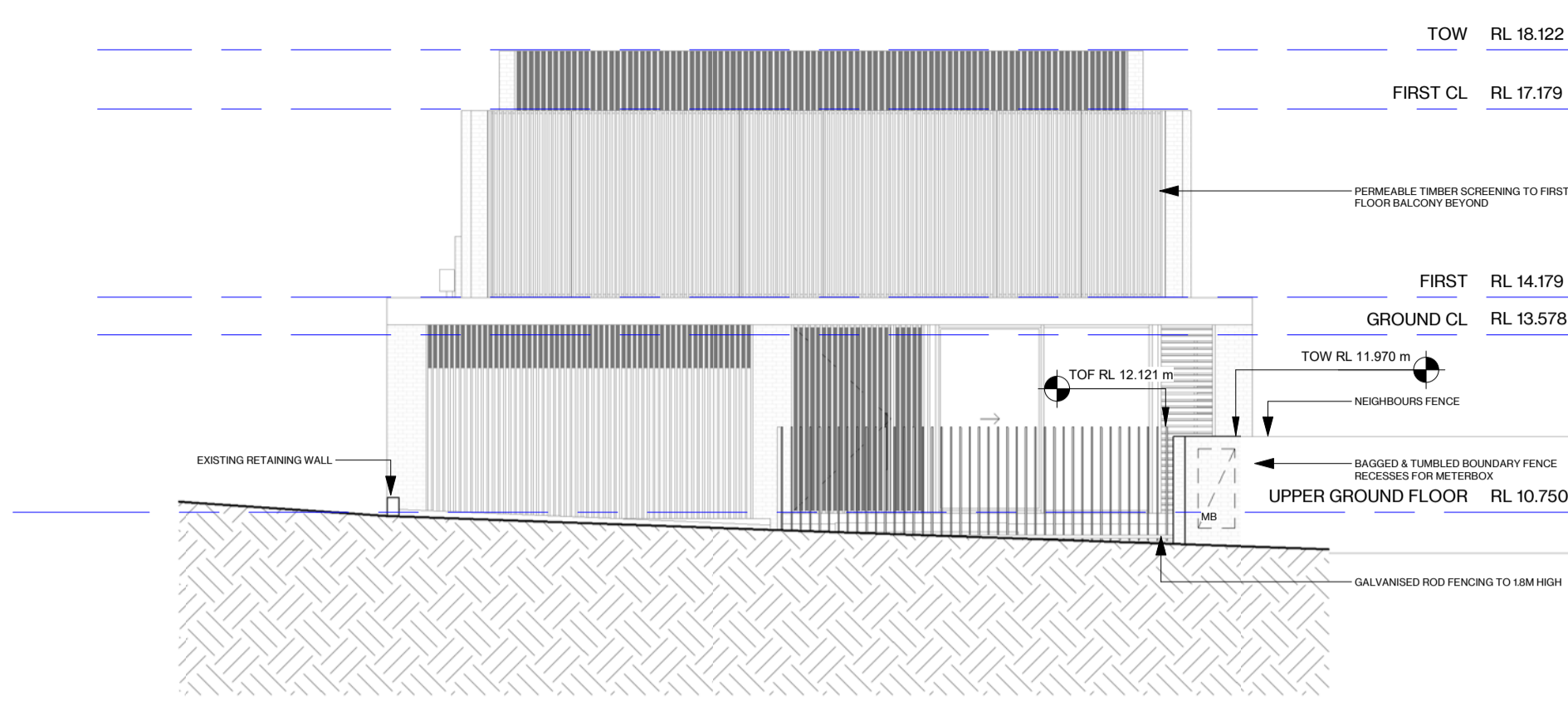
City of Nedlands  
Received  
22 August 2022

- NOTES
- DO NOT SCALE DRAWINGS.
  - ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
  - ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE PROCEEDING WITH THE WORK. ROBESON ARCHITECTS SHALL BE NOTIFIED OF ANY DISCREPANCIES.
  - THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS AND DRAWINGS.
  - COPYRIGHT OF THIS DRAWING REMAINS THE PROPERTY OF ROBESON ARCHITECTS.

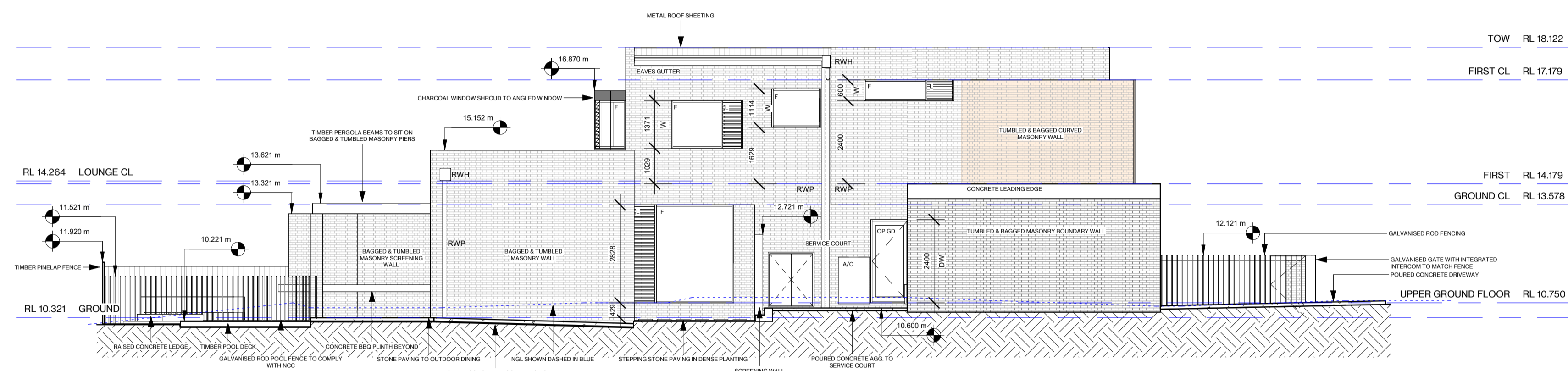
LEGEND			
RL 3.000	BUILDING OVER	L	LOANED WINDOW
---	JAWING WINDOW	MB	ELECTRICAL METER BOX
A	CASEMENT WINDOW	CP	CPAQUE
C	CLIPBOARD	OV	OVEN
COL	STRUCTURAL COLUMN - REFER TO STRUCTURAL ENGINEERS DWG FOR DETAIL	RWP	RAIN WATER PIPE
DR	DRIVER	RWH	RAIN WATER HEAD
DW	DISH WASHER	S	SLIDING PANEL
F	FIXED PANEL	W	WINDOW
FR	FRIEDGE	WM	WASHING MACHINE
FW	FLOOR WASTE		
GD	GLAZED DOOR		
HI	HANDRAIL		
HUJ	HOT WATER UNIT		



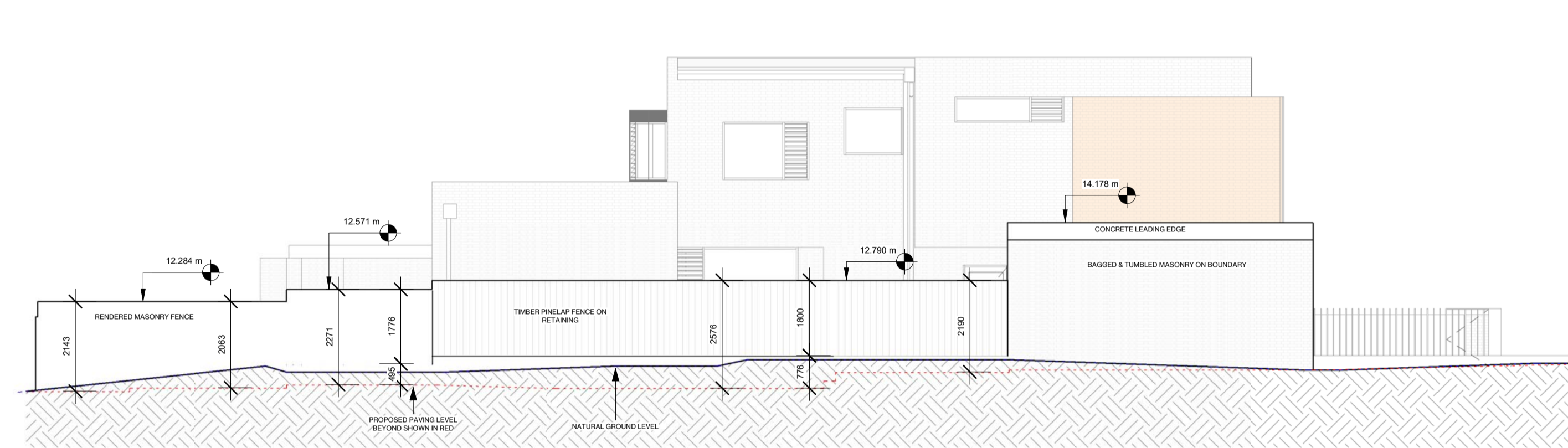
1 NORTH ELEVATION  
SCALE 1 : 100



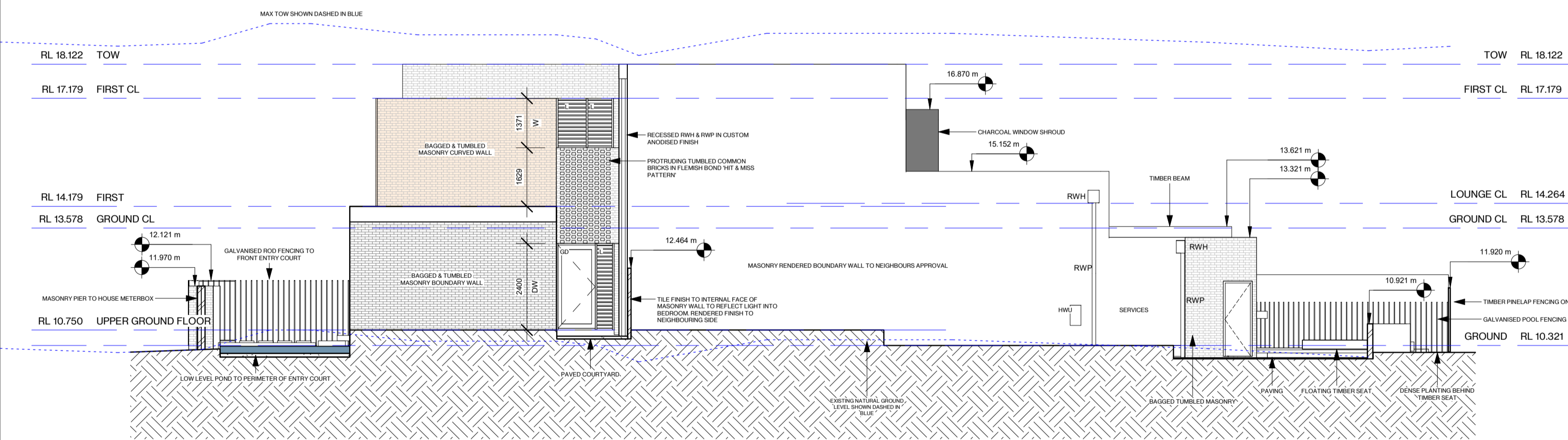
2 NORTH FENCE ELEVATION  
SCALE 1 : 100



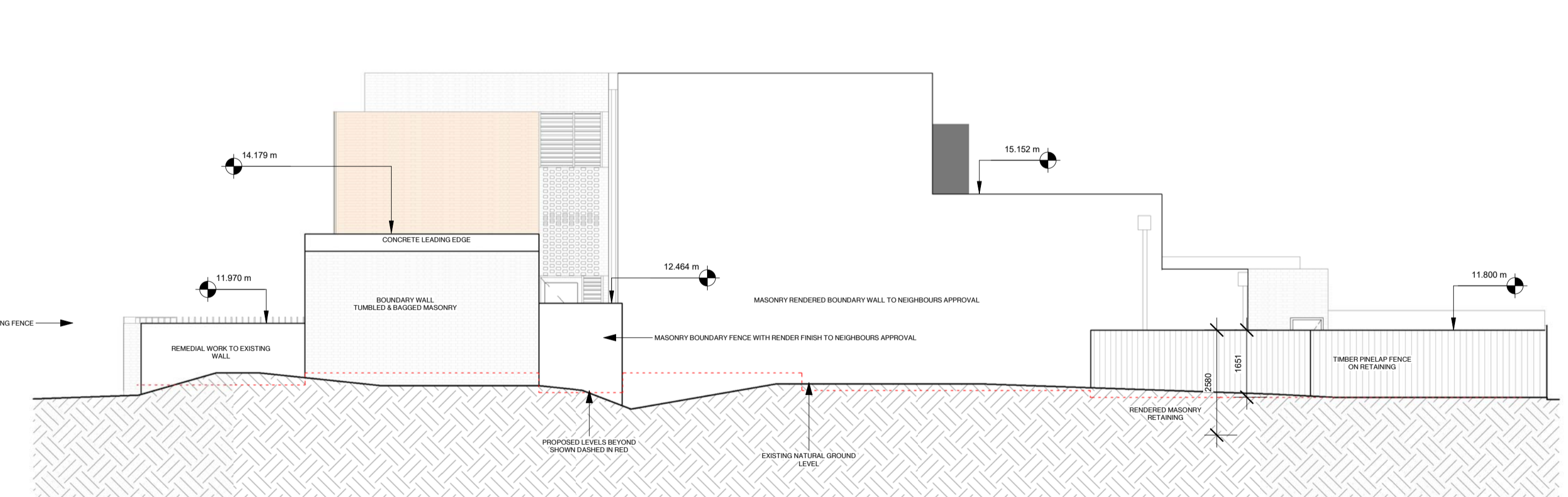
3 EAST ELEVATION  
SCALE 1 : 100



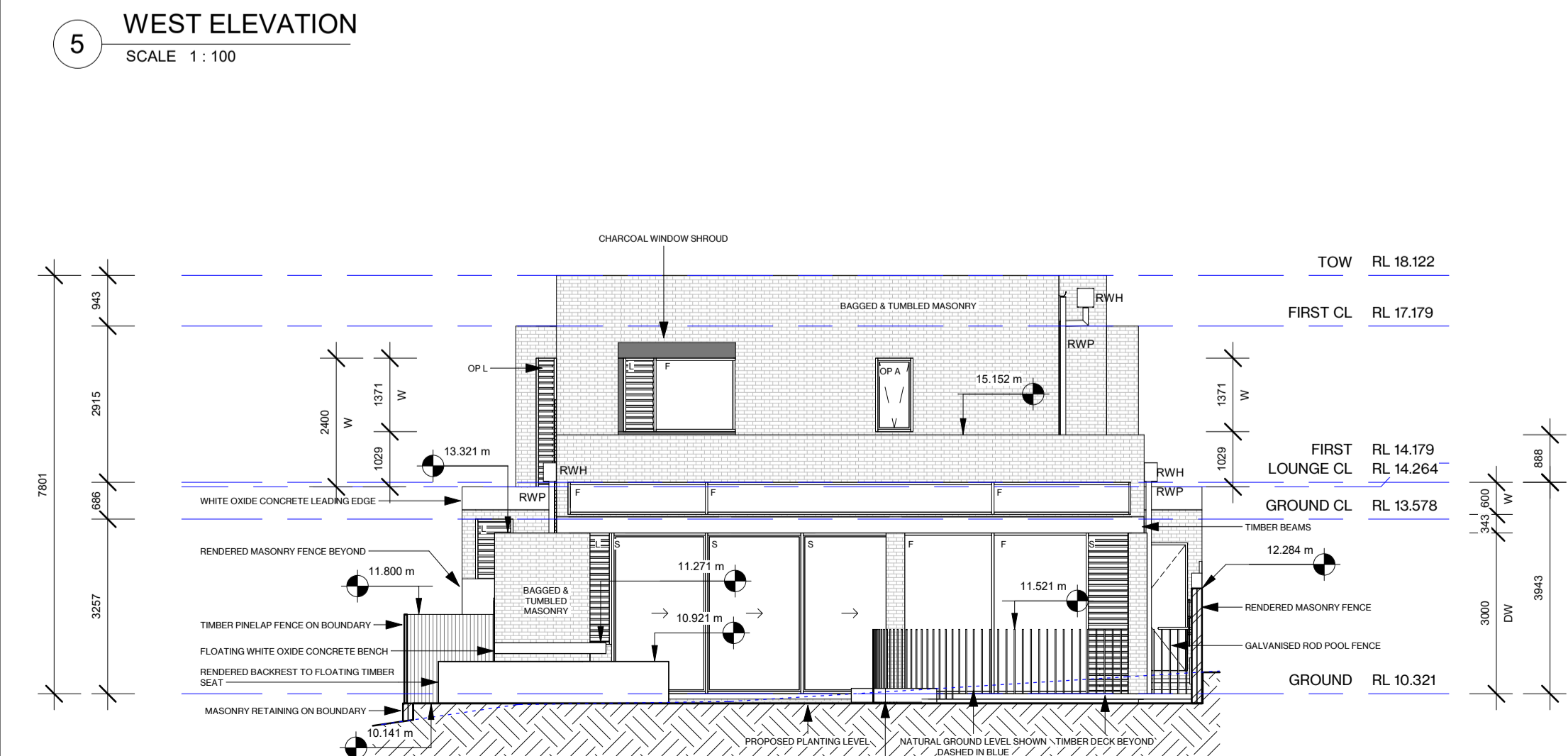
4 EAST FENCE ELEVATION  
SCALE 1 : 100



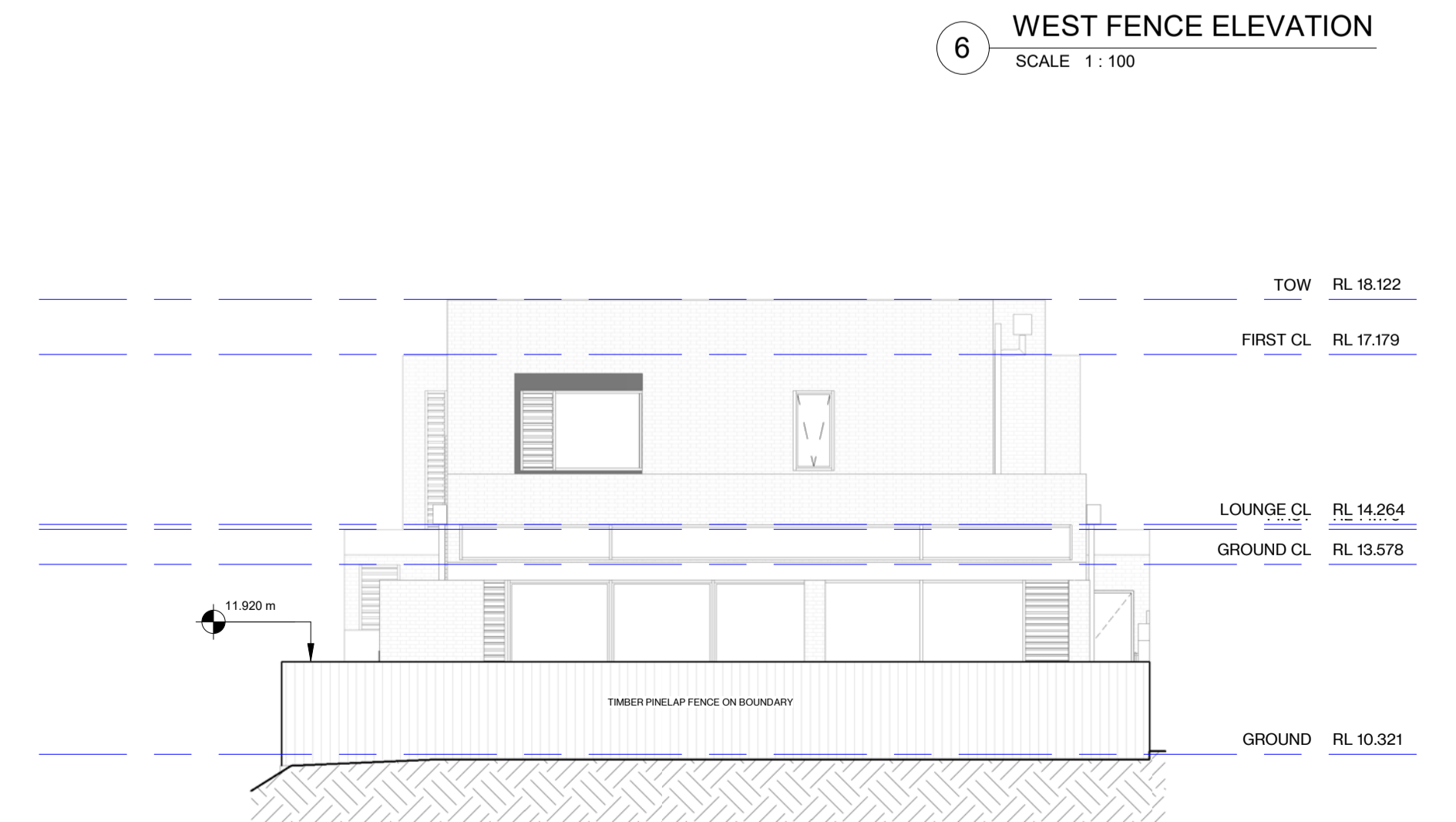
5 WEST ELEVATION  
SCALE 1 : 100



6 WEST FENCE ELEVATION  
SCALE 1 : 100



7 SOUTH ELEVATION  
SCALE 1 : 100



8 SOUTH FENCE ELEVATION  
SCALE 1 : 100

REV	DESCRIPTION	DATE
1	ISSUE TO COUNCIL	11.08.22

**ROBESON**  
ARCHITECTS

ABN 12155776686  
5 NORTHWOOD STREET  
WEST LEEDERVILLE WA 6007

CLIENT  
**MIRIAM TERRY & SIMON BROWNE**

PROJECT  
**SWANBOURNE**  
78 WOOD STREET  
SWANBOURNE

DRAWING TITLE  
**ELEVATIONS**

STATUS  
**DEVELOPMENT APPLICATION**  
SCALE @A1  
1:100 LB SR  
PROJECT NUMBER 2201 DRAWING NUMBER A20 REV 1



## 16.2 PD81.12.22 Consideration of Development Application – Four Multiple Dwellings at 5A & 5B Alexander Road, Dalkeith

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	B Brackenridge
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	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.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Aerial Image and Zoning Map 2. Development Plans 3. R-Codes Volume 2 Assessment 4. CONFIDENTIAL ATTACHMENT - Submissions

### Purpose

The purpose of this report is for Council to consider a development application for four multiple dwellings at 5A and 5B Alexander Road, Dalkeith.

### 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 13 September 2022 for four multiple dwellings at 5A and 5B Alexander Road, Dalkeith, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 13 September 2022. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.
2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
3. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

### Engineering and Design

4. Prior to the issue of a building permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved

**Construction Management Plan shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.**

- 5. Prior to the issue of a building permit, a minimum of 20% units (1 unit) are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation to the satisfaction of the City of Nedlands.**
- 6. Prior to the issue of a building permit and the commencement of excavation works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:**
  - a. Lot 101 (No. 7A) Alexander Road, Dalkeith**
  - b. Lot 1 (No. 3A) Alexander Road, Dalkeith**

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

- 7. Prior to occupation, walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:**
  - a. Face brick;**
  - b. Painted render;**
  - c. Painted brickwork; or**
  - d. Other clean finish as specified on the approved plans.**

**And are to be thereafter maintained to the satisfaction of the City of Nedlands**

#### **Landscaping**

- 8. Prior to occupation, landscaping shall be completed in accordance with the plans dated 13 September 2022 to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.**
- 9. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.**

10. Prior to occupation, all communal and private open space areas with landscaping shall include a tap connected to an adequate water supply for the purpose of irrigation.
11. Prior to occupation, the applicant is to plant a minimum of one (1) x 200L tree located on the Alexander Road verge, at the expense of the applicant and to the satisfaction of the City of Nedlands.

#### Acoustics and Sustainability

12. Prior to the issue of a Building Permit the applicant is to lodge with the City of Nedlands an amended acoustic report prepared by a suitably qualified and licensed acoustic consultant demonstrating compliance of mechanical plants with the requirements of the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the City of Nedlands.
13. Prior to occupation, the recommendations contained within the Kellett Design Group Energy Assessment Report dated 9 July 2021, or any approved modifications, are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

#### Waste

14. The development shall comply with the approved Waste Management Plan prepared by Instant Waste Management date stamped 21 April 2022 to the satisfaction of the City of Nedlands. Any modification to the approved Waste Management Plan will require further approval by the City.
15. Prior to the issue of a Building Permit, the bin storage area shall be located and designed to meet the definition of a 'suitable enclosure' as defined by the City of Nedlands Health Local Law 2017.

#### Parking

16. Prior to occupation of the development, all car parking bays and visitor bicycle bays are to be clearly line marked, drained and with visitor car parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
17. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
18. Prior to occupation, all bicycle racks shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.

## Screening

19. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.

## 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 policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

## Background

### Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R40
Land area	948m <sup>2</sup> (combined)
Land Use	Residential – Multiple Dwellings
Use Class	'P' – Permitted Use

The site is comprised two lots, 5A and 5B Alexander Road, Dalkeith, 130m west of the Dalkeith Village Shopping Centre. The site is rectangular, has a 20m frontage and a total area of 948m<sup>2</sup>. The site has dual street access from Alexander Road to the east and Shrike Lane to the west. The site has an approximate fall of 0.5m from north to south. The site is currently vacant.

### Background

Local Planning Scheme No. 3 (LPS3) was gazetted on 16 April 2019. From this time, a residential density coding of R60 was applicable to the western side of Alexander Road, including the subject site. On 4 February 2022, LPS3 was amended (Amendment No. 8) to reduce the density coding of the western side of Alexander Road, including the subject site, from R60 to R40.

The development application was lodged on 30 October 2020, when the density coding was R60. The proposal is now subject to the current applicable density coding of R40.

### **Application Details**

The application seeks development approval for the construction of a two storey building consisting of four multiple dwellings with basement car parking. Vehicle access will be obtained from a ramped driveway off Shrike Lane. All resident parking, visitor parking and resident stores are located within the basement.

### **Additional Information**

The application was presented to the Agenda Forum meeting on 8 November 2022. Several questions relating to different aspects of the proposal were raised. The responses to these questions are below:

1. What is the impact of noise from the air conditioning condenser units on the adjoining property?

An acoustic report prepared by Herring Storer Acoustics was submitted as part of the application. The report projects that although the condenser units have not yet been selected, they will likely comply with the most stringent assigned noise level. A condition of approval is recommended requiring an amended acoustic report is submitted which demonstrates compliance with the Environmental Protection (Noise) Regulations prior to the submission of a Building Permit.

2. Can a condition of approval be included which requires the rear laneway be paved and sealed?

Guidance issued by the Western Australian Planning Commission in Planning Bulletin 33/2017 recommends that local governments impose a condition of development approval which requires the portion of the laneway adjacent to the lot be sealed and drained. A condition requiring the sealing and paving of Shrike Lane is recommended.

3. Will the bin storage area minimise impact to adjoining properties and facilitate effective waste management?

A waste management report prepared by Instant Waste Management was submitted as part of the application. The report specifies that the bin enclosure will be fitted with ventilated doors to help control odour. A condition of approval has been recommended to ensure that the bin storage area is appropriately enclosed. The development complies with the Local Planning Policy - Waste Management and makes provision for an appropriate number of bins on site, including for FOGO waste.

4. Can waste be collected from Shrike Lane?

There is currently no waste collection from Shrike Lane. Collection is envisaged from Alexander Road for the foreseeable future.

5. How will stormwater from the laneway and the development be managed?

The City's Technical Services department has reviewed the plans and is satisfied that the development can accommodate appropriate on-site drainage infrastructure. Likely technical solutions include driveway gradient design at the lot boundary which prevents the ingress of water and the use of channel drains at the top and/or bottom of the ramp.

## Discussion

### Assessment of Statutory Provisions

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

- Street Setbacks
- Side & Rear Setbacks
- Plot Ratio
- Orientation

The development meets the Element Objectives for the above matters subject to conditions of approval and is supported. Please refer to the assessment provided below and as attached at Attachment 3.

### Local Planning Scheme No. 3

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

### State Planning Policy 7.3 - Residential Design Codes – Volume 2 – Apartments

The proposal has been assessed against all relevant design elements of the Residential Design Codes Volume 2 – Apartments (R-Codes) which provides a comprehensive basis for the control of residential development. Those elements which require key consideration are detailed below.

### Element 2.3 – Street setbacks

The proposal meets the Acceptable Outcome for primary street setback on the ground floor. The primary street setback on the upper floor contributes to the existing streetscape and complements the proposed character of the street as:

- The upper floor setback is comparable to the setback of a single house in the R40 code. For R40 areas, the R-Codes Volume 1 establishes a deemed-to-comply primary street setback of 4m for single houses, with balconies able to be setback 2m as a deemed-to-comply outcome. The proposed building achieves these setbacks and would qualify as deemed-to-comply if it were a single house.
- The balcony projecting forward of the main building line achieves a desirable balance between privacy and street surveillance as the internal living spaces are setback

sufficiently and partially screened while the balcony provides an uninterrupted visual outlook to the street.

#### **Element 2.4 – Side and rear setbacks**

The side setbacks to the north and south provide adequate separation to the neighbouring properties as:

- The setbacks proposed do not result in adverse building bulk as the development is not excessive in height. The setbacks are appropriate for a two storey design with a 7.0m maximum wall height.
- The building is well articulated to ensure that the separation between the development and adjoining houses is consistent with the expected built form of the R40 code. The development includes side setbacks that achieve or exceed the deemed-to-comply setbacks that would apply to a single house.
- The proposed boundary wall is a single storey in height. The majority of the boundary wall is built up to existing boundary walls on the adjoining northern lot.
- The setbacks from side boundaries enable the provision of deep soil zones, particularly in the northern half of the site.
- Due to the two storey height, future solar collectors on the neighbouring southern lot will not be affected by shadow cast from the development.

#### **Element 2.5 – Plot ratio**

The overall bulk and scale of the development is appropriate for the existing and future character of the area as:

- The proposed building footprint results in 19% of the site being deep soil area, which exceeds the Acceptable Outcome of 10%. This allows for extensive and attractive landscaped spaces, particularly towards the front of the site within view from the street.
- The plot ratio does not detrimentally impact other adjoining properties in terms of overshadowing, visual privacy or building bulk due to the building's two storey height, articulated wall lengths and typical side boundary setbacks.
- The existing character of the western side of Alexander Road is typified by one and two storey single houses with varying architectural styles. The overall proposed scale and built form of the development results in a sympathetic design that presents as a two storey single house. The materiality and detail of the design appropriately reflects the existing context of low intensity residential development.

#### **Element 3.2 – Orientation**

The building design optimises solar access for the dwellings within the development and reasonably minimises overshadowing of neighbouring properties as:

- The built form design maximises the ability for light to penetrate habitable rooms through significant articulation of the northern wall and windows to the majority of rooms which permit northern light.
- Overshadowing to the alfresco area and family room of the adjoining house at 7A Alexander Road is minimal and for the majority of the year these rooms will be almost completely unaffected by overshadowing.

- Overshadowing of the dining room has been reasonably minimised as it would be impractical to design a development that completely avoids overshadowing of any adjoining major openings while still providing a functional, legible lift and services core as well as an adequate outdoor living space or internal living area for the upper floor units.

### Sustainability

The following sustainability initiatives are incorporated in the development:

- Solar panels
- A minimum NatHERS rating of 5.9 stars and an overall average NatHERS rating of 6.1 stars.
- R4.0 insulation to external ceilings
- Waterwise, native plants
- Natural cross-ventilation
- Water efficient plumbing fixtures and fittings
- Electric vehicle charging stations

### Design Review Panel

The application was reviewed by the City's Design Review Panel (DRP) on 13 June 2022. A summary of the DRP advice is provided in the table below.

DRP Design Quality Evaluation	
	Supported
	Further Information Required
	Not supported
SPP 7.0 Principles	13 June 2022
1. Context and Character	
2. Landscape Quality	
3. Built Form and Scale	
4. Functionality and Built Quality	
5. Sustainability	
6. Amenity	
7. Legibility	
8. Safety	
9. Community	
10. Aesthetics	

Amended plans were subsequently submitted in response to the specific recommendations by DRP. The proposal is considered to satisfy the SPP 7.0 design principles for the reasons below:

### Context and Character

The amended design is considered to appropriately respond to the characteristics of the local area as the setback from the primary street has increased. The height and setback of the development in relation to the street is equivalent to that of a single house.

### **Landscape Quality**

The proposal demonstrates an appropriate balance of hard features and soft landscaping which provides good external amenity as:

- The paved entry path is defined by a landscaping strip along the southern boundary.
- Landscaped areas incorporate native plants and provide a lawn for outdoor area use.

### **Built Form and Scale**

The massing and height of the development complements the existing built form and does not adversely impact adjoining neighbours as:

- Overshadowing over the adjoining southern lot is reasonably minimised and equivalent to that of a single house.
- The southern wall is articulated to break up the bulk of the wall length.

### **Amenity**

External and internal amenity is optimised for the occupants while reducing the impact on adjoining neighbours and the street as:

- Overlooking of outdoor living areas on the ground floor is minimised by horizontal privacy screens.
- Visitor parking is located in the basement. An additional parking bay at ground level would result in an unnecessary increase in paved surface and reduce the amount of landscaping on site.

### **Legibility**

The design is intuitive and easy to navigate as:

- Front fencing provides a clear distinction between the public and private realm.
- The break in the front fencing and landscape strip along the southern boundary help delineate the entrance to the development.

### **Safety**

The amended design ensures security as an intercom system has been added to the entrance of basement carpark at the top of the vehicle entrance ramp.

### **Aesthetics**

In the context of the locality, the design is coherent and integrated as the area is characterised by varied architectural styles. The proposal is a contemporary design lacking intricate detailing and finished in a smooth render. The façade also features a flat and skillion roof. The design largely complements the local area as it reflects other contemporary facades in close proximity – 4B Alexander Road, 7B Alexander Road and 8A Alexander Road directly across the street.

## Consultation

The application was advertised for 28 days from 13 May 2022 to 10 June 2022 by the following:

- Letters posted to all landowners and occupiers within a 200m radius of the site;
- A sign on site was installed at the site's street frontage for the duration of the advertising period;
- An advertisement was published on the City's website with all documents relevant to the application made available for viewing during the advertising period;
- An advertisement was placed in The Post newspaper;
- Notice given on the City's social media platforms; and
- Community information session held on 1 June 2022.

Upon conclusion of advertising, a total of 17 responses were received. 14 submissions objected to at least one aspect of the development. 3 submissions stated support for the proposal. The key concerns raised by the objections related to:

- Traffic and parking
- Street setback
- Overshadowing
- Plot ratio

Issue Raised	Officer Comments
<p><b>Traffic</b> Increased traffic congestion</p>	<p>The Traffic Impact Statement accompanying the proposal states that the development will generate 3.2 vehicle trips during peak times. This is an amount of traffic that is consistent with and expected for the scale of the development and the site's density coding.</p>
<p><b>Parking</b> Visitor parking is inadequate and should be directly accessible from the primary street</p>	<p>The development meets or exceeds the Acceptable Outcomes in relation to parking by providing two bays for every unit and one visitor bay. An additional parking bay at ground level would result in an unnecessary increase in paved surface and reduce the amount of landscaping on site.</p>
<p><b>Overshadowing</b> The development will overshadow neighbouring properties.</p>	<p>The bulk, scale and height of the development is appropriate as it results in overshadowing that is commensurate with that of a two storey single house.</p>
<p><b>Plot ratio</b> Plot ratio should comply</p>	<p>The plot ratio achieves the Element Objective as the development is not considered to detrimentally impact other adjoining properties in terms of overshadowing, visual privacy or building bulk due to the building's two storey height, articulated wall lengths and typical side boundary setbacks.</p>

## Strategic Implications

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

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

**Values** **Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**Priority Area** Urban form - protecting our quality living environment

## Budget/Financial Implications

N/A

## Legislative and Policy Implications

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

The City's Primary Controls for Apartment Developments Local Planning Policy has not been used to assess this development application, due to the following reasons. The Policy attempts to fetter the exercise of discretion in a manner contrary to the R-Codes and the broader discretion available in clause 67(2) of the Deemed Provisions. A policy instrument that seeks to fetter the exercise of discretion as provided by the Deemed Provisions and R-Codes could not be considered to be based upon sound town planning principles. Clause 3(3) of the Deemed Provisions requires a local planning policy to be based on sound town planning principles.

## Decision Implications

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

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

## **Conclusion**

The application for four multiple dwellings has been presented to Council for consideration due to objections being received. The objections received relate to street setback, traffic and parking, plot ratio and overshadowing. An assessment against the relevant Element Objectives has identified that the proposal can be supported

The siting, mass and scale of the development is sympathetic to the streetscape. The proposal presents with a similar bulk, scale and height to a two-storey single house as viewed from the street and adjoining lots. Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration's recommendation.

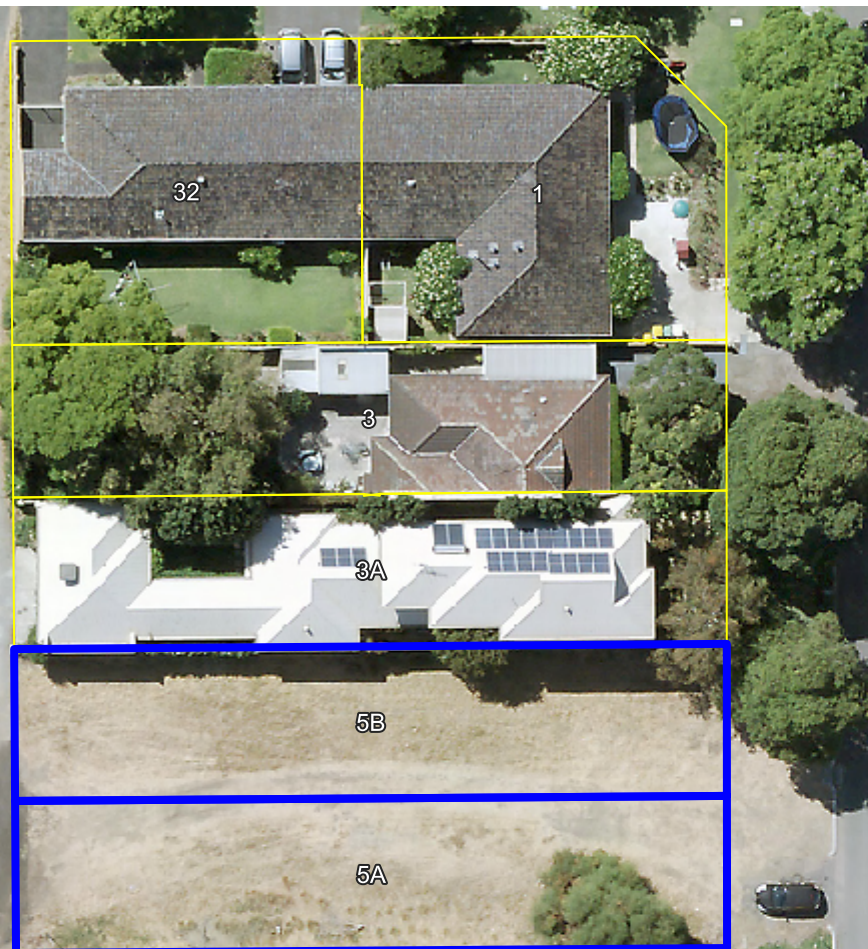
## **Further Information**

Nil.



Gerygone Lane

Shrike Lane

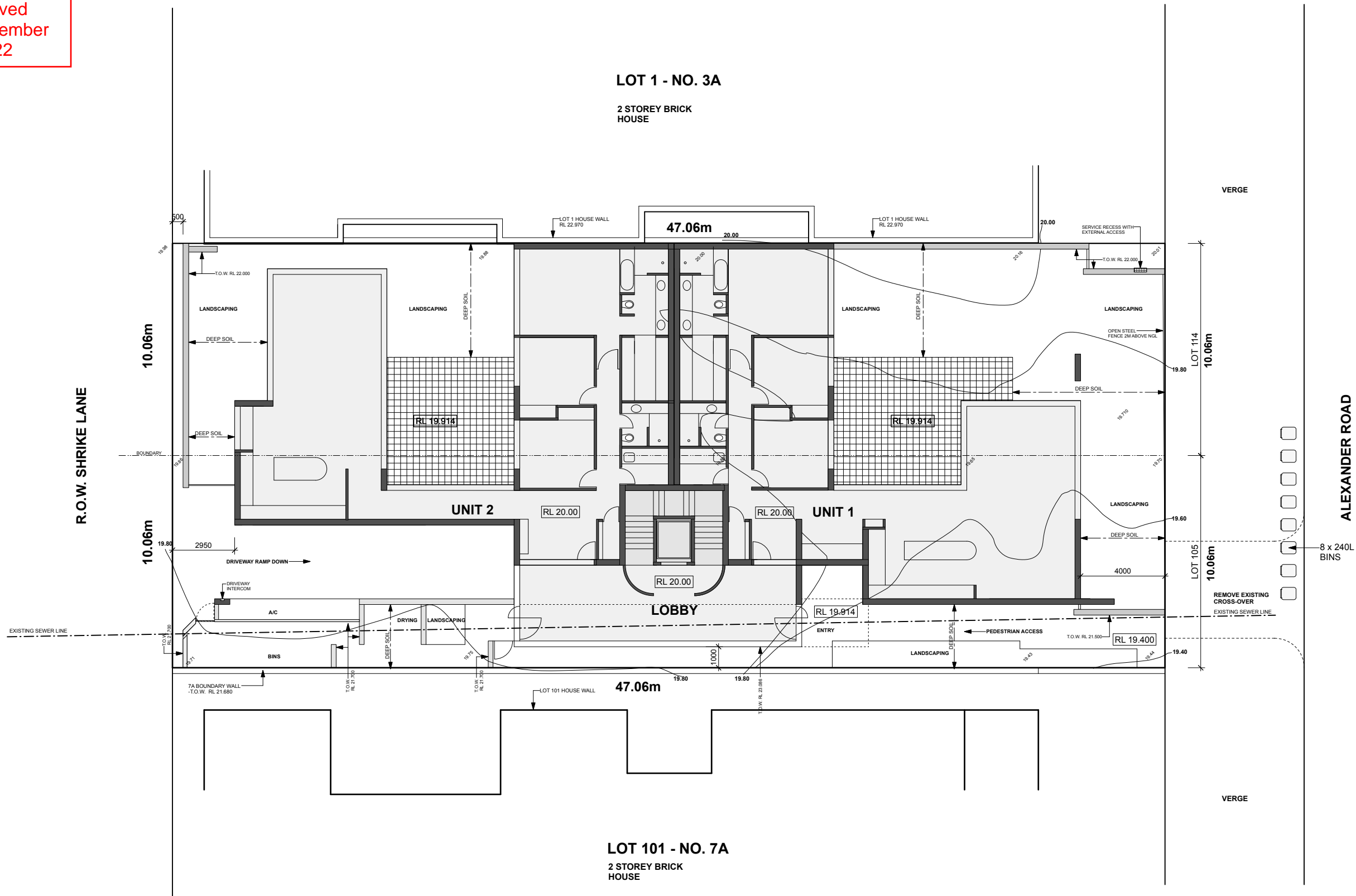


Alexander Rd





City of Nedlands  
Amended Plans  
Received  
13 September  
2022



**OPEN SPACE CALCULATION**

TOTAL SITE AREA	947 m <sup>2</sup>
GROUND FLOOR OPEN SPACE	414 m <sup>2</sup>
FIRST FLOOR OPEN SPACE	60 m <sup>2</sup>
TOTAL OPEN SPACE	474 m <sup>2</sup>
PERCENTAGE OPEN SPACE 474/947 X 100	= 50%

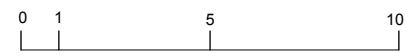
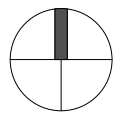
**DEEP SOIL CALCULATION**

TOTAL SITE AREA	947 m <sup>2</sup>
TOTAL AREA DEEP SOIL	234 m <sup>2</sup>
PERCENTAGE DEEPSOIL AREA (234/947 X 100)	= 25%

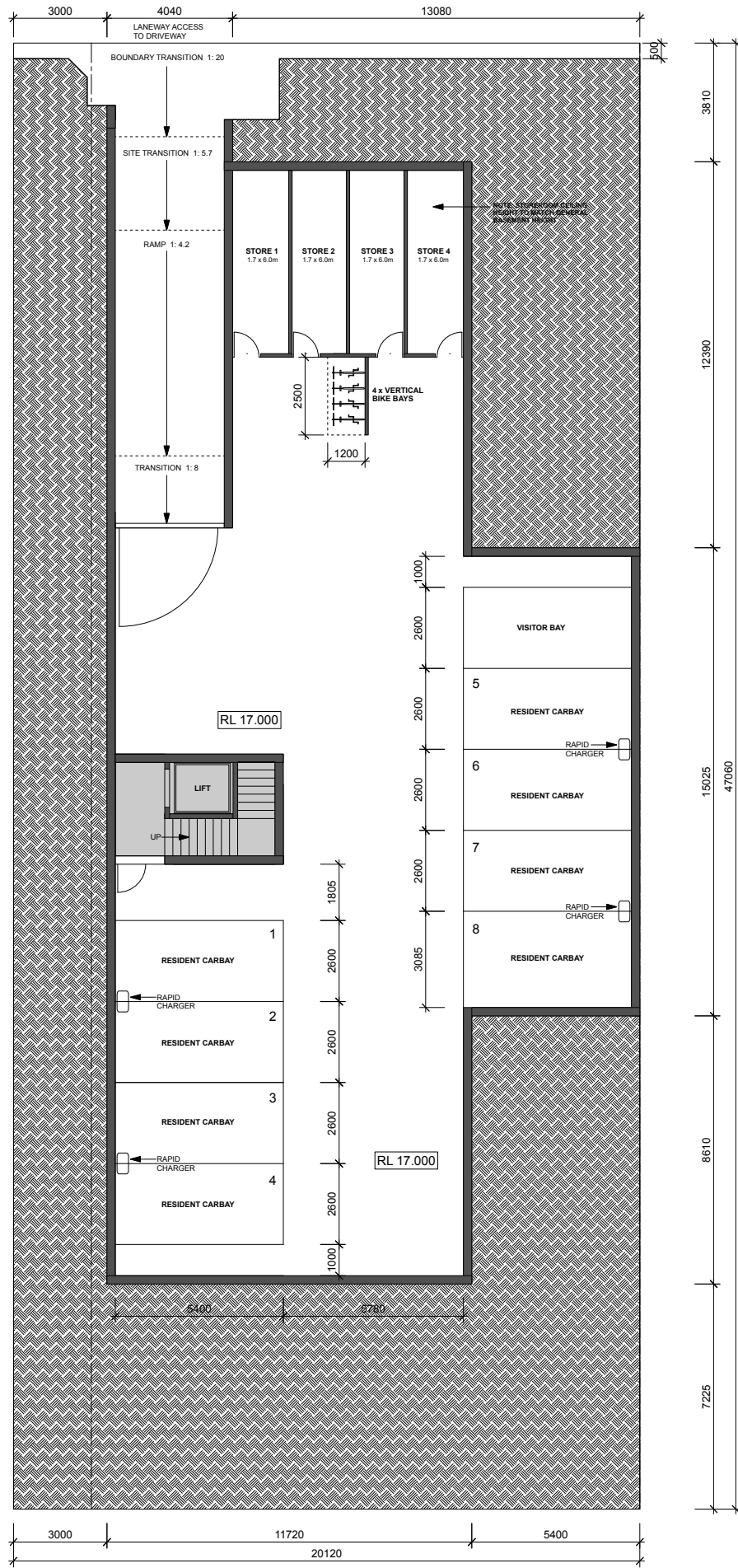
**PLOT RATIO**

TOTAL SITE AREA	947 m <sup>2</sup>
UNIT 1	189 m <sup>2</sup>
UNIT 2	199 m <sup>2</sup>
UNIT 3	182 m <sup>2</sup>
UNIT 4	182 m <sup>2</sup>
TOTAL AREA	752 m <sup>2</sup>
PLOT RATIO = 0.79	

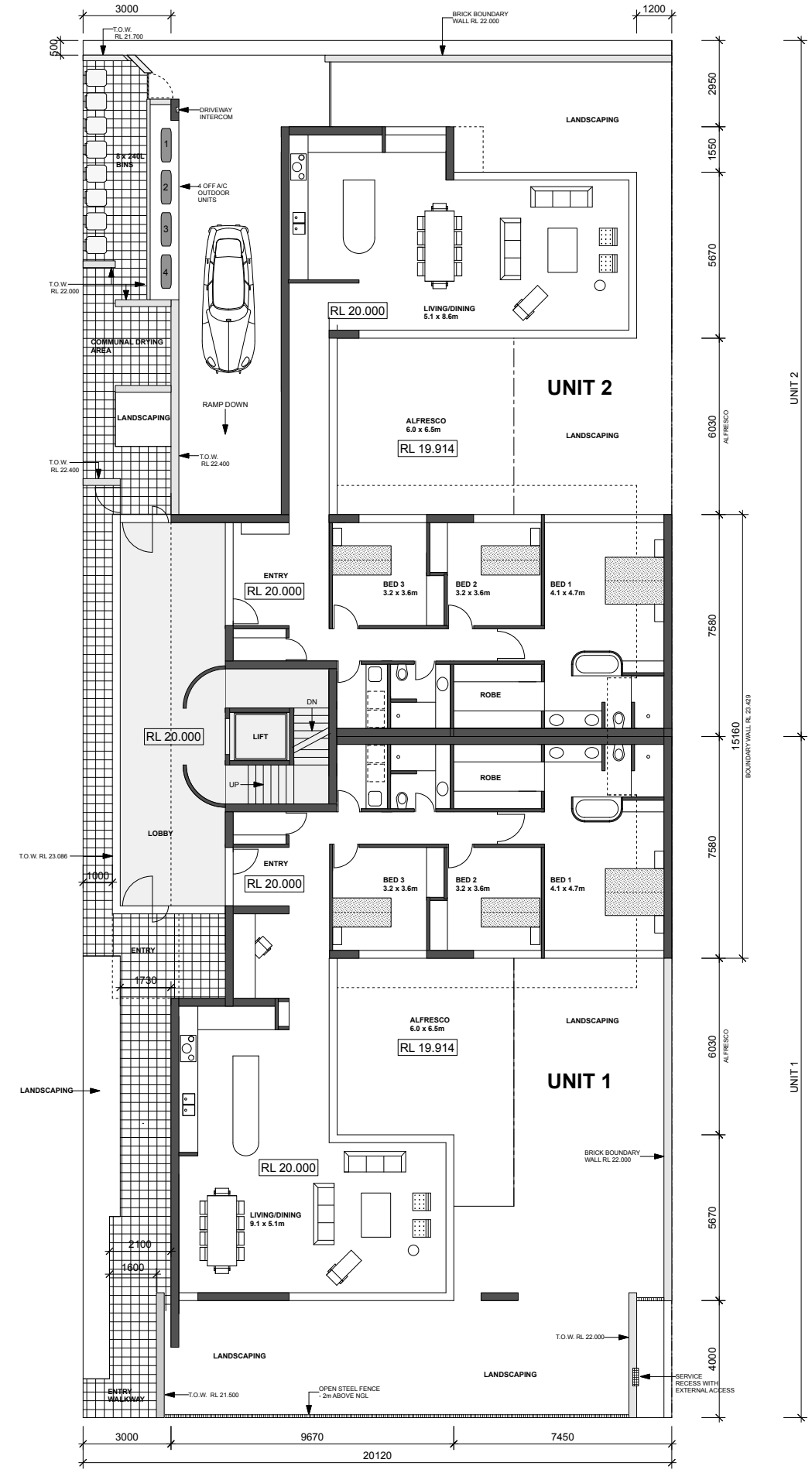
**SITE PLAN 1:100**  
- AMALGAMATION OF LOTS 105 & 114 ALEXANDER ROAD



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BASEMENT PLAN. 1:100



GROUND FLOOR PLAN. 1:100



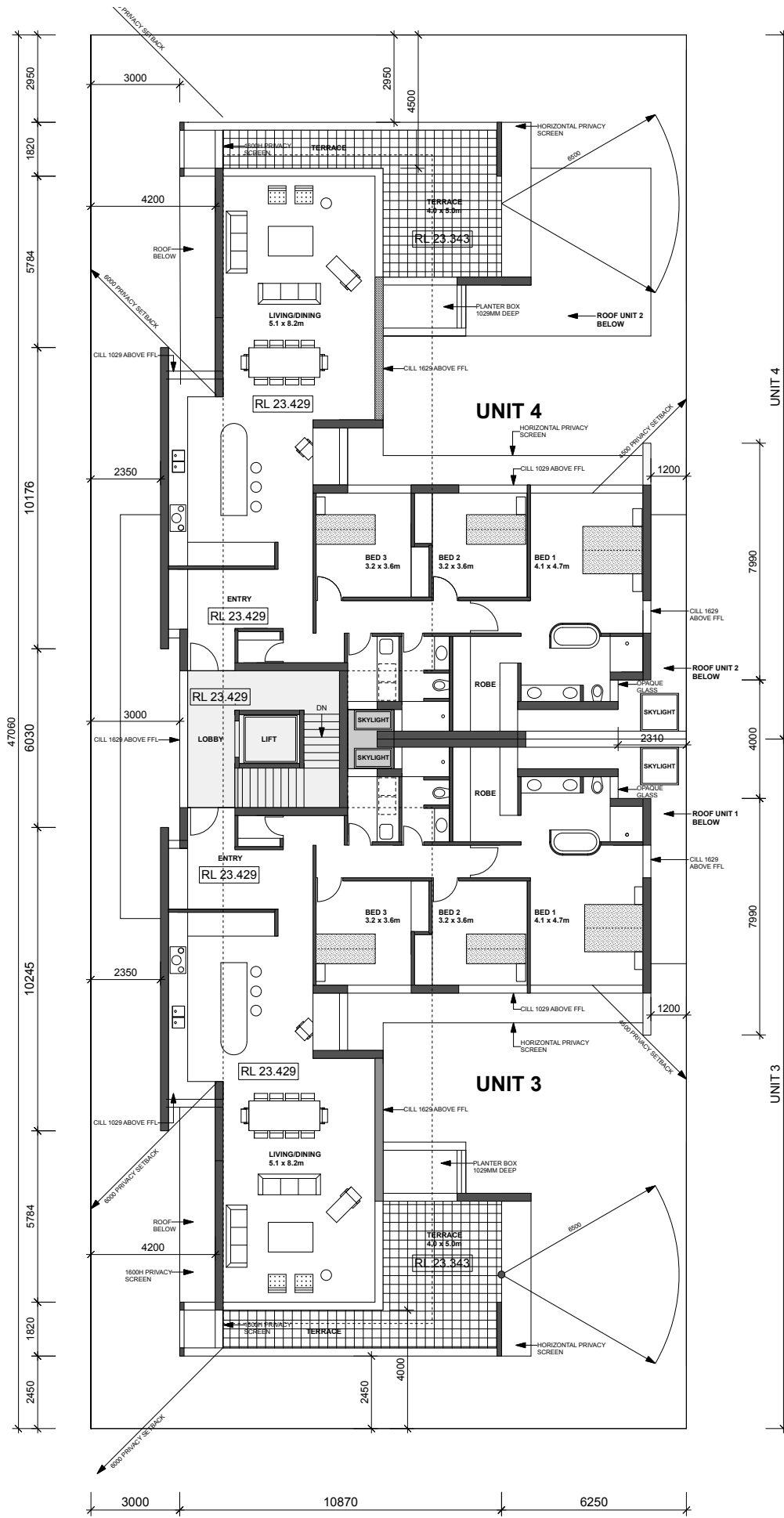
5A & 5B ALEXANDER ROAD  
4 NEW DWELLINGS

BLANE BRACKENRIDGE ARCHITECTURE

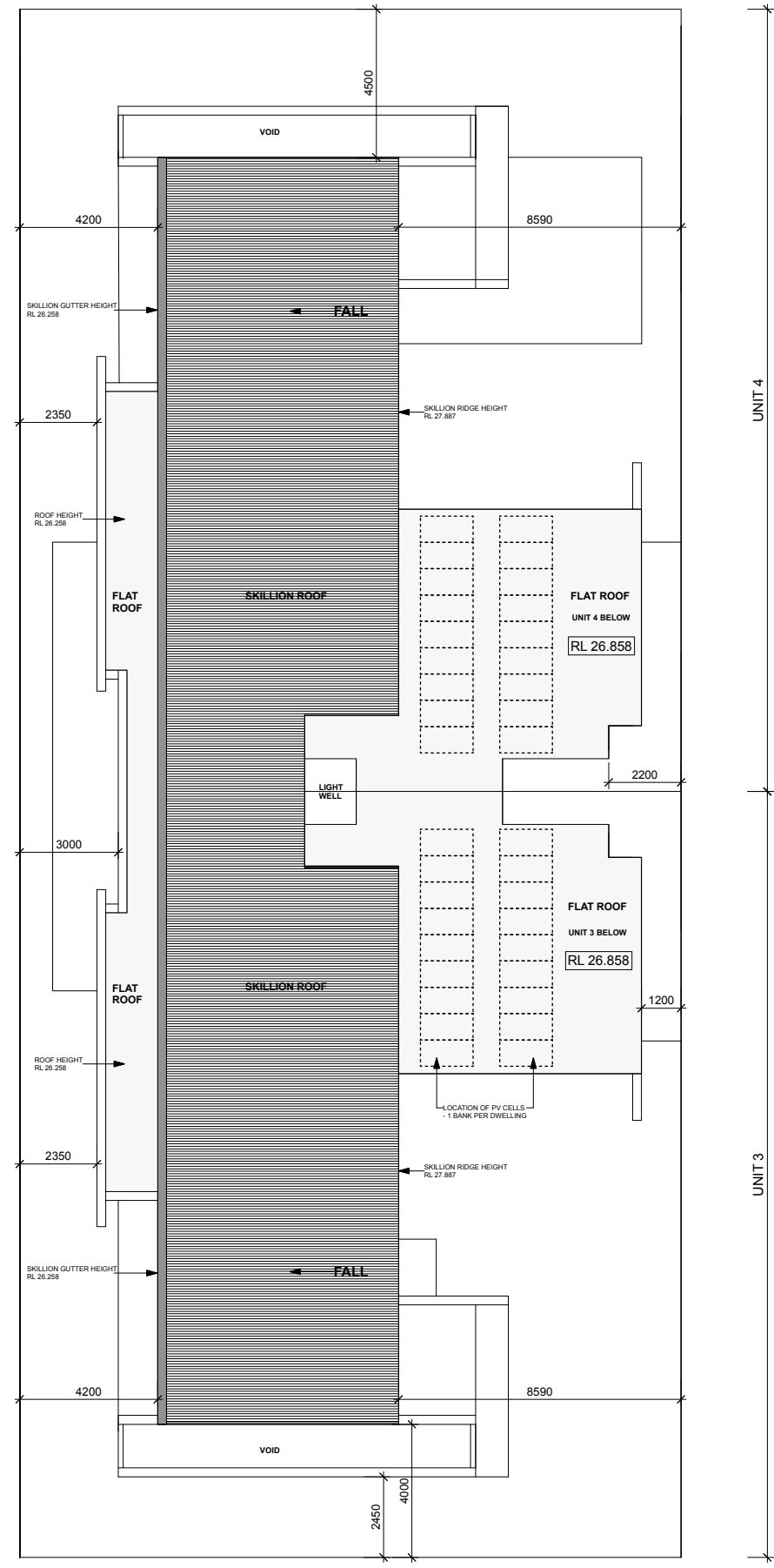
REV. SEPTEMBER 2022

A2.1

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FIRST FLOOR PLAN. 1:100



ROOF PLAN. 1:100



5A & 5B ALEXANDER ROAD  
4 NEW DWELLINGS

BLANE BRACKENRIDGE

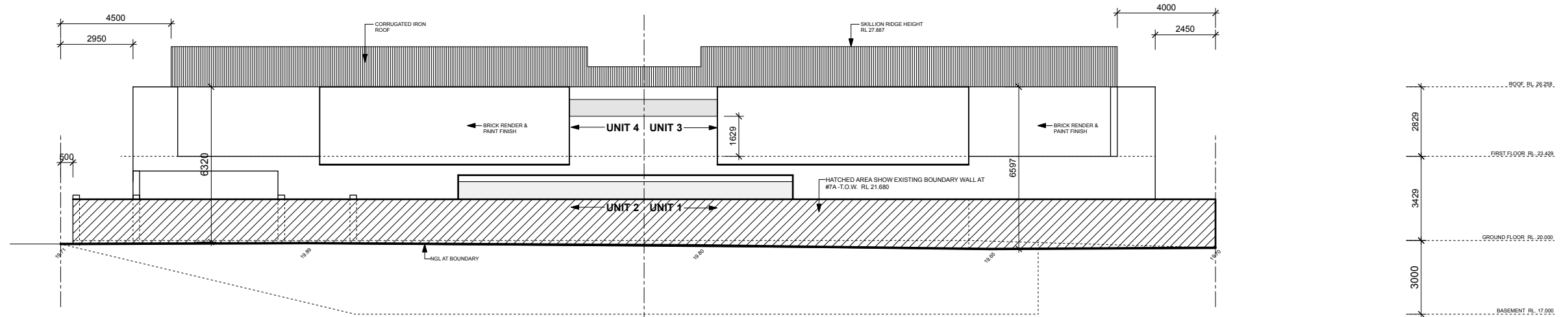
REV. SEPTEMBER 2022

DALKEITH

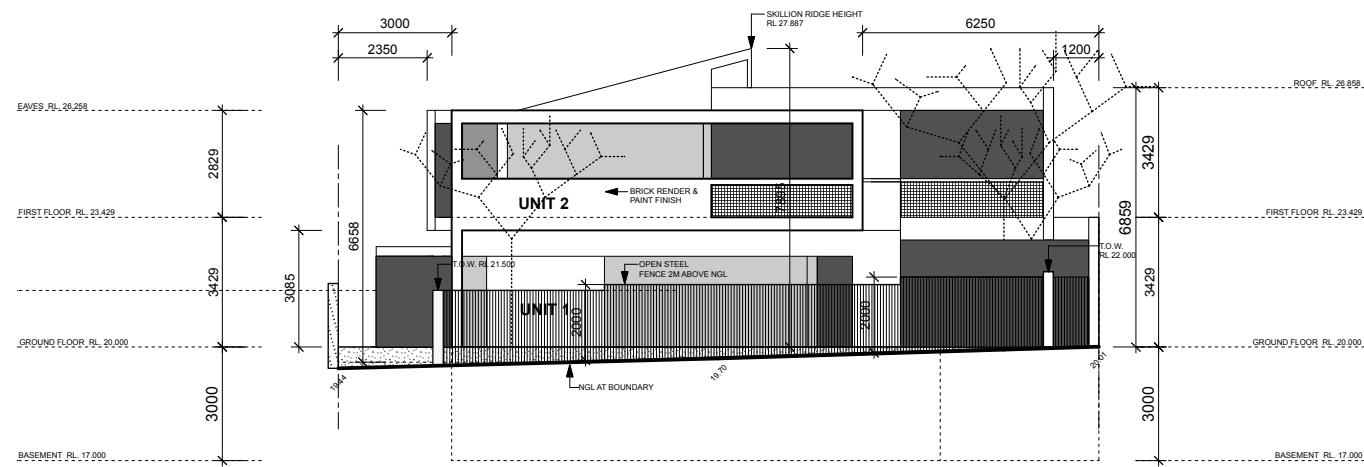
ARCHITECTURE

A2.2

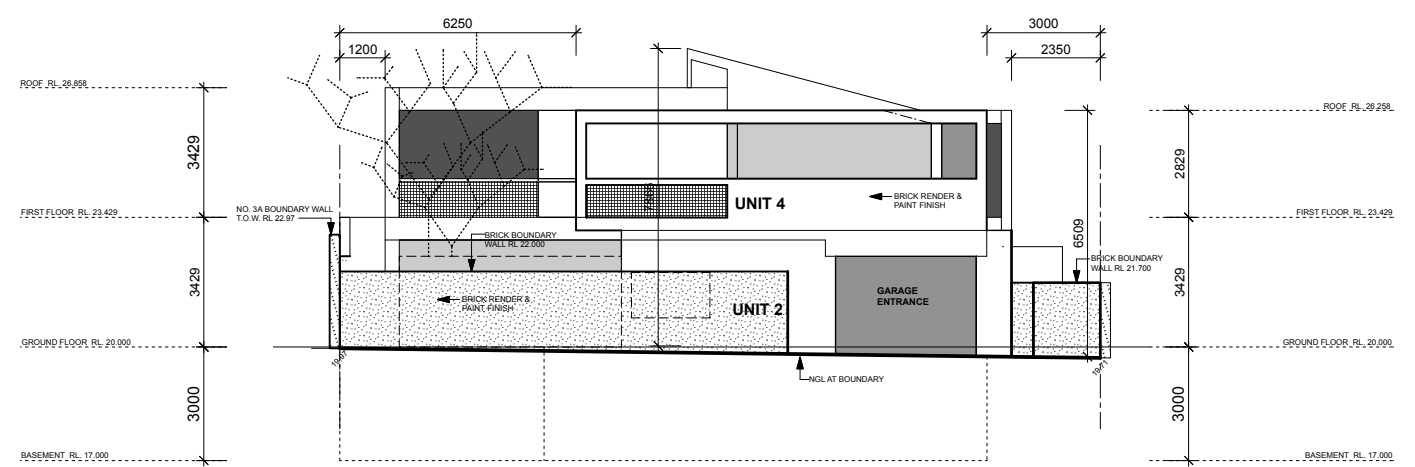
City of Nedlands  
Amended Plans  
Received  
13 September  
2022



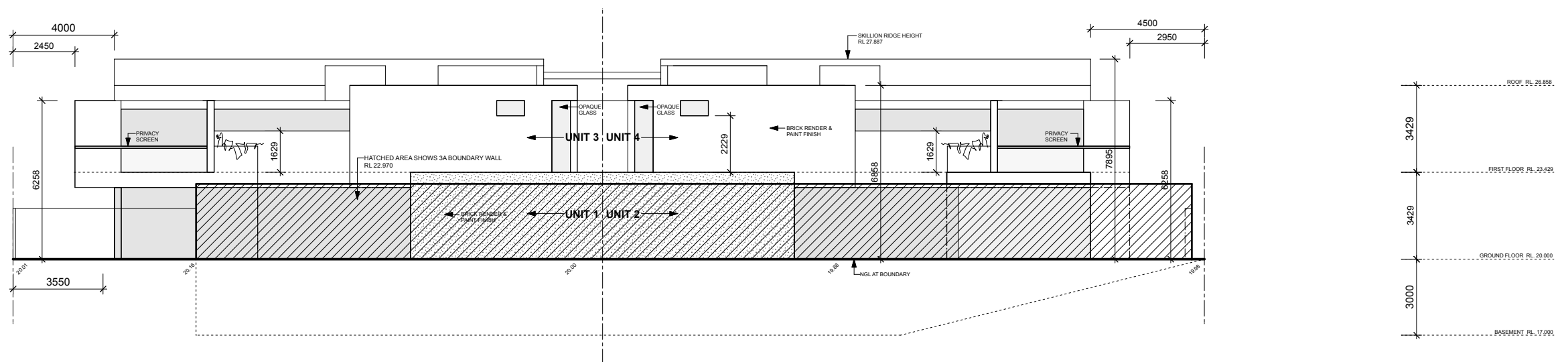
SOUTH ELEVATION 1:100



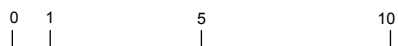
EAST ELEVATION 1:100

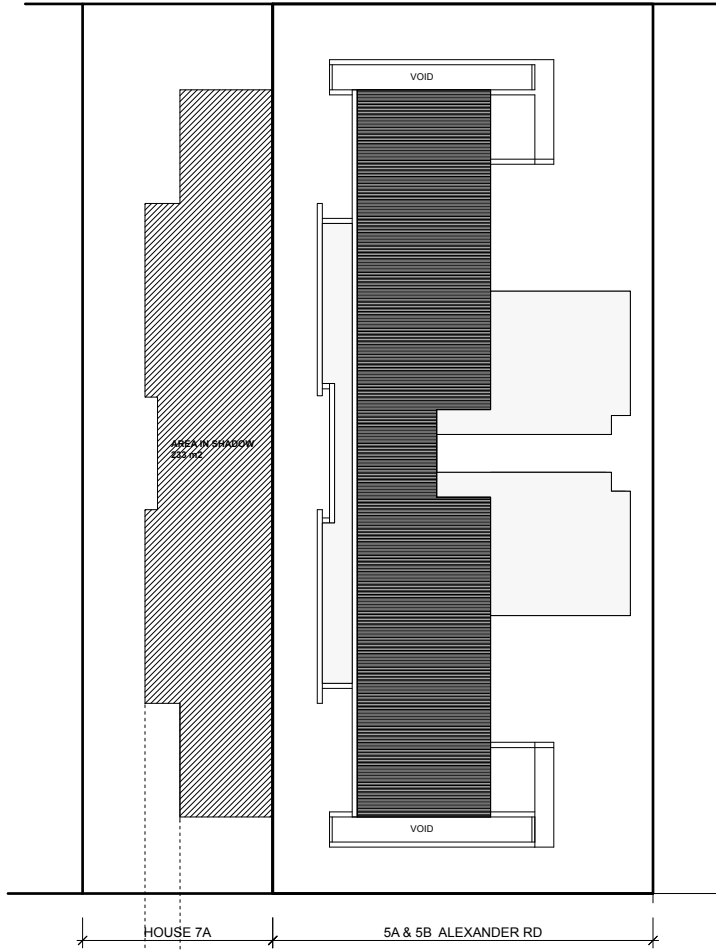


WEST ELEVATION 1:100

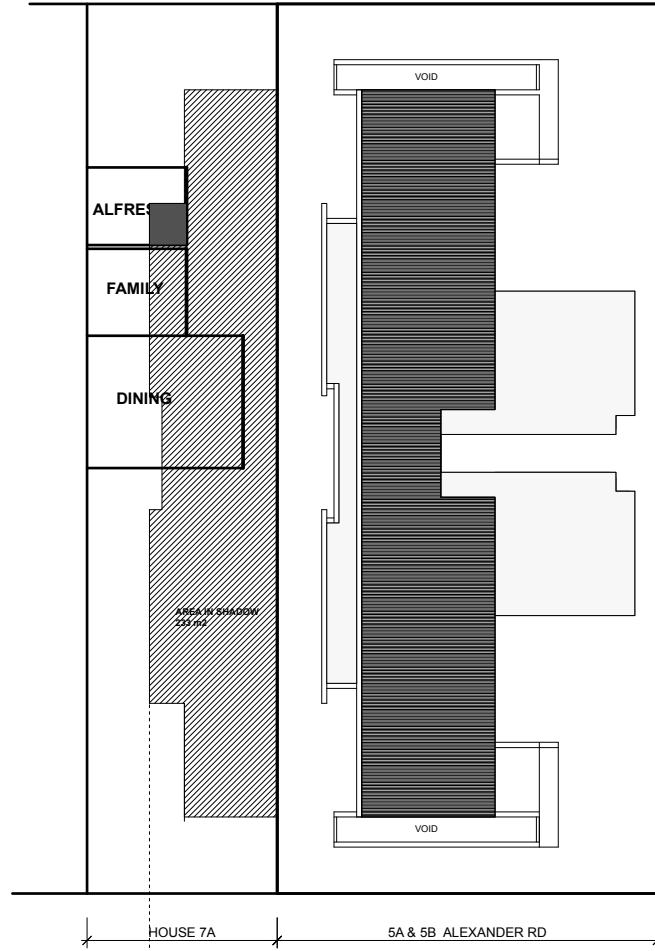


NORTH ELEVATION 1:100

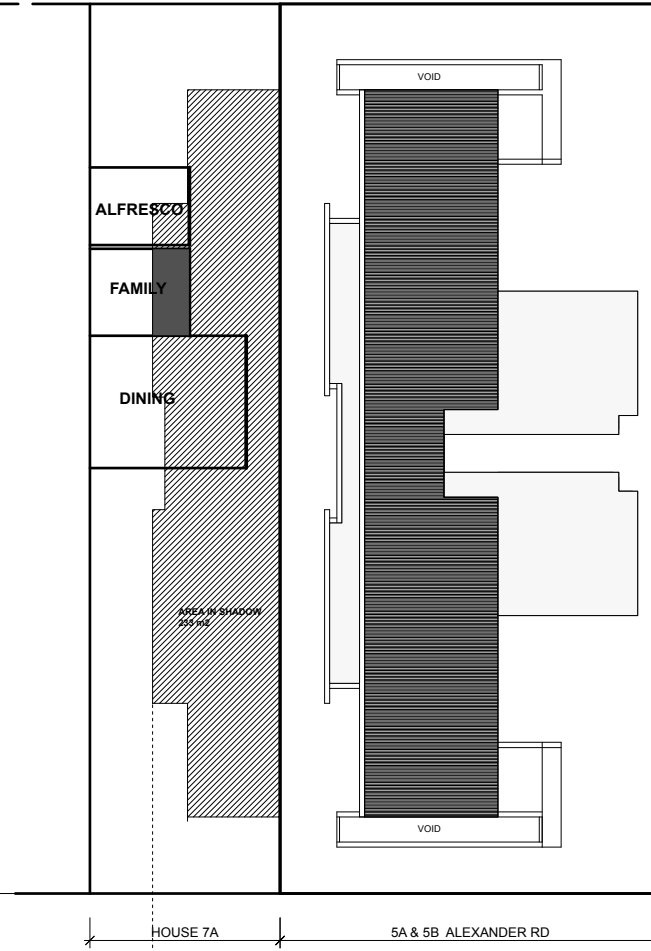




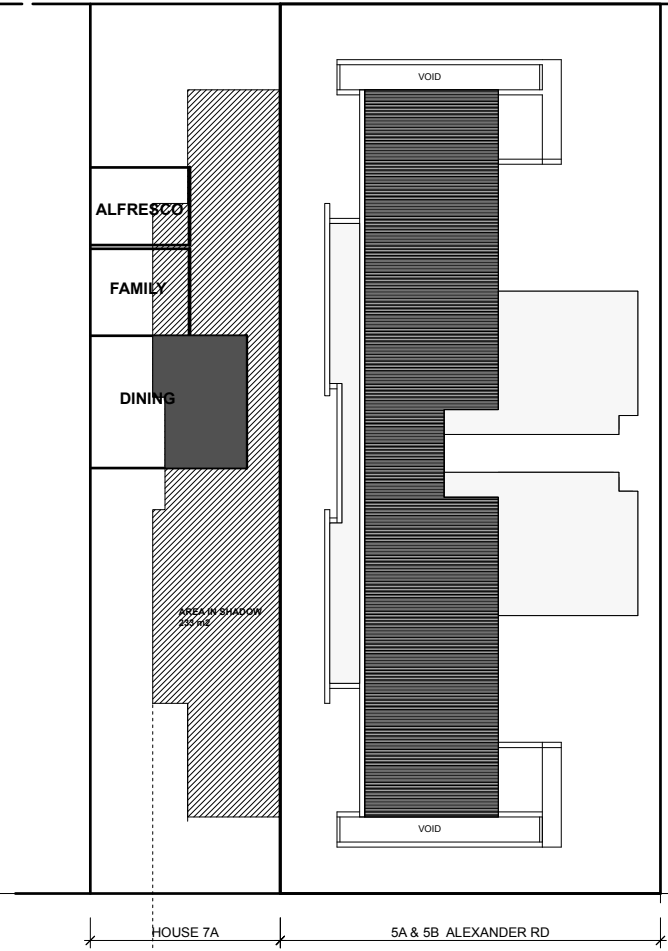
SHADOW PLAN 1:200



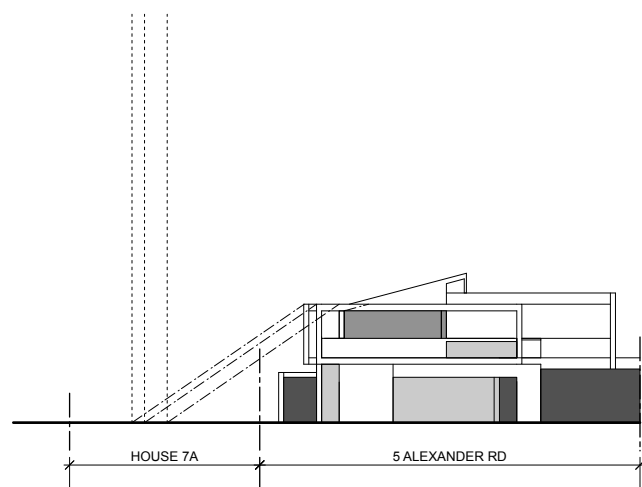
SHADOW PLAN 1:200  
- #7A ALFRESCO



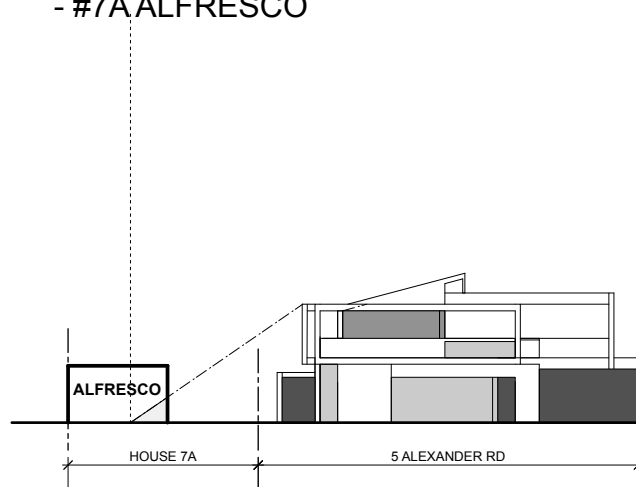
SHADOW PLAN 1:200  
- #7A FAMILY ROOM



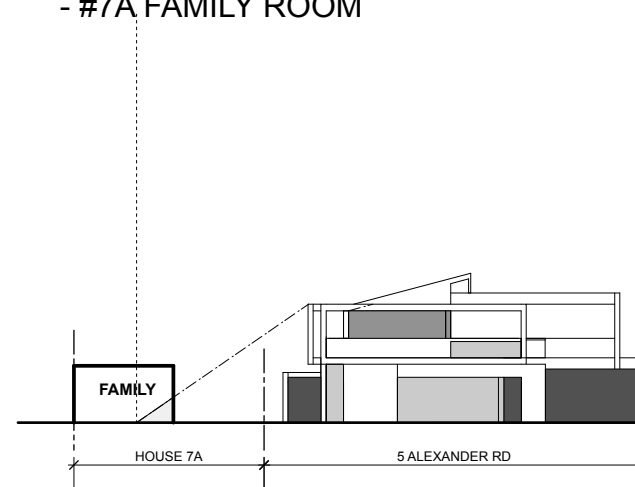
SHADOW PLAN 1:200  
- #7A DINING ROOM



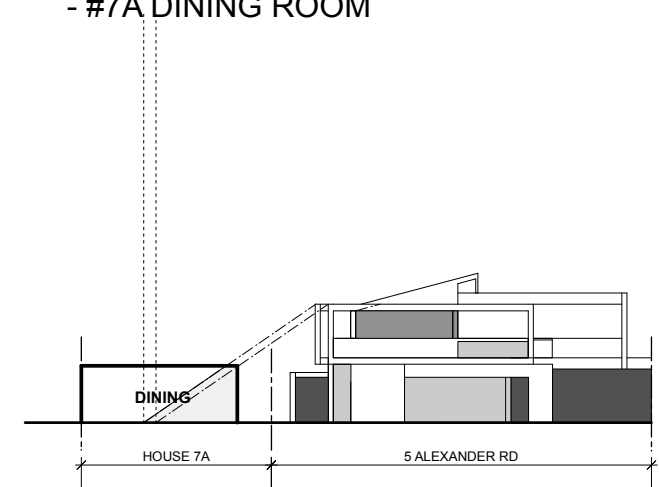
SHADOW ELEVATION 1:200



SHADOW ELEVATION 1:200  
- #7A ALFRESCO



SHADOW ELEVATION 1:200  
- #7A FAMILY ROOM



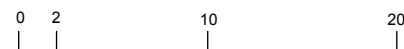
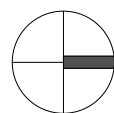
SHADOW ELEVATION 1:200  
- #7A DINING ROOM

**OVER SHADOW CALCULATION**

SITE AREA (7A ALEXANDER RD.) 473 m2

AREA OF OVERSHADOWING 233 m2  
@ MIDDAY 21 JUNE (SUN ANGLE 34 DEG.)

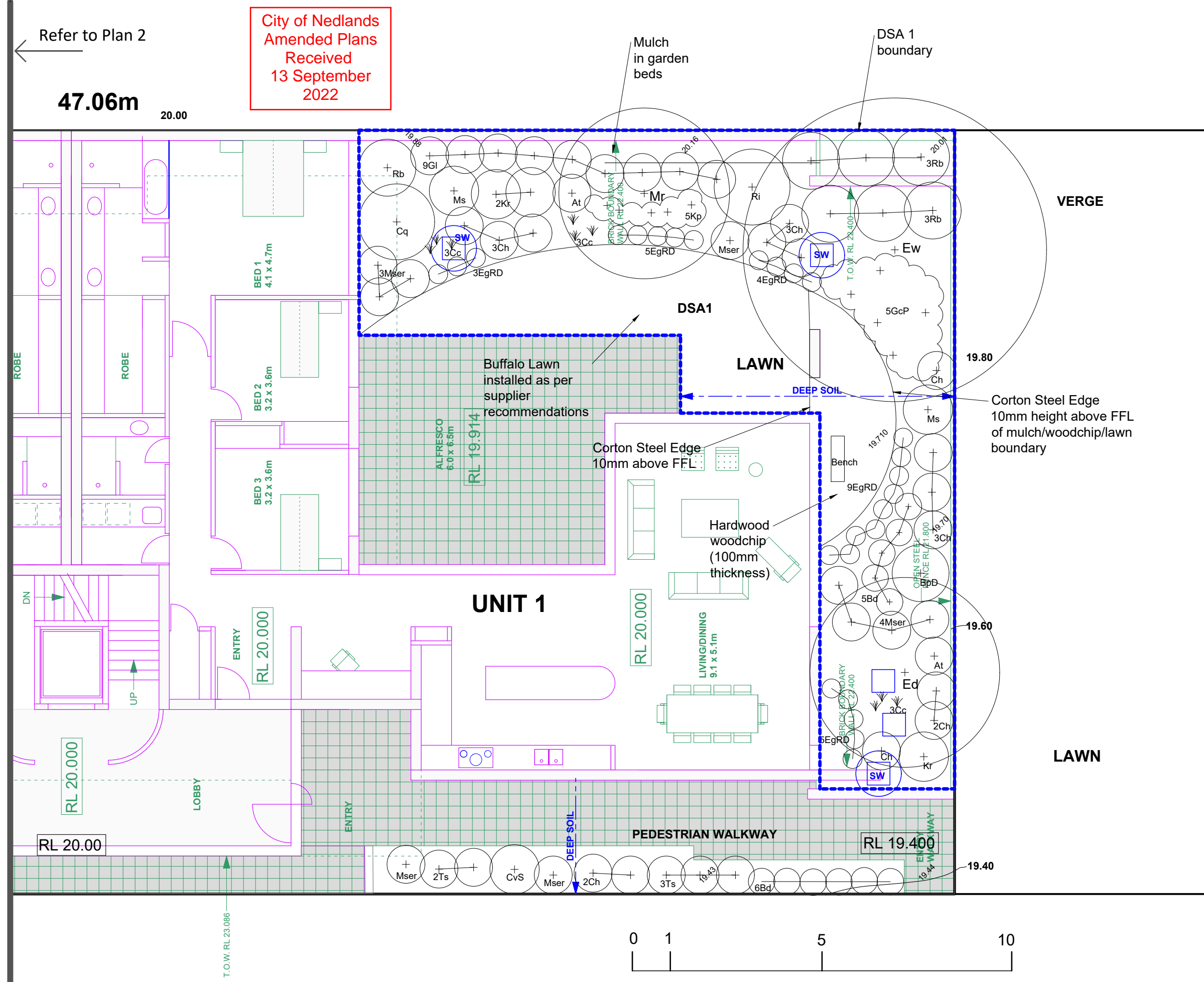
PERCENTAGE OVER SHADOWING 233/473 X 100 = 49%



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5A & 5B ALEXANDER ROAD DALKEITH  
4 NEW DWELLINGS  
BLANE BRACKENRIDGE ARCHITECTURE

REV. AUGUST 2022



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13 September  
2022

Refer to Plan 2

47.06m

20.00

VERGE

DSA1

LAWN

UNIT 1

LAWN

PEDESTRIAN WALKWAY



- NOTES
1. Refer to Plan 2 for Unit 2 Ground Landscaping and Plan 3 for schedule.
  2. Underground pipework and electrical services have not been shown on the plan.
  3. Landscape plan developed to minimise water use and local native plants from the area and to meet the requirements of the State Planning Policy R-codes and Local Planning Policy of the City of Nedlands.
  4. Deep Soil Areas shown as DSA 1,2,3 - refer to tables on Plan 3.
  5. Plants selected to suit Karrakatta soil type.
  6. Drip irrigation will be required to garden beds and tree, installed under mulch. Separate zone required for dripline under lawn.
  7. Install plants as recommended by APACE (using a soil conditioner and native fertiliser).
  8. Recommend mulch be spread to a thickness of 75mm, using Richgro Sandgroper Mulch AS4454 Certified, or similar product.
  9. Shrubbery to be pruned lightly 3-4 times/year and fertilised twice/year with native fertiliser in Autumn/Spring.
  10. Allow in budget for 10% replacement of shrubs on an annual basis.

B	REVISED PLANT SCHEDULE AND ADJUSTED PLAN SCALE	29-9-21	AF
REV	AMENDMENT	DATE	CHECKED



APACE Natural Design  
1 Johannah St, North Fremantle, WA, 6159  
Tel: 93361262  
landscape@apacewa.org.au

CLIENT  
Blane Brackenridge  
Architect


PROJECT  
5A and 5B Alexander Rd  
Dalkeith

DRAWING STATUS  
For Development Approval

DRAWN BY:	M DONNELLY	27-5-21
CHECKED:	A FORMA	27-5-21

SCALE: 1:100 @ A3

Landscape Plan for Unit 1



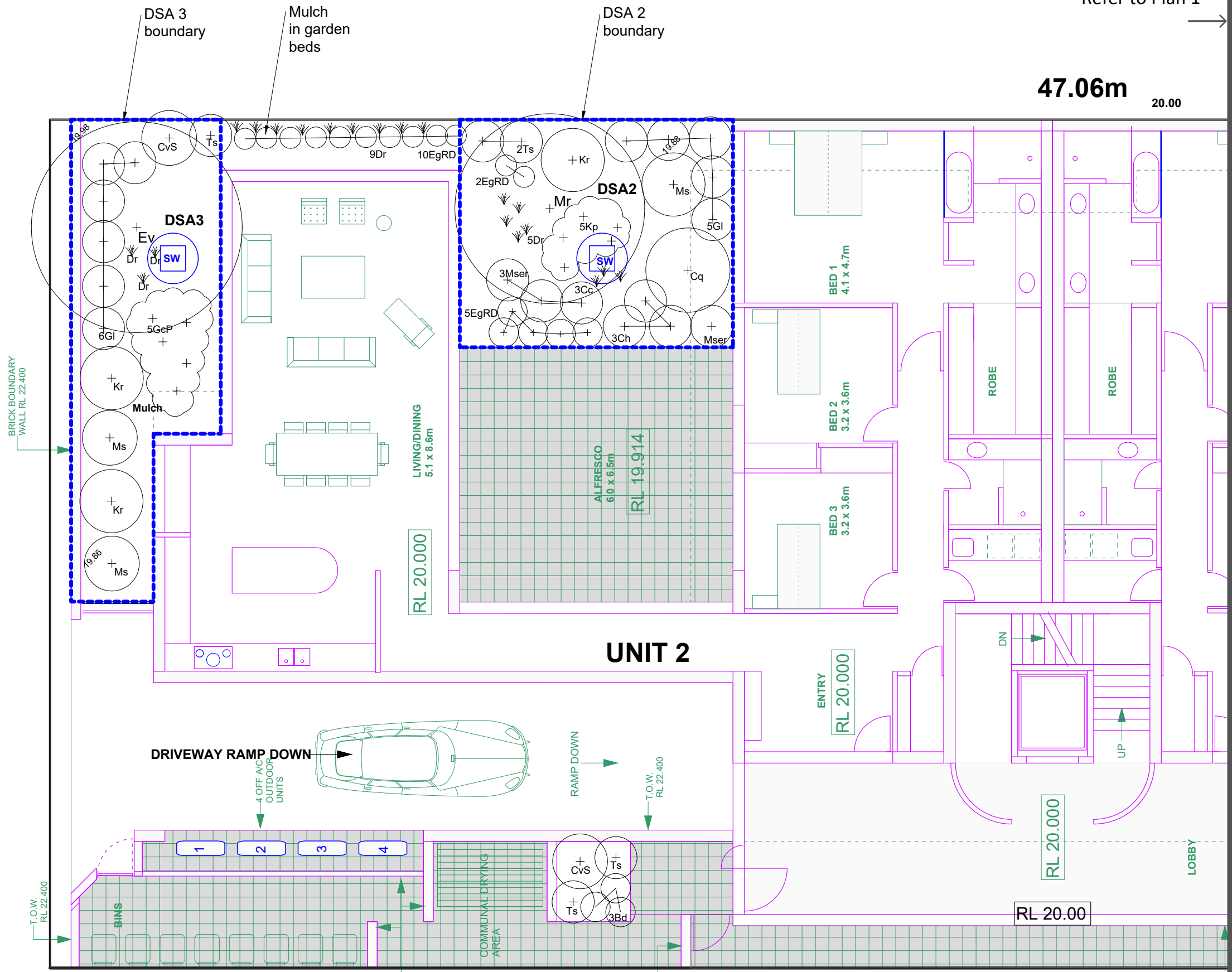
1B

R.O.W. SHRIKE LANE

Refer to Plan 1

47.06m

20.00



- NOTES
1. Refer to Plan 1 for Unit 1 landscaping plan and Plan 3 for Schedule.
  2. Underground pipework and electrical services have not been shown on the plan.
  3. Landscape plan developed to minimise water use and local native plants from the area and to meet the requirements of the State Planning Policy R-codes and Local Planning Policy of the City of Nedlands.
  4. Deep Soil Areas shown as DSA 1,2,3 - refer to tables on Plan 3.
  5. Drip irrigation will be required to garden beds and tree, installed under mulch.
  6. Install plants as recommended by APACE (using a soil conditioner and native fertiliser).
  7. Recommend mulch be spread to a thickness of 75mm, using Richgro Sandgroper Mulch AS4454 Certified, or similar product.
  8. Shrubbery to be pruned lightly 3-4 times/year and fertilised twice/year with native fertiliser in Autumn/Spring.
  9. Allow in budget for 10% replacement of shrubs on an annual basis.

REV	AMENDMENT	DATE	CHECKED

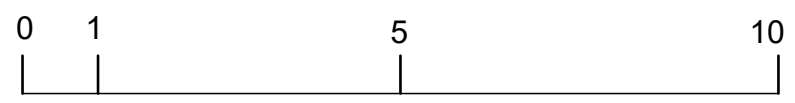
APACE Natural Design  
 1 Johannah St, North  
 Fremantle, WA, 6159  
 Tel: 93361262  
 landscape@apacewa.org.au

CLIENT  
 Blane Brackenridge  
 Architect

PROJECT  
 5A and 5B Alexander Rd  
 Dalkeith

DRAWING STATUS  
 For Development Approval

DRAWN BY:	M DONNELLY	29-9-21
CHECKED:	A FORMA	29-9-21
SCALE: 1:100 @ A3		
Landscape Plan for Unit 2		



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**PLANT LIST-5A-5B Alexander Rd Dalkeith**

Symbol	Botanical Name	Common Name	No. of Tubestock	No. of 140 pots	Total Plants
<b>Groundcover/Tufted</b>					
GcP	<i>Grevillea crithmifolia</i> 'Prostrate'	Prostrate grevillea	5	5	10
Cc	<i>Conostylis candidans</i>	Grey Cottonheads		12	12
Dr	<i>Dianella revoluta</i>	Flax Lilly		14	14
Kp	<i>Kennedia prostrata</i>	Running Postman	10		10
<b>Small Shrub</b>					
Bd	<i>Banksia dallanneyi</i>	Couch honeypot	7	12	19
EgRD	<i>Eremophila glabra</i>	Red Desert' (glabra x decipiens)	19	19	38
Mser	<i>Melaleuca seriata</i>	Pretty Honey Myrtle	6	8	14
Gl	<i>Guichenotia ledifolia</i>	Lavendar Bells	10	10	20
Ts	<i>Thryptomene saxicola</i>	Rock thryptomene		10	10
Ch	<i>Calothamnus hirsutus</i>	Hawkeswood	5	13	18
<b>Medium Shrub</b>					
At	<i>Acacia truncata</i>	Angle-leaved wattle		2	2
BpD	<i>Banksia prionotes Dwarf</i>	Acorn Banksia (Dwarf)		1	1
Rb	<i>Rhagodia baccata</i>	Berry Salt Bush	7		7
CvS	<i>Callistemon viminalis</i>	'Slim'		3	3
<b>Large Shrub</b>					
Cq	<i>Calothamnus quadrifidus</i>	One Sided Bottlebrush		2	2
Kr	<i>Kunzea recurva</i>	Mountain kunzea		6	6
Ri	<i>Regelia inops</i>	Swan River Myrtle		1	1
Ms	<i>Melaleuca systema</i>	Coastal Honeymyrtle		5	5
<b>Total Plants</b>			<b>69</b>	<b>123</b>	<b>192</b>

**Tree Canopy and Deep Soil Areas**

State Planning Policy 7.3 Residential Design Codes Vol 2 - Apartments

Table 3.3a - Minimum Deep Soil Area and Tree Provision Requirements

Site Area m2	Deep Soil Area at 5A/B Alexander Rd (m2) -10% required	Minimum Tree Requirement
937m2	227m2	2 Medium Trees or 1 large tree and small trees to suit area

Requirements Table 3.3b - Tree Sizes - required for State Planning Policy 7.3 Residential Design Codes Vol 2

Tree Size	Indicative Canopy Diameter at Maturity	Nominal Height at Maturity	Required DSA Per Tree	Recommended minimum DSA Width	Indicative pot size at planting
Small	4-6m	4-8m	9m2	2m	100L
Medium	6-9m	8-12m	36m2	3m	200L

**Trees on Landscape Plan for 5A and 5B Alexander Rd**

Botanical Name	Common Name	Tree Size	Indicative Canopy Diameter at Maturity	Nominal Height at Maturity	Required DSA Per Tree (m2)	Provided DSA Width	Indicative pot size at planting
<b>DSA 1 - 135m2</b>							
<i>Eucalyptus decipiens</i>	Limestone Marlock	Small	3-5m	6m	9m2	3.5m	100L
<i>Eucalyptus woodwardii</i>	Lemon Flowered Gum	Medium	8m	12m	36m2	6.7m	200L
<i>Melaleuca raphiophylla</i>	Swamp Paperbark	Medium	6m	7-10m	36m2	5.4m	200L
<b>DSA 2-35m2</b>							
<i>Melaleuca raphiophylla</i>	Swamp Paperbark	Medium	6m	7-10m	36m2	5.4m	200L
<b>DSA 3-34m2</b>							
<i>Eucalyptus victrix</i>	Coolibah	Small	6m	7m	9m2	4m	100L

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**NOTES**

- Schedule includes all plants and trees for Landscape Plan 1 (Unit 1) and Plan 2 (Unit 2).

REV	AMENDMENT	DATE	CHECKED



APACE Natural Design  
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Fremantle, WA, 6159  
Tel: 93361262  
landscape@apacewa.org.au

CLIENT  
Blane Brackenridge  
Architect

PROJECT  
5A and 5B Alexander Rd  
Dalkeith

DRAWING STATUS  
For Development Approval

DRAWN BY:	M DONNELLY	29-9-21
CHECKED:	A FORMA	29-9-21

Landscape Planting Schedule  
and Trees for DSAs



## Attachment 3 - 5A & 5B Alexander Road, Dalkeith – R-Codes Volume 2 Assessment – 4 Multiple Dwellings DA22-76643

ELEMENT 2.2		BUILDING HEIGHT	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O2.2.1</b> – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.	The development is consistent with current building heights in Alexander Rd. The development proposes 2 storeys, remaining in keeping with the street.	<b>Objective achieved</b> The default Acceptable Outcomes set out in Table 2.1 of the R-Codes for an R40 site is two storeys and a 9m indicative building height inclusive of any roof top articulation.  This proposal is for two storeys with a maximum height of 8.2m above natural ground level at the highest point, which is at the roof of the second storey. This is based on the roof RL 27.88 and the natural ground level directly below of RL 19.69.  The height is contained within the expected building envelope and responds to the future scale and character of the R40 coding.	
<b>O2.2.2</b> – The height of buildings within a development responds to changes in topography.	Topographically, the property would be regarded as a flat site, varying minimally at maximum of around 500mm	<b>Objective achieved</b> The site is relatively flat, featuring a maximum change in ground level of 0.5m from north to south. The proposal features minimal site works and respects and incorporates the natural slope of the land.	
<b>O2.2.3</b> – Development incorporates articulated roof design and/or roof top communal open space where appropriate.	Being a small development with generous outdoor areas, a communal roof top area is not necessary. The roof design is articulated by a combination of flat and skillion rooves. This is a nod to both the older and more contemporary buildings in the area.	<b>Objective achieved</b> The development proposes an articulated roof featuring a skillion and flat roof design. No communal open space is proposed on the roof. Refer to 4.11 Roof Design.	
<b>O2.2.4</b> – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.	The development allows the required amount of solar access to the neighbouring site to the south, being the only surrounding property to be affected by overshadowing. It achieves the required % of compliance, even though the affected property is half the	<b>Objective achieved</b> As detailed below in <i>Orientation</i> , the proposal has been designed to minimise overshadowing to the adjoining property as much as reasonably possible and ensures adequate daylight and solar access to the existing development similar to that of a typical two storey single house.	

size as that of the proposed development.

**ACCEPTABLE OUTCOMES**

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A2.2.1** – Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument.

*(Excerpt from table 2.1)*

Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Site R-Coding											
Building height (storeys) <i>refer 2.2</i>	2	3	3	4	4	5	3	6	7	9	

**A2.2.1**

AO: 2 storeys

Proposed: 2 storeys

**LOCAL PLANNING FRAMEWORK**

*Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:*

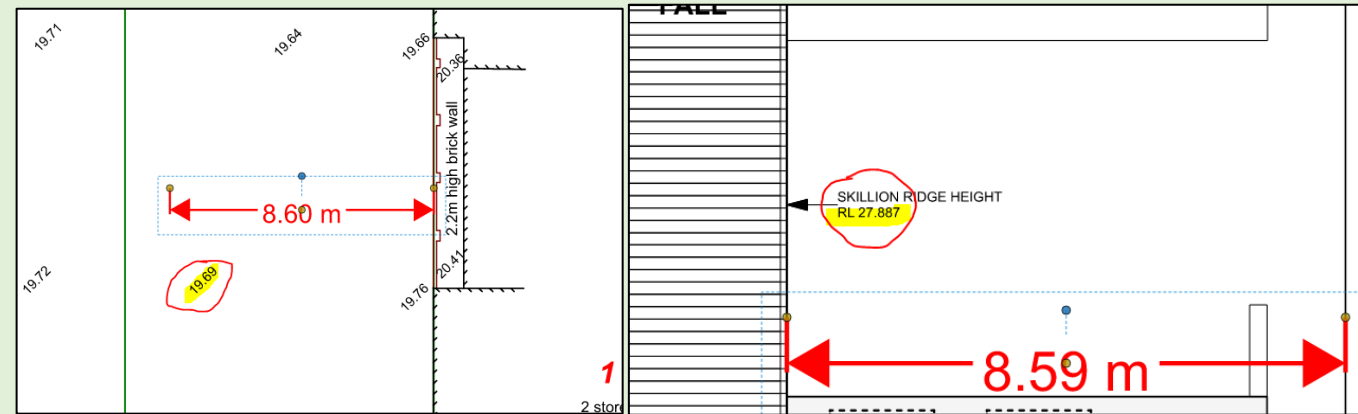
**REQUIREMENT**

[Alexander Road Building Height LPP](#)

AO: 10.0m above natural ground level

Proposed:

Max roof height: 27.88 – 19.69 = 8.2m total height to top of skillion roof.



[Waratah Precinct Design Response LPP](#)

AO: 2 storeys

Proposed:

2 storeys

ELEMENT 2.3		STREET SETBACKS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O2.3.1</b> – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.	Street setbacks ranges from 2m to 15.6m. The stepping back of the building breaks down the bulk of the building allowing more area for landscaping. This also helps to maintain and improve existing streetscape	<p><b>Objective met</b></p> <p>Table 2.1 recommends a minimum 4m primary street setback.</p> <ul style="list-style-type: none"> <li>a 4m setback is proposed on the ground floor.</li> <li>a 2.5m setback is proposed from the upper floor balcony and a 4.0m setback is proposed from the substantive building wall.</li> </ul> <p>The proposed primary street setback complements the existing street and aligns with the future intended character of the west side of Alexander Road as the setbacks are typical for and comparable to the setbacks of a single house in the R40 code.</p> <p>For R40 coded areas, the R-Codes Volume 1 establishes a deemed-to-comply primary street setback of 4m for single houses, with balconies able to be setback 2m as a deemed-to-comply outcome. The proposed building achieves these setbacks and would qualify as deemed-to-comply if it were a single house.</p> <p>Table 2.1 recommends a minimum 1.5m secondary street setback.</p> <ul style="list-style-type: none"> <li>a 0.5m (2.9m average) setback is proposed on the ground floor.</li> <li>a 3m setback is proposed on the upper floor.</li> </ul> <p>These setbacks conform to the existing secondary street setbacks along Shrike Lane, which range from 2m to 3m.</p>	
<b>O2.3.2</b> – The street setback provides a clear transition between the public and private realm.	A clear transition is provided between public and private realm through the provision of ample landscaping. Although the transition is clear, public and private areas meld together to invite rather than to sever the public realm.	<p><b>Objective achieved</b></p> <p>The street setback provides for an appropriate transition between the public and private realm via a clear and legible pedestrian entry path and a visually permeable front fence which delineates the public and private realm.</p>	
<b>O2.3.3</b> – The street setback assists in achieving visual privacy to apartments from the street.	Visual privacy is achieved through generous landscaping and through the articulation of the building façade. Bedroom areas are set further back from living	<p><b>Objective achieved</b></p> <p>The location of the units' internal living spaces, particularly bedrooms, are setback sufficiently from the street to provide expected levels of visual privacy. The outdoor living areas of most units are either screened from the street or setback adequately.</p>	

<p><b>O2.3.4</b> – The setback of the development enables passive surveillance and outlook to the street.</p>	<p>areas allowing more privacy to those spaces.</p> <p>There are 2 units facing the street. Each has a clear view to the street from the balcony and outdoor areas, as well as from apartment living and bedroom areas.</p>	<p><b>Objective achieved</b> The street elevation proposes a balcony which is setback 2.5m, providing for an uninterrupted visual outlook and adequate opportunities for passive surveillance.</p>
---	---	--

**ACCEPTABLE OUTCOMES**  
*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A3.2.1** – Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument

*(Excerpt from table 2.1)*

Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas	
	Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Minimum primary and secondary street setbacks <i>refer 2.3</i>	4m <sup>4</sup>	2m	2m	2m	2m	2m or Nil <sup>5</sup>	2m or Nil <sup>5</sup>	2m or Nil <sup>5</sup>				

(4) Minimum secondary street setback 1.5m  
(5) Nil setback applicable if commercial use at ground floor

**Primary Street**  
AO: 4m

Proposed:  
Ground Floor: 4.0m  
Upper Floor: 2.5m to balcony  
4.0m to building

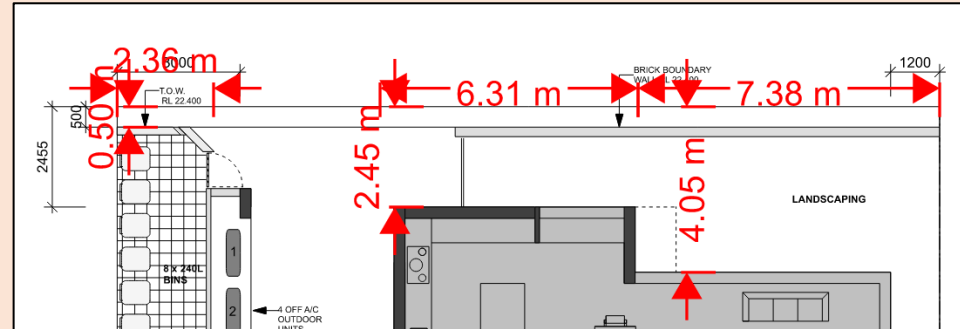
**Shrike Lane**  
AO: 1.5m

Ground Floor: 0.5m (to 'secondary street fence') minimum – 3.0m (average)  
Upper Floor: 3.0m to balcony

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<p>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</p>	<p><a href="#">Waratah Precinct Design Response LPP</a></p> <p><b>Primary Street</b> AO: 5m</p> <p>Proposed: Ground Floor: 3.5m Upper Floor: 2.0m to balcony 3.5m to building</p> <p><b>Shrike Lane</b> AO: 3m</p>

Proposed:  
 Ground Floor:  
 16.05m total setback length  
 0.5m minimum

$1.18 + 15.45 + 29.88 = 46.51 / 16.05 = 2.9m$  'weighted' average setback.



Upper Floor:  
 3m

ELEMENT 2.4    SIDE AND REAR SETBACKS		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<i>Development is to achieve the following Element Objectives</i>	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O2.4.1</b> – Building boundary setbacks provide for adequate separation between neighbouring properties.	Adequate separation is provided between building and boundary in accordance with table 2.1 of the R codes. This is done through the articulation of side walls	<p><b>Objective achieved</b></p> <p>The development proposes side and rear setbacks between 1.0m and 5.4m on the ground floor and 1.2m to 5.4m on the upper floor. The building is well articulated to ensure that the separation between the development and adjoining houses is consistent with the expected built form of the R40 code.</p> <p>Building up to the boundary is proposed only along the northern boundary and boundary walls satisfy the Acceptable Outcomes (or similar deemed-to-comply provisions for single houses) as the boundary walls do not exceed two thirds of the boundary length.</p>
<b>O2.4.2</b> – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.	Setbacks are consistent with the existing streetscape. Both neighbouring houses have nil boundary setbacks to ground floors areas.	<p><b>Objective achieved</b></p> <p>When viewed from the street the side setbacks reflect those of the single houses in the street. The observable setback from the southern boundary is 2.5m on the ground floor and 4.2m on the upper floor. The observable setback from the northern boundary is 7.4m on the ground floor. The boundary wall to the northern boundary</p>

		that is visible from the street is 2.0m in height and essentially acts as a dividing fence. The setback from the upper floor is 5.4m from the northern boundary.
<b>O2.4.3</b> – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.	The site had been cleared several years ago. Deep soil for tree planting has been provided in all setback areas.	<b>Objective achieved</b> The site is clear and has no vegetation worthy of retention. The proposed setbacks from side boundaries enable the provision of meaningful and generous deep soil zones on site to support new tree canopy and assist with stormwater management.
<b>O2.4.4</b> –The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.	Neighbouring sites are similarly zoned, therefore no special transition between sites will necessary.	<b>Objective achieved</b> The adjoining properties to the north and south are also coded R40. These sites currently feature single houses. The proposed side setbacks are not considered to detrimentally impact on these properties in terms of overshadowing, privacy or bulk, nor does the development proposal limit the ability for the adjoining sites to also develop to an R40 density in the future.

**ACCEPTABLE OUTCOMES**  
Acceptable Outcome pathway may not be applicable where a performance solution is provided

**A2.4.1** - Development complies with the side and rear setbacks set out in Table 2.1, except where:

a) modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument

**AND /OR**

b) a greater setback is required to address 3.5 Visual privacy.

(Excerpt from table 2.1)

Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	
<b>Site R-Coding</b>	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
<b>Boundary wall height (storeys)<sup>1,2</sup></b> <i>refer 2.4</i>	1 <sup>3</sup>		1 <sup>3</sup>	2 <sup>3</sup>	2 <sup>3</sup>		2	3	4		
<b>Minimum side setbacks<sup>6</sup></b> <i>refer 2.4</i>	2m	3m	3m		3m			Nil			
<b>Minimum rear setback</b> <i>refer 2.4</i>	3m		3m		6m		6m	Nil	Nil		
<b>Average side setback where building length exceeds 16m</b> <i>refer 2.4</i>	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA		

AO: 2.0m

Proposed:

**North**

Ground Floor

- 1.2m setback proposed to living /dining (unit 2)
- Single storey boundary wall proposed to 32% (15.1m) of the lot length.
- 5.4m setback proposed to alfresco areas.

Brick Boundary wall proposed RL22.4 built up to existing boundary wall.

First Floor

- 1.2m setback to Bed 1 (unit 3 and 4)
- 5.2m setback to Balconies.

**South**

AO: 2.4m as building length exceeds 16m

Ground Floor

<p>(1) Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions</p> <p>(2) Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code</p> <p>(3) Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.</p> <p>Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.</p>	<p>92.26m (weighted aggregate setback) / 40m = <b>2.0m</b> average.</p> <ul style="list-style-type: none"> <li>• <b>1.0m</b> setback to Lobby.</li> <li>• 3.0m setback to remainder.</li> </ul> <p><u>First Floor</u></p> <p>2.6m average setback</p> <ul style="list-style-type: none"> <li>• 2.3m setback to Kitchen.</li> <li>• 3.0m to Lobby</li> <li>• 4.2m setbacks to Living/Dining.</li> </ul>
<p><b>A2.4.2</b> – Development is setback from the boundary in order to achieve the Objectives outlined in 2.7 <i>Building separation</i>, 3.3 <i>Tree canopy and deep soil areas</i>, 3.5 <i>Visual privacy</i> and 4.1 <i>Solar and daylight access</i>.</p>	<p>See Objectives 2.7 <i>Building separation</i>, 3.3 <i>Tree canopy and deep soil areas</i>, 3.5 <i>Visual privacy</i></p>

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	<p><a href="#">Waratah Precinct Design Response LPP</a></p> <p>AO: 2.0m</p> <p>Proposed:</p> <p><b>North</b></p> <p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• <b>1.2m</b> setback proposed to living /dining (unit 2)</li> <li>• Single storey boundary wall proposed to 32% (15.1m) of the lot length.</li> <li>• 5.4m setback proposed to alfresco areas.</li> </ul> <p>Brick Boundary wall proposed RL22.4?</p> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• <b>1.2m</b> setback to Bed 1 (unit 3 and 4)</li> <li>• 5.2m setback to Balconies.</li> </ul> <p><b>South</b></p> <p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• <b>1.0m</b> setback to Lobby.</li> <li>• 3.0m setback to remainder.</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• 2.3m setback to Kitchen.</li> <li>• 4.2m setbacks to Living/Dining.</li> </ul>

ELEMENT 2.5		PLOT RATIO									
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT					ASSESSOR COMMENT				
<b>O2.5.1</b> – The overall bulk and scale of development is appropriate for the existing or planned character of the area.		The plot ratio provided is 0.79 beating the 0.8 allowable ratio					<p><b>Objective achieved</b> As described in the R-Codes Vol. 2, plot ratio is one method of establishing a volume of development within the ‘container’ of a building envelope. The overall bulk and scale of the development is considered appropriate and is supported as:</p> <ul style="list-style-type: none"> <li>• The plot ratio is not considered to detrimentally impact other adjoining properties in terms of overshadowing, visual privacy or building bulk due to the building’s two storey height, articulated wall lengths and typical side boundary setbacks.</li> <li>• The proposed building footprint results in 19% of the site being deep soil area, allowing for extensive and attractive landscaped spaces, particularly towards the front of the site as viewed from the street.</li> <li>• The existing character of the western side of Alexander Road is typified by one and two storey single houses with varying architectural styles. The overall proposed scale and built form of the development results in a sympathetic design that presents as a double storey single house. The materiality and detail of the design appropriately reflects the existing context of residential development.</li> </ul>				

**ACCEPTABLE OUTCOMES**  
*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

<p><b>A2.5.1</b> – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument. (Excerpt from table 2.1)</p> <table border="1"> <thead> <tr> <th rowspan="2">Streetscape contexts and character <i>refer A2</i></th> <th colspan="2">Low-rise</th> <th colspan="2">Medium-rise</th> <th colspan="2">Higher density residential</th> <th>Neighbourhood centre</th> <th>Mid-rise urban centres</th> <th colspan="2">High density urban centres</th> <th>Planned areas</th> </tr> <tr> <th>R40</th> <th>R50</th> <th>R60</th> <th>R80</th> <th>R100</th> <th>R160</th> <th>R-AC4</th> <th>R-AC3</th> <th>R-AC2</th> <th>R-AC1</th> <th>R-AC0</th> </tr> </thead> <tbody> <tr> <td>Site R-Coding</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>Plot ratio <sup>7</sup> <i>refer 2.5</i></td> <td>0.6</td><td>0.7</td><td>0.8</td><td>1.0</td><td>1.3</td><td>2.0</td><td>1.2</td><td>2.0</td><td>2.5</td><td>3.0</td><td></td> </tr> </tbody> </table> <p>(6) Refer to Definitions for calculation of plot ratio</p>												Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0	Site R-Coding												Plot ratio <sup>7</sup> <i>refer 2.5</i>	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0		<p>AO: 0.6</p> <p>Proposed: Ground Floor: 392sqm Upper Floor: 384.2sqm</p> <p>762m<sup>2</sup> / 948m<sup>2</sup> = 0.80 Plot ratio</p>
Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas																																																
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Plot ratio <sup>7</sup> <i>refer 2.5</i>	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0																																																	

**ELEMENT 2.6**      **BUILDING DEPTH**

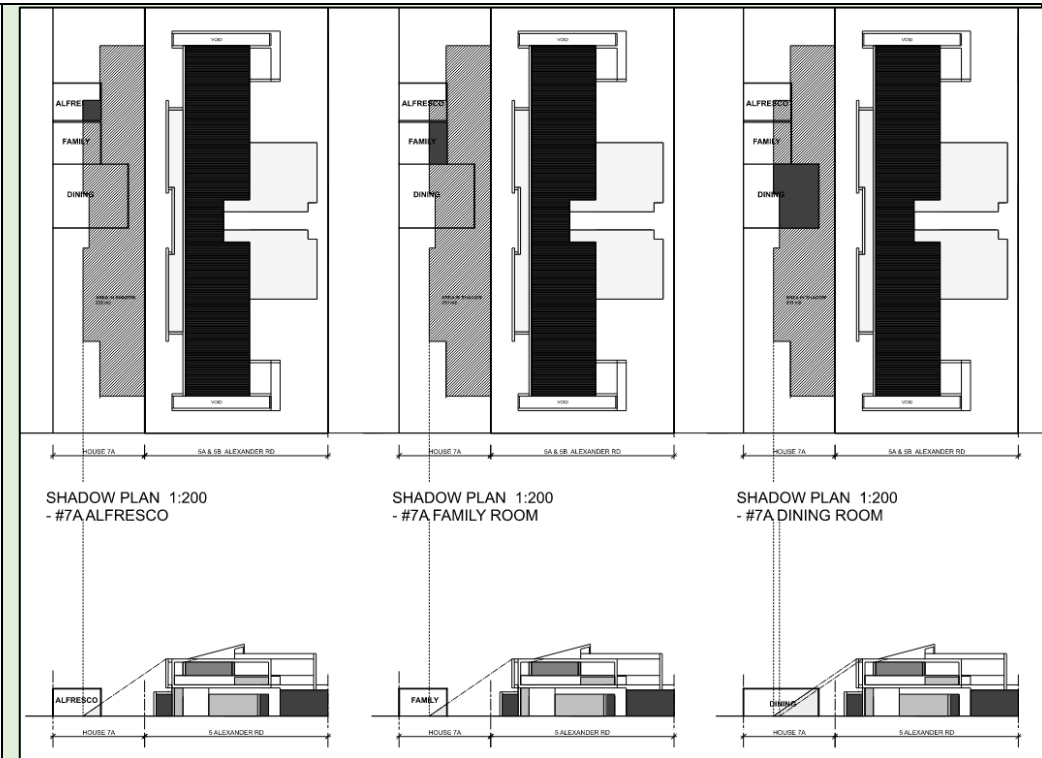
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
<b>O2.6.1</b> – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.	The nature of the courtyard design with no more than a one habitable room deep, reduces building depth thereby increasing the access to daylight and natural ventilation.	<b>Objective achieved</b> All apartments are dual aspect and have north facing major openings to optimise opportunities for daylight and solar access and natural ventilation. Refer to 4.1 Solar and daylight access and 4.2 Natural ventilation.
<b>O2.6.2</b> – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.	- Adequate access to daylight has have been provided. The courtyard plan allows every room in the apartment to capture direct and ambient daylight. - Adequate natural ventilation has been provided. Again, the courtyard plan promotes air circulation , with direct access to each room in the apartment.	<b>Objective achieved</b> The building features notable articulation to the northern aspect to allow for adequate access to daylight. Each apartment has windows which face at least 2 directions to allow for cross ventilation.
<b>O2.6.3</b> – Room depths and / or ceiling heights optimise daylight and solar access and natural ventilation.	- modest room depth together with large window areas, allows adequate daylight penetration and natural ventilation. - high ceilings with windows to full height enhance this	<b>Objective achieved</b> Most of the rooms in each apartment do not exceed 5.5m in building depth. Where rooms do exceed 5.5m in depth, they feature large major openings to three sides allowing for ample natural light and ventilation.
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A2.6.1</b> – Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on their merits with particular consideration to 4.1 Solar and daylight access and 4.2 Natural ventilation.	Development does not propose single aspect apartments on each side of a central circulation corridor. Refer to 4.1 Solar and daylight access and 4.2 Natural ventilation.	

<b>ELEMENT 2.7 BUILDING SEPARATION</b>		
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	

<p><b>O2.7.1</b> – New development supports the desired future streetscape character with spaces between buildings.</p>	<p>Sufficient and over sufficient spaces have been provided between buildings.</p>	<p><b>Objective achieved</b> The proposal achieves appropriate an appropriate setback from the street that mimics that of a single house and reflects both the existing and desired future streetscape.</p>
<p><b>O2.7.2</b> – Building separation is in proportion to building height.</p>	<p>A building height of just 2 storeys is proportional to building separation.</p>	<p><b>Objective achieved</b> The upper floor is setback further from lot boundaries, so the proposed building bulk is reduced on the upper floor when compared with the ground floor as. All boundary walls are single storey in height.</p>
<p><b>O2.7.3</b> – Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.</p>	<p>Building separation with a reduced building height allows ample daylight and natural ventilation to penetrate the apartments. This separation also provides a wide outlook whilst maintaining visual and acoustic privacy by nature of the building floor plan.</p>	<p><b>Objective achieved</b> The building achieves acceptable levels of internal amenity as discussed in the other sections throughout the assessment. The internal separation between the Unit 3 and Unit 4 ensuites does not impede on any major openings and are separated sufficiently for natural ventilation.</p>
<p><b>O2.7.4</b> – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings</p>	<p>A significant amount of deep soil area is provided around all property boundaries. Sufficient and ample private open space is provided for all apartments. Communal open space is not necessary for a development of this size.</p>	<p><b>Objective achieved</b> All apartments are provided with sufficient areas for private open space and achieve the Objectives of Element 4.4 Private Open Space and Balconies. Deep soil area provision is generous. The proposal does not feature any meaningful communal open space, this is appropriate for the scale of development.</p>
<p><b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p><b>A2.7.1</b> – Development complies with the separation requirements set out in Table 2.7.</p>		<p><u>Within site boundaries</u> AO: 4.5m</p> <p>Proposed: <b>1.9m</b> from upper floor Unit 3 ensuite to Unit 4 ensuite</p> <p>All other openings achieve internal building separation acceptable outcome.</p>

Table 2.7 Building separation					Adjoining property boundaries Less than 4 storeys – refer 2.4 Side and Rear Setbacks and 3.5 Visual Privacy
	Separation between:	Building height			
		≤ 4 storeys (up to 15m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)	
Within site boundary	Habitable rooms/balconies	12m	18m	24m	
	Habitable and non-habitable rooms	7.5m	12m	18m	
	Non-habitable rooms	4.5m	6m	9m	
To adjoining property boundaries	Habitable rooms/balconies and boundary	Refer 2.4 Side and rear setbacks (Table 2.1) and 3.5 Visual privacy (Table 3.5)	9m	12m	
Distances apply from major openings of rooms, or the inside of balustrading of balconies. Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.					

ELEMENT 3.2 ORIENTATION		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<i>Development is to achieve the following Element Objectives</i>	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>03.2.1</b> – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.	The building has been designed to optimise daylight access through the courtyard design. Main internal and external living areas are orientated to maximise north light penetration. The building responds to the streetscape by emulating the scale and articulation of existing housing in Alexander Road	<b>Objective achieved</b> The development is orientated to face the public realm and the entrance is at footpath level on Alexander Road to maintain connection with the streetscape. Balconies on the upper level directly overlook the street or laneway, providing passive surveillance. The built form design maximises the ability for light to penetrate habitable rooms.
<b>03.2.2</b> – Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.	The building form minimises overshadowing to neighbouring property and is code compliant. This is assisted by the low building height of 2 storeys rather than 3.	<b>Objective achieved</b> The southern adjoining property at 7A Alexander Road is also coded R40. The lot is narrow and rectangular and is oriented east-west. The development proposes some overshadowing of the adjoining major openings towards the rear of 7A Alexander Road, as depicted in the image below.



Overshadowing to the Alfresco area and Family room are minimal, for the majority of the year, these rooms will be almost completely unaffected by overshadowing. Approximately half the Dining room will be overshadowed in June. This is acceptable for the following reasons:

- If the development were a single house, the southern setbacks on the upper floor would be deemed-to-comply as they do not feature any major openings and could be articulated as per Figure 4C of the R-Codes Vol. 1.
- Due to the orientation and width of the adjoining site, it would be impractical to design a development that completely avoids overshadowing of any adjoining major openings while still providing a functional, legible lift and services core as well as an adequate outdoor living space or internal living area for the upper floor units.
- Further it is acknowledged that overshadowing is calculated at the worst-case scenario in winter. During the warmer months the Dining room will be minimally overshadowed. On balance, the proposal is considered to achieve this objective.

**ACCEPTABLE OUTCOMES**

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

<p><b>A3.2.1</b> – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.</p>	<p>The development is largely oriented towards Alexander Road, with a pedestrian entry and major openings opening to and accessible from Alexander Road. Vehicle access is taken from Shrike Lane.</p>
<p><b>A3.2.3</b> – Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed:</p> <ul style="list-style-type: none"> <li>- adjoining properties coded R25 and lower – 25% of the site area<sup>1</sup></li> <li>- adjoining properties coded R30 – R40 - 35% of the site area<sup>1</sup></li> <li>- adjoining properties coded R50 – R60 – 50% of the site area<sup>1</sup></li> <li>- adjoining properties coded R80 or higher – Nil requirements.</li> </ul> <p>(1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)</p>	<p>235/468 = <b>50.2%</b> of the southern adjoining property is overshadowed.</p>
<p><b>A3.2.4</b>– Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.</p>	<p>There are no existing solar collectors on the adjoining site.</p>

<p><b>ELEMENT 3.3</b>      <b>TREE CANOPY AND DEEP SOIL AREAS</b></p>		
<p><b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i></p>	<p><b>APPLICANT COMMENT</b></p>	<p><b>ASSESSOR COMMENT</b></p>
	<p><i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p>	
<p><b>O3.3.1</b> – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.</p>	<p>The site was cleared of vegetation for some years ago. Large areas of deep soil have been provided for future planting.</p>	<p><b>Objective achieved</b> The site had been cleared of all vegetation several years prior to the submission of the development application. The street tree towards the north of the site will not be impacted as the pedestrian entrance is on the south side of the site. Once the proposed landscaping is established the landscaping will be appropriate to the scale of the development.</p>
<p><b>O3.3.2</b> – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.</p>	<p>There is 224m<sup>2</sup> of deep soil planting provided, or 24% of the site. This is an improvement on predevelopment conditions.</p>	<p><b>Objective achieved</b> As the site has been cleared of all vegetation, the planting proposed is considered an improvement on the tree canopy from pre-development condition. The development proposes deep soil which exceeds the Acceptable Outcome.</p>
<p><b>O3.3.3</b> – Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.</p>	<p>Large areas of deep soil planting along with wide setbacks, allows sufficient space for vegetation to thrive.</p>	<p><b>Objective achieved</b> The development incorporates 19% / 182.3m<sup>2</sup> of deep soil area, which exceeds the area recommended by A3.3.4. A majority of this area is consolidated to the north and east of the site to improve the outlook from the ground floor apartment and the quality of the streetscape.</p>
<p><b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		

<p><b>A3.3.1</b> – Retention of existing trees on the site that meet the following criteria:</p> <ul style="list-style-type: none"> <li>- healthy specimens with ongoing viability <b>AND</b></li> <li>- species is not included on a State or local area weed register <b>AND</b></li> <li>- height of at least 4m <b>AND/OR</b></li> <li>- trunk diameter of at least 160mm, measured 1m from the ground <b>AND/OR</b></li> <li>- average canopy diameter of at least 4m.</li> </ul>	<p>No existing trees worthy of retention on site.</p>											
<p><b>A3.3.2</b> – The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.</p>	<p>N/A</p>											
<p><b>A3.3.3</b> – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.</p>	<p>Tree to the north may be affected and may need to be pruned, this is likely acceptable as the tree is growing over the lot boundary. A basement is proposed which could impact on the root system of the aforementioned tree to the north.</p>											
<p><b>A3.3.4</b> – Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.</p> <p><b>Table 3.3a</b> Minimum deep soil area and tree provision requirements</p> <table border="1" data-bbox="107 791 721 1302"> <thead> <tr> <th>Site Area</th> <th>Minimum deep soil area</th> <th>Minimum requirement for trees<sup>1</sup></th> </tr> </thead> <tbody> <tr> <td>Less than 700m<sup>2</sup></td> <td rowspan="2">10%</td> <td>1 medium tree and small trees to suit area</td> </tr> <tr> <td>700 – 1,000m<sup>2</sup></td> <td>2 medium trees <b>OR</b> 1 large tree and small trees to suit area</td> </tr> <tr> <td>&gt; 1,000m<sup>2</sup></td> <td>7% if existing tree(s) retained on site  (% site area)</td> <td>1 large tree and 1 medium tree for each additional 400m<sup>2</sup> in excess of 1000m<sup>2</sup> <b>OR</b> 1 large tree for each additional 900m<sup>2</sup> in excess of 1000m<sup>2</sup> and small trees to suit area</td> </tr> </tbody> </table> <p><sup>1</sup> Minimum requirement for trees includes retained or new trees Refer Table 3.3b for tree sizes</p>	Site Area	Minimum deep soil area	Minimum requirement for trees <sup>1</sup>	Less than 700m <sup>2</sup>	10%	1 medium tree and small trees to suit area	700 – 1,000m <sup>2</sup>	2 medium trees <b>OR</b> 1 large tree and small trees to suit area	> 1,000m <sup>2</sup>	7% if existing tree(s) retained on site  (% site area)	1 large tree and 1 medium tree for each additional 400m <sup>2</sup> in excess of 1000m <sup>2</sup> <b>OR</b> 1 large tree for each additional 900m <sup>2</sup> in excess of 1000m <sup>2</sup> and small trees to suit area	<p>AO: 94.8m<sup>2</sup></p> <p>182.3m<sup>2</sup> deep soil area proposed / 948m<sup>2</sup> = 19% deep soil provided</p> <p>3 medium trees provided each with appropriate DSA and RSZ.</p>
Site Area	Minimum deep soil area	Minimum requirement for trees <sup>1</sup>										
Less than 700m <sup>2</sup>	10%	1 medium tree and small trees to suit area										
700 – 1,000m <sup>2</sup>		2 medium trees <b>OR</b> 1 large tree and small trees to suit area										
> 1,000m <sup>2</sup>	7% if existing tree(s) retained on site  (% site area)	1 large tree and 1 medium tree for each additional 400m <sup>2</sup> in excess of 1000m <sup>2</sup> <b>OR</b> 1 large tree for each additional 900m <sup>2</sup> in excess of 1000m <sup>2</sup> and small trees to suit area										

Table 3.3b Tree sizes							
Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided <sup>1</sup> (min 1m depth)	Indicative pot size at planting	
Small	4-6m	4-8m	9m <sup>2</sup>	2m	1m (DSA) + 1m (RSZ)	100L	
Medium	6-9m	8-12m	36m <sup>2</sup>	3m	2m (DSA) + 1m (RSZ)	200L	
Large	>9m	>12m	64m <sup>2</sup>	6m	4.5m (DSA) + 1.5m (RSZ)	500L	
<sup>1</sup> Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.							
<b>A3.3.5</b> – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.							
AO: x2 medium trees  3 x medium trees provided							
<b>A3.3.6</b> – The extent of permeable paving or decking within a deep soil area does not exceed 20 per cent of its area and does not inhibit the planting and growth of trees.							
2.7% permeable paving or decking within deep soil zone.							
<b>A3.3.7</b> – Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.							
In addition to achieving AO deep soil, the application proposes approximately 7.2m <sup>2</sup> of on-structure planting.							
LOCAL PLANNING FRAMEWORK			REQUIREMENT				
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>			<b>Tree Canopy and Deep Soil Areas</b>				
			DG 1.3 To limit visual privacy concerns, the City encourages the use of landscape screening.			<ul style="list-style-type: none"> <li>Landscaping screening not used.</li> </ul>	
			DG 1.4 Deep soil areas should be consolidated in the front and rear setback areas of the subject site. Larger portions of deep soil area, which are appropriately dimensioned to support retention and provision of trees are preferred, and are considered more effective, rather than multiple small portions of deep soil area.			<ul style="list-style-type: none"> <li>Deep soil areas are predominantly located in the front and rear setback of the subject site. Deep soil is consolidated into three separate areas, particularly at the front.</li> </ul>	
			DG 1.5 Deep soil areas are to be located against the parent lot side boundaries wherever possible			<ul style="list-style-type: none"> <li>Deep soil areas are generally located to the northern and eastern parent lot boundaries.</li> </ul>	
			DG 1.6 Where balconies are proposed which have views towards adjoining site/s, planting on structure is to			<ul style="list-style-type: none"> <li>Planters used to partially restrict the view of the ground floor outdoor living areas.</li> </ul>	

	be provided at the edge of the balcony to restrict the downward cone of vision.	
	DG 1.7 Where a tree is proposed within the street setback area, the minimum tree planting area for that tree may project into the verge, subject to a landscaping plan being provided which demonstrates that any impervious surfaces within the verge will not inhibit the growth of the tree	<ul style="list-style-type: none"> <li>Verge details not provided on landscaping plan.</li> </ul>

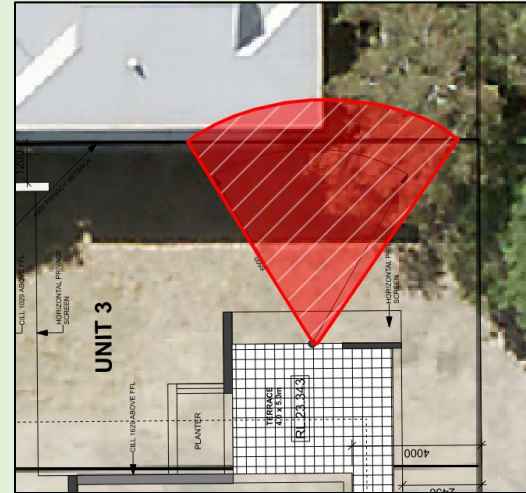
ELEMENT 3.4		COMMUNAL OPEN SPACE	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.4.1</b> – Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.	N/A	<b>Objective achieved</b> An ample amount of landscaping has been provided on site, the majority of which is located within the two, ground floor lots. Some landscaping features along the communal pedestrian entrance. This is appropriate for the scale of the development.	
<b>O3.4.2</b> – Communal open space is safe, universally accessible and provides a high level of amenity for residents.	N/A	<b>Objective achieved</b> The communal pedestrian entrance and drying area is at grade and accessible from the street or the lobby behind a secure gate where necessary.	
<b>O3.4.3</b> – Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.	N/A	<b>Objective achieved</b> The communal spaces are located at ground floor and are sufficiently separated from the units. 2.0m high walls and the width of the driveway separate Unit 2 from the communal space.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
<b>A3.4.1</b> – Developments include communal open space in accordance with Table 3.4		No communal outdoor living area provided. Outdoor communal drying area is provided.	

Table 3.4 Provision of communal open space			
Development size	Overall communal open space requirement	Minimum accessible / hard landscape area (included in overall area requirement)	Minimum open space dimension
Up to 10 dwellings	Informal seating associated with deep soil or other landscaped areas	NA	NA
More than 10 dwellings	Total: 6m <sup>2</sup> per dwelling up to maximum 300m <sup>2</sup>	At least 2m <sup>2</sup> per dwelling up to 100m <sup>2</sup>	4m
<b>A3.4.2</b> – Communal open space located on the ground floor or on floors serviced by lifts must be accessible from the primary street entry of the development.			N/A
<b>A3.4.3</b> – There is 50 per cent direct sunlight to at least one communal open space area for a minimum of two hours between 9am and 3pm on 21 June			N/A
<b>A3.4.4</b> – Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.			N/A
<b>A3.4.5</b> – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.			N/A
<b>A3.4.6</b> – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.			N/A
<b>A3.4.7</b> – Communal open space is designed and oriented to minimise the impacts of noise, odour, light-spill and overlooking on the habitable rooms and private open spaces within the site and of neighbouring properties.			N/A

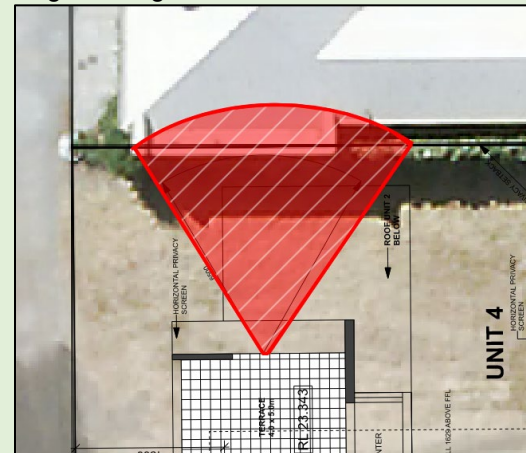
ELEMENT 3.5		VISUAL PRIVACY	
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT	
<i>Development is to achieve the following Element Objectives</i>	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>		
<b>O3.5.1</b> – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.	The building has been designed to prevent overlooking into neighbouring properties by providing adequate distance from boundaries and through the provision of privacy screening. Privacy screening is also provided to prevent	<b>Objective achieved</b> As the site is relatively flat, all major openings on the ground floor will be screened by existing or proposed dividing fencing and boundary walls which will prevent direct overlooking of adjoining properties. The overlooking from the balconies on the upper floor is minimised as: <ul style="list-style-type: none"> <li>The balconies are setback adequately at 6.3m to maintain a reasonable distance from adjoining properties.</li> </ul>	

first floor overlooking into the ground floor areas.

- The Unit 3 balcony overlooks the boundary wall and front setback area of the adjoining property and avoids overlooking the northern outdoor living area on the neighbouring lot.



- The Unit 4 balcony overlooks the boundary wall and roof of the adjoining property and avoids overlooking the northern outdoor living areas on the neighbouring lot.



**ACCEPTABLE OUTCOMES**

Acceptable Outcome pathway may not be applicable where a performance solution is provided

**A3.5.1** – Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.

Unit 1  
 Bed 1 (North) – 1.1m  
 Alfresco (North) – 5.4m  
 Kitchen (South) – 5.1m

Unit 2

Table 3.5 Required privacy setback to adjoining sites			
Cone of vision from unscreened:	First 4 storeys		5th storey and above
	Adjoining sites coded R50 or lower	Adjoining sites coded higher than R50	
Major opening to bedroom, study and open access walkways	4.5m	3m	Refer Table 2.7
Major openings to habitable rooms other than bedrooms and studies	6m	4.5m	
Unenclosed private outdoor spaces	7.5m	6m	

<p>Bed 1 (North) – 1.1m                  Alfresco (North) – 5.4m                  Living / Dining – 1.2m</p> <p><u>Unit 3</u>                  Balcony (North) – 6.3m                  Bed 1 (North) – 4.5m</p> <p><u>Unit 4</u>                  Balcony (North) – 6.3m                  Bed 1 (North) – 4.5m</p>
<p><b>A3.5.2</b> – Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).</p> <p><u>Unit 4</u>                  15.4m / 31.9m = 48.2% unscreened.</p> <p><u>Unit 3</u>                  14.95m / 28.4m = 52.6% unscreened.</p>
<p><b>A3.5.3</b> - Living rooms have an external outlook from at least one major opening that is not obscured by a screen.</p> <p><u>Unit 1</u>                  Living room has unobscured view.</p> <p><u>Unit 2</u>                  Living room has unobscured view.</p> <p><u>Unit 3</u>                  Living room has unobscured view to the unscreened portion of balcony.</p> <p><u>Unit 4</u>                  Living room has unobscured view to the unscreened portion of balcony.</p>
<p><b>A3.5.4</b> – Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.</p> <p>Almost all windows on the upper floor rely on horizontal screening. Half of the windows on the upper floor are highlight windows.</p>

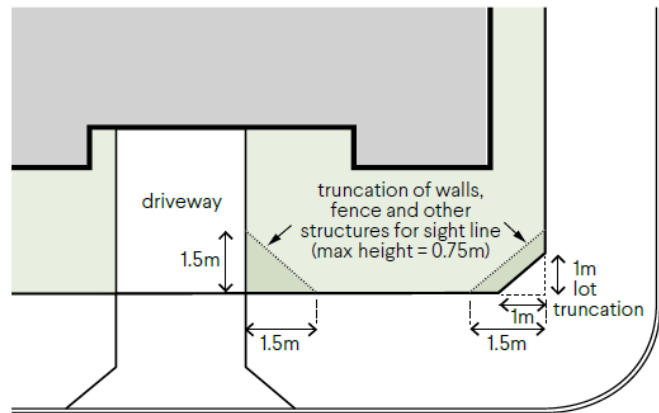
<b>ELEMENT 3.6</b>	<b>PUBLIC DOMAIN INTERFACE</b>		
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>	

	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.6.1</b> – The transition between the private and public domain enhances the privacy and safety of residents.	Ground floor fencing, landscaping and a secure communal entrance enhances privacy and safety for residents.	<b>Objective achieved</b> There is a clear separation between the public and private domains reinforced by the visually permeable front fence, and the proposal provides a sufficient level of privacy and safety for residents. Balconies overlook the public domain and provide for adequate passive surveillance. The bin store area, communal clothes drying area and car park are setback from the main pedestrian entry and located behind a secure gate.
<b>O3.6.2</b> – Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.	Landscaping along with an open steel security fence provides sufficient privacy and a safe transition between public and private space.	<b>Objective achieved</b> The development interacts with the street and provides an active frontage via the main residential entry. The front setback area is well landscaped to provide shade and enhance the amenity and visual appeal of the development.
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A3.6.1 – The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard.		Ground floor unit 1 does not have direct access from the street.
A3.6.2 – Car-parking is not located within the primary street setback; and where car parking is located at ground level behind the street setback it is designed to integrate with landscaping and the building façade (where part of the building).		Car parking is not located within primary street setback.
A3.6.3 – Upper level balconies and/or windows overlook the street and public domain areas.		Unit 1 upper floor balcony overlooks the street.
A3.6.4 – Balustrading includes a mix of visually opaque and visually permeable materials to provide residents with privacy while maintaining casual surveillance of adjoining public domain areas.		2 different materials/designs are used for the balustrading of the unit 1 upper floor balcony.
A3.6.5 – Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.		Change in level between the street and the front garden is a maximum of 0.2m.
A3.6.6 – Front fencing includes visually permeable materials above 1.2m and the average height of solid walls or fences to the street does not exceed 1.2m.		Solid portion of fence is maximum 0.5m in height.
A3.6.7 – Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.		Little to no opportunity for concealment.
A3.6.8 – Bins are not located within the primary street setback or in locations visible from the primary street.		Bins are located within the site in a bin enclosure.
A3.6.9 – Services and utilities that are located in the primary street setback are integrated into the design of the development and do not detract from the amenity and visual appearance of the street frontage. <sup>1</sup>		Utilities are located in the primary street setback area and are integrated into the front fence design.
<small>(1) Firefighting and access to services such as power and water meters require careful consideration in the design of the front façade. Consult early with relevant authorities to resolve functional requirements in an integrated design solution.</small>		

ELEMENT 3.7		PEDESTRIAN ACCESS AND ENTRIES	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.7.1</b> – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.	A pedestrian entry is simple to identify since it is the only access point onto the site from the street. There is a direct line of site from the street to the front entry lobby adding to the feeling of safety.	<b>Objective achieved</b> The entry pathway is directly accessible from the street, easy to identify, and is safe for residents and visitors. The vehicle entry point from the laneway is distinctly separate from the pedestrian entry so there is no opportunity for pedestrian and vehicles to conflict. The pedestrian entry is at-grade and step-free and the entry experience will be safe and easily navigable.	
<b>O3.7.2</b> – Entries to the development connect to and address the public domain with an attractive street presence.	A landscaped pathway connects the entry lobby with the street. Since there is no vehicle entry from Alexander road, the entry walkway is clear, direct and simple to negotiate being essentially a direct line at constant grade from the street.	<b>Objective achieved</b> Entry to the building connects directly to the public realm with an attractive street presence and an active frontage via the balcony and visually permeable fence. The pedestrian entry provides a straight path to the building without opportunities for concealment and is landscaped. The lobby space is enclosed and protected from the elements.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
<b>A3.7.1</b> – Pedestrian entries are connected via a legible, well-defined, continuous path of travel to building access areas such as lift lobbies, stairs, accessways and individual dwelling entries.		The pedestrian entry pathway leads directly to lobby door.	
<b>A3.7.2</b> – Pedestrian entries are protected from the weather.		Pedestrian entry path is largely uncovered.	
<b>A3.7.3</b> – Pedestrian entries are well-lit for safety and amenity, visible from the public domain without opportunity for concealment, and designed to enable casual surveillance of the entry from within the site.		Pedestrian entry path does not seem to include lighting when dark. The entry is visible from the public domain. Casual surveillance from within the site is likely possible from the lobby but not from individual units.	
<b>A3.7.4</b> – Where pedestrian access is via a shared zone with vehicles, the pedestrian path is clearly delineated and/or measures are incorporated to prioritise the pedestrian and constrain vehicle speed.		N/A	
<b>A3.7.5</b> – Services and utilities that are located at the pedestrian entry are integrated into the design and do not detract from the amenity of the entry.		Service locations are unclear.	
<b>A3.7.6</b> – Bins are not located at the primary pedestrian entry.		Bin storage is internal to the site and outside of the pedestrian entry.	

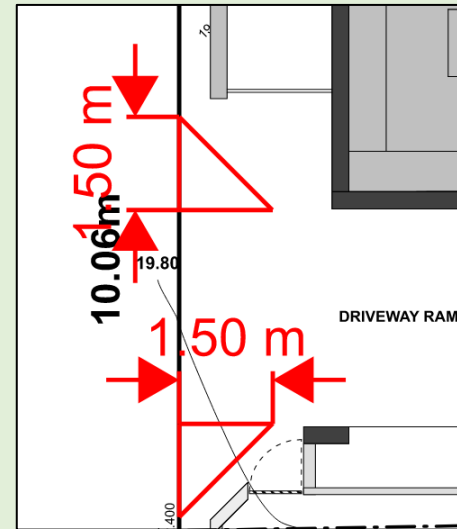
ELEMENT 3.8		VEHICLE ACCESS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.8.1</b> – Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.	Vehicle access through Shrike lane minimises interaction with pedestrians, cyclists and other vehicles. Laneway access also takes vehicular pressure from Alexander Road.	<b>Objective achieved</b> The development proposes one 4.5m wide vehicle access point to the west of the site from the Shrike Lane. This is distinctly separated from the pedestrian access to avoid potential conflict.	
<b>O3.8.2</b> – Vehicle access points are designed and located to reduce visual impact on the streetscape.	Vehicle access is at the rear of the site via Shrike lane.	<b>Objective achieved</b> The vehicle access point is located on the rear laneway. This removes crossovers and associated paving from Alexander Road and provides more opportunity for verge landscaping.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
<b>A3.8.1</b> – Vehicle access is limited to one opening per 20m street frontage that is visible from the street.		One vehicle entry on the Shrike lane frontage.	
<b>A3.8.2</b> – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.		The vehicle entry is clear from Shrike Lane.	
<b>A3.8.3</b> – Vehicle entries have adequate separation from street intersections.		The vehicle entry is almost directly in front of the intersection of two laneways.	
<b>A3.8.4</b> – Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.		Vehicle circulation areas are mostly in the basement and the ramp does not allow light to enter a private dwelling.	
<b>A3.8.5</b> – Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.		Driveway is approximately 3.5m in width.	
<b>A3.8.6</b> – Driveways designed for two way access to allow for vehicles to enter the street in forward gear where: <ul style="list-style-type: none"> <li>- the driveway serves more than 10 dwellings</li> <li>- the distance from an on-site car parking to the street is 15m or more</li> </ul> <b>OR</b> the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.		Distance to the car parking area from the street is 15.5m.  Two way access is not provided.	

**A3.8.7** – Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer Figure 3.8a).



**Figure 3.8a** Truncation at street corner to provide sightlines (refer A3.8.7).

Sight lines area is clear.



**ELEMENT 3.9 CAR AND BICYCLE PARKING**

ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<p><i>Development is to achieve the following Element Objectives</i></p>	<p><i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p>	
<p><b>O3.9.1</b> – Parking and facilities are provided for cyclists and other modes of transport.</p>	<p>Car and bicycle parking is provided in the basement. 2 car bays per unit + 1 visitor car bay provided. 4 bicycle bays provided.</p>	<p><b>Objective achieved subject to Condition</b> A total of 4 vertical bicycle parking spaces are provided (one for each dwelling).</p>
<p><b>O3.9.2</b> – Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.</p>	<p>Carpark entry does not interfere with public or private transport networks.</p>	<p><b>Objective achieved</b> The application proposed 9 car bays, inclusive of 1 visitor bay, which achieves the acceptable outcome. The site is located approximately 75m north of Waratah Avenue, where a variety of bus routes serving a range of destinations are available.</p>
<p><b>O3.9.3</b> – Car parking is designed to be safe and accessible.</p>	<p>Carparking is compliant with AS2890.1</p>	<p><b>Objective achieved</b> The proposal internal circulation and car parking areas are safe and accessible as the car parking spaces and aisle widths meet the Australian Standards.</p>

		The applicant has <a href="#">demonstrated</a> that the access ramp to the basement car park is safe for vehicles as cars will not ‘bottom out’ when entering or exiting the development.
<b>O3.9.4</b> – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.	Carparking is off rear laneway and therefore has no visual or environmental impact of streetscape.	<b>Objective achieved</b> The car parking area is adequately screened from view from the street as it located underground. The vehicle access point located and only visible from the rear laneway.

**ACCEPTABLE OUTCOMES**  
*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

<p><b>A3.9.1</b> – Secure, undercover bicycle parking is provided in accordance with Table 3.9 and accessed via a continuous path of travel from the vehicle or cycle entry point.</p> <p><b>Table 3.9</b> Parking ratio</p> <table border="1" data-bbox="100 523 1209 829"> <thead> <tr> <th colspan="2">Parking types</th> <th>Location A</th> <th>Location B</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Car parking<sup>1</sup></td> <td>1 bedroom dwellings</td> <td>0.75 bay per dwelling</td> <td>1 bay per dwelling</td> </tr> <tr> <td>2+ bedroom dwellings</td> <td>1 bay per dwelling</td> <td>1.25 bays per dwelling</td> </tr> <tr> <td>Visitor</td> <td colspan="2">1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above</td> </tr> <tr> <td rowspan="2">Bicycle parking<sup>1</sup></td> <td>Resident</td> <td colspan="2">0.5 space per dwelling</td> </tr> <tr> <td>Visitor</td> <td colspan="2">1 space per 10 dwellings</td> </tr> <tr> <td>Motorcycle/ Scooter parking<sup>2</sup></td> <td colspan="3">Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays</td> </tr> </tbody> </table> <p><sup>1</sup> Calculations of parking ratios shall be rounded up to the next whole number. <sup>2</sup> For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.</p> <p><b>Definitions:</b> <b>Location A:</b> within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre. <b>Location B:</b> not within Location A.</p>	Parking types		Location A	Location B	Car parking <sup>1</sup>	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling	Visitor	1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above		Bicycle parking <sup>1</sup>	Resident	0.5 space per dwelling		Visitor	1 space per 10 dwellings		Motorcycle/ Scooter parking <sup>2</sup>	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays			<p>AO: 3 bicycle spaces.</p> <p>Proposed: 4 bicycle parking spaces are provided.</p>
Parking types		Location A	Location B																							
Car parking <sup>1</sup>	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling																							
	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling																							
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<p><b>A3.9.2</b> – Parking is provided for cars and motorcycles in accordance with Table 3.9.</p>	<p>AO: 5 resident bays, 1 visitor bay Proposed: 8 resident bays. 1 visitor bay.</p>																									
<p><b>A3.9.3</b> – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9.</p>	<p>Under 10 resident bays are provided.</p>																									
<p><b>A3.9.4</b> – Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.</p>	<p>Ramp gradient is too steep for the first 6 metres of the ramp and does not meet AS2890.1.</p> <p>The vehicle parking bays satisfy the AS2890.1</p>																									
<p><b>A3.9.5</b> – Car parking areas are not located within the street setback and are not visually prominent from the street.</p>	<p>No car parking is proposed in the street setback area or is visible from the street.</p>																									
<p><b>A3.9.6</b> – Car parking is designed, landscaped or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.</p>	<p>Car parking is underground and not visible from the dwelling or outdoor living areas.</p>																									

<b>A3.9.7</b> – Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.	Visitor bay will be marked and signed.
<b>A3.9.8</b> – Parking shade structures, where used, integrate with and complement the overall building design and site aesthetics and have a low reflectance to avoid glare into apartments.	N/A
<b>A3.9.9</b> – Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.	N/A no at grade parking.
<b>A3.9.10</b> – Basement parking does not protrude more than 1m above ground, and where it protrudes above ground is designed or screened to prevent negative visual impact on the streetscape.	Basement parking does not protrude above ground.

ELEMENT 4.1 SOLAR AND DAYLIGHT ACCESS – Climate zone 5		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.1.1</b> – In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.	Solar access diagram provided shows that every habitable room allows a minimum of 2 hours of direct sunlight between 9am and 3pm on the 21st June. Indoor and outdoor living spaces, normally occupied during daylight hours, have far more direct light penetration than 2 hours	<b>Objective achieved</b> The proposal is designed to optimise all dwellings receiving as much winter sunlight as possible. The site is located in climate zone 5. The development comprises 4 multiple dwellings, all of which are oriented to have living areas and outdoor living areas that are provided with at least 3 hours of direct sunlight between 9am and 3pm on 21 June. All units are dual aspect and habitable rooms have operable windows which achieve Acceptable Outcome A 4.1.2. No habitable rooms rely of lightwells as a source of light.
<b>O4.1.2</b> – Windows are designed and positioned to optimise daylight access for habitable rooms.	Living area windows are orientated to the north, optimising daylight access. Bedroom windows are orientated east and west allowing the required amount of direct sunlight penetration.	<b>Objective achieved</b> Windows to habitable rooms are designed and positioned in the development to optimise daylight access. All habitable rooms in each dwelling have windows that provide daylight access, and no rooms rely on light wells as a form of daylight access.
<b>O4.1.3</b> – The development incorporates shading and glare control to minimise heat gain and glare: <ul style="list-style-type: none"> <li>– from mid-spring to autumn in climate zones 4, 5 and 6 <b>AND</b></li> <li>– year-round in climate zones 1 and 3.</li> </ul>	Shading is provided to east and west elevations. Shading is minimised on north elevations to maximise daylight penetration. Glare is reduced by the articulation of the building though solid and void elements, shading and	<b>Objective achieved</b> Horizontal privacy screens from the upper floor act as shading devices for the habitable spaces on the ground floor. The balconies on the upper floor are roofed to limit excessive direct sun exposure.

	overhang or floating elements	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.1.1</b> – In climate zones 4, 5 and 6 <u>only</u> : a) Dwellings with a northern aspect are maximised, with a minimum of 70 per cent of dwellings having living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June AND b) A maximum of 15 per cent of dwellings in a building receiving no direct sunlight between 9am and 3pm on 21 June.		a) All dwellings are north oriented. The ground floor dwellings and receive a minimum of 3 hours of direct sunlight between 9am and 3pm on 21 June. b) All dwellings are north oriented and receive direct sunlight between 9am and 3pm on 21 June.
<b>A4.1.2</b> – Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.		Unit 1 – achieved, minimum 50% glazing area to floor area in bed 3. Unit 2 - achieved, minimum 50% glazing area to floor area in bed 3 Unit 3 – achieved, minimum 32.8% glazing area to floor area in bed 3 Unit 4 - achieved, minimum 32.8% glazing area to floor area in bed 3
<b>A4.1.3</b> – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.		No habitable rooms rely on lightwells or skylights for primary source of daylight.
<b>A4.1.4</b> – The building is oriented and incorporates external shading devices in order to: – minimise direct sunlight to habitable rooms: ▪ between late September and early March in climate zones 4, 5 and 6 only <b>AND</b> ▪ in all seasons in climate zones 1 and 3 permit winter sun to habitable rooms in accordance with A 4.1.1 (a).		<ul style="list-style-type: none"> <li>Horizontal privacy screens also act to screen openings for the ground floor units (units 1 and 2)</li> <li>Skillion roof overhang shades living/dining and bed 3 on upper floor.</li> </ul>

<b>ELEMENT 4.2</b>	<b>NATURAL VENTILATION</b>	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.2.1</b> – Development maximises the number of apartments with natural ventilation.	A shallow building depth encourages natural ventilation and cross	<b>Objective achieved</b> The development maximises natural ventilation. The proposal exceeds acceptable outcome A2.2.2 in that 100% of apartments are dual aspect with openings on more than one elevation.

	ventilation through each apartment	
<b>O4.2.2</b> – Individual dwellings are designed to optimise natural ventilation of habitable rooms.	All apartments receive natural ventilation by the provision of large external windows to every habitable room.	<b>Objective achieved</b> All habitable rooms have openings which are of an adequate size to facilitate natural ventilation. No habitable rooms rely on light wells as a source for air.
<b>O4.2.3</b> – Single aspect apartments are designed to maximise and benefit from natural ventilation.	N/A	N/A – no single aspect apartments proposed.
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.2.1</b> – Habitable rooms have openings on at least two walls with a straight line distance between the centre of the openings of at least 2.1m.		<u>Unit 1 and 2</u> Kitchen / Living / Dining space has openings on at least two walls at least 2.1m apart, Bedrooms only feature one opening. <u>Unit 3 and 4</u> Kitchen / Living / Dining space and Bed 1 has openings on at least two walls at least 2.1m apart. Bedrooms 2 and 3 feature only one opening.
<b>A4.2.2</b> – (a) A minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated in the first nine storeys of the building Single aspect apartments included within the 60 per cent minimum at (a) above must have: <ul style="list-style-type: none"> <li>▪ ventilation openings oriented between 45° – 90° of the prevailing cooling wind direction <b>AND</b></li> <li>▪ room depth no greater than 3 × ceiling height</li> </ul> (a) For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings.		a) All apartments are capable of natural cross-ventilation b) No single aspect apartments. c) 2 storey maximum.
<b>A4.2.3</b> – The depth of cross-over and cross-through apartments with openings at either end and no openings on side walls does not exceed 20m.		Each cross-through apartment has openings on at least 3 sides.
<b>A4.2.4</b> – No habitable room relies on lightwells as the primary source of fresh-air.		No habitable room relies solely on skylight or lightwell.

<b>ELEMENT 4.3</b>	<b>SIZE AND LAYOUT OF DWELLINGS</b>	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	

<p><b>O4.3.1</b> – The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.</p>	<p>The size and proportion of each habitable room allows the logical layout of furniture. Rooms are spacious to allow flexibility of use. The number of apartments was reduced from 5 to 4 to allow more spaciousness</p>	<p><b>Objective achieved</b> All units are of an appropriate size and layout that allows functionality and flexibility appropriate to the expected number of occupants. The dwellings have been designed with open plan living spaces which are conveniently co-located with private open spaces.</p>
<p><b>O4.3.2</b> – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.</p>	<p>Ceiling heights are higher than average. - Ground floor to ceiling height 2.8m high - First floor to ceiling average 3m high Glazing is to the ceiling, thereby maximising light and ventilation access into habitable spaces.</p>	<p><b>Objective achieved</b> The proposed ceiling heights and room dimensions achieve acceptable outcomes A 4.3.1, A 4.3.2, and A 4.3.3 with the exception of a small portion of the kitchen in the upper floor units which features a ceiling height of 2.5m. This height is adequate and does not affect the functionality of the units. All units are well-proportioned to allow for access to sunlight and ventilation in every habitable room.</p>

**ACCEPTABLE OUTCOMES**  
*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

<p><b>A4.3.1</b> – Dwellings have a minimum internal floor area in accordance with Table 4.3a.</p> <p><b>Table 4.3a Minimum floor areas for dwelling types</b></p> <table border="1" data-bbox="107 801 645 1125"> <thead> <tr> <th>Dwelling type</th> <th>Minimum internal floor area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>37m<sup>2</sup></td> </tr> <tr> <td>1 bed</td> <td>47m<sup>2</sup></td> </tr> <tr> <td>2 bed × 1 bath<sup>1</sup></td> <td>67m<sup>2</sup></td> </tr> <tr> <td>3 bed × 1 bath<sup>1</sup></td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> <p><sup>1</sup>An additional 3m<sup>2</sup> shall be provided for designs that include a second or separate toilet, and 5m<sup>2</sup> for designs that include a second bathroom.</p>	Dwelling type	Minimum internal floor area	Studio	37m <sup>2</sup>	1 bed	47m <sup>2</sup>	2 bed × 1 bath <sup>1</sup>	67m <sup>2</sup>	3 bed × 1 bath <sup>1</sup>	90m <sup>2</sup>	<p>AO: 95m<sup>2</sup></p> <p>Unit 1: 195m<sup>2</sup></p> <p>Unit 2: 196m<sup>2</sup></p> <p>Unit 3: 183m<sup>2</sup></p> <p>Unit 4: 183m<sup>2</sup></p>
Dwelling type	Minimum internal floor area										
Studio	37m <sup>2</sup>										
1 bed	47m <sup>2</sup>										
2 bed × 1 bath <sup>1</sup>	67m <sup>2</sup>										
3 bed × 1 bath <sup>1</sup>	90m <sup>2</sup>										
<p><b>A4.3.2</b> – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.</p>	<p>All habitable spaces satisfy the minimum internal dimensions and floor area in each dwelling.</p>										

Table 4.3b Minimum floor areas and dimensions for habitable rooms		
Habitable room type	Minimum internal floor area	Minimum internal dimension
Master bedroom	10m <sup>2</sup>	3m
Other bedrooms	9m <sup>2</sup>	3m
Living room – studio and 1 bed apartments	N/A	3.6m
Living room – other dwelling types	N/A	4m
¹ Excluding robes		

<p><b>A4.3.3</b> – Measured from the finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>- Habitable rooms – 2.7m</li> <li>- Non-habitable rooms – 2.4m</li> <li>- All other ceilings meet or exceed the requirements of the NCC.</li> </ul>	<p><u>Units 1 and 2</u> Habitable rooms: 2.8m Non-habitable rooms: 2.8m</p> <p><u>Units 3 and 4</u> Habitable rooms: 2.5m (skillion roof creates sloped ceiling that is a minimum of 2.5m) Non-habitable: 2.8m</p>
<p><b>A4.3.4</b> – The length of a single aspect open plan living area is equal to or less than 3 x the ceiling height. An additional 1.8m length may be provided for a kitchen, where the kitchen is the furthest point from the window in an open plan living area provided that the maximum length does not exceed 9m.</p>	<p>Living areas are not single aspect.</p>

ELEMENT 4.4 PRIVATE OPEN SPACE AND BALCONIES	
ELEMENT OBJECTIVES	ASSESSOR COMMENT
<p><i>Development is to achieve the following Element Objectives</i></p>	<p><i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p>
<p><b>O4.4.1</b> – Dwellings have good access to appropriately sized private open space that enhances residential amenity.</p>	<p><b>Objective achieved</b> All apartments are provided with balconies or outdoor living spaces which meet or exceed the minimum area and dimensions recommended in acceptable outcome A4.4.1. The private open spaces are appropriately sized to enhance residential amenity.</p>

<p><b>O4.4.2</b> – Private open space is sited, oriented and designed to enhance liveability for residents.</p>	<p>Access to private open space is via internal living/dining areas, providing a logical transition to the outside</p>	<p><b>Objective achieved</b> Private open space for each dwelling is north-oriented and accessible from the primary living space of each apartment. The private open space for each dwellings exceeds the minimum area and dimensions recommended in acceptable outcome A4.4.1.</p>
<p><b>O4.4.3</b> – Private open space and balconies are integrated into the overall architectural form and detail of the building.</p>	<p>Private open spaces have helped to determined architectural form. First floor balconies and ground floor alfresco areas arranged in a courtyard like plan, have helped to influence and articulate building form</p>	<p><b>Objective achieved</b> The private open space for the units comprises balconies or ground floor yards and alfresco areas which are well-sized and appropriately located. All balconies are adequately integrated into the architectural form and detail of the building.</p>

**ACCEPTABLE OUTCOMES**  
*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

<p><b>A4.4.1</b> – Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.</p>	<p>Unit 1: 70m<sup>2</sup> / 6.3m Unit 2: 70m<sup>2</sup> / 6.3m Unit 3: 28.4m<sup>2</sup> / 1.3m (a minimum of 12m is provided with minimum dimension) Unit 4: 31.6m<sup>2</sup> / 1.3m (a minimum of 12m is provided with minimum dimension)</p>																
<p><b>Table 4.4</b> Private open space requirements</p> <table border="1" data-bbox="98 715 1084 906"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area<sup>1</sup></th> <th>Minimum Dimension<sup>1</sup></th> </tr> </thead> <tbody> <tr> <td>Studio apartment + 1 bedroom</td> <td>8m<sup>2</sup></td> <td>2.0m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2.4m</td> </tr> <tr> <td>3 bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> <tr> <td>Ground floor / apartment with a terrace</td> <td>15m<sup>2</sup></td> <td>3m</td> </tr> </tbody> </table> <p><sup>1</sup> Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.</p>	Dwelling type	Minimum Area <sup>1</sup>	Minimum Dimension <sup>1</sup>	Studio apartment + 1 bedroom	8m <sup>2</sup>	2.0m	2 bedroom	10m <sup>2</sup>	2.4m	3 bedroom	12m <sup>2</sup>	2.4m	Ground floor / apartment with a terrace	15m <sup>2</sup>	3m		
Dwelling type	Minimum Area <sup>1</sup>	Minimum Dimension <sup>1</sup>															
Studio apartment + 1 bedroom	8m <sup>2</sup>	2.0m															
2 bedroom	10m <sup>2</sup>	2.4m															
3 bedroom	12m <sup>2</sup>	2.4m															
Ground floor / apartment with a terrace	15m <sup>2</sup>	3m															
<p><b>A4.4.2</b> – Where private open space requires screening to achieve visual privacy requirements, the entire open space is not screened and any screening is designed such that it does not obscure the outlook from adjacent living rooms.</p>	<p>Unit 3 and 4 balconies have privacy screening that is low or does not extend for the entire length of the balcony.</p>																
<p><b>A4.4.3</b> – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.</p>	<p>Landscaping and materials of terraces and balconies complements building design.</p>																
<p><b>A4.4.4</b> – Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.</p>	<p>No services or fixtures in private open space.</p>																

<p><b>ELEMENT 4.5</b></p>	<p><b>CIRCULATION AND COMMON SPACES</b></p>		
<p><b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i></p>	<p><b>APPLICANT COMMENT</b></p>	<p><b>ASSESSOR COMMENT</b></p>	

*Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.*

<p><b>O4.5.1</b> – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.</p>	<p>Circulation spaces are generous to allow comfortable access for all visitors. The simple open planning of living areas together with linear corridors provides minimal disturbance moving through the apartments.</p>	<p><b>Objective achieved</b> The enclosed communal circulation space is a minimum of 1.2m in width. This is an adequate dimension and will not negatively impact on safety or accessibility for residents and visitors.</p>
<p><b>O4.5.2</b> – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.</p>	<p>The experience of moving through common circulation spaces is enhanced by: - the use of full height clear glass windows and doorways in the main entrance, allowing an uninterrupted view through to garden areas. - roof lights over the common lift/stair well allow daylight to filter down to the floors below. The main entry walkway is a direct logical approach for visitors entering from Alexander road.</p>	<p><b>Objective achieved</b> The ground floor lobby space features a floor to ceiling glass wall to allow ample natural sunlight. The upper floor circulation space features a highlight window to permit natural light.</p>
<p><b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p><b>A4.5.1</b> – Circulation corridors are a minimum 1.5m in width.</p>	<p>Staircase is 1.2m in width</p>	
<p><b>A4.5.2</b> – Circulation and common spaces are designed for universal access.</p>	<p>Lift is included and it would appear that the entrance path to the lobby is sloped and there is a small level change that is probably not able to be mounted by a wheelchair</p>	
<p><b>A4.5.3</b> – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.</p>	<p>Circulation spaces have windows that look onto entrance paths and have limited opportunities for concealment.</p>	
<p><b>A4.5.4</b> – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.</p>	<p>Circulation area avoids light spill into habitable rooms.</p>	
<p><b>A4.5.5</b> – Bedroom windows and major openings to living rooms do not open directly onto circulation or common spaces and are designed to ensure visual privacy and manage noise intrusion.</p>	<p>Habitable rooms do not have windows or doors that open onto circulation areas.</p>	

**ELEMENT 4.6 STORAGE**

ELEMENT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT																		
<i>Development is to achieve the following Element Objectives</i>		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>																			
<b>O4.6.1</b> – Well-designed, functional and conveniently located storage is provided for each dwelling.	Individual storage units in the basement carpark provide adequate storage for each apartment.	<b>Objective achieved</b> Each dwelling has exclusive use of a separate, weatherproof, bulky goods storage area which exceeds the dimensions set out in Table 4.6. The storerooms are adequately integrated and located in the basement car park so as not to be visible from the public realm.																			
ACCEPTABLE OUTCOMES																					
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>																					
<b>A4.6.1</b> – Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6.		Each unit has a separate, secure storage space with the following dimensions:  Area: 10.2m <sup>2</sup>  Minimum dimension: 1.7m <sup>2</sup>  Minimum height: 2.6m <sup>2</sup>																			
<p><b>Table 4.6 Storage requirements</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Dwelling type</th> <th style="width: 15%;">Storage area<sup>1</sup></th> <th style="width: 15%;">Minimum dimension<sup>1</sup></th> <th style="width: 15%;">Minimum height<sup>1</sup></th> </tr> </thead> <tbody> <tr> <td>Studio dwelling</td> <td>3m<sup>2</sup></td> <td rowspan="4" style="text-align: center; vertical-align: middle;">1.5m</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">2.1m</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>3m<sup>2</sup></td> </tr> <tr> <td>2 bedroom dwellings</td> <td>4m<sup>2</sup></td> </tr> <tr> <td>3 bedroom dwellings</td> <td>5m<sup>2</sup></td> </tr> <tr> <td colspan="4" style="font-size: small;"><sup>1</sup> Dimensions exclusive of services and plant.</td> </tr> </tbody> </table>		Dwelling type	Storage area <sup>1</sup>	Minimum dimension <sup>1</sup>	Minimum height <sup>1</sup>	Studio dwelling	3m <sup>2</sup>	1.5m	2.1m	1 bedroom dwelling	3m <sup>2</sup>	2 bedroom dwellings	4m <sup>2</sup>	3 bedroom dwellings	5m <sup>2</sup>	<sup>1</sup> Dimensions exclusive of services and plant.					
Dwelling type	Storage area <sup>1</sup>	Minimum dimension <sup>1</sup>	Minimum height <sup>1</sup>																		
Studio dwelling	3m <sup>2</sup>	1.5m	2.1m																		
1 bedroom dwelling	3m <sup>2</sup>																				
2 bedroom dwellings	4m <sup>2</sup>																				
3 bedroom dwellings	5m <sup>2</sup>																				
<sup>1</sup> Dimensions exclusive of services and plant.																					
<b>A4.6.2</b> – Bulky good stores that are not directly accessible from the dwelling/private open space are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance.		Storerooms are conveniently located, safe, well-lit, secure and subject to passive surveillance by residents and visitors parking vehicle or bikes.																			
<b>A4.6.3</b> – Storage provided separately from dwellings or within or adjacent to private open space <sup>1</sup> , is integrated into the design of the building or open space and is not readily visible from the public domain.		All storerooms are provided separately from dwellings. The storerooms are located in the accessible basement parking area and are not readily visible from the public domain.																			

ELEMENT 4.7	MANAGING THE IMPACT OF NOISE		
<b>ELEMENT OBJECTIVES</b>			
<i>Development is to achieve the following Element Objectives</i>	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>		

<p><b>O4.7.1</b> – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.</p>	<p>Living and bedroom spaces are predominantly inward looking and semi protected from building and planting. East facing bedrooms particularly are set well back from the street and separated by large landscaped areas. Rear apartments will not be affected by street traffic and are adjacent to a quiet laneway.</p>	<p><b>Objective achieved subject to condition</b> Potential noise sources within the development include the car park, bin store and air conditioning condenser unit area. These have been located as far away as practical from habitable spaces to minimise noise transfer. Should the development be approved, a condition is recommended to require a Noise Management Plan for the communal space prior to the issue of a building permit.</p>
<p><b>O4.7.2</b> – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.</p>	<p>The apartments are located on a reasonably quiet section of Alexander Road. Large landscaped areas help to absorb traffic noise. Bedroom areas are set well back into the site. First floor living areas have front overhangs to baffle street noise. Street side glazing in ground floor living area is broken up with solid elements</p>	<p><b>Objective achieved subject to condition</b> The development has been designed so that noise generating areas are generally separated from residential areas. The Acoustic Report provided demonstrates that the development can achieve compliance with the National Construction Code BCA and the Environmental Protection (Noise) Regulations 1997. Should the development be approved, the recommendations of the provided acoustic report should be incorporated into the development at building permit stage. It is noted that specific mechanical equipment has not been detailed.</p>
<p><b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p><b>A4.7.1</b> – Dwellings exceed the minimum requirements of the NCC, such as a rating under the AAAC Guideline for Apartment and Townhouse Acoustic Rating (or equivalent).</p>	<p><a href="#">Acoustic report</a> section 4.0 states that the development can achieve and exceed compliance with the National Construction Code BCA and the Environmental Protection (Noise) Regulations 1997.</p>	
<p><b>A4.7.2</b> – Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space and refuse bins are not located adjacent to the external wall of habitable rooms or within 3m of a window to a bedroom.</p>	<p>Most potential noise sources are adequately separated from habitable spaces, with the exception of the kitchen wall in unit 2 which is adjacent to the driveway.</p>	
<p><b>A4.7.3</b> – Major openings to habitable rooms are oriented away or shielded from external noise sources.</p>	<p>Major openings do not face onto external noise sources such as utilities areas or car parking areas. There is no communal open space.</p>	

<p><b>ELEMENT 4.8 DWELLING MIX</b></p>		
<p><b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i></p>	<p><b>APPLICANT COMMENT</b></p>	<p><b>ASSESSOR COMMENT</b></p>
<p><i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p>		

<p><b>O4.8.1</b> – A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.</p>	<p>It isn't practical or realistic to have a diverse range of dwelling types in a 4 unit development. However, with 2 units on the ground and 2 units in the air, it does give people the option to have the garden or a no garden option. It also allows people to choose between front and rear units. Between more interaction with the street or more seclusion at the rear.</p>	<p><b>Objective achieved</b> The development features 4 dwellings that are approximately the same size with the same amenity (3 bedrooms and 2 bathrooms). This is appropriate for the scale of the development and responds to community and social needs in that the dwellings offer the ability to age in place or the opportunity to live in a smaller dwelling than is typical for the Dalkeith area.</p>
<p><b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p><b>A4.8.1</b> –</p> <ul style="list-style-type: none"> <li>a) Dwelling mix is provided in accordance with the objectives, proportions or targets specified in a local housing strategy or relevant local planning instrument <b>OR</b></li> <li>b) Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers.</li> </ul>	<p>There is no adopted housing strategy in place. The development is less than 10 dwellings</p>	
<p><b>A4.8.2</b> – Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.</p>	<p>The development features the same dwelling type across all units.</p>	

<p><b>ELEMENT 4.9 UNIVERSAL DESIGN</b></p>		
<p><b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i></p>	<p><b>APPLICANT COMMENT</b></p>	<p><b>ASSESSOR COMMENT</b></p>
<p><b>O4.9.1</b> – Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.</p>	<p>The client and owner of the development is blind and therefore it was part of her brief that individual apartments be on one level. This relieves the necessity for stairs or internal lifts which is especially beneficial for people with disability or older people. Public access as well as open internal floor</p>	<p><b>Objective achieved subject to Condition</b> Via the inclusion of a lift, all dwellings are capable of achieving Silver Level requirements in line with the acceptable outcome with the inclusion of a hobless shower. A condition of approval is recommended to ensure this is adequately detailed prior to building permit.</p>

plan was also requested to ease mobility.

**ACCEPTABLE OUTCOMES**

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A4.9.1 –**

- a) 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) **OR**
- b) 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).

It is likely that all dwellings are capable of achieving Silver level requirements with the exception of a hobless shower recess.

[LHA Silver](#)

**ELEMENT 4.10 FAÇADE DESIGN**

**ELEMENT OBJECTIVES**

*Development is to achieve the following Element Objectives*

**APPLICANT COMMENT**

**ASSESSOR COMMENT**

*Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.*

**O4.10.1 –** Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.

The general character of the area from a design perspective is really fluid. Alexander Road alone has design examples representing every decade from the 1930's! - including mock federation, mock Georgian, mock Tuscan, mock Tudor, mock French provincial and of course mock Hamptons. Basically, it's anything goes. What is consistent is a general scale of housing along the street. The apartments have been designed in such a way as to appear as a single dwelling from Alexander Road – this is achieved by maintaining the general 2 storey height level and by articulating the plan by changing the depth of the building from the street.

**Objective Achieved**

The Alexander Road streetscape character is varied in terms of design and architecture.

The proposed building façade is a contemporary design finished in a smooth render. The design features a flat and skillion roof. The design largely complements the local area as it reflects other contemporary facades in close proximity – 4B Alexander Road, 7B Alexander Road and 8A Alexander Road directly across the street.

The façade design is supported by the City's Design Review Panel - "The architectural language is highly contemporary with limited diversity of materiality which is supported in principle" – DRP 13 June 2022 (Minutes)

<p><b>04.10.2</b> – Building façades express internal functions and provide visual interest when viewed from the public realm.</p>	<p>Full height glazing to main living area facades hints to the function behind. Bedrooms have less glazing and integrated privacy screening which differentiates the from the living areas</p>	<p><b>Objective achieved</b> The building form is clearly a residential development thereby successfully expressing the internal functions. The proposed façade design includes a balcony and visually permeable, domestic front fence.</p>
<p><b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p><b>A4.10.1</b> – Façade design includes:</p> <ul style="list-style-type: none"> <li>- scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm</li> <li>- rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.</li> </ul>		<p>The design is contemporary and partially complements the scale and character of the existing street.</p>
<p><b>A4.10.2</b> – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.</p>		<p>N/A - Less than four storeys.</p>
<p><b>A4.10.3</b> – The façade includes design elements that relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p>		<p>The façade features a height and roof design that complements the surrounding buildings with the exception of setback</p>
<p><b>A4.10.4</b> – Building services fixtures are integrated in the design of the façade and are not visually intrusive from the public realm.</p>		<p>Building services are perpendicular to the street and are not visually intrusive from the public realm.</p>
<p><b>A4.10.5</b> – Development with a primary setback of 1m or less to the street includes awnings that:</p> <ul style="list-style-type: none"> <li>- define and provide weather protection to entries</li> <li>- are integrated into the façade design</li> <li>- are consistent with the streetscape character.</li> </ul>		<p>Development is setback more than 1m from the primary street.</p>
<p><b>A4.10.6</b> – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.</p>		<p>Signage not provided.</p>

<p><b>ELEMENT 4.11 ROOF DESIGN</b></p>		
<p><b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i></p>	<p><b>APPLICANT COMMENT</b></p>	<p><b>ASSESSOR COMMENT</b></p>
<p><b>04.11.1</b> – Roof forms are well integrated into the building design and respond positively to the street.</p>	<p>The roof design is articulated through a combination of flat and skillion rooves. This is a</p>	<p><b>Objective achieved</b> The development proposes a combination skillion and flat roof form. The skillion roof is incorporated towards the south of the site to reduce the overshadowing to the</p>

	nod to both the older and more contemporary building in the area.	adjoining property. The proposed roof form is well integrated into the overall building design and is considered to positively contribute to the building and streetscape.
<b>O4.11.2</b> – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.	There are large areas on the roof for solar collectors. The skillion roof opens top storey apartments to northern light promoting a feeling of height and space. The skillion roof allows the southern setback wall from which it springs, to be lower than expected. By keeping this wall low, it allows more daylight to fall on the immediate neighbour to the south. The flat area of roof keeps the building height lower, reducing scale.	<b>Objective Achieved</b> The roof space incorporates an area for photo-voltaic solar panels to improve the sustainability of the development as well as light wells which provide natural light to internal, upper floor spaces.
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.11.1</b> – The roof form or top of building complements the façade design and desired streetscape character.		The roof design integrates with the façade design and responds to other contemporary designs in the street.
<b>A4.11.2</b> – Building services located on the roof are not visually obtrusive when viewed from the street.		Building services cannot be viewed from the roof.
<b>A4.11.3</b> – Useable roof space is safe for users and minimises overlooking and noise impacts on private open space and habitable rooms within the development and on adjoining sites.		N/A no useable roof space.

<b>ELEMENT 4.12 LANDSCAPE DESIGN</b>		
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.12.1</b> – Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.	Landscaping has been located in areas that will be visible from all habitable rooms. Large areas of deep soil will allow trees to thrive and grow up to and past roof level, so that they can be enjoyed by residents on the first floor level. Since building	<b>Objective achieved</b> The bulk of the landscaping is provided to the rear and eastern lot boundaries. The eastern landscaping to the street is provided both within and behind the front setback area consisting of small and medium trees, mulch, shrubbery, which adds greenery to the streetscape and provides an attractive outlook from habitable rooms. The proposal also includes minor on-structure planting adjacent to balconies.

	depth is low, and deep soil areas make up a significant width of street elevation, these large areas of vegetation will be highly noticeable and appreciated from the street. This is repeated at the rear of the site and although not noticeable from the street, is will be appreciated by occupants, neighbouring backyards and laneway users.	
<b>O4.12.2</b> – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.	Native species of plants have been selected for landscaping. Species are predominantly from the Karrakatta region for Perth and are therefore suited to this location.	<b>Objective achieved</b> Mostly native plants have been selected and landscaping designed by a landscape architect with appropriate consideration for orientation, exposure and site conditions.
<b>O4.12.3</b> – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.	Plants from the Karrakatta region have evolved to thrive in local soil and rainfall conditions and therefore will require less water and fertiliser for their survival.	<b>Objective achieved</b> The landscaping plan includes native, water wise species selection.
<b>O4.12.4</b> – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.	An organic landscape design is intended to contrast with the sharp lines of the building to bring each into higher relief. The intent of the landscaping is to have it as natural looking as possible, as if it has always been there	<b>Objective achieved</b> Landscaping is well integrated into the design of the development and built form.
<b>ACCEPTABLE OUTCOMES</b>		
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.12.1</b> – Submission of a landscape plan prepared by a competent landscape designer. This is to include a species list and irrigation plan demonstrating achievement of Waterwise design principles.		The landscaping plan has been prepared by APACE Natural Design and incorporates native plants to help achieve waterwise use.
<b>A4.12.2</b> – Landscaped areas are located and designed to support mature, shade-providing trees to open space and the public realm, and to improve the outlook and amenity to habitable rooms and open space areas.		Landscaped areas are adjacent to and integrated within outdoor living areas and includes medium trees that have shading potential upon maturity.

<p><b>A4.12.3</b> – Planting on building structures meets the requirements of Table 4.12.</p> <p><b>Table 4.12</b> Planting on structure: minimum soil standards for plant types and sizes</p> <table border="1"> <thead> <tr> <th>Plant type</th> <th>Definition</th> <th>Soil volume</th> <th>Soil depth</th> <th>Soil area</th> </tr> </thead> <tbody> <tr> <td>Large tree</td> <td>Over 12m high, crown spread at maturity</td> <td>76.8m<sup>3</sup></td> <td>1,200mm</td> <td>64m<sup>2</sup> with minimum dimension 7m</td> </tr> <tr> <td>Medium tree</td> <td>8-12m high, crown spread at maturity</td> <td>36m<sup>3</sup></td> <td>1,000mm</td> <td>36m<sup>2</sup> with minimum dimension 5m</td> </tr> <tr> <td>Small tree</td> <td>4-8m high, crown spread at maturity</td> <td>7.2m<sup>3</sup></td> <td>800mm</td> <td>3m × 3m</td> </tr> <tr> <td>Small ornamentals</td> <td>3-4m high, crown spread at maturity</td> <td>3.2m<sup>3</sup></td> <td>800mm</td> <td>2m × 2m</td> </tr> <tr> <td>Shrubs</td> <td>--</td> <td>--</td> <td>500-600mm</td> <td>--</td> </tr> <tr> <td>Ground cover</td> <td>--</td> <td>--</td> <td>300-450mm</td> <td>--</td> </tr> <tr> <td>Turf</td> <td>--</td> <td>--</td> <td>200mm</td> <td>--</td> </tr> </tbody> </table>					Plant type	Definition	Soil volume	Soil depth	Soil area	Large tree	Over 12m high, crown spread at maturity	76.8m <sup>3</sup>	1,200mm	64m <sup>2</sup> with minimum dimension 7m	Medium tree	8-12m high, crown spread at maturity	36m <sup>3</sup>	1,000mm	36m <sup>2</sup> with minimum dimension 5m	Small tree	4-8m high, crown spread at maturity	7.2m <sup>3</sup>	800mm	3m × 3m	Small ornamentals	3-4m high, crown spread at maturity	3.2m <sup>3</sup>	800mm	2m × 2m	Shrubs	--	--	500-600mm	--	Ground cover	--	--	300-450mm	--	Turf	--	--	200mm	--	<p>On structure planter boxes are likely 1m in depth.</p>
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<p><b>A4.12.4</b> – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.</p>					<p>Services are generally separate from the landscaped areas.</p>																																								

ELEMENT 4.15 ENERGY EFFICIENCY		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<p><i>Development is to achieve the following Element Objectives</i></p>	<p><i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p>	
<p><b>O4.15.1</b> – Reduce energy consumption and greenhouse gas emissions from the development.</p>	<p>Excluding future additional options, the building will include PV solar panels on roof, LED lighting and efficient heating and cooling options..</p>	<p><b>Objective achieved subject to Condition</b>                      An Energy Efficiency report by Kellet Design Group which demonstrates that all dwellings exceed the NATHERS requirement (5 stars) by 0.9 stars, and the overall average rating is 1 star above the average minimum NATHERS rating (6 stars). Further, additional energy efficiency initiatives have been implemented including solar PV panels and electric vehicle charging points.</p> <p>A condition of approval is recommended to ensure that the recommendations contained within the Kellet Design Group report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City.</p>
ACCEPTABLE OUTCOMES		
<p><i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p><b>A4.15.1</b> –</p> <p>a) Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) <b>OR</b></p> <p>b) All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.<sup>1</sup></p>	<p><a href="#">Thermal energy assessment</a> specifies that the development achieves a 5.9 star rating</p>	

Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.

<b>ELEMENT 4.16 WATER MANAGEMENT AND CONSERVATION</b>		
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.16.1</b> – Minimise potable water consumption throughout the development.	This information will be provided prior to construction.	<b>Objective achieved subject to Condition</b> The building has generally been designed to minimise water consumption. Waterwise landscaping is proposed. All tap fittings will have a 4 star <a href="#">WELS</a> rating. A condition of approval is recommended to ensure that the recommendations contained within the Kellet Design Group report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City.
<b>O4.16.2</b> – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	All stormwater will be managed on-site.	<b>Objective achieved</b> Stormwater runoff will be maintained on site.
<b>O4.16.3</b> – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	Stormwater tanks under basement carpark and within the vast area of deep soil planting, will manage any unusually high rainfall.	<b>Objective achieved subject to Condition</b> A standard condition will be imposed to contain water in case of 1 in 100 year storm event.
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.16.1</b> – Dwellings are individually metered for water usage.		Not indicated – can be conditioned
<b>A4.16.2</b> – Stormwater runoff generated from small rainfall events is managed on-site.		Soakwells indicated on landscaping plan. Further details to be provided at building permit stage.
<b>A4.16.3</b> – Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.		No overland flow path provided.

<b>ELEMENT 4.17 WASTE MANAGEMENT</b>		
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.17.1</b> – Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.	Waste bins will be stored in a dedicated area, at the rear of the site. Bins will be hidden	<b>Objective achieved subject to Condition</b> The bin store is at ground level and is appropriately screened from view from the street. The size of the bin store and the waste management plan are generally in

	from street view and from apartments as well as from neighbouring property.	accordance with City requirements subject to a condition that ensures the <a href="#">Waste management plan</a> is adhered to.
<b>O4.17.2</b> – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	Please refer to the waste management plan with this application.	<b>Objective achieved</b> Bin store is conveniently located. Sufficient area provided in bin stores for three bin FOGO system with smaller general waste bins.
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.17.1</b> – Waste storage facilities are provided in accordance with the Better Practice considerations of the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines</i> (or local government requirements where applicable).		Waste management plan not technically required as per the <a href="#">Waste Management LPP</a>
<b>A4.17.2</b> – A Level 1 Waste Management Plan (Design Phase) is provided in accordance with the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines - Appendix 4A</i> (or equivalent local government requirements).		
<b>A4.17.3</b> – Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines - Level 1 Waste Management Plan (Design Phase)</i> (or local government requirements where applicable).		<a href="#">Waste management plan</a> has specified that space for incoming FOGO bins will be created by the reduction in general waste bins. The waste management plan only specifies that space be created for 2 bins internal to the dwelling.
<b>A4.17.4</b> – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.		Communal waste storage is screened from view from the secondary and primary street and located away from the dwellings.

<b>ELEMENT 4.18 UTILITIES</b>		
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.18.1</b> –The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.	Power, water, gas, sewerage, NBN will be connected to the site and be fit for purpose and meet current performance and access requirements of service providers.	<b>Objective achieved</b> All required services are available.
<b>O4.18.2</b> – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.	Utilities will be located near the street frontage and open for easy inspection access.	<b>Objective achieved</b> Condenser units are located beside the vehicle access ramp and do not impede safe movement of vehicles or pedestrians. Utilities are accessible from the street.

<p><b>O4.18.3</b> – Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.</p>	<p>Distribution boxes, power, gas and water meters will be integrated into the design, in a way that won't be noticed, particularly from the street.</p>	<p><b>Objective achieved</b> Water meters are integrated into the building design and perpendicular from the street, behind a portion of solid front fence. Other utilities are not sufficiently noted on plans.</p>
<p><b>O4.18.4</b> – Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.</p>	<p>A/C outdoor units will be located at the rear of the development. They will not be visible from the street and will go un-noticed from residents, visitors, neighbours nor from inside the apartments.</p>	<p><b>Objective achieved</b> Utilities are functional to the size of units. The air conditioning units have been positioned adjacent to the vehicle ramp area to minimise adverse air quality and noise impacts on dwellings.</p>
<p><b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p><b>A4.18.1</b> – Utilities that must be located within the front setback, adjacent to the building entry or on visible parts of the roof are integrated into the design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.</p>	<p>Utilities in the front setback area are perpendicular to the street and integrated into the solid front fencing portion.</p>	
<p><b>A4.18.2</b> – Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.</p>	<p>Not specified</p>	
<p><b>A4.18.3</b> – Hot water units, air-conditioning condenser units and clotheslines are located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on functionality of outdoor living areas or internal storage.</p>	<p>A/C condensers are located out of view and away from dwellings, although they are beside the driveway. Drying area is out of view.</p>	
<p><b>A4.18.4</b> – Laundries are designed and located to be convenient to use, secure, weather-protected and well-ventilated; and are of an overall size and dimension that is appropriate to the size of the dwelling.</p>	<p>Laundries are located within individual units and are of an overall size and dimension that is appropriate to the size of the dwelling.</p>	

### 16.3 PD82.12.22 Reconsideration of Development Application – Amendments of Approval Conditions at 13, 15, 17 and 19 Jenkins Avenue, Nedlands

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	G Nathan, B Liu, J Coetzee and S Lee
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	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.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	Nil

#### Purpose

The purpose of this report is for Council to reconsider its refusal of an amendment to an approval condition at 13, 15, 17 and 19 Jenkins Avenue, Nedlands, pursuant to the orders set by the State Administrative Tribunal (SAT).

#### Recommendation

In accordance with clause 77(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council amends Condition 14 of the approval for four grouped dwellings at 13-19 Jenkins Avenue, Nedlands (DA20-55087) to read as follows:

14. All balcony balustrades for the ground floor balcony at No. 13-19 Jenkins Avenue, Nedlands shall be either opaque material or frosted glass to a minimum height of 500mm as measured from the finished floor level of the balcony.

#### 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

<b>Metropolitan Region Scheme Zone</b>	Urban
<b>Local Planning Scheme Zone</b>	Residential
<b>R-Code</b>	R60
<b>Land area</b>	Ranges from 191m <sup>2</sup> to 203m <sup>2</sup>
<b>Land Use</b>	Residential – Single House
<b>Use Class</b>	'P' – Permitted Use

The subject sites are located at 13, 15, 17 and 19 Jenkins Avenue, Nedlands. All properties have a primary frontage to Jenkins Avenue.

### History

The original application (Ref DA20-55087) included five grouped dwellings on one development application. At the 25 May 2021 Ordinary Council Meeting, Council resolved to approve the development subject to a number of conditions. Condition 14 states:

14. All balcony balustrades shall be either opaque material or frosted glass.

Since the original approval, the lot has been subdivided into five lots (one per dwelling).

At the 23 August 2021 Ordinary Council Meeting, Council refused the development application to amend Condition 14 of the approval for the dwellings at 13, 15, 17 and 19 Jenkins Avenue, Nedlands. The applicants have subsequently lodged a review of this decision with the State Administrative Tribunal. The matter has been subject to further discussion and liaison with affected parties, including neighbouring properties. The Tribunal has made orders inviting the City of Nedlands to reconsider its decision based on a modified screening outcome.

### Proposal

The applicants are seeking Council reconsider its decision based on approving the following amendment to Condition 14:

14. All balcony balustrades for the ground floor balcony shall be either opaque material or frosted glass to a minimum height of 500mm as measured from the finished floor level of the balcony.

It is recommended that the application be approved by Council as it is considered to satisfy the deemed-to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes) relating to visual privacy. There is no discretion being sought by this application to the deemed to-comply provisions of the R-Codes.

## Strategic Implications

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

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

**Values** **Great Natural and Built Environment**

We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**Priority Area** Urban form - protecting our quality living environment

## Budget/Financial Implications

Should Council refuse to amend Condition 14, the applicant will have a right of review through a full hearing by the Tribunal. In this case, the City will be responsible for legal fees to defend its decision. Based on recent State Administrative Tribunal cases, costs of \$30,000 to \$50,000 can be anticipated.

## Legislative and Policy Implications

The State Administrative Tribunal has invited the City to reconsider its decision in accordance with section 31 of the State Administrative Tribunal Act 2004. This section provides for a decision-maker to reconsider its original decision in the light of new information in the spirit of streamlining the review process by avoiding a full hearing and consideration by the Tribunal.

Council is requested to make a decision in accordance with clause 77 of the [Deemed Provisions](#). This clause allows for a local government to consider amendments to current approvals.

## Decision Implications

If Council resolves to approve the proposal, the development will proceed with the modified requirements for Condition 14 in place.

In the event of a refusal, the applicant has the right to continue the matter at the State Administrative Tribunal. The Tribunal is able to review the proposal in the original form first considered and refused by Council rather than be fettered to the current proposal. The Tribunal will have regard to the R-Codes as a State Planning Policy. In this case, the application is not seeking any discretion to the deemed-to-comply provisions of the R-Codes.

## **Conclusion**

The application for an amendment of Condition 14 from the properties at 13- 19 Jenkins Avenue, Nedlands has been presented to Council for reconsideration in accordance with section 31 of the *State Administrative Tribunal Act 2004 (WA)*.

The proposed wording of Condition 14 reflects the discussions and liaison with affected parties, including neighbours that have taken place since the refusal was made.

Accordingly, it is recommended that the amendment be approved by Council, subject to Administration's recommendation.

## **Further Information**

Nil.

## 17. Divisional Reports - Technical Services Report No's TS25.12.22 to TS28.12.22

### 17.1 TS25.12.22 Tawarri Car Park Drainage Improvement

<b>Meeting &amp; Date</b>	Council Meeting - 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Bhavesh Bhavsar – Asset Officer
<b>Director</b>	Daniel Kennedy-Stiff – Acting Director Technical Services
<b>Attachments</b>	1. Tawarri Car Park Drainage Improvement Option 1

#### Purpose

The purpose of this report is to provide a response to the 27 September 2022 Council Resolution (22.3) on presenting probable solutions to resolve flooding at the Tawarri car park. This report will provide comparison between the proposed solutions, complexity of work, and magnitude of cost for Council consideration.

#### Recommendation

**Council request the CEO to further investigate the suitability of the proposed options and present a report to Council detailing preferred options, concept designs, and estimated costs, once all information on the feasibility of options is gathered.**

#### Voting Requirement

Simple Majority.

#### Background

At the 27 September 2022 Ordinary Council Meeting, Council resolved:

“That Council requests the CEO to present a report to Council at the December Ordinary Council Meeting detailing solutions to the flooding in the Tawarri car park including increased soakwell capacity at the current location, additional soakwells, raising the roadway, or any other solutions.”

The Administration investigated the probable cause(s) and contributing factors for the drainage issues at the Tawarri car park. It was identified that the drainage infrastructure within the Tawarri car park has a limited rate of infiltration due to the close proximity to the Swan River and the shallow ground water level. In addition, the existing road profile is not appropriately graded creating a trapped low point in the south-east corner of the carpark.

During a recent site investigation, it was noted that the existing drainage infrastructure was full and did not have the capacity for additional stormwater due to the very poor rate of natural infiltration.

Consultation has commenced between the Administration and the Department of Biodiversity, Conservation and Attractions (DBCA) on the feasibility of collection, treatment and discharging of the stormwater directly into the Swan River. The Administration is awaiting formal response from DBCA on the requirements and extent of treatment required for this to be appropriately assessed for feasibility across sustainability, environmental impact and cost implications (capital and ongoing maintenance).

The works undertaken to date are preliminary only and Administration recommends additional investigation, risk assessment and further liaison with DBCA are undertaken before a further report is brought to Council.

## **Discussion**

The Tawarri car park provides additional access to the Beaton Park for community recreational activity including Jo Wheatley All Abilities Play Space. It provides a dedicated bus parking bay and 26 car parking bays. This car parking space is suitable considering the traffic and parking requirements, however, improvement in the design and provision of drainage infrastructure is required, with due consideration to the proximity to the Swan River and high water table throughout the year.

The Administration has proposed three solutions for further investigation to confirm the viability and suitability of the solutions. The proposed solutions are:

### **Option 1**

Raising of roadway from the Tawarri Car Park to the Perth Flying Squadron Yacht Club entry. A concept sketch for this option was prepared by the Administration to allow for additional formal parking along the Esplanade and ties in with the works that were proposed by the Tawarri Hot Springs development. This concept also targets existing drainage issues at parking spaces along the Esplanade, drainage issues at the south-east corner of the carpark and improves drainage capacity by grading the carpark away from the current trapped low point along with additional drainage infrastructure along the proposed road section. It is anticipated that this option would be significantly higher capital cost compared to other proposed solutions, however, would allow a more holistic approach to the renewal of the infrastructure and mitigating the drainage issues, provide improved economies of scale and be more enticing to potential contractors. Please refer Attachment 1 – Tawarri Car Park Drainage Improvement Option-1 for additional information.

If this option becomes the preferred solution, then detailed investigation and designs will need to be completed to ensure the works will remediate the drainage issues currently experienced on the site.

### Option 2

This option proposes provision of stormwater collection, treatment, and disposal to the Swan River. The Administration is in consultation with the Department of Biodiversity, Conservation and Attractions (DBCA) and are awaiting a formal response on the feasibility of this treatment solution. The Administration believe that this option likely to be the most cost effective and efficient option available, however will require significant further investigation, design and liaison with DBCA. Due to the treatment technical requirements and approvals needed for water discharge into the Swan River this process is expected to take a significant amount of time.

### Option 3

Do nothing and maintain current status quo. This option will see the carpark continue to flood during winter months, however, will not incur a capital cost to the City. Upgrades to the drainage of the carpark could then be considered at the time of any future development on the Tawarri site.

Please refer below options comparison to prioritise proposed solutions.

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
<b>Type of solution</b>	Longer term solution	Longer term solution	Short to medium term solution
<b>Magnitude of Cost</b>	Estimated \$1,200,000	TBA	No cost implication
<b>Complexity of Work</b>	High	Medium	Nil
<b>Design need</b>	Detailed design Feature Survey	Appropriate design Feature Survey DBCA approval	Nil
<b>Benefits</b>	Improvement to: <ul style="list-style-type: none"> <li>• Road Infrastructure</li> <li>• Formal Parking increase</li> <li>• Drainage capacity</li> </ul>	Improvement to: <ul style="list-style-type: none"> <li>• Drainage capacity</li> </ul>	<ul style="list-style-type: none"> <li>• No immediate cost implication</li> <li>• Potential cost savings by tying any works to</li> </ul>
<b>Drawbacks</b>	<ul style="list-style-type: none"> <li>• Added operation/ maintenance cost</li> <li>• High cost</li> </ul>	<ul style="list-style-type: none"> <li>• Added operation/ maintenance cost</li> </ul>	<ul style="list-style-type: none"> <li>• Drainage issues will remain unresolved</li> </ul>

## Consultation

Consultation with internal stakeholders was conducted and feedback sought to ensure a holistic approach to the proposed solutions. Further engagement with both internal and external stakeholders (DBCA) will be required dependent on the preferred proposed solution.

## Strategic Implications

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

- Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.
- Values**
- Healthy and Safe**  
Our City has clean, safe neighbourhoods where public health is protected and promoted.
  - Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.
  - High standard of services**  
We have local services delivered to a high standard that take the needs of our diverse community into account.
  - Great Governance and Civic Leadership**  
We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.
  - Great Communities**  
We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respect our history and have strong community leadership.

## Priority Area

- Urban form - protecting our quality living environment
- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Providing for sport and recreation
- Managing parking

## Budget/Financial Implications

It is anticipated that the Council will instruct the administration to further investigate the suitability of the proposed options and present a report at a future Ordinary Council Meeting to explore range of cost implications for Council consideration.

Any detailed design works required to progress towards a solution will be unfunded as part of this year's budget and will require an adjustment at the Mid-Year review.

## Legislative and Policy Implications

- [Community Engagement Council Policy](#) – the City is required to consult with stakeholders on all proposals and new initiatives in accordance with Council's policy.
- [Planning for Stormwater Management Affecting the Swan Canning Development Control Area – Corporate policy statement no. 49](#) – The City is obligated to:
  - Not result in further water quality degradation of the Swan Canning river system, and where possible, improve the situation; and
  - Protect and enhance the ecological health, community benefits and amenity of the river system.

## Decision Implications

The proposed solutions or any other suggested solution(s) need further investigation into their suitability and implications. It is anticipated that the Administration will present a report to formalise the solution at a future Ordinary Council Meeting for Council consideration.

## Conclusion

The Administration has proposed three options for the drainage at the Tawarri Carpark considering interim to long-term solutions, comparing their complexity of work and magnitude of cost.

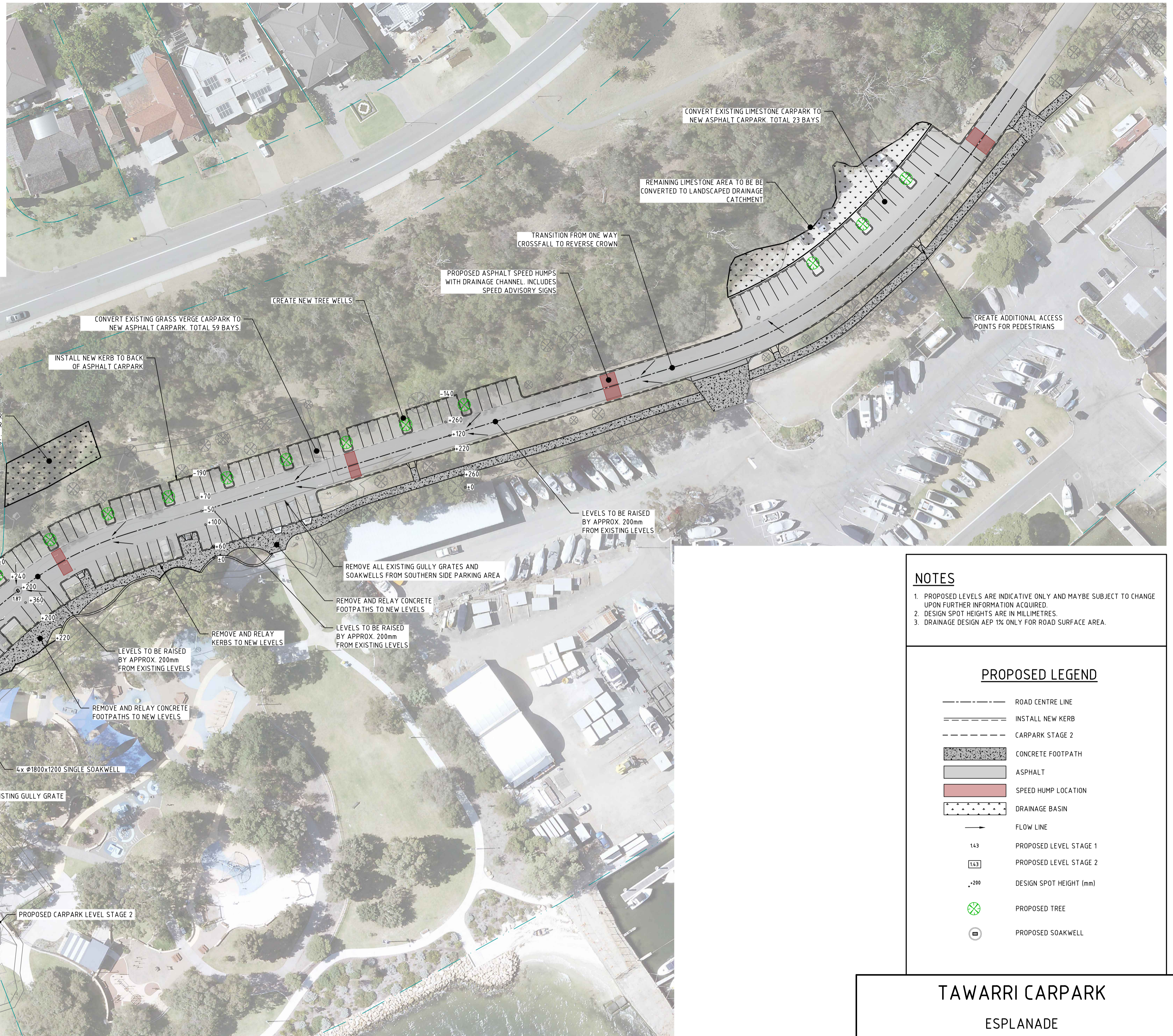
Further investigation will be required to determine the most effective solution from the proposed options or any other suggested option(s). It is anticipated that the administration will present a report detailing the suitability of the proposed / suggested solutions and their cost implications to formalise the long-term approach to drainage issue at the Tawarri carpark at a future Ordinary Council Meeting for Council consideration.

Considering nature and complexity of the probable solution(s) for Tawarri carpark the Administration recommends that all options are given due consideration of time and are thoroughly investigated to ensure long term effective and sustainable solution(s) are identified and implemented.

## Further Information

Nil.

APPROXIMATE NUMBER OF PARKING BAYS	
TOTAL NUMBER OF CARPARKS EXISTING INFORMAL AND FORMAL	143
TOTAL NUMBER OF CARPARKS EXISTING INFORMAL	109
TOTAL NUMBER OF CARPARKS EXISTING FORMAL	34
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL AND FORMAL (STAGE 1)	154
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL (STAGE 1)	15
TOTAL NUMBER OF CARPARKS PROPOSED FORMAL (STAGE 1)	139
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL AND FORMAL (STAGE 2)	129
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL (STAGE 2)	5
TOTAL NUMBER OF CARPARKS PROPOSED FORMAL (STAGE 2)	124



- NOTES**
1. PROPOSED LEVELS ARE INDICATIVE ONLY AND MAYBE SUBJECT TO CHANGE UPON FURTHER INFORMATION ACQUIRED.
  2. DESIGN SPOT HEIGHTS ARE IN MILLIMETRES.
  3. DRAINAGE DESIGN AEP 1% ONLY FOR ROAD SURFACE AREA.

**PROPOSED LEGEND**

- ROAD CENTRE LINE
- INSTALL NEW KERB
- CARPARK STAGE 2
- CONCRETE FOOTPATH
- ASPHALT
- SPEED HUMP LOCATION
- DRAINAGE BASIN
- FLOW LINE
- 143 PROPOSED LEVEL STAGE 1
- 143 PROPOSED LEVEL STAGE 2
- +200 DESIGN SPOT HEIGHT (mm)
- PROPOSED TREE
- PROPOSED SOAKWELL

**TAWARRI CARPARK  
ESPLANADE**

CONCEPT FOR PROPOSED CARPARK MODIFICATIONS

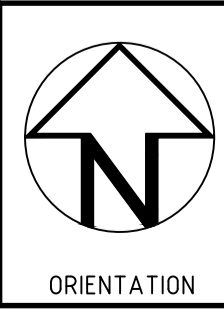
DESIGNED BY	S.F.	04.11.21	DRAWING NUMBER	2021-831-CP-001	
DRAWN BY	S.F.	04.11.21	CHECKED BY	N.B.	04.11.21
APPROVED BY	N.B.	04.11.21	A1	SHEET 1 OF 1	REVISION <b>A</b>

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**INFORMATION ONLY**

REVISION		AMENDMENTS		APPROVED	
A	S.F.	DESCRIPTION	N.B.	DATE	DATE
A	S.F.	04.11.21	INFORMATION ONLY	N.B.	04.11.21
No.	DRN	DATE	BY	DATE	



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## 17.2 TS26.12.22 Revised Crossover Construction and Maintenance Council Policy

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Aaron MacNish – Coordinator Transport and Development
<b>Director</b>	Daniel Kennedy-Stiff - Acting Director Technical Services
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Revised Crossover Construction and Maintenance Policy (with track changes)</li> <li>2. Revised Crossover Guidelines and Specifications (with track changes)</li> </ol>

### Purpose

The purpose of this Council report is to present the revised Crossover Construction and Maintenance Policy and revised Specification for the Construction of Crossover for endorsement by Council.

### Recommendation

That Council:

1. approves the revised Crossover Construction and Maintenance Policy as per attachment 1; and
2. receives the revised Crossover Guidelines and Specifications as per attachment 2.

### Voting Requirement

Simple Majority.

### Background

At the OCM on 22 March 2022 Council resolved:

That Council:

1. receives the Drainage Infrastructure Upgrade Study, noting that further investigation is occurring at the following sites:

- a) Charles Court Reserve, Nedlands
  - b) The Bulimba Road catchment (Bulimba Road, Taylor Road and Jenkins Avenue)
  - c) Allen Park Oval
  - d) 153,161 and 165 Broadway, Nedlands
  - e) 2 Joyce Street, Dalkeith
  - f) 111 Dalkeith Road, Dalkeith
  - g) Further properties as they arise through the ongoing consultation
  - h) Government Road Sump System
2. directs the Chief Executive Officer to include the Drainage Infrastructure Upgrade Study recommendations into the long-term financial plan.
  3. endorses the following capital works projects for 2021 – 22:
    - a) Taylor Road Basin
    - b) Waroonga Road Basin
    - c) 30 Bulimba Road, Nedlands
    - d) 55 Adderley Street, Mount Claremont
    - e) 57 Adderley Street, Mount Claremont
    - f) 54 Jenkins Road, Nedlands
    - g) 3A Bulimba Road, Nedlands
    - h) 12 Edwards Green, Floreat
    - i) 105 Broadway, Nedlands
    - j) 1A Doonan Road, Nedlands
  4. Endorses the administration proposal to acquire temporary flood barriers to mitigate risk for those properties identified in this Study that have not been included in the updated 2021-22 capital works projects.
  5. Directs the Chief Executive Officer to review the City's Stormwater Policy; and
  6. Directs the Chief Executive Officer to review the City's Crossover Specifications.
  7. Directs the Chief Executive Officer to review the flooding issues along the Safe Active Street in consideration of this drainage report and present an item to Council for consideration.

This Council Report is in response to item 6 of the above Council resolution.

The City adopted the current Crossover Construction and Maintenance Policy in October 2000. The policy was revised several times between 2003 and 2019.

The Western Australia Planning Commission endorsed Local Planning Scheme 3 (LPS3) in February 2019. LPS3 targets an additional 2,540 dwellings by the Year 2031 and an additional 6,500 dwellings by the Year 2050. Following the introduction of LPS3 lots have

been re-zoned with increased density. The City is receiving more crossover applications than previous years due to this re-zoning and increased construction works.

While reviewing the guidelines as directed, it became evident to Administration that the current policy is unclear about the acceptable number of crossover(s) per lot and does not consider the safety of footpath users.

## Discussion

The revised Crossover Construction and Maintenance Policy has been written to address the following key items:

1. The draft policy limits the number of crossovers to one per lot. However, the Policy will allow for additional crossovers in specific circumstances such as corner lots or lots with large street frontages.
2. Footpath users are given priority over a motorist on a crossover by requiring footpaths to be continuous through the crossover; and
3. The proposed draft policy puts emphasis on the safety of footpath users and limits the number of crossovers per lot. These initiatives will improve safety and encourage active transport across the City of Nedlands.
4. A wider crossover in a residential area may be perceived like an intersection, as such, where a crossover combining two driveways of adjacent lots exceeds 9.0m in width, it is recommended to provide 1.0m separation between crossovers.
5. If this policy is adopted, the City will be in a stronger position to limit the number of crossovers being constructed, increasing efficiency in assessment process and providing more opportunity for landscaped verges.
6. Provides clear direction that the whole vehicle crossover is the responsibility of the property owner to maintain and repair. This includes the apron at the interface between the road and verge.

The Crossover Guidelines and Specifications have been updated to align with the revised policy and addressing known concerns with the current specification such as:

1. Changes to apron design: In the current specification, the vertical transition occurs over 0.6m, which was found to be steep and prone to vehicles scraping. In the draft specification, the transition is proposed to be over 1.0m. It will reduce a chance of scraping.

2. Path User Safety: 80% visible fence is proposed within the vision triangles at the interface for a crossover and the property boundary. It is also proposed to continue a footpath through crossover.
3. Reversing Area: The new crossover Guidelines and Specifications shows the geometries of the reversing areas within the property boundary.
4. Exiting from a Property: As per the current requirement, properties fronting District Distributor B and above, motorists are required to enter and exit properties in a forward gear. In the proposed specification in addition to this requirement, if a property is fronting a busy street (traffic volume is 5,000 vehicles per day or above, or peak hour traffic volume is 500 vehicles per hour), motorists should enter or exit the property in a forward gear.

The current material choices for crossover construction within the City of Nedlands is brick paving or concrete. Consideration shall also be given to permeable paving that can demonstrate similar durability as concrete and brick alternatives. Permeable paving allows stormwater run-off to infiltrate back into the groundwater and has been shown to be beneficial to the health of adjacent street trees.

## Consultation

Nil.

## Strategic Implications

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

<b>Vision</b>	Our city will be an environmentally-sensitive, beautiful and inclusive place.
<b>Values</b>	<b>Healthy and Safe</b> Our City has clean, safe neighborhoods where public health is protected and promoted.
	<b>Great Natural and Built Environment</b> We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.
	<b>High standard of services</b> We have local services delivered to a high standard that take the needs of our diverse community into account.
	<b>Great Governance and Civic Leadership</b> We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise

stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

### **Great Communities**

We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respect our history and have strong community leadership.

### **Reflects Identities**

We value our precinct character and charm. Our neighborhoods are family-friendly with a strong sense of place.

### **Easy to Get Around**

We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.

## **Priority Area**

- Urban form - protecting our quality living environment
- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Encouraging sustainable building
- Managing parking

## **Budget/Financial Implications**

It is expected that this policy amendment will lead to a reduction in expenditure on maintenance of private crossovers by clarifying maintenance and repair responsibilities. The extent of works required when there is a conflict between a footpath and crossover will also reduce by having footpaths continue through a crossover.

There will be an associated increase in footpath maintenance and renewal expenditure as a result of a slightly larger footpath area.

## **Legislative and Policy Implications**

[Local Government \(Uniform Local Provisions\) Regulations 1996](#)

[Local Government Act 1995 1995 Schedule 9.1\(7\)](#)

[City of Nedlands Council Policy – Crossover Construction and Maintenance](#)

## **Decision Implications**

Should Council choose to endorse the revised Crossover Construction and Maintenance Policy the City will be in a stronger position to refuse multiple crossover requests per lot and can begin enforcing a more uniform approach to crossover approvals within the City. The endorsement of the revised specification will make clear the property owners' responsibilities and provide clear direction for the minimum construction standard expected in the City.

Should the Council not choose to endorse the Crossover Construction and Maintenance Policy it will continue to be difficult to control the number of crossovers resident have to their properties and there will be continued ambiguity over the maintenance responsibilities of vehicle crossovers especially the crossover aprons which comes at a significant cost to the City.

## **Conclusion**

The revised Crossover Construction and Maintenance Policy and Guidelines and Specifications bring the City documents in-line with current best practices and provide the City the best opportunity to continue to deliver a safe street space with amenity for all users not just those in cars.

It is recommended that Council endorse the revised Crossover Construction and Maintenance Policy and accept the updated Guidelines and Specifications.

## **Further Information**

Nil.



## Crossover Construction and Maintenance

<b>Status</b>	Council
<b>Responsible division</b>	Technical Services
<b>Objective</b>	To protect public safety and the interests of property owners in the City of Nedlands by providing a minimum standard for crossovers.

### Context

The City of Nedlands has responsibility for the control of crossings from its thoroughfares to adjacent properties.

### Statement

- ~~1. The City of Nedlands will ensure that all new and modified crossovers are safe to the public.~~
- 1. The City of Nedlands has crossover standards which are to be implemented for all new or modified crossovers.
- 2. In general, only one crossover per street frontage/lot will be permitted. Additional crossovers MAY be permitted for:
  - a. Group dwelling and non-residential areas where an additional crossover has been approved as part of the Planning Approval process.
  - b. Properties with more than one street frontage and a total frontage length greater than 20 meters.
  - c. Extenuating circumstances such as safe access on distributor roads. In these cases, approval is at the sole discretion of the City of Nedlands with justification required on a case-by-case basis.
- ~~2.3.~~ 3. Paths shall take precedence over vehicle crossovers with the path continuing through the crossover. Paths shall be constructed to City of Nedlands specifications and satisfaction.
- ~~3.4. Council~~ The City of Nedlands will provide a subsidy for the construction of a crossover where:
  - a. The crossover is the primary crossover to a new ~~development;~~ development.
  - b. Approval is obtained prior to the construction of the crossover; and
  - c. The crossover conforms to the specifications provided in the procedure associated with this ~~policy;~~ policy.

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~~5.~~ The amount of the subsidy is provided in the Schedule of Fees and Charges that forms part of the annual ~~budget;~~budget.

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~~6.~~ Crossover repairs and maintenance is the responsibility of the property owner. The owner's maintenance responsibility covers the entirety of the crossover between the property boundary and the kerb line of the adjacent carriageway. Where no kerb line exists, the crossover shall be to the edge of the sealed carriageway.

~~4.~~

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~~5.~~ The City of Nedlands will ensure that crossovers are safe to the public;

~~The maximum width of a crossover combining two driveways shall not exceed 9.0m combined crossover width (one or two driveways) is 9m and the width requirements of the Nature Strip Development policy also apply;~~

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~~6.7.~~ Where the width of a crossover combining two driveways exceeds 9.0m, a minimum 1.0m wide separation shall be provided to distinguish two separate crossovers; and

~~8.~~ Where applicable the City will encourage applicants to ~~consider~~ consider a single crossover to double garage;

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~~9.~~ If a crossover is redundant, it shall be removed at the owner's cost, within 30 days of the new crossover being constructed.

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~~7.10.~~ The compliance of a crossover shall be determined by the crossover policy in place at the time of construction.

~~8.11.~~ The term "crossover" has the same meaning as "crossing" in the *Local Government (Uniform Local Provisions) Regulations 1996*.

**Related documentation**

City of Nedlands' Crossover Guidelines and Specifications.~~construction and maintenance procedure.~~

**Related Local Law/legislation**

*Local Government Act 1995 Schedule 9.1(7)*  
*Local Government (Uniform Local Provisions) Regulations 1996*

**Related delegation**

Nil.



### Review History

- 01 November 2022 (Item xx.x)
- 24 September 2019 (Item 13.4)
- 25 March 2014 (Report CPS14.14)
- 26 February 2013 (Report CPS07.13)
- 13 December 2005 (Report CP36.05)
- 23 November 2004 (Report T34.04)
- 28 October 2003 (Report T29.03)
- 24 October 2000 (Report T43.00)

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# 1 Introduction

## 1.1 Objective

To provide technical detail to property owners, builders and designers to ensure that crossovers meet the requirements of the City of Nedlands.

## 1.2 Purpose

This document comprises guidelines for planning and design of residential and non-residential crossovers. When adopted by a Local Government it provides a consistent framework to assist builders and their contractors to understand and meet the requirements of the Local Government. This Guideline provides for crossover design that references statutory and best practice guidance documentation which includes, but not limited to, the following:

- Australian Standard AS/NZS 2890.1: Parking Facilities: Part 1 Off-street car parking;
- Australian Standard AS/NZS 2890.2: Parking Facilities: Part 1 Off-street commercial vehicle facilities;
- Austroads Guide to Road Design Part 3 – Geometric Design
- Austroads Guide to Road Design Part 4A - Unsignalised and Signalised Intersections
- Australian Standards AS2890.1: Off-street parking (2004)
- State Planning Policy 3.1 - Residential Design Codes (R-Codes)
- State Planning Policy 7.3 – Residential Design Codes Volume 1
- State Planning Policy 7.3 – Residential Design Codes Volume 2
- WAPC Liveable Neighbourhoods
- Australian Standard AS 3600 – Concrete Structures

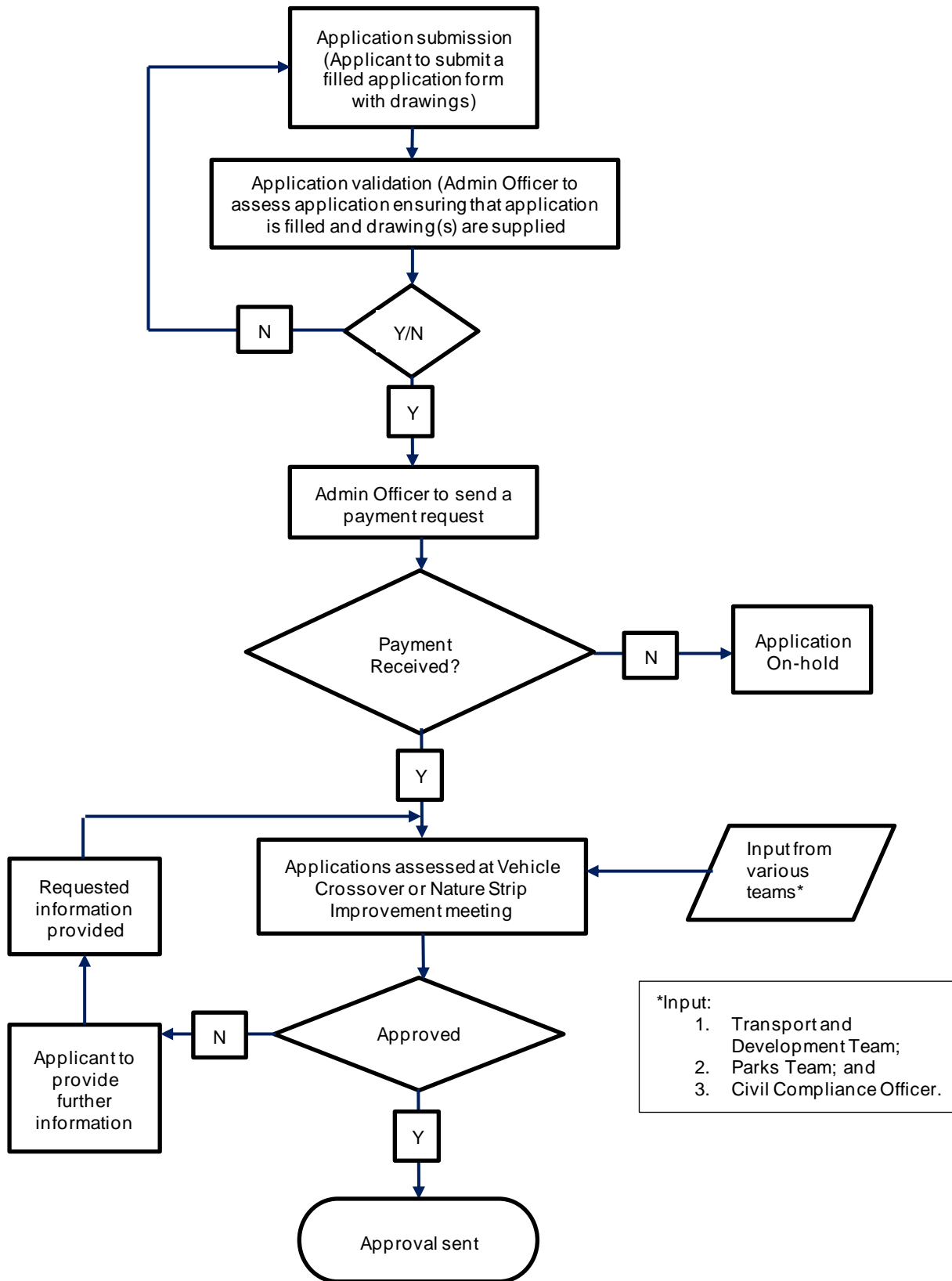
## 1.3 Crossover Application

In accordance with Schedule 9.1, Clause 7 of the Local Government Act 1995 and Regulation 12, 13 and 15 of the Local Government (Uniform Local Provisions) Regulations 1996, an application to the Local Government shall be made by the landowners to request approval to construct a crossover. If the applicant is not the owner, the applicant must provide a written consent of the owner(s).

## 1.4 Crossover Approval Process:

A fee is applicable to assess a crossover application. An assessment of crossover application takes minimum 10 (ten) business days upon receipt of an application and receipt of the payment. The City's fees and charges are located at the following link: <https://www.nedlands.wa.gov.au/council/rates-fees-and-charges/citys-fees-and-charges.aspx>.

Crossover Approval Flowchart:



## 1.5 Required Documentations

For smooth assessment of an application, the applicant should submit the following documents for the assessment of a crossover application:

- a. Application form to be filled and signed properly;
- b. A crossover plan shall be drawn by a qualified person in accordance with the City's Crossover Specifications;
- c. Full plan of the development should be provided showing where the crossover leading into the property;
- d. Where possible provide associated development application and/or building application number;
- e. Dimensions of crossover including apron, wings/splay shall be provided on the plan as per the City's Crossover Specifications. Please note the City crossover standards require a lip of 25mm and the rear of the apron to be 125mm above road level to prevent stormwater runoff to the property and allow stormwater to flow through gutters.
- f. Separation from the property boundary, tree(s) and other fixtures;
- g. Minimum desirable sightline for pedestrian safety of 2.0m (along property frontage) X 2.5m (along the length of crossover) at the interface of the property boundary and proposed crossover shall be provided and presented on plan. As a bare minimum 1.5m X 1.5m truncation shall be provided in accordance with state planning policy 7.3.
- h. A long section of a crossover shall be provided from kerb line to property boundary and property boundary to the garage showing levels at every grade change location.

## 2 Residential Crossover and Access Driveway

### 2.1 Crossover Width and Density

The principle for designing crossovers in Western Australia is to design for the least number of crossovers in a given area where possible (*R-Codes*). This improves the safety of path users and lowers costs associated with constructing and maintaining crossovers. Minimising the number of crossovers also reduces the level of conflict and friction along busier roadways, and creates additional space for street trees, pedestrian crossing and on-street parking.

The City discourages the construction of more than one crossover per lot. When a lot has a street frontage of equal to or more than 40.0m, up to two crossovers can be approved. If a lot has frontages with more than one street and have equal to or more than 40.0m, each frontage will be assessed independently.

The width of crossovers for residential developments shall be as per the following:

- a. A minimum of 3.0m for any residential development.
- b. A maximum of 3.0m for lots with a frontage of 12.5m or less; however, 4.5m where R-codes permits a double garage; and
- c. A maximum of 6.0m for lots with a frontage in excess of 12.5m.

Narrow lots (lots with road frontage below 10m) should be constructed with paired crossovers to minimise conflict and retain verge space for street trees, lighting, overhead power and on street parking.

All residential lots are entitled to access irrespective of the constraints of location. The width of a crossover for a residential development shall be in accordance with Table 3.1 and 3.2 of Australian Standard AS/NZS 2890.1 – Parking Facilities: Part 1 Off-street car parking.

## 2.2 Crossover Location

Crossovers shall be located such that a crossover meets the sight distance criteria as per Australian Standard AS/NZS 2890.1 – Parking Facilities: Part 1 Off-street car parking. The reaction time of 2.0 seconds shall be used to determine the sight distance as per the requirement of Main Roads Western Australia.

Crossovers shall not be located at the following locations:

- a. within 6.0m of the closest a tangent point of a STOP or GIVE WAY controlled intersections (T or X intersections) as per Figure 3.1 of Australian Standards AS/NZS 2890.1; or
- b. within the functional area of a roundabout; or
- c. within the functional area of a signalised intersection.

The definition of the functional area is defined in Austroads Guide to Road Design Part 4 - Intersections and Crossings – General.

## 2.3 Path Users' Safety

Crossovers are to be positioned such that sight lines between path users (pedestrians and cyclists) and vehicles are unobstructed by permanent fixtures (letterbox, fences, trees, etc).

AS2890.1 defines a sight triangle of 2.0m x 2.5m at the intersection of the driveway and front boundary, within which walls, fences and other structures are to be truncated or reduced to no higher than 0.75m.

Despite the absence of a footpath along a verge, truncations shall be provided at both sides of a driveway.

The height of the obstruction within a truncated area shall be measured with respect to driver's position which is 2.5m from the front boundary towards the property, i.e. if a driveway is flat, 0.75m high obstruction will be acceptable; however, if a driveway slopes downward from the front property boundary towards the property, the height of an obstruction shall be reduced.

The 80% visually permeable fence can be accepted within the truncated areas. Refer to Figure 2-1 for illustrations.

If it is not possible to provide the required truncations, any alternative approach (such as convex mirror) achieving same objective may be considered by the City on an individual case basis.

Should a residential development requiring category 3, 4, or 5 access facility, an assessment shall be done on the requirement of a refuge island to facilitate pedestrian crossing across the crossover. The selection of access facility is reproduced in Table 2-1 below from Australian Standard 2890.1:

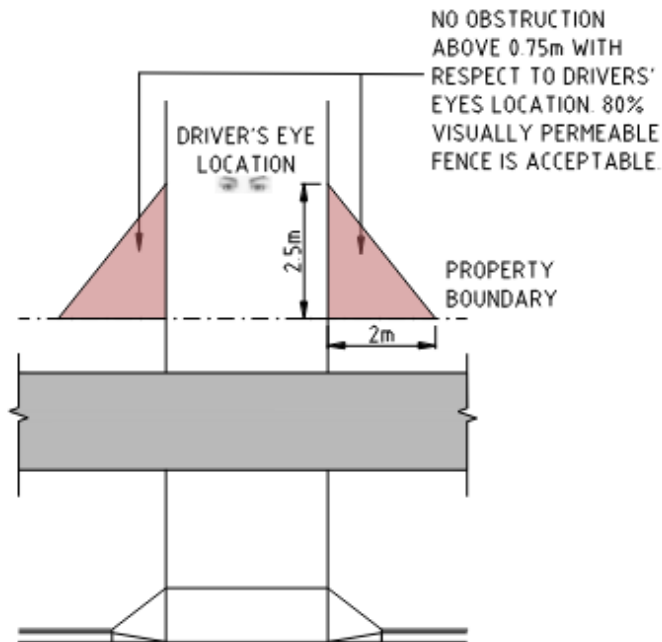
**2-1: Selection of Access Facility**

Class of parking facility	Frontage Road Type	Access Facility Category				
		Number of parking spaces (Note 1)				
		<25	25 to 100	101 to 300	301 to 600	>600
1, 1A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
2	Arterial	2	2	3	4	5
	Local	1	2	3	4	4
3, 3A	Arterial	2	3	4	4	5
	Local	1	2	3	4	4

**NOTES:**

1. When a car park has multiple access points, each access should be designed for the number of parking spaces effectively served by that access.
2. This Table does not imply that certain types of development are necessarily suitable for location on any particular frontage road type. In particular, access to arterial roads should be limited as far as practicable, and in some circumstances it may be preferable to allow left-turn-only movements into and out of the access driveway.

~~A minimum 2.0m wide refuge island shall be considered, provided for Category 3, 4, and 5 crossovers in Table 3.2 of Australian Standard 2890.1. (Please include gap and site distance)~~



**2-1: Minimum sight lines for pedestrian safety**

**2.4 Distance to Obstructions**

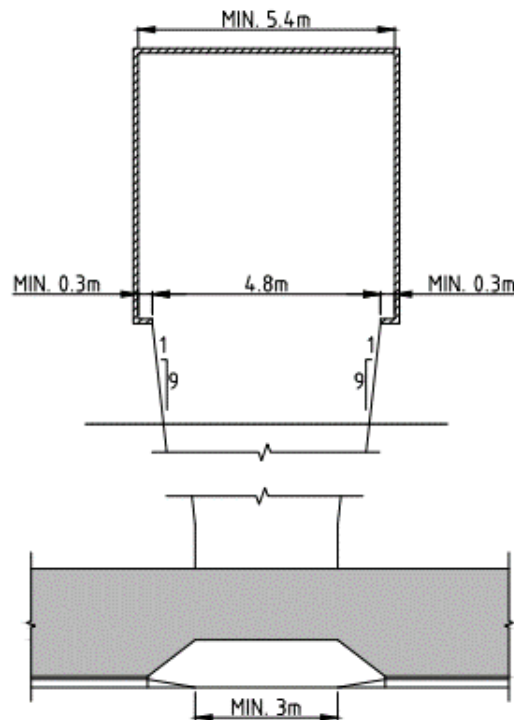
All elements of the crossovers shall be located at a minimum distance to obstructions (including wings/radii) as follows:

- Crossovers for residential developments shall maintain a minimum clear set-back of 1.0m from adjacent property boundary.
- Crossovers serving mixed-use and commercial developments shall maintain a minimum 2.0m set-back from the property boundary.
- Side-entry pits: 1.0m (absolute minimum of 0.5m can be used)
- Street trees: 2.0m
- Utility boxes: 1.0m
- Streetlights/Power poles: 1.0m (as required by Western Power's Guidelines for Placement of Power Poles within Road Reserves in Built-Up Areas, 2006)
- Bus stops: 1.0m
- Bus shelters: 1.5m
- Pram ramps: 1.0m
- Letter Box: 1.0m (absolute minimum of 0.5m can be used)

If it is unavoidable having a service chamber within or in proximity of a crossover (less than distances mentioned above), the service pit and lid shall be designed for design traffic load and in accordance with Australian Standard AS 3996 (as revised). The lid shall be complied with a minimum load Class D of Australian Standard AS 3996. The cost of alteration or relocation of any service or asset shall be borne the applicant or owner.

## 2.5 Geometry

- a. Crossovers shall be aligned at right angles to the street alignment, wherever possible (*R-Codes*).
- b. Except for rear (or battle-axe) lots, access driveway can be tapered no steeper than 1:9 from the garage opening as shown in Figure 2-2. The tapers are based on
  - i. 2.4m garage width opening width and 3.0m internal width for a single garage; and
  - ii. 4.8m garage width opening width and 5.4m internal width for a double garage.
- c. For rear lots or dwellings with common access driveway shall be designed such that a B85 design vehicle can enter the property and park in a garage or carport in a forward gear while a B99 design vehicle is parked in the garage or carport. The B85 design vehicle shall be able to reverse out manoeuvre within site and exit the property in a forward gear. For double garages, it should be considered that a B99 design vehicle is parked in the garage or carport while a B85 vehicle was entering or exiting the same.
- d. Figure 2-3 shows the preferred minimum geometry of typical reversing areas. If the a single garage is proposed, or not in agreement with the geometries shown in Figure 2-3, the applicant is required to provide the proposed geometry of a reversing area with supporting vehicle swept paths with Auto Turn Pro, or Vehicle Tracking, or similar approved software package, and in accordance with Australian Standard AS/NZS2890.1.



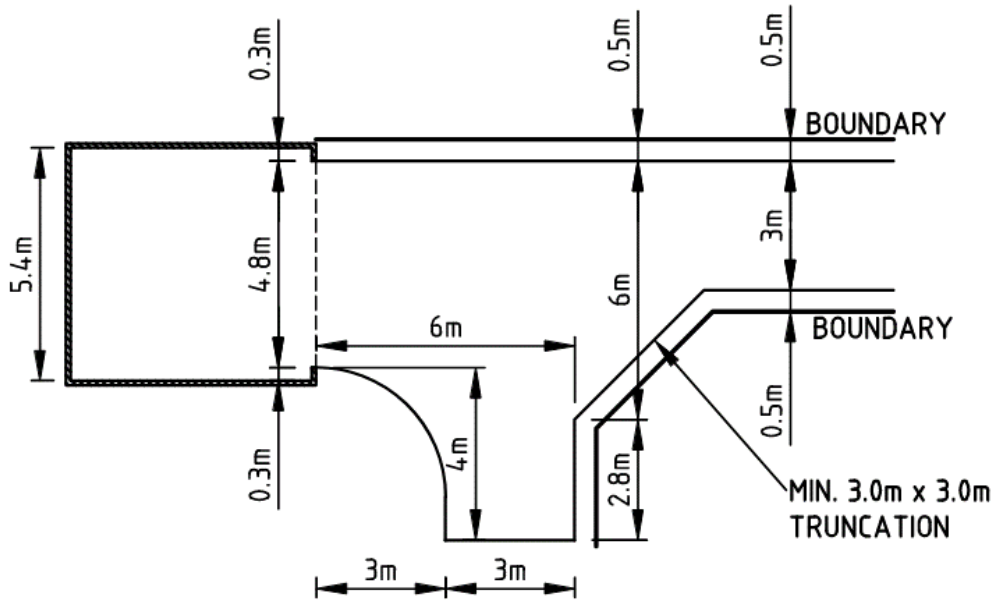
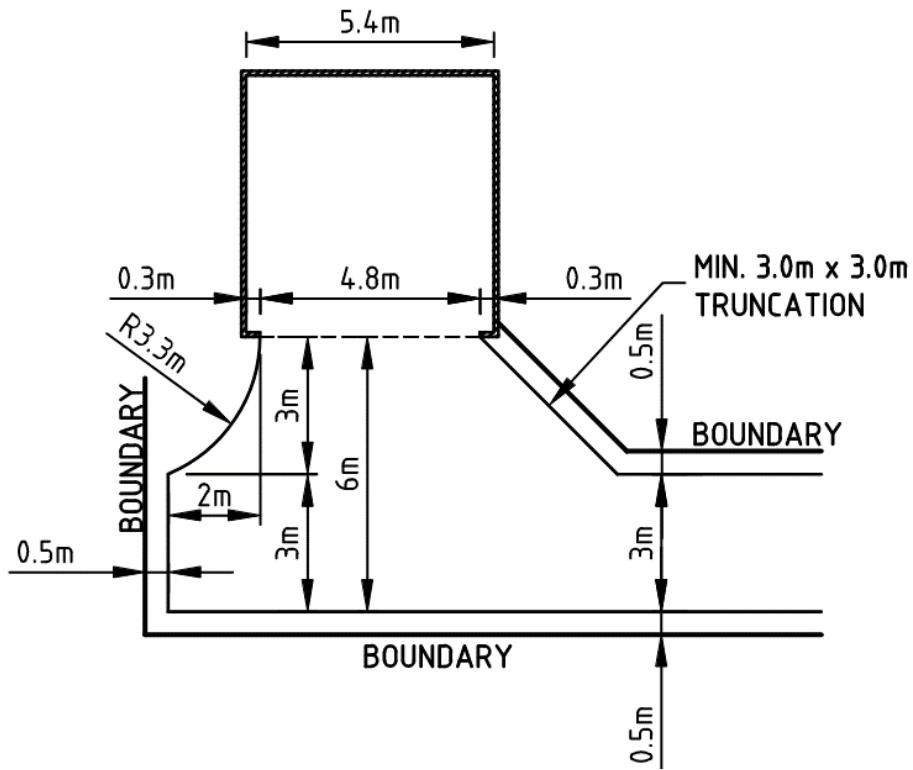
**2-2: Recommended taper**

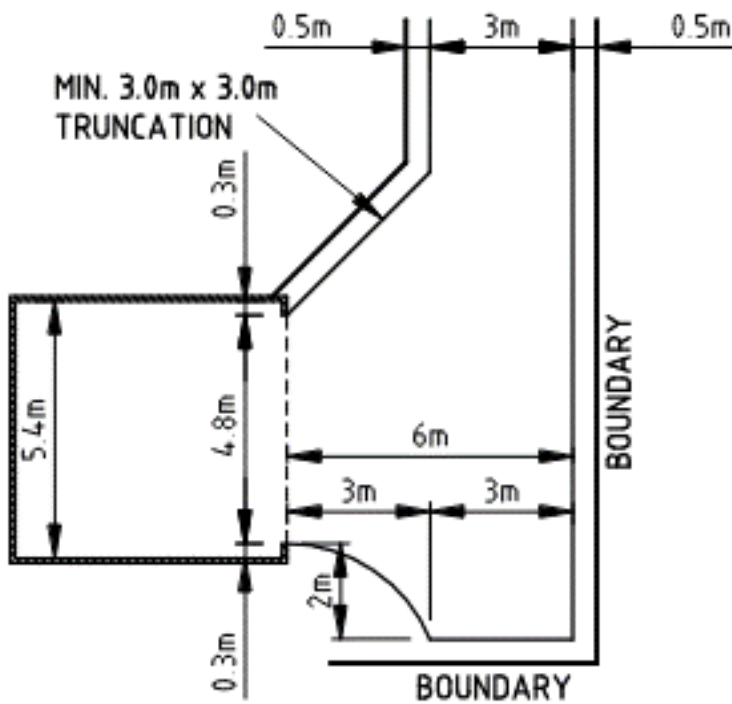
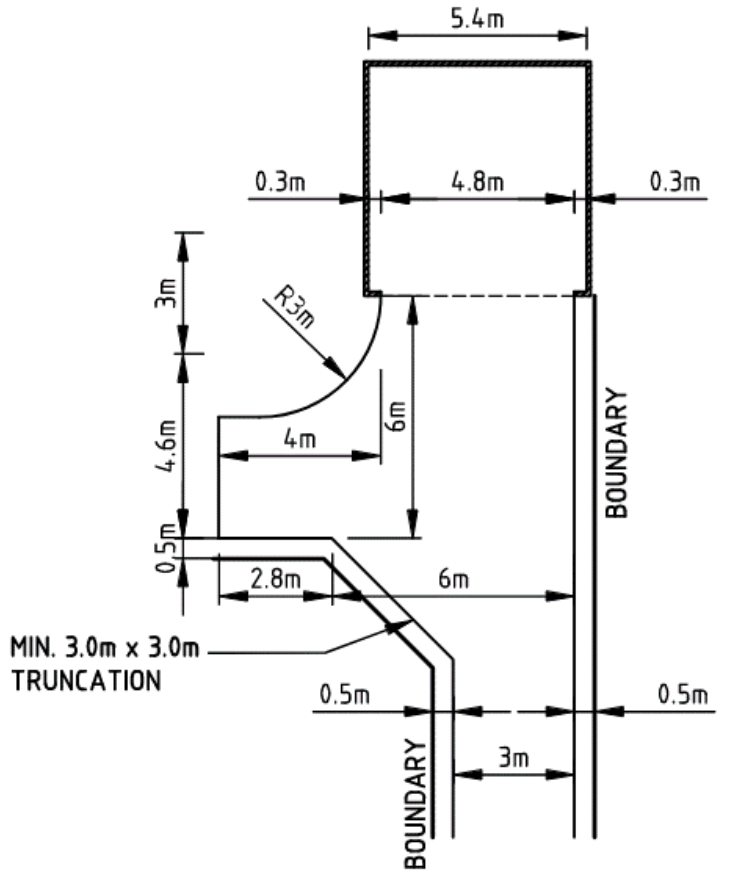
- e. Where alterations or construction of a new crossover is required in brown field situation, the modifications or construction shall be in accordance with this specification and Australian Standard AS/NZS 2890.1.
- f. The City of Nedlands acknowledged that due to existing topography, it may not always be possible to achieve the grades recommended by Australian Standards. In such cases, crossover and driveways shall be designed by a qualified engineer and agreed with the City prior to construction.

## 2.6 Exiting from a property:

Leaving a property in a forward gear is an important factor in terms of road safety. Any vehicle shall exit a property in a forward gear meeting any of the following criteria:

1. Any dwelling having access to and from a Primary Distributor, Distributor A and Distributor B.
2. Any lower hierarchy road with average daily traffic volume of 5,000 or above, or peak hour traffic volume of 500 vehicles per hour and above on a normal day.
3. An access driveway serving five or more dwellings; and
4. The distance between street frontage and on-site Parking Street is 15m or more.





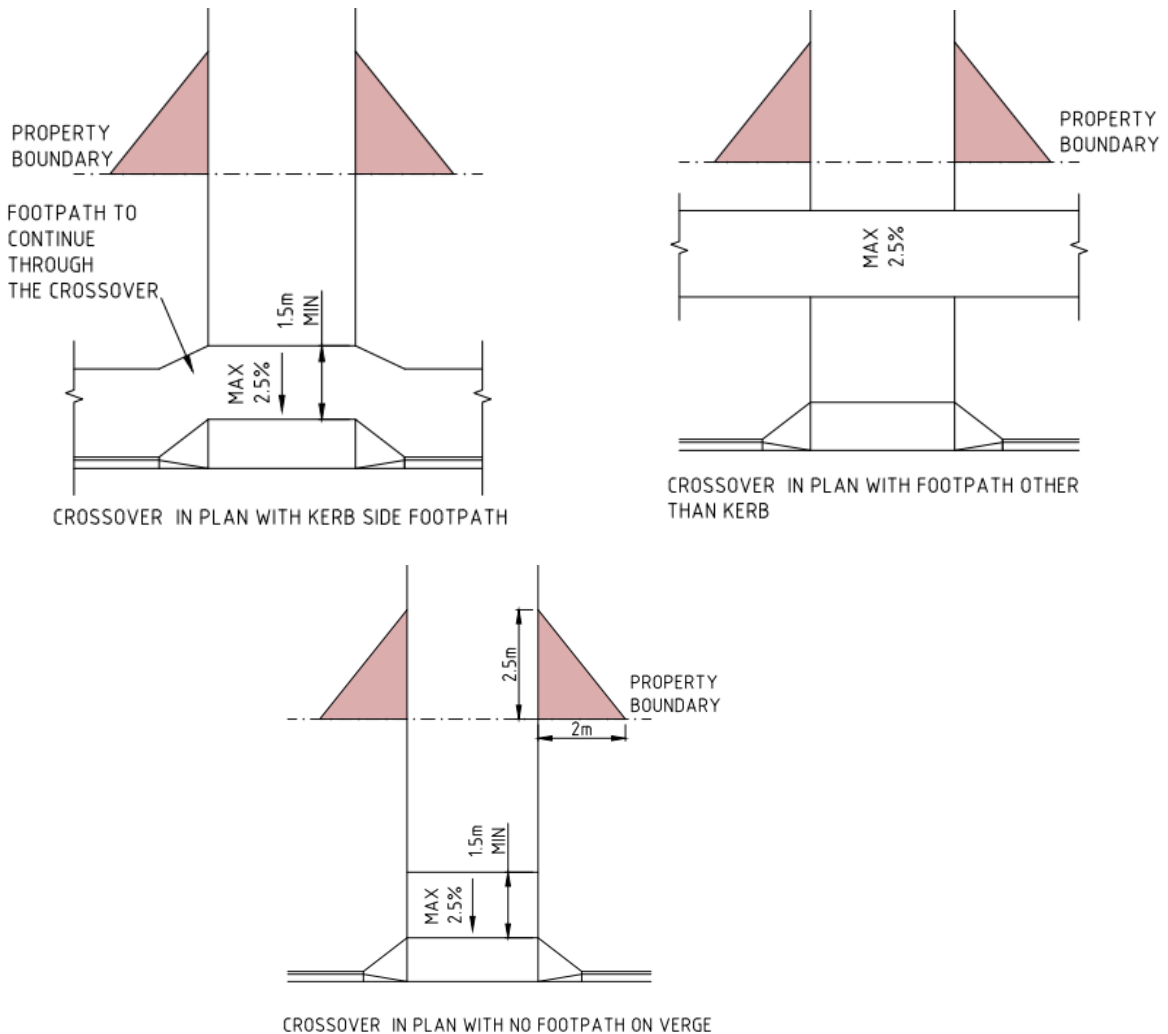
2-3: Reversing Area

### 2.7 Footpath location:

Footpaths can be located along the kerb line, property boundary, or between the property boundary and kerb line. Footpaths shall be continued through the crossover to give the impression that footpath users have priority over drivers at a crossover. In many instances, footpaths are missing on verges. To cater for the existing and future footpaths, crossovers shall be designed as per the Figure 2-4.

### 2.8 Redundant Crossovers

When an existing crossover is made redundant as part of a development, building, or crossover application, the redundant crossover shall be removed and the verge, kerbing and footpath (if present) reinstated to fit in with the surrounding form/development pattern. The removal of the redundant crossover and reinstatement of verge shall be completed prior to the commencement of the use of the development, or building, or proposed new crossover.



2-4: Footpath and Crossover Interaction

### 3 Non-Residential Crossovers

#### 3.1 Crossover Width and Density

The width requirement of crossover for non-residential crossover shall be as per Table 3.1 below:

Crossover uses	Relevant design standard
A crossover serving a mixed-use development, however not used by heavy vehicles	Table 3.1 and Table 3.2 of Australian Standard AS/NZS 2890.1: Parking Facilities Part 1 – Off-street Car parking
A crossover serving a commercial development, however not used by heavy vehicles	Table 3.1 and Table 3.2 of Australian Standard AS/NZS 2890.1: Parking Facilities Part 1 – Off-street Car parking
A crossover serving a mixed-use or commercial or industrial development, and used by both light and heavy vehicles	Australian Standard AS/NZS 2890.1: Parking Facilities Part 1 – Off-street Car parking, AS/NZS 2890.2: Parking Facilities Part 2 - Off-street commercial vehicle facilities

#### 3.2 Crossover Locations

Crossovers shall be located such that a crossover meets the sight distances criteria as per Australian Standard AS/NZS 2890.2 – Parking Facilities: Part 2 Off-street commercial vehicle facilities. Crossovers shall not be located at the following locations:

- a. within 6.0m of the closest a tangent point of a STOP or GIVE WAY controlled intersections (T or X intersections) and opposite to the approach of T intersection as shown in Figure 3.1 of Australian Standards AS/NZS 2890.1; or
- b. within the functional area of a roundabout; or
- c. within the functional area of a signalised intersection.

The definition of the functional area is defined in Austroads Guide to Road Design Part 4 - Intersections and Crossings – General.

Where a crossover is proposed near a roundabout or a signalised intersection, the applicant shall demonstrate that the crossover is clear from the functional area.

#### 3.3 Path User Safety

The footpath user safety shall be in accordance with Section 2.3 of this specification. All vehicles shall exit in forward gear from an onsite parking facility serving a mixed-use, commercial, or industrial development. Footpaths can be located along the kerb line, property boundary, or between the property boundary and kerb line. Footpaths shall be continued through the crossover to give the impression that footpath users have priority over drivers at a crossover. Footpath shall be clearly delineated. Sufficient measures should be implemented (within the property boundary) to alert motorists using the crossover about the footpath users.

### 3.4 Distance to Obstructions

All elements of the crossovers shall be located at a minimum distance to obstructions (including wings/radii) as follows:

- Crossover serving mixed-use and commercial developments shall maintain a minimum 2.0m set-back from the property boundary.
- Side-entry pits: 1.0m;
- Street trees: 2.0m;
- Utility boxes: 1.0m;
- Streetlights/Power poles: 1.0m;
- Bus stops: 1.0m;
- Bus shelters: 1.5m; and
- Pram ramps: 1.0m;

If it is unavoidable having a service chamber within or in proximity of a crossover (less than distances mentioned above), the service pit and lid shall be designed for design traffic load and in accordance with Australian Standard AS 3996 (as revised). The lid shall be complied with a minimum load Class D of Australian Standard AS 3996. The cost of alteration or relocation of any service or asset shall be borne the applicant or owner.

## 4 Specification and Drawings

Crossovers shall be constructed with in-situ concrete, or clay brick pavers.

All works associated with the construction of the crossover must be carried out in accordance with this specification, attached drawings and to the satisfaction of the City's Satisfaction.

- a) The levels of the crossover must match the existing footpath in both crossfall and levels to control stormwater runoff and ensure pedestrian safety.
- b) Where a crossover intersects with an existing footpath, that section of the footpath shall be removed and reconstructed to match the thickness and reinforcement of the proposed crossover. Footpaths shall continue through crossovers with crossovers being designed to match into the footpath.
- c) The levels of the crossover must maintain the minimum cover to underground services as required by the respective service provider. Where required, crossover must be flush with service pit within the crossover to avoid creating a tripping hazard.
- d) Where there is no footpath or any doubt as to the correct levels, the **Coordinator Transport and Development** is to be notified at least 5 working days prior to the commencement of the works so that the levels can be established.
- e) All kerbing at the junction of the crossing and road pavement must be removed. The crossing must be constructed so that the crossing rises from the gutter level to a height no less than 150mm above the gutter

level or the top of the adjacent existing kerbing whichever is the greater, at a point 1.0m behind the kerb line. If this is not done, the crossover may allow stormwater runoff that is flowing in the road gutter to flow over the crossover and into their property or their neighbour's.

## 5 Applicant's Responsibilities

- a) Ensuring that all permits for the works such as crossover permit, traffic management plan (if required) have been issued by the City of Nedlands;
- b) Identify, locate and protect existing services. The existing services can be identified via contacting Before You Dig Australia via <https://www.byda.com.au/>. It is applicant's responsibility to locate the existing underground services;
- c) Construct the crossover as per the approved design;
- d) Remove and dispose of all surplus material from the site and leaving the site safe condition at all times;
- e) Reinstatement of kerbing, concrete or brick paving or bituminous road surfaces to comply with Local Government specifications if damaged during the course of the works.
- f) The repair of any damage to Public Utility Service or any other damage during the course of works.

## 6 Construction

### 6.1 Concrete Crossover

- A. *Surface Preparation:* Where excavation is required, boxing out the verge shall be carried out with due care to protect the surrounding verge, road surface, public utility services, street tree and footpath. Subgrades must be compacted with a plate compactor to least 8 blows per 300mm of standard Perth Sand Penetrometer and to the minimum of 95% Maximum Dry Density. If necessary, applicant may required to replace the existing subgrade material with appropriate material.
- B. *Kerb Removal:* Existing kerb shall be cut and removed without damaging the road pavement. A concrete and/or bitumen saw should be used to neatly separate existing kerbing from road pavement.
- C. *Footpath:* The City's footpaths are not designed for vehicular load. Therefore, the location where a crossover intersects with an existing footpath, the footpath, over the extent of crossover plus 0.5m on either side of the crossover shall be neatly removed, and reconstructed as per the relevant drawings of this specification. A minimum 10mm expansion joint shall be provided between crossover and the footpath. Where there is no footpath on the verge, a provision future footpath shall be provided as per the standard drawings.
- D. *Construction Material:* A minimum N25 (25 MPa) compressive strength at 28 days) shall be used with maximum slump of 80mm. Fine aggregates shall washed sand and in accordance with Australian Standard 2758.1 (as revised). Coarse aggregates shall be well graded washed river gravel or crashed igneous rock. The maximum size of

aggregate shall be 14mm for maximum 100mm thick concrete and 19mm for thickness exceeding 100mm thick concrete. Binding material shall be general purpose cement. Additives such as flyash, or slag, or silica fume shall not be used without prior written approval from the city.

- E. *Pre-concrete Pouring Check*: Prior to the commencement of concreting works, the following inspections are to be undertaken:
- Compaction of base or subgrade;
  - The base or subgrade levelled and free from deleterious materials, such as tree roots.
  - Subgrade and/or base are adequately sprayed with clean water (but, not saturated).
  - Placement of reinforcing mesh, such that minimum clear cover is maintained at top, bottom and sides. Rebars are free from oil or grease. Slight rust may be acceptable.
  - If formworks are used, they are sturdy and leak-proof.
  - Thickness of concrete can be maintained as specified in the approved drawing.
  - Joint locations and width.
- F. *Concreting*: Concreting works shall be completed at one operation between joints (expansion joint or contraction joint). Concrete shall be evenly placed to the depth specified and shovelled into position continuously and spaded, especially at all edges, to give maximum density.
- G. *Joints*: Lock joints (contraction joint) and Expansion joints are to be installed. Lock joints are to be located at every grade change location. Expansion joints shall be located at
- Lot boundary;
  - Between existing footpaths;
  - Adjoining service pits;
  - Between kerb and end of crossover splay;
  - At the spacing of 6.0m (both longitudinally and transversely)
- H. *Surface Finish*: The surface must be finished with either a wooden float, broom, stencilled or exposed aggregate finish to produce a non-slip, fine textured surface, and free from abrupt change in level. During the service life, the level difference shall not exceed more than 5mm.

## 6.2 Brick Paved Crossover

- A. *Surface and base Preparation*: In addition to subgrade preparation requirements for concrete crossovers, a compacted 150mm thick limestone subbase or 100mm for road base/gravel shall be placed on the compacted subgrade. The subbase shall be compacted to 95% of the modified maximum dry density.
- A minimum 20mm (between 20mm to 40mm) thick compacted and levelled sand bed shall be placed on the subbase layer. Sand shall be coarse and washed river sand and free from deleterious materials such as stones, tree roots, clay lumps and excessive organic material. At the time of placing, the sand should have a uniform moisture content. The

sand must be screeded slightly ahead of laying and protected from the compaction.

B. Paver: Pavers shall be heavy duty with minimum thickness of 60mm.

C. End restraints: End restraints shall be strong and durable enough to withstand impacts from vehicles. End restraints can be made of concrete or paving unit. As a minimum, 250mm wide and 80mm deep end restraints shall be used along the perimeter of a crossover. If in-situ concrete edge restraint is used, 10mm expansion joints are to be provided at the following locations:

- Lot boundary;
- Between existing footpaths;
- Adjoining service pits;
- Between kerb and end of crossover splay; and
- At every 6m interval.

Contraction joint shall be considered at direction and grade change locations. If precast brick pavers are used, 2 to 4 mm gap shall be provided between the blocks.

D. Paver shall be placed in accordance with standard drawings of Where excavation is required, boxing out the verge shall be carried out with due care to protect the surrounding verge, road surface, public utility services, street tree and footpath. Subgrades must be compacted with a plate compactor to least 8 blows per 300mm of standard Perth Sand Penetrometer and to the minimum of 95% Maximum Dry Density. If necessary, applicant may required to replace the existing subgrade material with appropriate material.

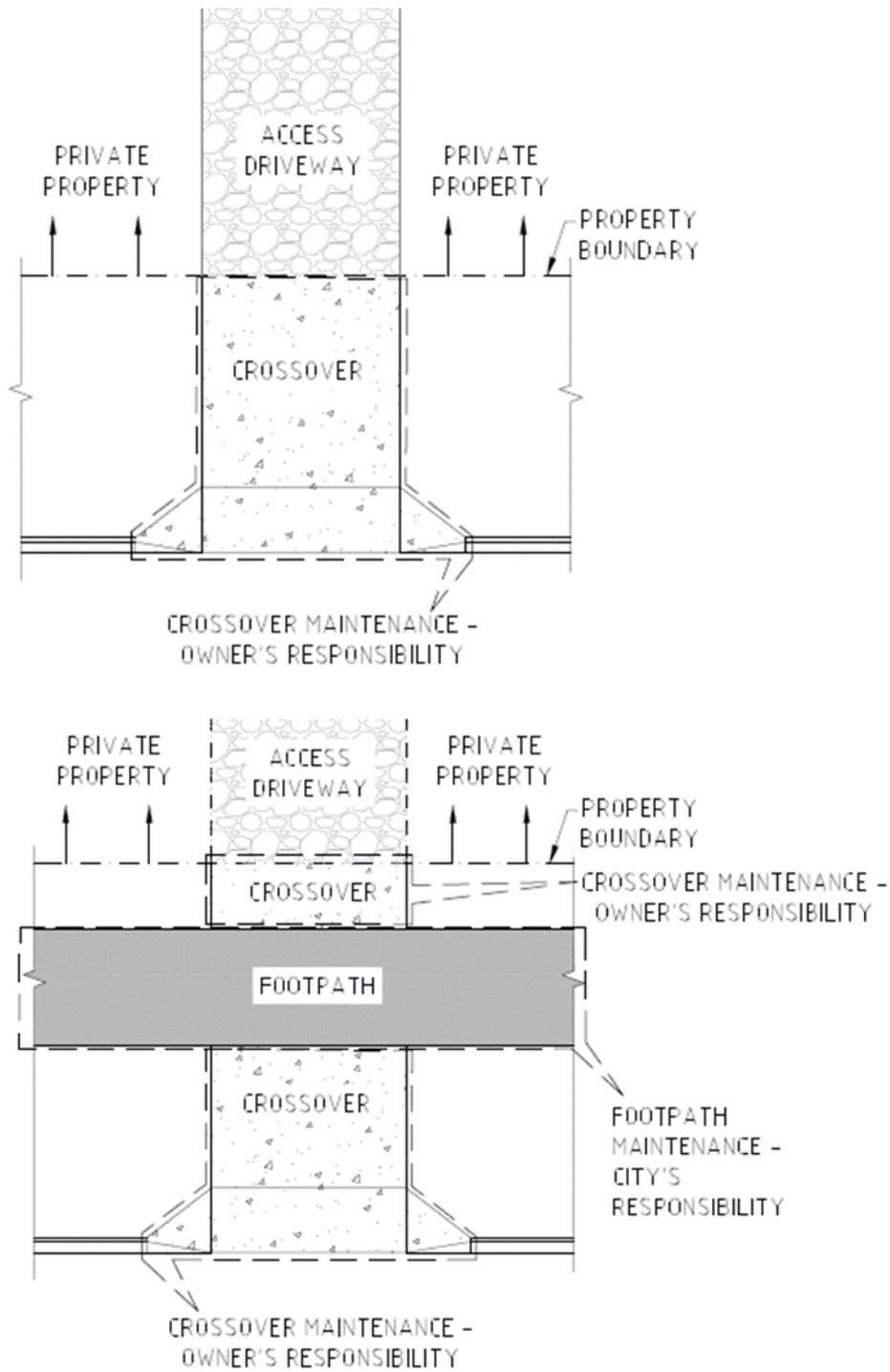
E. Jointing sand: Jointing sand is a fine sand that fills the gaps/joints between the pavers. "Pavelock" or similar sand is recommended because it will discourage weeds and ants from becoming established in the paving. As soon as practicable after compaction, the pavers must be set by brooming the jointing sand into the joints. To ensure that the joints are completely filled, the pavers must receive one or more passes of the plate compactor and the joints refilled.

### 6.3 Permeable Paving

Permeable paving is gradually gaining popularity. Permeable paving surfaces are made of either a porous material that enables stormwater to flow through it or nonporous blocks spaced so that water can flow between the gaps. The permeable pavers can be made from open-graded asphalt, or permeable concrete. The City is supportive of permeable crossovers subject to its' constructability, durability, stability, safety and amenity. The durability and stability should be comparable with concrete or brick-paved crossovers.

### 6.4 Maintenance Responsibility

As per Clause no. 6 of Crossover Construction and Maintenance Policy, it is owner's responsibility to repair and maintain the crossover for the life of the development. Figure 6-1 shows the maintenance responsibility.



### 6-1: Maintenance Responsibility

Rev.	Date	Revision Note	Prepared by	Reviewed by	Approved by
0	24/10/2000	First Issue			
1	28/10/2003				
2	23/11/2004				
4	13/12/2005				
5	2007				
6	16/06/2017	Header and footer changed	Andrew Dickson		
7	--/--/2022		Sultan Hossain		

### 17.3 TS27.12.22 Revised Stormwater Policy

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Aaron MacNish – Coordinator Transport and Development
<b>Director</b>	Daniel Kennedy-Stiff - Acting Director Technical Services
<b>Attachments</b>	1. Revised Stormwater Policy (with track changes)

#### Purpose

The purpose of this report is to provide Council with an revised Stormwater Policy for endorsement.

#### Recommendation

**That Council approves the revised Stormwater Policy as per attachment 1.**

#### Voting Requirement

Simple Majority.

#### Background

At the OCM on 22 March 2022 Council resolved:

That Council:

1. Receives the Drainage Infrastructure Upgrade Study, noting that further investigation is occurring at the following sites:
  - a) Charles Court Reserve, Nedlands
  - b) The Bulimba Road catchment (Bulimba Road, Taylor Road and Jenkins Avenue)
  - c) Allen Park Oval
  - d) 153,161 and 165 Broadway, Nedlands
  - e) 2 Joyce Street, Dalkeith
  - f) 111 Dalkeith Road, Dalkeith
  - g) Further properties as they arise through the ongoing consultation
  - h) Government Road Sump System

2. Directs the Chief Executive Officer to include the Drainage Infrastructure Upgrade Study recommendations into the long term financial plan.
3. Endorses the following capital works projects for 2021 – 22:
  - a) Taylor Road Basin
  - b) Waroonga Road Basin
  - c) 30 Bulimba Road, Nedlands
  - d) 55 Adderley Street, Mount Claremont
  - e) 57 Adderley Street, Mount Claremont
  - f) 54 Jenkins Road, Nedlands
  - g) 3A Bulimba Road, Nedlands
  - h) 12 Edwards Green, Floreat
  - i) 105 Broadway, Nedlands
  - j) 1A Doonan Road, Nedlands
4. Endorses the administration proposal to acquire temporary flood barriers to mitigate risk for those properties identified in this Study that have not been included in the updated 2021-22 capital works projects.
5. Directs the Chief Executive Officer to review the City's Stormwater Policy;
6. Directs the Chief Executive Officer to review the City's Crossover Specification; and
7. Directs the Chief Executive Officer to review the flooding issues along the Safe Active Street in consideration of this drainage report and present an item to Council for consideration.

This council report addresses point 5 of the above Council resolution.

Administration proposes to amend the existing stormwater policy to align with current best practices of stormwater management, whilst maintaining the fundamentals of the existing Stormwater Policy. The update to the Policy provides more concise guidance on the arrangements for the disposal of stormwater for residential, commercial, and industrial properties including new land development and modification/alteration/extension of existing developments.

## **Discussion**

The intent of the review of the Stormwater Policy is to provide updated guidance to Developers within the City of Nedlands on the required design criteria for drainage infrastructure within the City. The updated policy includes:

1. Details the City's preferred method of Stormwater volume management - the use of infiltration systems at the source.

2. The updated policy will provide guidance on the design capacity of soak wells via the City of Nedlands soak well calculator spreadsheet for residential developments up to five dwellings, which is proposed to be available online. New infiltration systems shall be required to be designed based on the 1% Annual Exceedance Probability (AEP), and Infiltration coefficient of 8.0m /day. This recommendation is in line with the recommendation provided by GHD following the July 2021 storm.
3. All drainage systems designed for other developments (commercial, industrial & mixed-use multilevel developments) shall be certified by a suitably qualified drainage engineer (registered with Engineers Australia) to the satisfaction of the City for a 1% AEP rainfall event.
4. Connection to the City's stormwater drainage system is only supported where on-site stormwater cannot be accommodated due to unsuitable ground condition for onsite disposal. All works and cost associated with connecting the developments internal drainage system to the City's stormwater drainage system, including the design, construction and cost of all necessary extensions and upgrades to the City's stormwater drainage system, shall be borne by the applicant.
5. For modification, extension and/or alteration to existing properties, the applicant must provide evidence that the existing drainage system has sufficient capacity to accommodate both existing development and additional new development. If the existing drainage system is not capable of accommodating additional stormwater from the proposed new/additional development, then a drainage system with additional capacity shall be designed by a suitably qualified Engineer to the satisfaction of the City and installed to cater for the additional stormwater.
6. The costs and works associated with the ongoing maintenance of onsite systems is the responsibility of the property owner, including cleaning of debris and removal of sediment from the base of the pit/tank, where required.
7. If offsite discharge is required and approved, the stormwater should be treated prior to discharging from the site to the City's stormwater drainage system in accordance with Table 3.3.6 – 3.3.7 of National Water Quality Management Strategy - Australian and New Zealand - Guidelines for Fresh and Marine Water Quality 2000 – Volume 1.

## Consultation

Consultation was undertaken with GHD as part of the City-wide drainage investigation and the recommendations have been incorporated into the proposed Policy update.

## Strategic Implications

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

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

## Values

### **Healthy and Safe**

Our City has clean, safe neighbourhoods where public health is protected and promoted.

### **Great Natural and Built Environment**

We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

### **High standard of services**

We have local services delivered to a high standard that take the needs of our diverse community into account.

## Priority Area

- Urban form - protecting our quality living environment
- Renewal of community infrastructure such as roads, footpaths, community and sports facilities

## Budget/Financial Implications

The adoption of this policy will lead to an increase in rainfall run off being retained on private lots resulting in less storm water that the City needs to retain and capture within the road reserve and therefore less storm water infrastructure being required.

The adoption of this policy may lead to an increased cost of development within the City due to an increased requirement for drainage infrastructure on private property.

## Legislative and Policy Implications

[City of Nedlands Stormwater Council Policy](#)

## Decision Implications

Should Council resolve to endorse this Policy development costs within the City of Nedlands will increase slightly due to a larger volume of storm water needing to be retained on site.

If Council resolves not to endorse this Policy there is a higher likelihood of more frequent flooding events with a need for the City to dramatically upgrade the storm water infrastructure within City land this will include new kerbing, soak wells, drainage pipe, storm cells and other associated infrastructure to cope with the higher storm water run-off.

## **Conclusion**

In response to increased urban infill and a reduction in permeable surfaces within the City of Nedlands there is a requirement for private developments to retain a higher intensity rain fall event wholly onsite to reduce the stormwater runoff into the public realm and reduce the likelihood of flooding occurring throughout the City.

City officers recommend that Council endorses the updated Stormwater Policy.

## **Further Information**

Nil.



## Stormwater

<b>KFA</b>	Natural and Built Environment
<b>Status</b>	Council
<b>Responsible Division</b>	Technical Services
<b>Objective</b>	To ensure stormwater is managed to protect environmental, social and economic values of the community.

### Context

~~The City will manage stormwater to protect the community and environment from damage in accordance with engineering standards. The City will effectively manage and control stormwater runoff to protect the community and environment from the adverse impacts of stormwater runoff.~~

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The City will achieve this in consideration of water sensitive urban design principles.

### Statement

~~The City is committed to improving the built environment optimising the use and management of stormwater resources, consistent with current best management practice.~~

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~~City operations should be consistent with the objectives and principles of the following documents:~~

- ~~Local Government Act 1995 (s3.51, Schedule 3.2 and 9.1)~~
- ~~State Planning Policy 2.9: Water Resources (Western Australian Planning Commission 2006)~~
- ~~Better Urban Water Management (Western Australian Planning Commission 2008)~~
- ~~Stormwater Management Manual for Western Australia (Department of Water 2007)~~
- ~~IPWEA Guidelines for Subdivisional Development (v2.3 2017)~~

~~Wherever practicable, the City will manage stormwater resources in a manner that protects the local environment, enhances social values and protects the built environment.~~

### Management of Stormwater Resources



The management of stormwater resources within the City will be in accordance with the following objectives outlined within the Stormwater Management Manual for Western Australia:

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- a. Maintain or improve water quality of surface and groundwater resources.
- b. Maintain the total water cycle balance.
- c. Retain, use and infiltrate stormwater at source ~~(retrofit to achieve retention of one in five year storm event at 2 minute interval as part of City's road rehabilitation and drainage Capital Works projects).~~
- d. Conserve water through maximising the reuse of stormwater.
- e. Integrate stormwater treatment into the landscape.
- f. Retain natural drainage systems and protect ecosystem health.
- g. ~~Implement stormwater management systems that are economically viable in the long term.~~
- h. Protect the built environment from flooding and water-logging. ~~(designed to protect up to one in hundred year storm event).~~
- i. ~~Ensure that social, health, aesthetic and cultural values are recognised and maintained when managing stormwater.~~
- j. Ensure the delivery of best practice stormwater management through planning and development.

**Stormwater Volume Management**

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The City of Nedlands uses an Infiltration System approach to Stormwater Volume Management given the predominant high permeability of the natural soils occurring within the City limits.

It is a requirement for all lots within the City of Nedlands to retain stormwater fully onsite up to and including the 1% Annual Exceedance Probability (AEP) rainfall event. The storage capacity of these infiltration systems shall be determined using the following parameters:

- 1% AEP Rainfall event
- 8.0m / day infiltration coefficient
- 0.9 runoff coefficient

Commented [FM1]: Is this fair and reasonable? What are other LGs using?

Commented [AM2R1]: This is standard.

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To assist with the determining the capacity of the most common onsite retention systems the City has prepared a capacity design spreadsheet that can be used to determine the suitability of the proposed soak well configuration given the above parameters. This spreadsheet is available on the City of Nedlands website.

Commented [FM3]: This can be removed and included in the spec.

Commented [AM4R3]: We don't have a spec at the moment. We would need to write one.

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Although soak wells are the most common infiltration system employed within the City of Nedlands applicants are able to submit alternative infiltration designs provided they are prepared by a qualified civil engineer with the design to be satisfactory to and approved by the City of Nedlands.

Commented [FM5]: We should make it clear satisfaction means approved by the city. Perhaps "with the design to be satisfactory to and approved by the City"

**Stormwater Drainage Stormwater Disposal into Natural Areas**



The disposal of stormwater into natural areas can be detrimental to the environmental values of the City and therefore stormwater ~~drainage-runoff~~ will not be permitted in the following areas without appropriate flow and pollutant controls:

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- a. Wetlands classified within the Geomorphic Wetlands of the Swan Coastal Plain dataset, developed and updated by the Department of ~~Parks and Wildlife~~[Biodiversity, Conservation and Attractions](#).
- b. Lands classified under the Metropolitan Region Scheme as "Parks and Recreation".
- c. Coastal reserves and coastal foreshore.
- d. Any other land which, in the opinion of the Chief Executive Officer, is likely to suffer adverse environmental impact from the effects of stormwater drainage.

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### Stormwater Management Planning

In order to ensure that development within the City integrates water cycle management and water sensitive urban design principles, planning and development should be in accordance with the principles of [the Department of Water and Environmental Regulations'](#) Better Urban Water Management.

No stormwater infiltration facilities are to be decommissioned unless alternative [equivalent or larger](#) capacity is provided.

### Related documentation

~~State Planning Policy 2.9: Water Resources (Western Australian Planning Commission 2006)~~ [Book 9 – Runoff in Urban Areas, Australian Rainfall and Runoff: A Guide to Flood Estimation, Book 9 – Runoff in Urban Areas \(2019\)](#)  
 Better Urban Water Management (Western Australian Planning Commission 2008)  
 Stormwater Management Manual for Western Australia (~~Department of Water 2007~~[Department of Water and Environmental Regulation 2022](#))  
 IPWEA Guidelines for Subdivisional Development (v2.3 2017)

Commented [FM6]: Why did we remove the SPP?

### Related local law and legislation

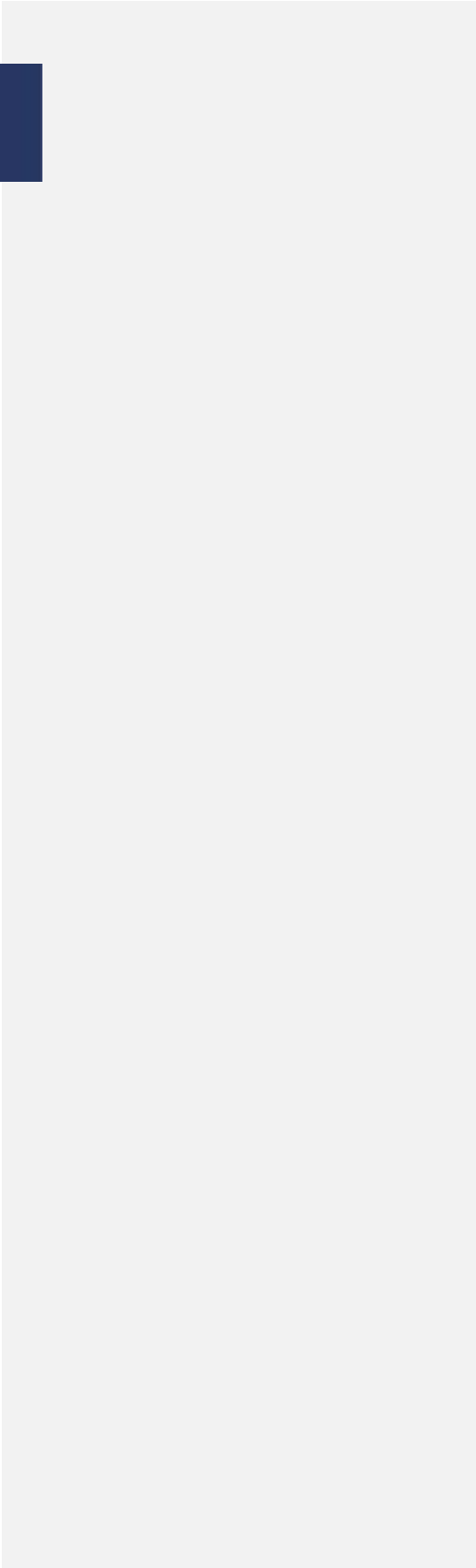
*Local Government Act 1995 (s3.51, Schedule 3.2 and Schedule 9.1)*  
*Health Local Law 1997*

### Related delegation

Nil.

### Review History

27 June 2017 (Report CPS16.17)



## 17.4 TS28.12.22 RFT 2022-23.14 Tree Pruning Services – Streetscapes, Parks, Powerline Clearance & Natural Areas

<b>Meeting &amp; Date</b>	Council – 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Jac Scott – Manager Parks Services
<b>Director</b>	Daniel Kennedy-Stiff – Acting Director Technical Services
<b>Attachments</b>	1. CONFIDENTIAL Evaluation and Recommendation Report – Award RFT 2022-23.14 – Tree Pruning Services – Streetscapes, Parks, Powerline Clearance & Natural Areas

### Purpose

The purpose of the report is for Council to accept the evaluation and recommendation for the award of RFT 2022-23.14 – Tree Pruning Services – Streetscapes, Parks, Powerline Clearance & Natural Areas to Liveable Group Pty Ltd t/as Professional Tree Surgeons.

### Recommendation

That Council:

1. approves the award of the contract for Tree Pruning Services – Streetscapes, Parks, Powerline Clearance & Natural Areas in accordance with the City’s Request for Quote number RFT 2022-23.14 and comprising of that request, the City’s Conditions of Contract and the Liveable Group Pty Ltd t/as Professional Tree Surgeons submission; and
2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document be sent to Liveable Group Pty Ltd t/as Professional Tree Surgeons for execution.

### Voting Requirement

Simple Majority.

### Background

There are approximately 24,300 trees within the City of Nedlands that are located within streetscapes and parks. In addition, there is an undetermined number of trees located in natural conservation/bushland areas. A proportion of the trees located in streetscapes are

situated under or adjacent to Western Power above ground power distribution/transmission infrastructure.

The City is required to undertake pruning of street trees as required (generally once annually) to maintain statutory clearances to Western Power overhead powerline infrastructure. The main objective of the Works is to maintain statutory clearances to overhead powerlines in accordance with Western Power guidelines whilst maintaining tree canopy and health

The purpose of this contract is for the Contractor to assist the City's Parks and Environmental Conservation teams undertake tree pruning and associated works in streetscapes, parks and natural areas on an as required basis. The main objective of the Works is to manage tree associated risks, maintain tree health, preserve aesthetic and environmental values, and reduce fuel loads in addition to:

- Repairing storm damage;
- Under pruning;
- Pathway pruning/hedging;
- Side pruning;
- Removal of dead wood, and/or selective branch removal;
- Crown thinning;
- Tree removal;
- Stump grinding;
- Chipping of green waste or dead material; and
- Habitat pruning.

To ensure that the City can continue to undertake these vital works, a Request for Tender was offered to open market through Tenderlink during the period 22 October 2022 – 15 November 2022. The City received one (1) submission.

## Discussion

After the closure of the tender period, the evaluation panel completed the analysis and evaluation of the one (1) submission. At the conclusion of the process Liveable Group Pty Ltd t/as Professional Tree Surgeons is the preferred supplier for this package of works. The submissions were rated against the following criteria:

- Relevant Experience (30%),
- Key personnel skills and experience (20%),
- Respondents resources (20%), and
- Demonstrated Understanding (20%)

Liveable Group Pty Ltd t/as Professional Tree Surgeons provided information on similar works that they have recently undertaken, successfully demonstrating an ability to complete the requirements of this request.

Key personnel listed were well experienced, suitably skilled and have experience delivering similar works to other local government organisations.

The Respondent's resources were well detailed and provided good information on contingency planning to ensure the tree maintenance works would be delivered.

Liveable Group Pty Ltd t/as Professional Tree Surgeons have provided a comprehensive understanding of the City's requirements.

Following the due diligence processes that the City has undertaken, the City is confident that Liveable Group Pty Ltd t/as Professional Tree Surgeons can complete the scope of work to the required standards, and that their offer represents good value for money to the City within the market.

## Consultation

Not Required.

## Strategic Implications

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

<b>Vision</b>	<p>Our city will be an environmentally-sensitive, beautiful and inclusive place.</p> <p>Our gardens, streets, parks and bushlands will be clean, green and tree-lined and we will live sustainably within the natural environment.</p>
<b>Values</b>	<p><b>Healthy and Safe</b> Our City has clean, safe neighbourhoods where public health is protected and promoted.</p> <p><b>Great Natural and Built Environment</b> We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.</p> <p><b>High standard of services</b> We have local services delivered to a high standard that take the needs of our diverse community into account.</p> <p><b>Reflects Identities</b> We value our precinct character and charm. Our neighbourhoods are family-friendly with a strong sense of place.</p>

## Priority Area

- Urban form - protecting our quality living environment

- Retaining remnant bushland and cultural heritage

## **Budget/Financial Implications**

Council provides funding for the operation and maintenance of the public trees in the urban environment within the City's annual operational budget. Currently, the annual operational budget provides for inspections, minor tree surgery and regulatory assessments on the City's existing tree canopy. The works covered by this contract would be undertaken within the annual operational budget allocation for Parks and Reserves Maintenance.

The forecast annual expenditure under this contract is estimated to be approximately \$250,000 in its first year and is accounted for in the Parks operational budgets.

## **Legislative and Policy Implications**

The award of this quote is governed by the City of Nedlands [Procurement of Goods and Services Policy](#).

The works to be delivered under this contract are in line with the City of Nedlands [Asset Management Policy](#).

## **Decision Implications**

By endorsing the officer recommendation, a contractor will be appointed to provide remedial tree pruning operations in streetscapes, parks and natural areas as and when required to support tree health, improve amenity value, repair storm damage, undertake crown lifting, maintain statutory clearances, remove dead wood, manage risk and remove whole trees as required.

By not endorsing the recommendation, tree assets will continue to not be effectively maintained, and may lead to safety issues resulting from lack of pruning.

## **Conclusion**

Liveable Group Pty Ltd t/as Professional Tree Surgeons have completed tree surgery and maintenance projects for other metropolitan local governments, have the required skills and experience necessary to complete the works. It is for these reasons that they are the recommended organisation for this contract of works.

Liveable Group Pty Ltd t/as Professional Tree Surgeons scored highly in a number of areas. The price schedule provided by Liveable Group Pty Ltd t/as Professional Tree Surgeons Civil was the lowest of the assessed submissions. Their submission demonstrated suitable organisational capabilities, high quality outcomes from similar work backed up by references and an excellent understanding of the requirements of the contract. Assessment officers

were in agreement that Liveable Group Pty Ltd t/as Professional Tree Surgeons offered a competitive market rate value for money.

### **Further Information**

Nil.

**18. Divisional Reports - Corporate & Strategy Report No's CPS57.12.22 to CPS62.12.22**

**18.1 CPS57.12.22 Delegation of Authority – Award Tenders during Council Recess**

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Brett Jenkins – Procurement Officer
<b>Director</b>	Michael Cole – Director Corporate Services
<b>Attachments</b>	Nil

**Purpose**

This report is being presented to Council to seek approval for the CEO, in conjunction with the Mayor, to individually award contracts listed in this report up to the value of \$2,000,000 during the New Year Council Recess period. Council approval is also sought for the CEO, in conjunction with the Mayor, to approve the awarding of request for quotations between \$50,001 and \$350,000 where the minimum number of required quotations received have not been met. This will be an amendment to the City of Nedlands' Register of Delegated Authority if required, with respect to the Council recess period.

**Recommendation**

**That Council:**

- 1. amends delegation 1.1.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options to add the following:**
  - 10. the CEO in consultation with the Mayor accept a tender to a maximum value of \$2,000,000 and may decline to accept any tender during the yearly Council recess period from the date following the last Ordinary Council Meeting of the year in December 2022 until 31 January 2023; and**
- 2. amends delegation 1.1.18 Tenders for Goods and Services - Exempt Procurement to add the following:**
- 3. the CEO award request for quotations, between \$50,001 and \$350,000 where the minimum number of required quotations received have not been met**

during the yearly Council recess period from the date following the last Ordinary Council Meeting in December 2022 until 31 January 2023.

## Voting Requirement

Absolute Majority.

## Background

The City of Nedlands Procurement of Goods and Services Council Policy requires tenders to be approved by Council where the procurement threshold is above \$350,000. The policy also states where the request for quotation is between \$50,001 and up to \$350,000, and the minimum number quotations received is not satisfied, Council approval will be required to award the request for quotation.

## Discussion

It is proposed to increase the amount the CEO can approve under delegated authority for procurement over the Christmas/New Year Council recess period.

For example, during the 2022/23 Council Recess period, it is anticipated that following request for tenders will require CEO, in conjunction with the Mayor, approval;

- EOI 2022-23.10 – Rehabilitation Smyth Road & Rochdale Road (value estimate \$1.9 million and \$1.0 million respectively)
- RFT 2022-23.12 – Provision of Electrical Services (value estimate \$350,000)

Where possible, City staff aim to seek quotations above the minimum number outlined in the City of Nedlands Procurement of Goods and Services Policy. As a contingency measure, the following request for quotations maybe subjected to not receiving the required number of quotation responses for expenditure estimated to be between \$50,001 and \$350,000.

- RFQ 2022-23.12 – Strategic Community Plan (value estimate \$50,000)
- RFQ 2022-23.13 – Fleet 118 & 119 changeover (value estimate \$150,000)
- RFQ 2022-23.14 – Greenways Maintenance (value estimate \$220,000)

## Consultation

Internal consultation was undertaken by the procurement team with the City's two largest procurers in Technical Services and Information Technology. All procurements expected to be undertaken during the Council Recess period have been stated in this report.

## Strategic Implications

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

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

**Values** **Great Governance and Civic Leadership**  
We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

## Budget/Financial Implications

Nil.

## Legislative and Policy Implications

### [City of Nedlands Procurement of Goods and Services Policy](#)

Under the Local Government Act 1995:

#### 5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

#### 5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.

## Decision Implications

If Council endorses the recommendation, City staff can progress the procurement process to carry out works early and meet capital works and other budgeted obligations.

If Council does not endorse the recommendation, then the procurement process will be delayed causing planned works to be postponed resulting in project delays.

## Conclusion

To ensure there is no delay to the services and projects the City will deliver, it is recommended Council approve:

1. To delegate authority to the CEO to award request for tenders listed in this report during the annual Council Recess period, in conjunction with the Mayor, up to a value of \$2,000,000; and
2. To delegate authority to the CEO to award request for quotations listed in this report during the annual Council Recess period, in conjunction with the Mayor, where the minimum number of quotations received has not been met for procurements between \$50,001 and \$350,000.

## Further Information

Nil

## 18.2 CPS58.12.22 Quarterly Budget Review – September 2022

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Stuart Billingham – Manager Financial Services
<b>Director</b>	Michael Cole – Director Corporate Services
<b>Attachments</b>	Attachment 1 - Quarterly Budget Review September 2022.

### Purpose

To present to Council the Quarterly Budget Review for the period ending 30 September 2022, detailing budget amendments and any material variances which may impact upon the 2022/23 budget and provide recommendations on how to accommodate these variations.

### Recommendation

That Council:

1. adopts the September 2022 Quarterly Budget Review as contained within the attached; and
2. approves the budget amendments contained in the 2022-2023 September Quarterly Budget Review, detailed as listed in Note 5 as attached.

### Voting Requirement

Absolute Majority.

### Background

1. A Quarterly Budget Review for the period ending 30 September 2022 has been undertaken by the Financial Services department.
2. The September 2022 Quarterly Budget Review has been prepared and is now presented to Council for consideration and approval of the recommended budget amendments.

## Discussion

- The Quarterly Budget Review is an early assessment of how the City is financially performing to date and is used to identify variations from the adopted budget expected by the year end. It may include new works and/or services not identified in the adopted budget.
- The Quarterly Budget review, although not a legislative requirement, is however presented to Council as industry best practice to ensure reporting timeliness and organisational agility to respond to known changes since budget adoption. Any Budget amendments are to be approved in accordance with section 6.8 of the *Local Government Act 1995* by an absolute majority vote.
- The Quarterly Budget Review does consider the unaudited opening position for the 2022/23 financial year. The main Mid-Year Budget Review to be presented to Council in February 2023, after the Annual Financial Audit is completed, will consider any final changes to the opening position.
- Known material variations to the Annual Budget are addressed in this report, including the funding identified to accommodate these variations.

## Consultation

The City's administration has provided details for the Quarterly Budget Review report and provided commentary on identified budget amendments requested relevant to their service area.

## Strategic Implications

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

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

**Values** **Great Governance and Civic Leadership**  
We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

## Budget/Financial Implications

As per note 5 in the attached quarterly budget review report, a list of requested budget amendments is submitted for consideration of Council for approval.

Increase in Carry Forward Surplus/(Deficit)	\$449,173
Fees & Charges revenues reduced	(\$393,641)
Other Revenue reduced	(\$ 68,940)
Materials & Contracts increased	(\$ 55,532)
Non-Operating Grants increased	\$ 83,155
Transfers to/from reserve	No change
Capex F&E reduced	\$ 27,000
Capex Roads Infrastructure increased	(\$ 83,155)
Purchase of Intangibles increased	(\$ 27,000)
<b>Total movement</b>	<b><u>(\$ 0)</u></b>

## Legislative and Policy Implications

Nil.

## Decision Implications

Council not adopting the September 2022 Quarterly Budget Review would affect budget allocations required for this year's projects and funding.

This can be addressed by adopting the September 2022 Quarterly Budget Review and recommended budget amendments.

## Conclusion

The Quarterly Budget Review for the period ending 30 September 2022 recommends budget amendments resulting in a rebalanced 2022/23 Rate Setting Statement. It is anticipated at Mid-Year Budget Review the audited Carry forward Surplus/(Deficit) will be finalised and adjusted accordingly.

## Further Information

Nil.

**CITY OF NEDLANDS**

**BUDGET REVIEW REPORT**

**FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

**LOCAL GOVERNMENT ACT 1995**

**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

**TABLE OF CONTENTS**

Statement of Budget Review by Nature or Type	2
Statement of Budget Review by Program	3
Note 1 Basis of Preparation	4
Note 2 Summary Graphs - Budget Review	5
Note 3 Net Current Funding Position	6
Note 4 Predicted Variances	8
Note 5 Budget Amendments	13

	Budget v Actual		Predicted			
	Note	Adopted Budget (a) \$	YTD Actual (b) \$	Variance Permanent (c) \$	Variance Timing (Carryover) (d) \$	Year End (a)+(c)+(d) \$
<b>OPERATING ACTIVITIES</b>						
Net current assets at start of financial year surplus/(deficit)	4.5.2	2,518,831	2,968,004	0	0	2,518,831
<b>Revenue from operating activities (excluding rates)</b>						
Operating grants, subsidies and contributions	4.1.2	2,374,464	55,166	0	0	2,374,464
Fees and charges	4.1.3	7,999,894	4,723,269	(324,701)	0	7,675,193 ▼
Service charges	4.1.4	0	25,913	0	0	0
Interest earnings	4.1.5	373,371	158,148	0	0	373,371
Other revenue	4.1.6	326,560	142,571	(68,940)	0	257,620 ▼
		11,074,289	5,105,067	(393,641)	0	10,680,648
<b>Expenditure from operating activities</b>						
Employee costs	4.2.1	(16,400,146)	(4,271,420)	0	0	(16,400,146)
Materials and contracts	4.2.2	(12,668,047)	(2,023,088)	(55,532)	0	(12,723,579) ▲
Utility charges	4.2.3	(943,574)	(217,359)	0	0	(943,574)
Depreciation on non-current assets	4.2.4	(6,538,604)	(1,591,272)	0	0	(6,538,604)
Interest expenses	4.2.5	(77,770)	(35,069)	0	0	(77,770)
Insurance expenses	4.2.6	(466,808)	(199,069)	0	0	(466,808)
Other expenditure	4.2.7	(928,551)	(163,923)	0	0	(928,551)
Loss on asset disposals	4.2.8	(44,871)	0	0	0	(44,871)
		(38,068,371)	(8,501,200)	(55,532)	0	(38,123,903)
Non-cash amounts excluded from operating activities		6,583,475	1,605,511			6,583,475
<b>Amount attributable to operating activities</b>		(17,891,776)	1,177,382	(449,173)	0	(18,340,949)
<b>INVESTING ACTIVITIES</b>						
Non-operating grants, subsidies and contributions	4.3.1	3,669,804	0	83,155	0	3,752,959 ▲
Purchase land and buildings	4.4.2	(3,092,701)	(159,754)	0	0	(3,092,701)
Purchase plant and equipment	4.4.3	(346,500)	(73,338)	0	0	(346,500)
Purchase furniture and equipment	4.4.4	(27,000)	0	(48,000)	0	(75,000) ▲
Purchase and construction of infrastructure-roads	4.4.5	(6,296,594)	(1,509,680)	(83,155)	0	(6,379,749) ▲
Purchase and construction of infrastructure-other	4.4.6	(1,472,796)	(110,060)	0	0	(1,472,796)
Purchase Intangibles	4.4.10	(1,834,198)	(275,587)	48,000	0	(1,786,198)
Proceeds from self supporting loans	4.3.6	18,506	4,473	0	0	18,506
Proceeds from disposal of assets	4.3.2	96,700	24,091	0	0	96,700
		(9,284,779)	(2,099,855)	0	0	(9,284,779)
Non-cash amounts excluded from investing activities		0	0			0
<b>Amount attributable to investing activities</b>		(9,284,779)	(2,099,855)	0	0	(9,284,779)
<b>FINANCING ACTIVITIES</b>						
Repayment of debentures	4.4.8	(1,109,194)	(388,479)	0	0	(1,109,194)
Principal elements of finance lease payments		(65,506)	(12,626)	0	0	(65,506)
Transfers to cash backed reserves (restricted assets)	4.5.10	(1,239,743)	0	0	0	(1,239,743)
Transfers from cash backed reserves (restricted assets)	4.5.11	3,771,605	0	0	0	3,771,605
<b>Amount attributable to financing activities</b>		1,357,162	(401,105)	0	0	1,357,161
<b>Budget deficiency before general rates</b>		(25,819,393)	(1,323,578)	(449,173)	0	(26,268,567)
<b>Estimated amount to be raised from general rates</b>	4.5.1	25,819,393	25,420,642	0	0	25,819,393
<b>Closing funding surplus/(deficit)</b>	3 (c)	0	24,097,064	(449,173)	0	(449,174) ▼

	Budget v Actual		Predicted			Material Variance
	Note	Adopted Annual Budget (a)	YTD Actual (b)	Variance Permanent (c)	Variance Timing (Carryover) (d)	
	\$	\$	\$	\$	\$	
<b>OPERATING ACTIVITIES</b>						
Net current assets at start of financial year surplus/(deficit)		2,518,831	2,968,004	0	0	2,518,831
<b>Revenue from operating activities (excluding rates)</b>						
Governance		35,000	659	0	0	35,000
General purpose funding		977,799	285,524	0	0	977,799
Law, order, public safety		430,592	160,328	0	0	430,592
Health		74,008	7,951	0	0	74,008
Education and welfare		2,814,220	335,947	0	0	2,814,220
Community amenities		4,332,508	3,514,399	0	0	4,332,508
Recreation and culture		795,395	327,294	0	0	795,395
Transport		25,272	13,933	0	0	25,272
Economic services		885,064	324,121	0	0	885,064
Other property and services		704,431	134,911	(393,641)	0	310,790
		11,074,289	5,105,067	(393,641)	0	10,680,648
<b>Expenditure from operating activities</b>						
Governance		(2,479,999)	(649,704)	14,700	0	(2,465,299)
General purpose funding		(645,210)	(52,310)	0	0	(645,210)
Law, order, public safety		(1,039,068)	(143,402)	0	0	(1,039,068)
Health		(822,802)	(168,166)	0	0	(822,802)
Education and welfare		(3,810,716)	(616,953)	0	0	(3,810,716)
Community amenities		(6,445,419)	(710,697)	0	0	(6,445,419)
Recreation and culture		(10,875,805)	(1,771,538)	0	0	(10,875,805)
Transport		(6,715,931)	(1,588,382)	(16,430)	0	(6,732,361)
Economic services		(2,375,982)	(380,843)	0	0	(2,375,982)
Other property and services		(2,857,439)	(2,419,205)	(53,802)	0	(2,911,241)
		(38,068,371)	(8,501,200)	(55,532)	0	(38,123,903)
Non-cash amounts excluded from operating activities		6,583,475	1,605,511			6,583,475
<b>Amount attributable to operating activities</b>		(17,891,776)	1,177,382	(449,173)	0	(18,340,949)
<b>INVESTING ACTIVITIES</b>						
Non-operating grants, subsidies and contributions		3,669,804	0	83,155	0	3,752,959
Purchase land and buildings		(3,092,701)	(159,754)	0	0	(3,092,701)
Purchase plant and equipment		(346,500)	(73,338)	0	0	(346,500)
Purchase furniture and equipment		(27,000)	0	(48,000)	0	(75,000)
Purchase and construction of infrastructure - roads		(6,296,594)	(1,509,680)	(83,155)	0	(6,379,749)
Purchase and construction of infrastructure - other		(1,472,796)	(110,060)	0	0	(1,472,796)
Purchase Intangibles		(1,834,198)	(275,587)	48,000	0	(1,786,198)
Proceeds from self supporting loans		18,506	4,473	0	0	18,506
Proceeds from disposal of assets		96,700	24,091	0	0	96,700
		(9,284,779)	(2,099,855)	0	0	(9,284,779)
Non-cash amounts excluded from investing activities		0	0	0	0	0
<b>Amount attributable to investing activities</b>		(9,284,779)	(2,099,855)	0	0	(9,284,779)
<b>FINANCING ACTIVITIES</b>						
Repayment of borrowings		(1,109,194)	(388,479)	0	0	(1,109,194)
Principal elements of finance lease payments		(65,506)	(12,626)	0	0	(65,506)
Transfers to cash backed reserves (restricted assets)		(1,239,743)	0	0	0	(1,239,743)
Transfers from cash backed reserves (restricted assets)		3,771,605	0	0	0	3,771,605
<b>Amount attributable to financing activities</b>		1,357,162	(401,105)	0	0	1,357,161
<b>Budget deficiency before general rates</b>		(25,819,393)	(1,323,578)	(449,173)	0	(26,268,567)
<b>Estimated amount to be raised from general rates</b>		25,819,393	25,420,642	0	0	25,819,393
<b>Closing Funding Surplus(Deficit)</b>	3 (c)	0	24,097,064	(449,173)	0	(449,174)

## 1. BASIS OF PREPARATION

The budget review has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost. All right-of-use assets (other than vested improvements) under zero cost concessionary leases are measured at zero cost rather than at fair value. The exception is vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from *AASB 16* which would have required the City of Nedlands to measure any vested improvements at zero cost.

Accounting policies which have been adopted in the preparation of this budget review have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the budget review has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Financial reporting disclosures in relation to assets and liabilities required by the Australian Accounting Standards have not been made unless considered important for the understanding of the budget review or required by legislation.

### The local government reporting entity

All funds through which the City of Nedlands controls resources to carry on its functions have been included in the financial statements forming part of this budget review.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements.

### Rounding off figures

All figures shown in this budget review are rounded to the nearest dollar.

### 2022/23 actual balances

Balances shown in this budget review report as YTD Actual are as forecast at the time of budget review preparation and are subject to final adjustments.

### Budget comparative figures

Unless otherwise stated, the budget comparative figures shown in the budget review relate to the original budget estimate for the relevant item of disclosure.

### Judgements, estimates and assumptions

The preparation of the annual budget in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

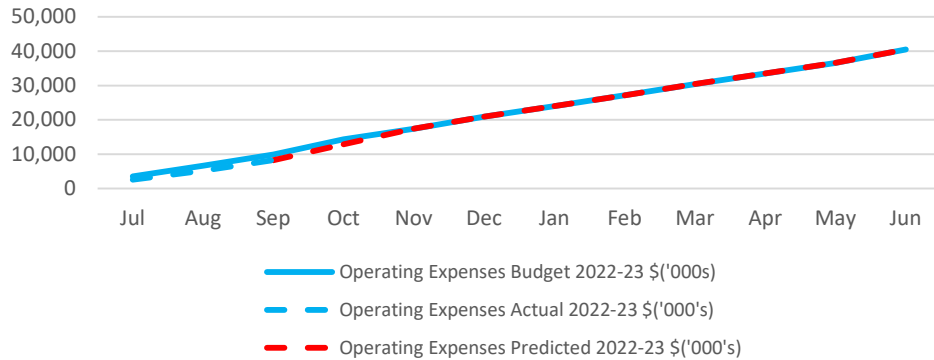
The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

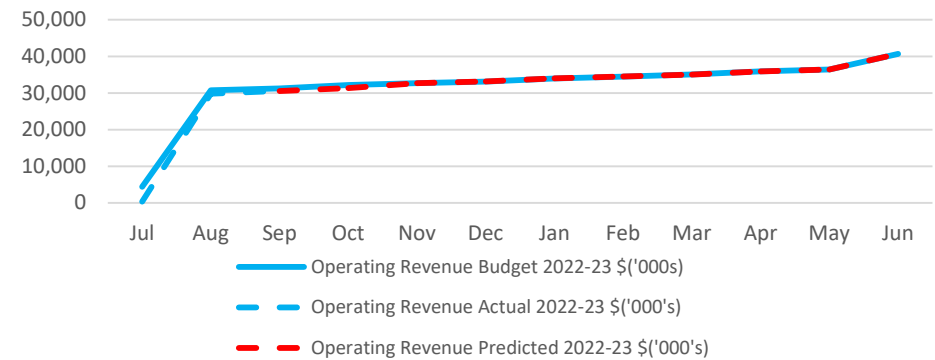
- estimated fair value of certain financial assets
- estimation of fair values of land and buildings and investment property
- impairment of financial assets
- estimation uncertainties and judgements made in relation to lease accounting
- estimated useful life of assets

2. SUMMARY GRAPHS - BUDGET REVIEW

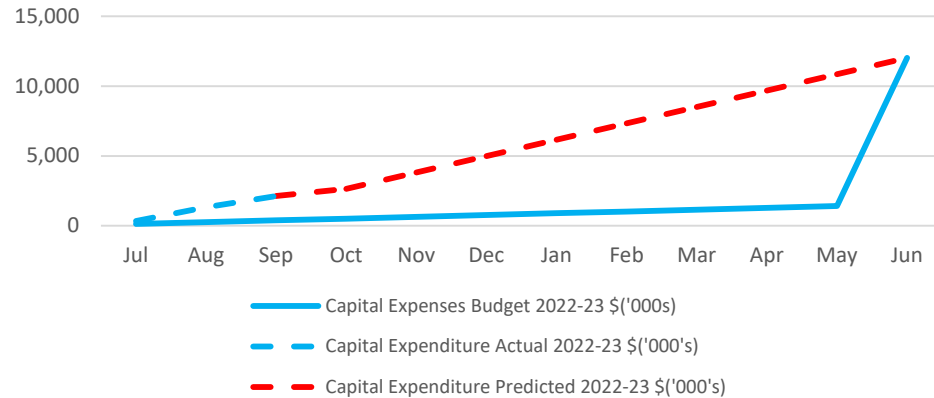
Operating Expenses



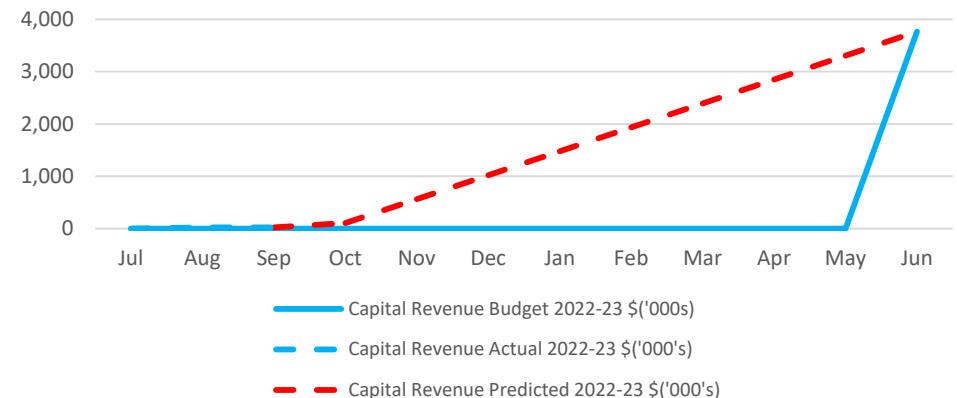
Operating Revenue



Capital Expenditure



Capital Revenue



This information is to be read in conjunction with the accompanying financial statements and notes.

3 NET CURRENT FUNDING POSITION

EXPLANATION OF DIFFERENCE IN NET CURRENT ASSETS AND SURPLUS/(DEFICIT)

Operating activities excluded from budgeted deficiency

When calculating the budget deficiency for the purpose of Section 6.2 (2)(c) of the *Local Government Act 1995* the following amounts have been excluded as provided by *Local Government (Financial Management) Regulation 32* which will not fund the budgeted expenditure.

(a) Operating activities excluded from budgeted deficiency

The following non-cash revenue or expenditure has been excluded from operating activities within the Rate Setting Statement.

	Actual - Used for Budget 30 June 2022	Unaudited Actual 30 June 2022	Budget 30 June 2023	Actual 30 September 2022
			\$	\$
<b>Adjustments to operating activities</b>				
Less: Profit on asset disposals	(17,938)	(17,938)	0	0
Less: Movement in other non-current liabilities	0	0	0	(11,068)
Add: Loss on asset disposals	3,262	3,262	44,871	0
Add: Depreciation on non-current assets	4,491,640	4,491,640	6,538,604	1,591,272
Add: Movement in other non-current assets	9,264	9,264	0	25,307
<b>Non-cash amounts excluded from operating activities</b>	<b>4,486,228</b>	<b>4,486,228</b>	<b>6,583,475</b>	<b>1,605,511</b>

(b) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Rate Setting Statement.

Adjustments to net current assets

Less: Restricted cash	(9,342,727)	(8,263,140)	(6,810,865)	(8,263,140)
Less: Self supporting loans	0	(17,133)	0	(12,660)
Add: Long term borrowings	1,138,739	1,138,739	29,545	720,715
Add: Leases	65,506	65,506	49,313	52,880
<b>Total adjustments to net current assets</b>	<b>(8,138,482)</b>	<b>(7,076,028)</b>	<b>(6,732,007)</b>	<b>(7,502,205)</b>

(c) Composition of estimated net current assets

Current assets

Cash unrestricted	8,299,291	18,261,285	5,805,870	20,202,984
Cash restricted	9,962,089	(4)	7,430,227	(4)
Financial assets - unrestricted	0	0	0	148,584
Financial assets - restricted reserves	0	0	0	8,263,144
Financial assets - self supporting loans	17,133	17,133	17,133	12,660
Receivables - rates and rubbish	543,154	543,154	543,154	13,844,412
Receivables - other	1,883,616	2,094,971	1,883,616	2,726,892
Other current assets	0	40,021	0	(457,802)
Contract assets	13,500	0	13,500	0
Inventories	40,738	40,738	15,328	89,200
	<b>20,759,521</b>	<b>20,997,298</b>	<b>15,708,828</b>	<b>44,830,070</b>

Less: current liabilities

Payables	(4,516,000)	(5,091,088)	(4,516,000)	(7,608,408)
Contract liabilities	(30,854)	(30,854)	(30,854)	(207,845)
Unspent non-operating grants	(1,427,700)	(582,117)	(1,427,700)	(969,421)
Lease liabilities	(65,506)	(65,506)	(49,313)	(52,880)
Long term borrowings	(1,138,739)	(1,138,739)	(29,545)	(720,715)
Provisions	(2,923,409)	(2,961,711)	(2,923,409)	(2,595,761)
Other liabilities	0	(1,083,251)	0	(897,046)
	<b>(10,102,208)</b>	<b>(10,953,266)</b>	<b>(8,976,821)</b>	<b>(13,052,076)</b>

Net current assets

	10,657,313	10,044,032	6,732,007	31,777,994
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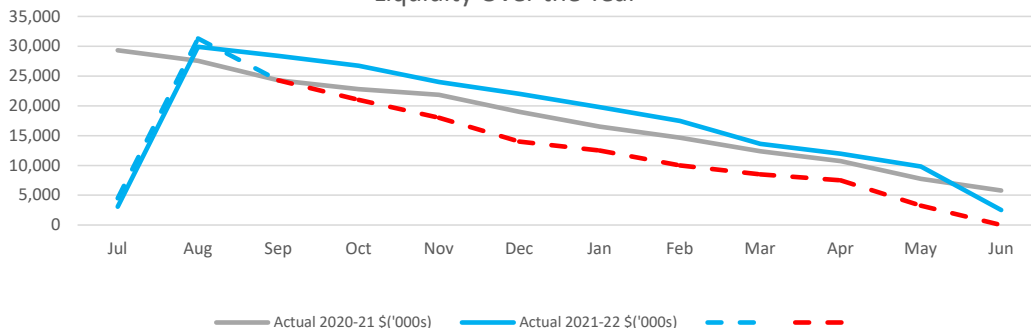
Less: Total adjustments to net current assets

	(8,138,482)	(7,076,028)	(6,732,007)	(7,502,205)
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Closing funding surplus / (deficit)

	2,518,831	2,968,004	0	24,275,789
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Liquidity Over the Year



### 3 COMMENTS/NOTES - NET CURRENT FUNDING POSITION (CONTINUED)

#### SIGNIFICANT ACCOUNTING POLICIES

##### CASH AND CASH EQUIVALENTS

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short term borrowings in current liabilities.

##### FINANCIAL ASSETS AT AMORTISED COST

The City of Nedlands classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

##### TRADE AND OTHER RECEIVABLES

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables are held with the objective to collect the contractual cashflows and therefore measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

The City of Nedlands applies the AASB 9 simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, rates receivable are separated from other trade receivables due to the difference in payment terms and security for rates receivable.

##### INVENTORIES

###### General

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

##### CONTRACT ASSETS

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

##### CURRENT AND NON-CURRENT CLASSIFICATION

An asset or liability is classified as current if it is expected to be settled within the next 12 months, being the City of Nedlands's operational cycle. In the case of liabilities where the City of Nedlands does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current or non-current based on the City of Nedlands's intentions to release for sale.

##### TRADE AND OTHER PAYABLES

Trade and other payables represent liabilities for goods and services provided to the City of Nedlands prior to the end of the financial year that are unpaid and arise when the City of Nedlands becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

##### PREPAID RATES

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the City of Nedlands recognises revenue for the prepaid rates that have not been refunded.

##### EMPLOYEE BENEFITS

###### Short-Term Employee Benefits

Provision is made for the City of Nedlands's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The City of Nedlands's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current of financial trade and other payables in the statement position. City of Nedlands's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

##### PROVISIONS

Provisions are recognised when the City of Nedlands has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

##### CONTRACT LIABILITIES

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants to acquire or construct recognisable non-financial assets to be controlled by the City of Nedlands are recognised as a liability until such time as the City of Nedlands satisfies its obligations under the agreement.

4. PREDICTED VARIANCES

Comments/Reason for Variance

	Variance \$	
	Permanent	Timing
<b>4.1 OPERATING REVENUE (EXCLUDING RATES)</b>		
<b>4.1.1 SPECIFIED AREA RATES</b>		
Nil	0	0
<b>4.1.2 OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS</b>		
Nil	0	0
<b>4.1.3 FEES AND CHARGES</b>		
Property Management - Commercial Leasing Rent	(161,928)	0
Property Management - Management Licenses Fee	(31,217)	0
Property Management - Residential Leasing Rent	(131,556)	0
Nil	0	0
<b>4.1.4 SERVICE CHARGES</b>		
Nil	0	0
<b>4.1.5 INTEREST EARNINGS</b>		
Nil	0	0
<b>4.1.6 OTHER REVENUE</b>		
Property Management - Utilities Reimbursements	(68,940)	0
<b>4.1.7 PROFIT ON ASSET DISPOSAL</b>		
Nil	0	0
<b>Predicted Variances Carried Forward</b>	<b>(393,641)</b>	<b>0</b>

4. PREDICTED VARIANCES

Comments/Reason for Variance

	Variance \$	
	Permanent	Timing
<b>Predicted Variances Brought Forward</b>	<b>(393,641)</b>	<b>0</b>
<b>4.2 OPERATING EXPENSES</b>		
<b>4.2.1 EMPLOYEE COSTS</b>		
Nil	0	0
<b>4.2.2 MATERIAL AND CONTRACTS</b>		
Corporate Communications - Software Licenses	14,700	0
Information Technology - Software Licenses	(14,700)	0
Director Technical Services Admin - Consultancy	81,440	0
Asset Management Admin - Consultancy	(81,440)	0
Director Technical Services Admin - Consultancy	18,000	0
Asset Management Admin - Consultancy	(18,000)	0
Transport & Development Admin - Contract Services	(16,430)	0
City Projects & Programs Admin - Consultancy	(39,102)	0
<b>4.2.3 UTILITY CHARGES</b>		
Nil	0	0
<b>4.2.4 DEPRECIATION (NON CURRENT ASSETS)</b>		
Nil	0	0
<b>4.2.5 INTEREST EXPENSES</b>		
Nil	0	0
<b>4.2.6 INSURANCE EXPENSES</b>		
Nil	0	0
<b>4.2.7 OTHER EXPENDITURE</b>		
Nil	0	0
<b>4.2.8 LOSS ON ASSET DISPOSAL</b>		
Nil	0	0
<b>Predicted Variances Carried Forward</b>	<b>(449,173)</b>	<b>0</b>

4. PREDICTED VARIANCES

Comments/Reason for Variance

	Variance \$	
	Permanent	Timing
<b>Predicted Variances Brought Forward</b>	<b>(449,173)</b>	<b>0</b>
<b>4.3 CAPITAL REVENUE</b>		
<b>4.3.1 NON OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS</b>		
Waratah Ave Road Resurfacing Project - Main Roads Direct Grant	83,155	0
<b>4.3.2 PROCEEDS FROM DISPOSAL OF ASSETS</b>		
Nil	0	0
<b>4.3.3 PROCEEDS FROM NEW DEBENTURES</b>		
Nil	0	0
<b>4.3.4 PROCEEDS FROM SALE OF INVESTMENT</b>		
Nil	0	0
<b>4.3.5 PROCEEDS FROM ADVANCES</b>		
Nil	0	0
<b>4.3.6 SELF-SUPPORTING LOAN PRINCIPAL</b>		
Nil	0	0
<b>4.3.7 TRANSFER FROM RESERVES (RESTRICTED ASSETS)</b>		
Conference Room Interactive Screens Transfer from Business System Reserve	(75,000)	0
Council Chambers Upgrade Capital Transfer from Business System Reserve	60,000	0
iPads for Councillors Transfer from Business System Reserve	(12,000)	0
CCTV Management Transfer from Business System Reserve	(15,000)	0
CAD Station Upgrade Transfer from Business System Reserve	(5,000)	0
OneCouncil Solution Transfer from Business System Reserve	47,000	0
<b>Predicted Variances Carried Forward</b>	<b>(366,018)</b>	<b>0</b>

4. PREDICTED VARIANCES

Comments/Reason for Variance

	Variance \$	
	Permanent	Timing
<b>Predicted Variances Brought Forward</b>	<b>(366,018)</b>	<b>0</b>
<b>4.4 CAPITAL EXPENSES</b>		
<b>4.4.1 LAND HELD FOR RESALE</b>		
Nil	0	0
<b>4.4.2 LAND AND BUILDINGS</b>		
Nil	0	0
<b>4.4.3 PLANT AND EQUIPMENT</b>		
Nil	0	0
<b>4.4.4 FURNITURE AND EQUIPMENT</b>		
iPads for Councillors - Capital Purchase	12,000	0
CCTV Management - Capital Purchase	15,000	0
Council Chambers Upgrade - Capital Purchase	(75,000)	
<b>4.4.5 INFRASTRUCTURE ASSETS - ROADS</b>		
Waratah Ave Road Resurfacing Project - Capital Purchases	(83,155)	0
<b>4.4.6 INFRASTRUCTURE ASSETS - OTHER</b>		
Nil	0	0
<b>4.4.7 PURCHASES OF INVESTMENT</b>		
Nil	0	0
<b>4.4.8 REPAYMENT OF DEBENTURES</b>		
Nil	0	0
<b>4.4.9 ADVANCES TO COMMUNITY GROUPS</b>		
Nil	0	0
<b>4.4.10 INTANGIBLES</b>		
OneCouncil Solution - Capital Purchase	(67,000)	0
LMS Software - Capital Purchase	20,000	0
Council Chambers Upgrade - Capital Purchase	15,000	
CAD Station Upgrade - Capital Purchase	5,000	
Conference Room Interactive Screens - Capital Purchase	75,000	
<b>Predicted Variances Carried Forward</b>	<b>(449,173)</b>	<b>0</b>

4. PREDICTED VARIANCES

Comments/Reason for Variance

	Variance \$	
	Permanent	Timing
Predicted Variances Brought Forward	(449,173)	0
<b>4.5 OTHER ITEMS</b>		
<b>4.5.10 TRANSFER TO RESERVES (RESTRICTED ASSETS)</b>		
Nil	0	0
<b>4.5.11 TRANSFER FROM RESERVES (RESTRICTED ASSETS)</b>		
Nil	0	0
<b>4.5.1 RATE REVENUE</b>		
Nil	0	0
<b>4.5.2 OPENING FUNDING SURPLUS(DEFICIT)</b>		
Nil	449,173	0
<b>4.5.3 NON-CASH WRITE BACK OF PROFIT (LOSS)</b>		
Nil	0	0
<b>Total Predicted Variances as per Annual Budget Review</b>	<b>0</b>	<b>0</b>

5. BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Description	Council Resolution	Classification	No Change - (Non Cash Items) Adjust.	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance	Comments
				\$	\$	\$	\$	
	<b>Budget Adoption</b>		Opening Surplus/(Deficit)	449,173	449,173	0	449,173	
1200-10116-6261-1000	Corporate Communications - Software Licenses		Operating Expenses		14,700		463,873	Centralise software licenses budget into Information Communication Technology account.
2300-12011-6261-1000	Information Technology - Software Licenses		Operating Expenses			(14,700)	449,173	Centralise software licenses budget into Information Communication Technology account.
5000-15001-6222-7001	Director Technical Services Admin - Consultancy		Operating Expenses		81,440		530,613	Correction of account for carry forward budget due to limitations of automatic Authority to OneCouncil account translation for open purchase orders at 30 June 2022.
5300-15007-6222-7001	Asset Management Admin - Consultancy		Operating Expenses			(81,440)	449,173	Correction of account for carry forward budget due to limitations of automatic Authority to OneCouncil account translation for open purchase orders at 30 June 2022.
5000-15001-6222-1000	Director Technical Services Admin - Consultancy		Operating Expenses		18,000		467,173	Correction of account for carry forward budget due to limitations of automatic Authority to OneCouncil account translation for open purchase orders at 30 June 2022.
5300-15007-6222-1000	Asset Management Admin - Consultancy		Operating Expenses			(18,000)	449,173	Correction of account for carry forward budget due to limitations of automatic Authority to OneCouncil account translation for open purchase orders at 30 June 2022.
5330-15031-6308-1000	Transport & Development Admin - Contract Services		Operating Expenses			(16,430)	432,743	Additional funds required for Integrated Transport Strategy.
5100-15002-6222-1000	City Projects & Programs Admin - Consultancy		Operating Expenses			(39,102)	393,641	Corresponding expense budget to grant revenue allocated in adopted budget not included for the Foreshore Management Plan project.
2200-12009-4210-1000	Property Management - Commercial Leasing Rent		Operating Revenue			(161,928)	231,713	Revenue overstated in adopted budget, reduction to align with retail/lease agreements.
2200-12009-4211-1000	Property Management - Management Licenses Fee		Operating Revenue			(31,217)	200,496	Revenue overstated in adopted budget, reduction to align with retail/lease agreements.
2200-12009-4212-1000	Property Management - Residential Leasing Rent		Operating Revenue			(131,556)	68,940	Revenue overstated in adopted budget, reduction to align with retail/lease agreements.
2200-12009-4707-1000	Property Management - Utilities Reimbursements		Operating Revenue			(68,940)	0	Revenue overstated in adopted budget, reduction to align with retail/lease agreements.
6600-80041-6311-8000	Waratah Ave Road Resurfacing Project - Capital Purchases		Capital Expenses			(83,155)	(83,155)	Grant funding not captured in adopted budget.
6600-84041-4808-1000	Waratah Ave Road Resurfacing Project - Main Roads Direct Grant		Capital Revenue		83,155		0	Grant funding not captured in adopted budget.
6100-80000-6311-8001	OneCouncil Solution - Capital Purchase		Capital Expenses			(67,000)	(67,000)	Additional funds required for OneCouncil budget for the purchase of ASEPC for stage 2 system configuration.
6100-80000-5012-1000	OneCouncil Solution - Transfer from Business System Reserve		Capital Revenue		47,000		(20,000)	Additional funds required for OneCouncil budget for the purchase of ASEPC for stage 2 system configuration.
6100-80005-5012-1000	CAD Station Upgrade - Transfer from Business System Reserve		Capital Revenue		0	(5,000)	(25,000)	Minor ICT capital of low priority not expected to be completed in current financial year. Reallocation of funds to other ICT capital projects.
6100-80005-6311-8001	CAD Station Upgrade - Capital Purchase		Capital Expenses		5,000	0	(20,000)	Minor ICT capital of low priority not expected to be completed in current financial year. Reallocation of funds to other ICT capital projects.
6100-80003-5012-1000	CCTV Management - Transfer from Business System Reserve		Capital Revenue		0	(15,000)	(35,000)	Minor ICT capital of low priority not expected to be completed in current financial year. Reallocation of funds to other ICT capital projects.
6100-80003-6311-8001	CCTV Management - Capital Purchase		Capital Expenses		15,000	0	(20,000)	Minor ICT capital of low priority not expected to be completed in current financial year. Reallocation of funds to other ICT capital projects.
6100-80007-5012-1000	iPads for Councillors - Transfer from Business System Reserve		Capital Revenue		0	(12,000)	(32,000)	Minor ICT capital of low priority not expected to be completed in current financial year. Reallocation of funds to other ICT capital projects.
6100-80007-6311-8001	iPads for Councillors - Capital Purchase		Capital Expenses		12,000	0	(20,000)	Minor ICT capital of low priority not expected to be completed in current financial year. Reallocation of funds to other ICT capital projects.
6100-80011-5012-1000	Council Chambers Upgrade Capital - Transfer from Business System Reserve		Capital Revenue		60,000		40,000	Additional funds required as increased scope of works expected to be required for efficient upgrade. Reclassification of asset class from intangible to furniture & equipment.
6100-80011-6311-8001	Council Chambers Upgrade - Capital Purchase		Capital Expenses			(60,000)	(20,000)	Additional funds required as increased scope of works expected to be required for efficient upgrade. Reclassification of asset class from intangible to furniture & equipment.
6100-80127-6311-8000	LMS Software - Capital Purchase		Capital Expenses		20,000		0	Minor ICT capital of low priority not expected to be completed in current financial year. Reallocation of ICT Capital funds.
6100-80006-5012-1000	Conference Room Interactive Screens - Transfer from Business System Reserve		Capital Revenue		0	(75,000)	(75,000)	Completed in prior year, funds not required and to be reallocated to other ICT capital projects.
6100-80006-6311-8001	Conference Room Interactive Screens - Capital Purchase		Capital Expenses		75,000	0	0	Completed in prior year, funds not required and to be reallocated to other ICT capital projects.
<b>Amended Budget Cash Position as per Council Resolution</b>				<b>449,173</b>	<b>880,468</b>	<b>(880,468)</b>	<b>0</b>	

### 18.3 CPS59.12.22 Microsoft Enterprise Licensing Agreement Renewal

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Tony Benson, Manager ICT
<b>Director</b>	Michael Cole, Director Corporate Services
<b>Attachments</b>	Nil.

#### Purpose

This report is for the renewal of the City’s Microsoft Enterprise Licensing Agreement. These agreements are three-year contracts that afford the City access to a range of Microsoft services and products.

#### Recommendation

**That Council approves the Microsoft Enterprise Agreement submitted by Insight for a period of three years for the value of \$672,396.60.**

#### Voting Requirement

Simple Majority.

#### Background

For all information technical services, Microsoft is one of two key partners. Microsoft products currently underpin all Communication (telephony), Collaboration (Document Creation, Editing, Updating and Storage), Malware protection (Anti-Virus and Fraud protection) and Security Access Management (User ID and access control) activities that the City and its’ employees undertake.

#### Discussion

The City’s Microsoft Enterprise Agreement requires renewal.

Microsoft underpins all Communication (telephony), Collaboration (Document Creation, Editing, Updating and Storage), Malware protection (Anti-Virus and Fraud protection) and Security Access Management (User ID and access control) activities that the City and its employees undertake.

Microsoft will only engage directly with an organisation when the organisation is of a certain size. The City is not one of those. Therefore, the method of engagement is via a transacting partner. This can either be done under the auspices of the State's Common Use Agreement (CUA) or WALGA's Panel Contract mechanism.

Previously, the City has used the CUA mechanism to obtain licensing. However, the CUA limits the City to a single transacting partner option. In seeking to renew the Microsoft Enterprise Licensing agreement, it was decided that for this renewal period to engage multiple vendors, as per WALGA's Panel Contract.

Each Panel supplier was given the same licensing requirement brief and asked to provide quotes thereupon. The City received three proposals:

- Insight
- Data#3
- Datacom

The similarity of the pricing was to be expected as the underlying cost is set by Microsoft, as the sole supplier of the product. Any variation in pricing from the suppliers would be as a result of collective bargaining power each supplier may have negotiated with Microsoft for themselves

The preferred offer was from Insight, which was marginally lower than the other two. Insight's single year cost is \$224,132.20, or over the three-year period is \$672,396.60.

For clarity:

- other licensing methodologies (annual, month-to-month) are available. However, this limits the City's ability to access the higher-level discounts available to Governmental agencies.
- Regardless of Transacting Partner, it is still the same suite of products and services being delivered by Microsoft.

The Chief Executive Officer has delegated authority up to \$250,000 and therefore this is referred to Council for approval.

## **Consultation**

Nil.

## Strategic Implications

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

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

**Values** **High standard of services**  
We have local services delivered to a high standard that take the needs of our diverse community into account.

## Budget/Financial Implications

While the engagements are three years in total length, the contract value is split into three annualised invoices. IT budgets have and will continue to include the necessary provision to satisfy the contract obligations. The current financial year's (FY2223) adopted budget includes sufficient provision for this Licensing requirement.

## Legislative and Policy Implications

[City of Nedlands Procurement of Goods and Services Council Policy](#)

## Decision Implications

Should the Council choose not to endorse then the City's ability to operate on a daily basis would be compromised.

## Conclusion

While no IT vendor is irreplaceable, the continued licensing of Microsoft products is necessary for the smooth delivery of City operations currently. As such, it is recommended Council endorses Insight as the transacting partner as they are offering the best value to the City.

## Further Information

Nil.

**18.4 CPS60.12.22 Monthly Financial Report – November 2022**

This item will be dealt with at the Ordinary Council Meeting.

**18.5 CPS61.12.22 Monthly Investment Report – November 2022**

This item will be dealt with at the Ordinary Council Meeting.

**18.6 CPS62.12.22 List of Accounts Paid – November 2022**

This item will be dealt with at the Ordinary Council Meeting.

**19. Reports by the Chief Executive Officer CEO15.12.22 to CEO16.12.22 (copy attached)**

**19.1 CEO15.12.22 Governance Framework Policy Review and Meeting Schedule for 2023**

<b>Council</b>	Council Meeting 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>CEO</b>	Bill Parker
<b>Attachments</b>	1. Draft Amended Governance Framework Policy

**Purpose**

The purpose of this report is for Council to review the Governance Framework Policy which has been in place for almost 12 months and to adopt the meeting dates for 2023 for public advertising purposes.

**Recommendation to Council**

That Council:

1. adopt the Governance Framework Policy as per attachment 1 to apply from 1 January 2023; and

2. adopt the Agenda Forum Dates Schedule for 2023 as per below:

Tuesday	14 February 2023
Tuesday	14 March 2023
Tuesday	11 April 2023
Tuesday	9 May 2023
Tuesday	13 June 2023
Tuesday	11 July 2023
Tuesday	8 August 2023
Tuesday	11 September 2023
Election Year	No meeting in October
Tuesday	14 November 2023
Tuesday	5 December 2023

3. adopt the Council Meeting Dates Schedule for 2023 as per below:

Tuesday	28 February 2023
Tuesday	28 March 2023
Wednesday	26 April 2023
Tuesday	23 May 2023

<b>Tuesday</b>	<b>27 June 2023</b>
<b>Tuesday</b>	<b>25 July 2023</b>
<b>Tuesday</b>	<b>22 August 2023</b>
<b>Wednesday</b>	<b>26 September 2023</b>
<b>Election Year</b>	<b>No Meeting in October</b>
<b>Tuesday</b>	<b>28 November 2023</b>
<b>Tuesday</b>	<b>12 December 2023</b>

4. adopt the Audit & Risk Committee Meeting Dates Schedule for 2023 as per below:

<b>Monday</b>	<b>20 February 2023</b>
<b>Monday</b>	<b>22 May 2023</b>
<b>Monday</b>	<b>21 August 2023</b>
<b>Monday</b>	<b>20 November 2023</b>

5. adopt the Public Art Committee Meeting Dates Schedule for 2023 as per below:

<b>Monday</b>	<b>13 March 2023</b>
<b>Monday</b>	<b>12 June 2023</b>
<b>Monday</b>	<b>11 September 2023</b>
<b>Monday</b>	<b>11 December 2023</b>

## Voting Requirement

Simple Majority.

## Background

In local government, a policy void can exist between the legislative requirements of the *Local Government Act 1995*, meeting procedure local laws and contemporary decision making. To fill this void, governance framework policies are often developed.

Upon commencement, Council adopted five (5) Key Responsibility Areas (KRA) for the Chief Executive Officer (CEO). One of these KRAs was the development of a new Governance Framework Policy for the City of Nedlands.

Council adopted a Governance Framework Policy in December 2021 that has been operational since February 2022. Given that the Policy has been operational for almost 12 months, a review has been undertaken in consultation with Elected Members.

This item recommends that Council adopt a revised Governance Framework Policy and meeting dates schedule for 2023.

## Discussion

Prior to the implementation of the Policy, the City's governance framework comprised:

- Councillor Briefings (1st and 3rd Tuesday of each month)
- Committee Meetings (2nd Tuesday of each month)
- Council Meetings (4th Tuesday of each month)

Feedback from both elected members and City staff at the time suggested that the:

- Framework was 'unofficial' and not governed by policy
- Agenda was often received late
- Framework was inefficient in dealing with applications and customer requests
- Council Briefings had limited procedural controls
- Committee Meetings were not being convened correctly. This included the election of the presiding member and application of the *Standing Orders Local Law 2016*
- The application of the framework was inconsistent in that some items were presented directly to Council and bypassed the briefing and committee process.

In response, the City worked with Elected Members to develop a new Governance Framework Policy that comprised:

1. Concept Forums; and
2. Council Meeting Agenda Forums

In addition to introducing Concept Forums and Council Meeting Agenda Forums, the Governance Framework Policy:

1. Clearly defined when Agendas would be made available to Council Members and the public for all meeting formats.
2. Introduced discussion papers for Concept Forums so that elected members had adequate background information to inform robust discussion.
3. Provided elected members with an opportunity to set the agenda for Concept Forums with the support of two Council Members.
4. Provided further clarity and a formal process with regard to revised officer recommendations, alternate motions and material amendments.

From a governance perspective, there is evidence to suggest that improvements have been realised under the new Policy. These improvements include:

1. 100% compliance with agenda distribution deadlines. Councillors and members of the public are now receiving the agenda well in advance of meetings.
2. From an administrative perspective, the introduction of Concept Forums and robust discussion ahead of public meetings has assisted shaping policy and strategy more in line with Council's aspirations and objectives.
3. Records are now captured regarding questions that could not be answered in the Council Meeting Agenda Forums. This provides a comprehensive record of how decisions were made.

4. The formalisation of a process regarding officer recommendations, alternate motions and material amendments ensures that administrative comment is received and can be considered by all members prior to formal decisions being made.

In reviewing the Policy and based upon feedback from both Elected Members and the administration, the following amendments have been considered:

### **Part 3 - Council Meeting Agenda Forums**

At a Council Meeting Agenda Forum, a member of the public may make a presentation or ask questions on items contained within the agenda. Presentations are limited to 5 minutes. This is inconsistent with the City's *Standing Orders Local Law 2016* in that public addresses are limited to 3 minutes. It is recommended that the Policy is amended to 3 minutes to ensure consistency between Council Meeting Agenda Forums and Ordinary Council Meetings.

### **Part 3 - Council Meeting Agenda Forums**

Some Elected Members have requested that all questions asked at a Council Meeting Agenda Forums be formally recorded. Currently, only questions taken on notice are recorded, with answers to these questions provided as 'further information' in the agenda for the corresponding Ordinary Council Meeting.

The Policy has been amended to reflect current practice so that Elected Members can request that a question is recorded.

### **Part 3 – Council Meeting Agenda Forums**

Some Elected Members have stated that there should be an opportunity for more discussion at the agenda briefing session.

As stated in Local Government Operational Guideline Number 05 – Council Forums “agenda forums should be for staff presenting information and elected members asking questions, not opportunities to debate the issues. A council should have clearly stated rules that prohibit debate or vigorous discussion between elected members that could be interpreted as debate.

Rules such as questions through the chair and no free-flowing discussion between elected members should be applied.

If there is minimum debate in the ordinary meeting because the elected member attitudes have been established through the item being thoroughly canvassed in the agenda forum then the community is denied the opportunity to witness any debate and understand how the council reached its decision”.

### **Part 4 - Concept Forums**

The current Policy states that Concept Forums will be held in the Meeting Room. This has been updated to reflect that Concept Forums can either be held in the Council Chamber or Board Room.

## **Part 5 - Declaring Interests at Agenda Forums and Concept Forums**

In accordance with Local Government Operational Guideline Number 05 – Council Forums, further clarity is provided stating that the disclosure rules applying to meetings constituted under the *Local Government Act 1995* apply at all Council Meeting Agenda Forums.

### **Other issues**

Minor amendments were made to reflect Council Meetings occurring on the 2<sup>nd</sup> Tuesday in December rather than the 3<sup>rd</sup> Tuesday. Historically, the 3<sup>rd</sup> Tuesday falls very close to Christmas and therefore can impact availability and attendance.

A clause was added to reflect that some Council Meetings could not occur on the 4<sup>th</sup> Tuesday due to public holidays falling on this date (April and September 2023).

Feedback has been received regarding start times for Council Meeting Agenda Forums and Ordinary Council Meetings. The start times have not been amended given divided opinion. However, start times can be debated at the Ordinary Council Meeting.

Various other changes have been made to correct identified errors and ensure greater consistency throughout.

It is proposed that if adopted, the Policy is reviewed after each Ordinary Local Government Election.

## **Consultation**

A discussion paper was presented at a Concept Forum with Council Members on 18 October 2022, where input received from Council Members in terms of what improvements they would like to see in the updated Governance Framework Policy.

Where possible, this feedback has been incorporated into the updated Policy for Council consideration.

## **Strategic Implications**

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

**Values** **High standard of services**  
We have local services delivered to a high standard that take the needs of our diverse community into account.

**Great Governance and Civic Leadership**  
We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

## **Budget/Financial Implications**

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

## **Legislative and Policy Implications**

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

## **Decision Implications**

If Council adopts the revised Policy, the updated Policy will apply from January 2023. If Council does not adopt the revised Policy, the previous Policy will continue to apply.

## **Conclusion**

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

## **Further Information**

Nil.



## Governance Framework Policy

### Council Policy Objective

To provide a transparent, efficient, participatory and statutorily compliant meeting framework in which:

- Council Members are engaged in the development of strategy and policy from initiation to adoption.
- Council Members are provided with accurate, relevant and timely information by the Chief Executive Officer (CEO) to inform quality decision-making.
- Community members can participate in the decision-making process and have access to information used to inform Council decisions.

### Council Policy Scope

This policy applies to Council Members, the Administration and community members participating in and informing the Council decision-making process.

### Council Policy Statement

#### 1. Ordinary Council Meetings

Ordinary Council Meetings shall be conducted in the Council Chamber on the fourth Tuesday of each month, commencing at 6:00pm, except in:

- a. December whereby the Ordinary Council Meeting will be conducted on the third Tuesday of that month.
- b. January whereby an Ordinary Council Meeting will not occur.
- c. October of an ordinary election year whereby an Ordinary Council Meeting will not occur.

The Agenda shall be made available to Council Members via the Councillor Portal and to the public via the City's website no later than 8.30pm on the Thursday immediately preceding the meeting.

#### 2. Special Council Meetings

Special Council Meetings shall be conducted in the Council Chamber.

Agendas for Special Council Meetings shall be made available to Council Members via the Councillor Portal and to the public via the City's website no less than 24 hours prior to the meeting, unless, in extenuating circumstances, agreed upon by CEO and the Presiding Member.



### 3. Council Meeting Agenda Forums

Agenda Forums shall be conducted in the Council Chamber on the second Tuesday of each month commencing at 6:00pm.

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

Agenda Forums shall be chaired by the Mayor, in the absence of the Mayor the Deputy Mayor, and otherwise by resolution of those Council Members present.

No debate shall be allowed, nor decisions made at Agenda Forums.

Agenda Forums shall be open to the public except for confidential items.

Agendas shall be made available to Council Members via the Councillor Portal and to the public via the City's website no later than close of business on the Thursday immediately preceding each Agenda Briefing.

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 3 minutes.

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The agenda shall comprise all officers' reports and recommendations that will be given consideration at the Ordinary Council Meeting in the same month.

With the exception of the monthly financial, investment and list of accounts for payment reports, any items for consideration at the Ordinary Council Meeting that have not been listed on the agenda for the Agenda Forum must be treated as urgent business as provided for in section 3.10 of the *Standing Orders Local Law 2016*.

A general record is to be kept of the Agenda Forum noting attendance, requests for further information and interests disclosed. [Elected members can request a question to be recorded.](#)

[Answers to questions taken on notice or recorded on request will be provided as 'further information' in the agenda for the corresponding Ordinary Council Meeting.](#)

### 4. Concept Forums

Concept Forums shall be conducted in the Council Chamber or Boardroom on the first and third Tuesday of each month commencing at 5.30pm and finishing no later than 7.30pm. The sessions provide an environment where Council Members and the Administration can meet to review and measure the performance of policy and strategy matters, and to discuss and consider complex, important and topical issues.

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Concept Forums also provide an opportunity to discuss projects that are in the early planning stage and are sometime away from being presented to Council for decision.

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Concept Forums are closed to the public.

Concept Forums shall be chaired by the Mayor, in the absence of the Mayor the Deputy Mayor, and otherwise by resolution of those Council Members present.

Debating, collective decision making or revelation of one's intention to vote at a future Council meeting is not permitted. Expressing an opinion on matters under discussion is appropriate and welcome.

A general record is kept of the sessions by the CEO noting attendance, requests for further information and interests disclosed.

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The two principal modes of communication at Concept Forums shall be information exchange and facilitated discussion.

#### 4.1 Information Exchange

Staff, subject matter experts and relevant stakeholders will inform Council Members on complex, important and topical issues both strategic and operational.

- a) Staff must ensure that Council Members are provided sufficient time in which to ask questions, seek clarification and provide feedback on the subject matter; and
- b) All items must be supported by briefing papers providing enough detail to orientate and prepare Council Members on the subject matter so as to stimulate discussion and information exchange.

#### 4.2 Facilitated Discussion

A forum in which Council Members can be actively involved and engaged in the development, review and performance measurement of the City's policy and strategy framework on an ongoing basis.

- a) All discussions are to be facilitated by either an appropriately qualified staff member or subject matter expert;
- b) Feedback from the discussion must be recorded and utilised by staff to inform and guide the preparation of draft strategy and policy documents that will form the basis of future Council decision making and community engagement processes; and



- c) All discussions must be informed by a discussion paper containing sufficient information and background material to enable a Council Member to actively and effectively participate in discussion and the facilitated distillation of key themes.

#### 4.3 Agenda setting for Concept Forums

The agenda will be set by the CEO but guided by the following:

- a) Complex matters which are considered by the CEO to be topical, important and deserving of more scrutiny by, and communication with Council Members.
- b) Matters relating to the development, review and performance measurement of strategies contained within or generated by the City's Integrated Strategic Planning Framework. Matters relating to the development and review of Council Policies as provided for in the Council Policy Framework.
- c) Other matters of a similar nature supported for inclusion on the agenda by at least two Council Members.

The Concept Forum Agenda containing Briefing Papers and Discussion Papers shall be made available to Council Members via the Councillor Portal on or before the close of business on the Friday immediately preceding the Concept Forum.

#### 5. Declaring Interests at Council Meeting Agenda Forums and Concept Forums

[Disclosure rules applying to meetings constituted under the Local Government Act 1995 apply at all Council Meeting Agenda Forums and Concept Forums.](#)

Council Members having a direct or indirect financial interest or proximity interest in a matter listed for discussion should declare that interest and leave the room for the duration of discussion on that matter. A Council Member having left the room is not permitted to contact any person within the room until the meeting has moved to the next item of business.

Council Members having an impartiality interest in a matter listed for discussion should declare that interest however there is no requirement to leave the room.

#### 6. Dealing with Officer Recommendations and Council Motions

##### 6.1 Revised Officer Recommendations

Additional information may emerge, or circumstances may change with regards to items contained within the Ordinary Council Meeting Agenda. In such circumstances, an officer may put forward a revised officer recommendation.



The CEO is to ensure that the revised recommendation is supported by the new information or circumstances that necessitated the change. This would include any material impacts that the revised recommendation might have upon the implications contained within the original officer's report. The CEO must make the revised recommendation and supporting information available as soon as possible.

## 6.2 Alternate Motions and Material Amendments

In accordance with the *Standing Orders Local Law 2017*, alternate motions and material amendments must be submitted by Council Members in writing to the CEO and received on or before 12 noon on the day before each Council meeting.

Alternate motions either negate or change the intent of the original motion.

Material amendment means any amendment, modification or supplement to an original motion that:

- (i) increases or decreases a financial commitment by more than 5% of the project budget being considered
- (ii) amends a key milestone or delivery date
- (iii) requires the commitment of additional resources
- (iv) Adds, amends or removes a condition or advice note

The CEO is to ensure that alternate motions and material amendments along with an officer's response to the motion or material amendment is made available electronically as soon as possible and in hard copy on commencement of the subject meeting. The officer's response is to advise of any material changes that the alternate motion or material amendment might have upon the implications contained within the original officer's report.

The response may also contain an officer's recommendation in support, opposition or otherwise of the alternate motion or material amendment.

Alternate motions and material amendments shall be considered by Council in ascending order according to the time, then date of receipt by the CEO.

## 7. Representation on Council Committees, Regional Local Governments and External Committees

Nomination of Elected Members to Council Committees, Regional Local Governments and External Committees shall take place at a Special Meeting of Council convened for the purpose of electing members to these groups as soon as is practicable after each local government election.



### Council Committees

Name	Role/Objective	Number of Council Members
Audit & Risk Committee	To oversee the risk management, internal control, legislative compliance and external audit processes of the City, including receipt of the auditors statements and management reports.	Mayor & four Council Members one from each ward  Deputy Mayor and four Deputy Council Members one from each ward
Chief Executive Officer Performance Review Committee	To undertake an annual review of the performance of the Chief Executive Officer as required by Section 5.38 of the Local Government Act 1995 and establish annual performance objectives for the Chief Executive Officer	Mayor & four Council Members one from each ward
Public Art Committee	To ensure that the City of Nedlands includes artworks of a high standard in the public domain.	Mayor & four Council Members one from each ward
<u>Workforce Plan Implementation Committee</u>	<ol style="list-style-type: none"> <li>1. <u>To consider and approve the Workforce Plan Implementation Strategy and Tasks;</u></li> <li>2. <u>To work with the Administration to determine the additional information required for effective implementation, and the extra resources required, if any.</u></li> <li>3. <u>To approve the brief for an external consultant, if required, to facilitate the Implementation Strategy.</u></li> <li>4. <u>To recommend to Council, based on the City's consultation process with the different stakeholders and benchmarking, what discretionary services should be provided by the City, and at what service levels, together with the cost-benefit analysis of such services.</u></li> <li>5. <u>To submit to Council recommendations for changes to the adopted Workforce Plan, if any, by 30 April 2023.</u></li> <li>6. <u>To collaborate with the CEO Performance Review Committee to ensure effective development of KRAs, goals, measures, and targets.</u></li> </ol>	<u>Mayor &amp; four Council Members one from each ward</u>



<p><u>Integrated Transport Strategy Committee</u></p>	<ol style="list-style-type: none"> <li>1. <u>Provide guidance to the Consultant on the Community Consultation Plan and process;</u></li> <li>2. <u>Approve the Community Consultation Plan;</u></li> <li>3. <u>Provide guidance to the Consultant on the Community Consultation results.</u></li> <li>4. <u>Provide guidance and input to each iteration of the draft Integrated Transport Strategy; and</u></li> <li>5. <u>Consider the draft Integrated Transport Strategy and make a recommendation to Council on the adoption of the Integrated Transport Strategy.</u></li> </ol>	<p><u>Mayor &amp; four Council Members one from each ward</u></p>
<p><u>Foreshore Management Steering Committee</u></p>	<ol style="list-style-type: none"> <li>1. <u>Evaluate the Request for Quote (RFQ) responses received by the City for the provision of Foreshore Management planning services and select a preferred consultant.</u></li> <li>2. <u>Provide guidance to the Consultant on the community consultation plan and process.</u></li> <li>3. <u>Approve the community consultation plan.</u></li> <li>4. <u>Provide guidance to the Consultant on the Concept designs, Program of Work and Community Consultation results.</u></li> <li>5. <u>Provide guidance and input into the draft Foreshore Management Plan including defining the area of interest and the matters to be considered under this management plan; and</u></li> <li>6. <u>Consider the draft Foreshore Management Plan and make recommendation to Council on the adoption of the Foreshore Management Plan.</u></li> </ol>	<p><u>Mayor &amp; four Council Members one from each ward</u></p>



### Internal Working Groups

Name	Role/Objective	Number of Council Members
Community Working Group	<p>The CWG will perform the vital role of being a conduit between the Council and the community and helping to inform and identify local community priorities in the review and formulation of local planning policies and relevant planning instruments.</p> <p>The objective is to engage directly with community representatives on key issues and areas of interest in developing local planning policies in an impartial manner.</p>	<p>One Council Member Delegate One Council Member Deputy Delegate Twelve Community Members</p>
Site Assessment Working Group	<p>The objectives of the SAWG are to:</p> <ul style="list-style-type: none"> <li>• Foster stakeholder and community awareness and understanding of the proposed development in Allen Park;</li> <li>• Discuss any required variation to the Allen Park Master Plan.</li> <li>• Foster the City of Nedlands' awareness of community concerns and aspirations for the respective residence proposal at Allen Park and regularly report the results of this engagement to Council.</li> <li>• Obtain and provide local input and knowledge into the area as part of the review process.</li> <li>• Collaborate and communicate with other parties to facilitate understanding of the issues.</li> <li>• To provide the provision of feedback to the City on the project development.</li> </ul> <p>The SAWG is an advisory group, not a decision-making group. Decisions relating to the final development of Allen Park are the responsibility of City of Nedlands Council and the State Government.</p>	<p>One Council Member Delegate One Deputy Council Member Delegate</p>

**External Committees & Panels**

Name	Role/Objective	Number of Council Members
WALGA Central Metropolitan Zone	To participate in political advocacy and for services to meet the needs of WALGA members.	Two Council Member Delegates Two Council Member Deputy Delegates
Development Assessment Panel	To determine mandatory planning applications with a value over \$20 million and applicants who have opted-in for assessment by the JDAP.	Two Local Members Two Alternate Local Members
Lake Claremont Committee	The Committee was established to prepare and implement a Management Plan for the Lake. Lake Claremont Committee, with community participation, ensures that they Lake is Managed by the Town of Claremont, as a healthy natural seasonal lake for both conservation and recreational purposes.	One Council Member Delegate One Deputy Council Member Delegate
Metropolitan Regional Road Group	The Agenda should include an item to review all current funded projects. Quarterly Expenditure Reports are distributed by MRWA to each Local Government and the respective Sub-Group Technical Representatives to assist with the review. Local Governments shall provide an update on projects and report any projects that are at risk.	One Council Member Delegate One Council Member Deputy Delegate

**8. Policy Review**

This performance of this Policy shall be reviewed after each Ordinary Local Government Election.

Deleted: 6 months after implementation

Deleted: .

**Related documentation**

City of Nedlands Code of Conduct Council Members, Committee Members and Candidates for Election



City of Nedlands

nedlands.wa.gov.au

### **Related local Law and Legislation**

City of Nedlands Standing Orders Local Law  
Local Government Act 1995

### **Related delegation**

Nil.

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### **Review History**

Adopted by Council 14 December 2021 (Item 13.1) effective 1 January 2022



**First Tuesday of month  
Concept Forum**

Closed to public  
5:30pm to 7:30pm

To discuss:

- complex matters
- review and performance measurement of strategies
- other matters supported by 2+ Cllrs.

Deleted: 3

*Agenda, briefing, and discussion papers added to Cllr portal by COB Friday before 1st Tuesday of month*



**Second Tuesday of month  
Agenda Forum**

Open to public  
6pm start

Opportunity for Council Members to ask questions and seek information on items to be considered at the forthcoming Ordinary Council Meeting.

Members of the public may make presentations or ask questions on items contained within the agenda.

*Agenda added to Cllr portal and City's website by COB Thursday before Agenda forum*



**Third Tuesday of month  
Concept Forum**

Closed to public  
5:30pm to 7:30pm

To discuss:

- complex matters
- review and performance measurement of strategies
- other matters supported by 2+ Cllrs.

Deleted: 3

*Agenda, briefing, and discussion papers added to Cllr portal by COB Friday before 3rd Tuesday of month*



**Fourth Tuesday of month\*  
Ordinary Council Meeting**

Open to public  
6pm start

Council members to consider items on the agenda comprising of officer's reports and recommendations.

Members of the public may make presentations or ask questions on items contained within the agenda.

*Agenda added to Cllr portal and City's website by 8:30pm Thursday before OCM*

*\*December OCM is held on 3rd Tuesday of month | No OCM in January | No OCM in October of ordinary election year*

Deleted: 2

Deleted: Friday

## 19.2 CEO16.12.22 WALGA Best Practice Governance Review

<b>Meeting &amp; Date</b>	Council Meeting – 13 December 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Bill Parker – Chief Executive Officer
<b>CEO</b>	Bill Parker – Chief Executive Officer
<b>Attachments</b>	1. Consultation Paper Model Options 2. Background Paper

### Purpose

The purpose of this report is to gain member feedback, in the form of a Council decision, on the governance model options presented in the Consultation Paper by 23 December 2022.

### Recommendation

**That Council endorse option (insert option number) in response to WALGA's Best Practice Governance Review.**

### Voting Requirement

Simple Majority.

### Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25 and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile and maximise engagement with members.

This report seeks to gain member feedback, in the form of a Council decision, on the governance model options presented in the Consultation Paper.

### Discussion

The Consultation Paper explores four potential governance model options and the structure and roles associated with each option. The four options are:

- Option 1: Two Tier Model, Existing Zones
- Option 2: Board, Regional Bodies
- Option 3: Board, Amalgamated Zones
- Option 4: Member Elected Board, Regional Groups
- Option 5: Current Model

Each of the options is outlined in Attachment 1.

## Consultation

This report seeks to gain member feedback as part of WALGA's consultation process.

## Strategic Implications

### Values

#### **Great Governance and Civic Leadership**

We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

## Budget/Financial Implications

There are no financial implications associated with this item.

## Legislative and Policy Implications

There are no legislative or policy implications associated with this item.

## Decision Implications

If Council resolves a preferred governance model, this feedback will be provided to WALGA by 23 December 2022.

## Conclusion

This report is to gain member feedback, in the form of a Council decision, on the governance model options presented in the Consultation Paper. It is recommended that Council endorse a preferred option.

## Further Information

Nil.



# Best Practice Governance Review

## Consultation Paper – Model Options

## Contents

Item	Section	Page
1	Introduction	<u>3</u>
2	Governance Principles	<u>5</u>
3	Options and Current Model	<u>7</u>
4	Alignment to Principles	<u>14</u>
5	Consultation Process and Next Steps	<u>20</u>



# Best Practice Governance Review

## 1. Introduction

# Introduction

## Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Other drivers for the review included: misalignment between key governance documents; constitution amendments for State Councillors' Candidature for State and Federal elections; and legislative reforms for the *Local Government Act 1995*, and for the *Industrial Relations Act 1979*.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: **Representative, Responsive and Results Oriented**.

These activities are outlined in more detail in the Background Paper.

## This document

This document outlines:

**Principles:** The governance model principles and principle components across the domains of: Representative, Responsive and Results Oriented. The principles were endorsed at the WALGA AGM on 3 October 2022.

**Governance model options:** Presents four potential governance model options and the structure and roles associated with each option. The four options are:

- **Option 1:** Two tier model, existing zones
- **Option 2:** Board, regional bodies
- **Option 3:** Board, amalgamated zones
- **Option 4:** Member elected board, regional groups
- **Option 5:** Current model

**Alignment to principles:** Each of these options are then assessed as to whether they align with the principles and their components. The assessment considers the option and whether it meets, partially meets or does not meet the principle component. Alongside this assessment are some discussion points. An example of this relates to diversity.

Diversity is a component of the governance model being representative. Diversity here may include consideration of whether the governance model comprises an appropriate diversity of skills and experience. It also provides opportunity to consider whether the governance model provides opportunity for members of diverse backgrounds e.g. people of Aboriginal and Torres Strait Islander descent, people with Culturally and Linguistically Diverse backgrounds.

Within all the model options, direct relationship with WALGA and regional / subregional collaboration would continue to be encouraged.



# Best Practice Governance Review

## **2. Governance Principles**

# Governance Principles

The following Governance Principles were endorsed by members at the 2022 AGM

	Principle	Principle component	Component description	Governance implications
Representative	WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils.	The governing body will maintain equal country and metropolitan local government representation.
		Size	An appropriate number of members/representatives oversees WALGA's governance.	Potential reduction in the size of the overarching governing body.
		Diversity	WALGA's governance reflects the diversity and experience of its Local Government members.	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience.
		Election Process	Considers the processes by which WALGA's governance positions are elected and appointed.	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body.
Responsive	WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making.	WALGA's governance model facilitates responsive decision making.
		Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes.	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure.
		Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances.	WALGA's governance model is agile and future proofed for external changes.
Results Oriented	WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance.	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues.
		Value Added Decision Making	Facilitates opportunities for value to be added to decision making.	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions.
		Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes.	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members.


















# Best Practice Governance Review

## **3. Options and Current Model**




# Options and Current Model

Five options, including the Current Model, with details of each of their key governance bodies

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 <p><b>Board</b> (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents</p>	 <p><b>Board</b> (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents</p>	 <p><b>Board</b> (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents</p>	 <p><b>Board</b> (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents</p>	 <p><b>State Council</b> (25 members) 24 State Councillors 1 President</p>
 <p><b>Policy Council</b> (25 members) 24 members plus President</p>	 <p><b>Regional Bodies</b> (4 metro, 4 country)</p>	 <p><b>Zones</b> (6 metro, 6 country)</p>	 <p><b>Policy Teams / Forums / Committees</b></p>	 <p><b>Zones</b> (5 metro, 12 country)</p>
 <p><b>Zones</b> (5 metro, 12 country)</p>	 <p><b>Policy Teams / Forums / Committees</b></p>	 <p><b>Policy Teams / Forums / Committees</b></p>	 <p><b>Regional Groups</b></p>	 <p><b>Policy Teams / Forums / Committees</b></p>




# Option 1 – Two Tier Model, Existing Zones

A description of the governance body structure and role for Option 1

Governance Body	Structure	Role
 <p><b>Board</b></p>	<p>11 members: 8 representative members elected from and by the Policy Council (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.</p>	<p>Meet 6 times per year. Responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.</p>
 <p><b>Policy Council</b></p>	<p>24 members plus President. Members elected by and from the Zones (12 from 5 Metro Zones, 12 from 12 Country Zones).</p>	<p>Meet at least 2 times per year to contribute to policy positions and advocacy for input into Board, and to liaise with Zones on policy and advocacy. The Policy Council can form Policy Teams, Policy Forums and Committees, which would have responsibility for specific functions, such as policy development.</p>
 <p><b>Zones</b></p>	<p>5 Metro, 12 Country.</p>	<p>Meet at least 2 times per year to raise policy issues, elect representatives to the Policy Council, and undertake regional advocacy and projects as directed by the Zone.</p>




## Option 2 – Board, Regional Bodies

A description of the governance body structure and role for Option 2

Governance Body	Structure	Role
 <p><b>Board</b></p>	<p>11 members: 8 representative members elected from and by the Regional Bodies (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.</p>	<p>Meet 6 times per year responsible for governance of WALGA including strategy, financial oversight, policy development, advocacy priorities, employment of CEO, etc.</p>
 <p><b>Regional Bodies</b></p>	<p>Metro: North, South, East and Central. Country: Mining &amp; Pastoral, Agricultural, Peel/South West/Great Southern, Regional Capitals.</p> <p><i>Note: Local Governments can nominate their preferred regional body, with membership of the regional bodies to be determined by the board.</i></p>	<p>Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members (1 from each of the Metro Regional Bodies and 1 from each of the Country Regional Bodies).</p>
 <p><b>Policy Teams / Forums / Committees</b></p>	<p>Membership drawn from the Board and Regional Bodies with some independent members.</p>	<p>Responsible for specific functions – such as policy development – as determined by the Board.</p>




# Option 3 – Board, Amalgamated Zones

A description of the governance body structure and role for Option 3

Governance Body	Structure	Role
 <p><b>Board</b></p>	<p>15 members: 12 elected from the Zones (6 from Metro/Peel, 6 from Country). President to be elected by the Board. The Board will appoint up to 2 independent, skills or constituency directors.</p>	<p>Meet 6 times per year. Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.</p>
 <p><b>Zones</b></p>	<p>Metro/Peel:</p> <ul style="list-style-type: none"> <li>• Central Metropolitan</li> <li>• East Metropolitan</li> <li>• North Metropolitan</li> <li>• South Metropolitan</li> <li>• South East Metropolitan</li> <li>• Peel</li> </ul> <p>Country*:</p> <ul style="list-style-type: none"> <li>• Wheatbelt South</li> <li>• Wheatbelt North</li> <li>• Mid West / Murchison / Gascoyne</li> <li>• Pilbara / Kimberley</li> <li>• South West / Great Southern</li> <li>• Goldfields / Esperance</li> </ul> <p><i>*indicative, re-drawing required</i></p>	<p>Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members.</p>
 <p><b>Policy Teams / Forums / Committees</b></p>	<p>Membership drawn from Board with some independent members.</p>	<p>Responsible for specific functions – such as policy development – as determined by the Board.</p>




# Option 4 – Member Elected Board, Regional Groups

A description of the governance body structure and role for Option 4

Governance Body	Structure	Role	
	<p><b>Board</b></p>	<p>11 members: 8 representative members elected via direct election, with each member Local Government to vote (4 elected by and from Metropolitan Local Governments, 4 elected by and from Country Local Governments). President elected by the Board from among the representative members. The Board will appoint up to 3 independent, skills or constituency directors.</p>	<p>Meet 6 times per year and responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.</p>
	<p><b>Policy Teams / Forums / Committees</b></p>	<p>Membership drawn from Board with some independent members.</p>	<p>Meet at least 2 times per year. Responsible for specific functions – such as contributing to policy development – as determined by the Board.</p>
	<p><b>Regional Groups</b></p>	<p>Determined by members to suit needs. E.g. Regional Capitals, GAPP, VROCs, CEO Group, existing Zones.</p>	<p>Feed into policy development processes and undertake advocacy and projects as determined by the groups.</p>

## Option 5 – Current Model

A description of the governance body structure and roles for the Current Model

Governance Body	Structure	Role	
	<p><b>State Council</b></p>	<p>24 members plus the President. Members elected by and from the Zones (12 from 5 Metropolitan Zones, 12 from 12 Country Zones).</p>	<p>Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy, employment of CEO, etc.</p>
	<p><b>Zones</b></p>	<p>5 Metro, 12 Country.</p>	<p>Consider the State Council Agenda, elect State Councillors, and undertake regional advocacy / projects as directed by the Zone.</p>
	<p><b>Policy Teams / Forums / Committees</b></p>	<p>Membership drawn from State Council with some independent members.</p>	<p>Responsible for specific functions – such as contributing to policy development, financial oversight etc. – as determined by State Council.</p>






# Best Practice Governance Review

## **4. Alignment to Principles**

# Option 1 – Two Tier Model, Existing Zones

Option 1 and its alignment to the principles

**Option 1 –  
Two tier model,  
existing Zones**




	<b>Board</b> (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents
	<b>Policy Council</b> (25 members) 24 members plus President
	<b>Zones</b> (5 metro, 12 country)

Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points	
<b>Representative</b>	Composition	Meets	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> </ul>
	Size	Meets	<ul style="list-style-type: none"> <li>Board is smaller</li> </ul>
	Diversity	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
	Election Process	Meets	<ul style="list-style-type: none"> <li>Board to be elected from Policy Council</li> </ul>
<b>Responsive</b>	Timely Decision Making	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
	Engaged Decision Making	Meets	<ul style="list-style-type: none"> <li>Board meetings are not dependent on other governing body meetings</li> </ul>
	Agility	Partial	<ul style="list-style-type: none"> <li>Board is future-proofed from external changes</li> <li>Zone structures still underpin Council</li> </ul>
	Focus	Partial	<ul style="list-style-type: none"> <li>Prioritisation and focus may be a challenge</li> </ul>
<b>Results Oriented</b>	Value Added Decision Making	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
	Continuous Improvement	Meets	<ul style="list-style-type: none"> <li>Board would be responsible for ongoing reviews of governance body roles in consultation with members</li> </ul>

# Option 2 – Board, Regional Bodies

Option 2 and its alignment to the principles

## Option 2 – Board, Regional Bodies

	<b>Board</b> (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents
	<b>Regional Bodies</b> (4 metro, 4 country)
	<b>Policy Teams / Forums / Committees</b>

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
<b>Representative</b>	<b>Composition</b>	Meets	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> <li>How to establish regional body membership is a consideration</li> </ul>
	<b>Size</b>	Partial	<ul style="list-style-type: none"> <li>Board is smaller</li> <li>Number of regional bodies is a consideration</li> </ul>
	<b>Diversity</b>	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
	<b>Election Process</b>	Meets	<ul style="list-style-type: none"> <li>Board election from regional bodies</li> </ul>
<b>Responsive</b>	<b>Timely Decision Making</b>	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
	<b>Engaged Decision Making</b>	Meets	<ul style="list-style-type: none"> <li>Board meetings are not dependent on regional body meetings</li> </ul>
	<b>Agility</b>	Meets	<ul style="list-style-type: none"> <li>Board and regional bodies are future proofed from external changes</li> </ul>
	<b>Focus</b>	Partial	<ul style="list-style-type: none"> <li>There may be challenges defining accountabilities and responsibilities of regional bodies</li> </ul>
<b>Results Oriented</b>	<b>Value Added Decision Making</b>	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
	<b>Continuous Improvement</b>	Meets	<ul style="list-style-type: none"> <li>Board will be responsible for ongoing reviews of governing body roles in consultation with members</li> </ul>

# Option 3 – Board, Amalgamated Zones

Option 3 and its alignment to the principles

**Option 3 –  
Board, Amalgamated  
Zones**




	<b>Board</b> (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents
	<b>Zones</b> (6 metro, 6 country)
	<b>Policy Teams / Forums / Committees</b>

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
<b>Representative</b>	Composition	Partial	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> <li>There may be composition challenges for amalgamated zones</li> </ul>
	Size	Partial	<ul style="list-style-type: none"> <li>Board is smaller</li> <li>Amalgamation of zones to 12 in total</li> </ul>
	Diversity	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
	Election Process	Meets	<ul style="list-style-type: none"> <li>Board election from zones</li> </ul>
<b>Responsive</b>	Timely Decision Making	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
	Engaged Decision Making	Meets	<ul style="list-style-type: none"> <li>Board meetings are aligned to zone meetings</li> </ul>
	Agility	Meets	<ul style="list-style-type: none"> <li>Board is future proofed from external changes</li> </ul>
<b>Results Oriented</b>	Focus	Partial	<ul style="list-style-type: none"> <li>Prioritisation and focus may be a challenge</li> </ul>
	Value Added Decision Making	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
	Continuous Improvement	Meets	<ul style="list-style-type: none"> <li>The Board would be responsible for ongoing reviews of governance body roles in consultation with members</li> </ul>

# Option 4 – Member Elected Board, Regional Groups

Option 4 and its alignment to the principles

**Option 4 –  
Member elected Board,  
Regional Groups**


	<b>Board (11 members)</b> 8 elected via direct election, incl. Board elected President Up to 3 independents
	<b>Policy Teams / Forums / Committees</b>
	<b>Regional Groups</b>

	<b>Principle &amp; component</b>	<b>Principle alignment (Meets, partial, does not meet)</b>	<b>Discussion points</b>
<b>Representative</b>	<b>Composition</b>	Partial	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> <li>Membership of regional groups dynamic and ad hoc</li> </ul>
	<b>Size</b>	Partial	<ul style="list-style-type: none"> <li>Board is smaller</li> </ul>
	<b>Diversity</b>	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
	<b>Election Process</b>	Meets	<ul style="list-style-type: none"> <li>Board election from a general meeting</li> </ul>
<b>Responsive</b>	<b>Timely Decision Making</b>	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
	<b>Engaged Decision Making</b>	Meets	<ul style="list-style-type: none"> <li>Board meetings are not dependent on policy teams / regional group meetings</li> </ul>
	<b>Agility</b>	Meets	<ul style="list-style-type: none"> <li>Board is future-proofed from external changes</li> </ul>
<b>Results Oriented</b>	<b>Focus</b>	Partial	<ul style="list-style-type: none"> <li>Policy teams / Regional Group meetings to influence priorities</li> </ul>
	<b>Value Added Decision Making</b>	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
	<b>Continuous Improvement</b>	Meets	<ul style="list-style-type: none"> <li>Board would be responsible for ongoing reviews of governing body roles in consultation with members</li> </ul>

# Option 5 – Current Model


Current model and its alignment to the principles

**Option 5 – Current Model**




**State Council**  
(25 members)  
24 State Councillors  
1 President

---



**Zones**  
(5 metro,  
12 country)

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**Policy Teams**  
/ Forums /  
Committees

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
<b>Representative</b>	Composition	Meets	<ul style="list-style-type: none"> <li>State Council has equal metropolitan and country membership</li> </ul>
	Size	Partial	<ul style="list-style-type: none"> <li>State Council will retain 25 members</li> </ul>
	Diversity	Partial	<ul style="list-style-type: none"> <li>No control of diversity of State Council</li> </ul>
	Election Process	Meets	<ul style="list-style-type: none"> <li>State Council election from zones</li> </ul>
<b>Responsive</b>	<b>Timely Decision Making</b>	Partial	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
	<b>Engaged Decision Making</b>	Meets	<ul style="list-style-type: none"> <li>State Council meetings are aligned to zone meetings</li> </ul>
	<b>Agility</b>	Partial	<ul style="list-style-type: none"> <li>State Council is not future proofed from external changes</li> </ul>
	<b>Focus</b>	Partial	<ul style="list-style-type: none"> <li>Prioritisation and focus may remain a challenge</li> </ul>
<b>Results Oriented</b>	<b>Value Added Decision Making</b>	Partial	<ul style="list-style-type: none"> <li>Best practice board approaches will not be adopted</li> </ul>
	<b>Continuous Improvement</b>	Meets	<ul style="list-style-type: none"> <li>State Council would continue to be responsible for ongoing reviews of governance body roles in consultation with members</li> </ul>



# Best Practice Governance Review

## **5. Consultation Process and Next Steps**

# WALGA Best Practice Governance Review

## Consultation Process and Next Steps

### Consultation Process

#### Council Position

Member Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA.

It is suggested that Councils endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference.

Submissions to WALGA are sought by **23 December 2022**.

#### Supplementary Market Research

An independent market research company has been engaged to ascertain insights from Elected Members and Chief Executive Officers about WALGA's governance model. Qualitative interviews and a quantitative survey will be undertaken to supplement Council positions.

#### Workshops and Forums

Requests for presentations on the work undertaken by the Steering Committee and the model options, as well as facilitation of workshops and discussions will be accommodated where practicable.

### Next Steps

#### Timetable

- Consultation and engagement with Members on this paper and governance model options will be undertaken from October 2022 until 23 December 2022.
- The Steering Committee will consider the outcomes of the consultation process during January 2023.
- A Final Report with a recommended direction will be the subject of a State Council Agenda item for the March 2023 State Council meeting.



# Thank you

For more information, visit our [website](#) or contact Tim Lane, Manager Association and Corporate Governance, at [tlane@walga.asn.au](mailto:tlane@walga.asn.au) or 9213 2029.



# Best Practice Governance Review

## Background Paper

## Contents

Item	Section	Page
1	Background, Approach and Timeline	<u>3</u>
2	Jurisdictional Analysis	<u>6</u>
3	Comparator Organisations	<u>9</u>
4	Governance Principles	<u>17</u>



# Best Practice Governance Review

## **1. Background, Approach and Timeline**

# Background and Approach

Background and approach that led to the development of the governance principles for the Best Practice Governance Review.

## Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review included:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments.
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State and Federal elections".
- Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995 (WA)*.
- Constitutional requirements for WALGA to become a registered organisation under the *Industrial Relations Act 1979 (WA)*, which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission

In March 2022 State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. Steering Committee meetings 2 to 5 had a focus on the development of governance model principles.

## This document

This document presents the key insights from the jurisdictional and comparator organisation analysis that supported the development of the governance principles. The final section presents the endorsed governance principles.

**Jurisdictional Analysis** – This section compares WALGA to equivalent jurisdictional associations (e.g. LGASA). This provides key insights into the size and election processes of WALGA compared to equivalent associations.

**Comparator Organisations** – This section compares WALGA's governance arrangements to five comparator organisations that were agreed at the BPGR Steering Committee meeting 1. This provides key insights into the size, election processes and recent governance changes of these five comparator organisations.

**Governance Model Principles** – The governance model principles were developed through BPGR Steering Committee meetings 2 to 5. This provides a structure for understanding how the current governance model of WALGA and any future governance model aligns to these principles.

The following slide outlines the timeline of key events and meetings that formed part of the BPGR.

# Timeline

Timeline of key events with a focus on the BPGR Steering Committee meetings throughout May to August 2022

## WALGA Corporate Strategy 2020-25

In 2019, a five-year Corporate Strategy was developed and identified that a governance model was key to delivery of the strategy. 19 interviews and 2 workshops covering 20 Local and State Government leaders informed the strategy.

**Stakeholder Engagement Project, GRA Partners, 2021**  
45 responses received from Federal and State Government and Opposition.

**Commissioning of Best Practice Governance Review**  
In March 2022, WALGA commissioned PwC to support the BPGR Project.

**First BPGR Steering Committee meeting held**  
On 22 May 2022, the first meeting of the BPGR Steering Committee identified five comparator organisations for the Review.

**Third BPGR Steering Committee meeting held**  
On 28 June 2022, an options paper was reviewed.

**State Council updated**  
On 3 August 2022, an update on the BPGR was provided to State Council.

**Principles shared**  
In September 2022 agreement on the next steps for sharing the principles with Local Government members.

## 2019 Governance Review

A governance review was undertaken in 2019 that led to numerous process changes.

**WALGA Stakeholder Engagement Project, Marketforce 2021**  
105 survey responses and 42 interviews were facilitated across 95 Local Governments.

**State Council Performance Assessment, 2020**  
17 survey responses and comments received from State Councillors.

**Second BPGR Steering Committee meeting held**  
On 8 June 2022, the initial draft of comparator organisations was presented and assessment criteria was identified.

**Fourth BPGR Steering Committee meeting held**  
On 18 July 2022, core principles were decided to guide the BPGR.

**Fifth BPGR Steering Committee meeting held**  
On 10 August 2022, core principles for the BPGR were finalised.



# Best Practice Governance Review

## **2. Jurisdictional Analysis**

# Analysis: Jurisdictional equivalents to WALGA

Jurisdictional equivalents of WALGA have been analysed according to their size and election methods.

## Background

Prior to the BPGR Project commencing in March 2022, work was undertaken to understand governance arrangements in other jurisdictions. The focus of this work was on associations from other Australian states, as well as New Zealand.

The full list of associations are:

- Local Government NSW (LGNSW)
- Municipal Association Victoria (MAV)
- Local Government Association of Tasmania (LGAT)
- Local Government Association of South Australia (LGASA)
- Local Government Association of Queensland (LGAQ)
- Local Government Association of Northern Territory (LGANT)
- Local Government Association of New Zealand (LGNZ)

The assessment of these associations focused on providing insights into the following domains:

- **Size of Board:** How many board members are there in comparison to the 25 WALGA board members?
- **Method of Election of President:** How is the President elected to the board?
- **Method of Election of Board Members:** How are board members elected?

## Key Insights

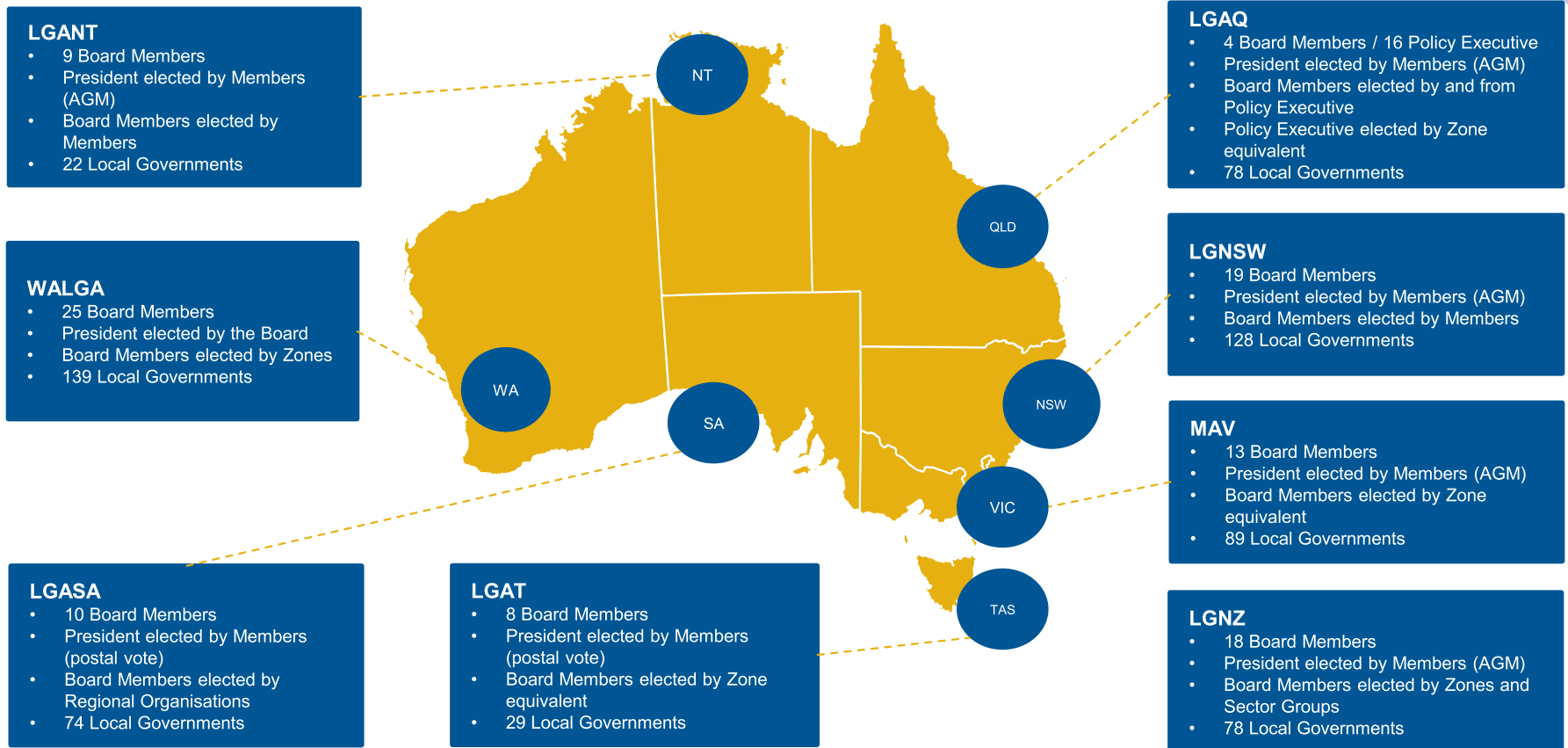
Key insights following the comparison of WALGA to equivalent associations are outlined below:

- **Size of Board** – while WALGA's board (State Council) contains the largest number of representatives, it can be seen that boards of Local Government Associations tend to be relatively large. The average board size (using Queensland's policy executive, not board) is 15.4.
- **Method of Election of President** – WALGA is an outlier: all other Presidents are elected directly by the membership. Perhaps this is a reflection of the prevalence of Council elected Mayors and Presidents in WA.
- **Method of Election of Board Members** – The majority of associations use regional groupings (equivalent to our Zones) to elect board members. The New Zealand hybrid model of electing representatives from geographic zones and sector groups (metro, provincial, rural, regional) is of interest.

The following slide presents this information for each of the seven associations.

# Summary: Jurisdictional equivalents to WALGA

Summary of jurisdictional analysis of WALGA equivalents in relation to their Board membership, election methods and number of Local Governments.





# Best Practice Governance Review

## **3. Comparator Organisations**

# Comparator organisations

Comparison of WALGA's governance model to the governance models of five comparator organisations.

## Background

The BPGR Steering Committee had its first meeting on the 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change.

At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. The organisations were selected on the basis of their similarity to WALGA as WA member-based peak industry organisations.

The selected organisations were: Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and Pharmacy Guild (PG) WA Branch.

## Process

WALGA supplied a range of background documents to assist in undertaking the initial desktop comparison. This included the Constitution, Corporate Governance Charter, Corporate Strategy 2020-2025, Standing Orders, Elected Member Prospectus, Flow Chart – WALGA Zone and State Council Process, Final Report – State Councils and Zone Structure and Process Working Group.

The documentation used for the comparator organisations were typically the:

- Constitution – which serves as the instrument for establishment of the association;
- Annual reports – which contains information about an association's performance over a 12-month period; and
- Organisational website – which may outline the structure and current composition of the board, council and the leadership team of the organisations.

Interviews were successfully arranged with three of the five organisations. They were AMA WA, CCI WA and CME WA. The document analysis and interviews provided insights into the size, election methods and recent changes within these organisations.

## Key insights

Key insights through the comparison of WALGA to the five comparator organisations are outlined below:

- **Size of Board** – WALGA's board (State Council) was larger than all other comparator organisation's boards.
- **Election methods** – election methods varied across the comparator organisations but many involved election through the membership.
- **Change** – three of the five organisations had recently undergone changes or reviews of their governance structures. There were a range of drivers for this change including: to increase the decision making ability of the board; to use specific working groups to focus on specific topics of interest and to increase representativeness of specific groups (e.g. Aboriginal and Torres Strait Islanders).

The following slide presents summary information on the size and election methods of the five comparator organisations. This is then followed by more detailed background into each organisation, their governance structure and any outcomes from conversations with these organisations.

## Summary: Governance structure analysis

WALGA's governance structure was analysed in comparison to five comparator organisations

Organisational Comparisons	Number of Board Members	President Elected by	Board Members elected by
<b>WA Local Government Association (WALGA)</b>	25	The Board	Zones
<b>Australian Medical Association (AMA)</b>	9	AMA WA Members	Members of the Association
<b>Chamber of Commerce and Industry WA (CCIWA)</b>	7 to 10	The Board	<ul style="list-style-type: none"> <li>Up to 12 elected by Members</li> <li>Up to 8 appointed by the Board</li> <li>Up to 8 appointed by the Council</li> </ul>
<b>Chamber of Minerals and Energy (CME)</b>	6 to 11	Ordinary Members	Executive Councillors
<b>Australian Hotels Association (AHA) WA</b>	17	The Branch Committee of Management	The Branch Committee of Management
<b>Pharmacy Guild (PG) – WA branch</b>	16 to 22	The Branch	Financial Members from the same region as the Branch

*Note: The Council, Branch, or Board chosen from the organisations above were chosen for how appropriate their structure is as a comparison to the WALGA State Council.*

# Organisational Analysis: Australian Medical Association (AMA) WA

With over 5,000 members, the AMA (WA) is the largest independent professional organisation for medical practitioners and medical students in the State. Total revenue and other income for AMA nationally in 2020 was reported as \$21,928,000.

## Organisational Information

The AMA (WA) Board was created in 2017 and is comprised of the President, Immediate Past President, two Vice Presidents and five members of Council who are elected to sit on the Board (9 in total).

The AMA (WA) Council consists of four office bearers (President, Immediate Past President, two Vice Presidents). Additionally, there are the Specialty Group Representatives (e.g. General practice, surgery); Practice Group Representatives (e.g. rural doctors, public hospital doctors); Ordinary Council Members; and, Co-opted Council Members. Majority of the representatives and members represent their specialty (e.g. anesthetics) or group of representative (e.g. medical student society).

The AMA Federal Council meets quarterly and is the AMA's main policy-making body. It is a forum to identify and debate emerging issues of relevance to the membership. The Federal Council's primary role is to: Form the policy of the AMA; Propose changes to existing policy; and Elect representatives to roles and committees. There is one State and one Area nominee from WA on the Federal Council.

The Leadership team consists of seven staff. CEO, CFO, COO, General Manager Training and Recruitment, Operations Manager, General Manager Financial Services and an HR manager.

## Governance Structure\*

The Board comprises of approximately 9 members.

The Board focuses on governance, managing the Association's conduct and business, and ensuring conformity with the constitution.

The Board may increase or decrease the number of Advisory Council members as needed. However, it currently has 4 members.

The General Council focuses on advocacy, policy making, and representation of the association.

The Board and Council is also supported by Specialty Group Representatives, Practice Group Representatives, Ordinary Council Members, and Co-Opted Council Members.

## Outcomes of Organisation Discussion

- **Governance Review:** The 2020 annual report mentions that an organisation-wide review was undertaken with the transformation in the process of being implemented until March 2020 (COVID).
- **Representation:** It is more important to restrict the number of Board members than Councillors. Board members are involved in making policy and governance decisions, requiring a greater decision-making capability; Councillors are more involved in stakeholder engagement and solving specific issues through working groups, therefore Council size has less impact to efficiency and effectiveness of the model.
- **Engagement:** The president is the spokesperson when it comes to policy issues. Councillors represent the views of Specialty Groups, Practice Groups, and the medical profession as a whole.
- **Feedback on the current model:** Board members have previously taken the role because they are passionate, but do not necessarily have the right expertise, resulting in poor governance. Board members who have leadership and governance experience have proven to be effective in the updated model. The Board would benefit from an independent audit partner and increased diversity in specialty, a simplified purpose of the Board and Council Advisory, and a reduced number of meetings each year.

*\*The AMA WA Constitution does not specify the number of Board or Council members. Member numbers are indicative and have been taken from the current Board & Council.*

# Organisational Analysis: Chamber of Commerce and Industry (CCI) WA

CCIWA is a not-for-profit member organisation providing information, professional services and support for businesses in Western Australia, with over 2,000 WA members. Total revenue and other income for 2021 was reported as \$34,270,130.

## Organisational Information

The CCIWA operates as a company limited by guarantee. This came into effect on 11 January 2019. The change in status means that CCIWA is now incorporated under the *Corporations Act 2001* (Cth) rather than the State legislation covering incorporated associations.

Based on the constitution, the number of board members can be between 9-12 (including President & Vice President). The current board has only 6 members including the President and Vice President.

There is a General Council. The constitution states that Councillors can be up to certain numbers depending on who they were elected by. The resulting effect is a council that does not have consistent numbers of members and does not need to fill all positions. This is unlike WALGA's governance model where representatives are elected by zones.

The Board is responsible for the sound governance of the organisation, whereas the General Council provides input to the organisations policy; provides advice to the Board; acts as a point of interface; elects and appoints Council Elected Directors; and passes resolutions relating to specific handling of assets and raising and borrowing funds.

## Governance Structure

The Board comprises of 9 – 12 members.

The Board focuses on strategic priorities, financial performance and compliance issues.

The General Council consists of up to 28 Councillors.

The General Council focuses on developing and being spokespersons on public policy frameworks and positions.

The governance structure is supported by bespoke working groups, formed from Councillors as relevant for specific strategic and policy issues.

## Outcomes of Organisation Discussion

- **Governance Review:** CCIWA conducted a review of their 2018 Constitution, resulting in changes contained in the 2021 Constitution, including: The governance model was revised to increase the decision-making capability of the board; The structure of the General Council was determined to be too generic causing low Councillor attendance. After the review, Councillors were split into bespoke working groups for specific policy issues for the upcoming 12-month period. This resulted in higher councillor attendance, than the previous governance model.
- **Representation:** In the new revision of the constitution, two new types of Councillors were included to increase representation for their respective groups. Future Leader Councillors, from members of University business schools; and First Nations Business Councillors, elected from First Nations Members.
- **Feedback on the current model:** In the current governance model, when a board member leaves, a temporary team member is appointed since board members can only be elected in general meetings.

# Organisational Analysis: The Chamber of Minerals and Energy (CME) WA

CME WA is the peak resources sector representative body in Western Australia whose member companies generate 95% of all mineral and energy production and employ 80% of the sector’s workforce in the State.

## Organisational Information

The Corporate Governance Charter (Charter) provides guidance on the respective roles, responsibilities and authorities of members of the Executive Council (Executive Councillors) and members of the Advisory Board (Advisory Board Members) in setting the direction, management and control.

The number of Vice Presidents is determined by the Executive Council, the constitution contains no limit on the number of Vice Presidents and so the number of Vice Presidents is excluded from the diagram to the right.

Executive Councillors are elected by Ordinary Members, and there can be no less than 10.

The Role of the Advisory Board is to act as a traditional board providing strategic oversight on behalf of the Chamber. Key interface with the Executive Management Team on organisational matters, including strategy, operating accounts, governance and risk.

## Governance Structure

Advisory Board comprises of 5-10 members.

The Advisory Board provides strategic oversight and acts as the key interface with the Executive Management team on strategy, operating accounts, governance and risk.

Executive Council (10+ members).

The Executive Council most senior interface to guide and prioritise the agenda of the Chamber and its respective committees and holds final decision-making authority re: annual financial reports/statements.

The governance structure is supported by committees including bespoke working groups, appointed by Executive Council as relevant for specific strategic and policy issues.

## Outcomes of Organisation Discussion

- **Governance Review:** CME recently engaged in a governance review. In April 2020, CME put in place a governance charter. This codified processes and structures, clarified lines of accountability and included a director's code of conduct.
- **Representation:** Members who express an interest, get a seat at the table for the Executive Council. There are approximately 60 ordinary members with 16-20 regularly attending council meetings. This group is intended to provide a litmus check that the broader membership needs are being met.
- **Engagement:** Although the board is strongly engaged in the work and responsibilities it holds, there is the varying engagement of the executive council – this is broadly because due to the large array of issues it covers – the organisation would love to see stronger engagement in this area.
- **Feedback on the current model:** Based on the age of the organisation, the current pyramid structure works. This is successful largely due to the governance charter which provides clarity in role and structure for the organisation.

# Organisational Analysis: Australian Hotels Association (WA)

The Australian Hotels Association (AHA) represents more than 5,000 members across Australia serviced by a network of branches based in every state and territory, plus a Canberra-based National Office. Total revenue and other income for AMA nationally in 2020 was reported as \$2,257,963.

## Organisational Information

AHA was founded in 1892 and now represents more than 80% of the Western Australian hotel and hospitality industry.

The organisation has a branch in each state and territory, including a division in each branch known as the National Accommodation Hotels Division. The organisation and each of its branches have their own set of rules by which they are governed. However, ultimate authority is deferred to the National Board of the organisation.

All issues and opportunities are addressed by The Branch Committee of Management (The Branch). Consisting of six ordinary members, elected by members of the branch, and the president from each of the Territorial and Non-Territorial Divisions of the Branch. This includes a President, Senior Vice President, Vice President, Treasurer, Accommodation President and Country Representative. The President, Senior Vice President (SVP) and Vice President (VP) are elected by The Branch.

AHA developed a subsidiary known as 'Tourism Accommodation Australia (TAA)'. TAA publicly represents and lobbies specifically for accommodation hotels separately from the AHA's general hospitality members. However, membership to both AHA and TAA is granted to accommodation properties. There are 11 Divisional Presidents – 7 represent different Areas/Regions and 4 represent different membership groups.

## Governance Structure\*

Branch Committee of Management has 6 Ordinary members & the president of each Territory/Non-Territory Division (11).

Focuses on staff remuneration/conditions, branch transactions, disbursements, funds and resolves delegated Commonwealth industrial disputes.

There is no council or other governing entity to provide support to the Branch Committee of Management.

## Relevance to WALGA BPGR

AHA was contacted to schedule an interview; however, there was no response following multiple requests. The following insights have been made by research on their publicly available governance information and documentation.

- **Composition:** Similar to WALGA's State Council, the AHA Governance structure only has one governing entity, The Branch Committee of Management. The number of branch members (17) is smaller than WALGA (25).
- **Responsibilities:** The AHA Branch Committee of Management is responsible for financial activities; however, the Rules document does not mention that they are responsible for activities that other comparator organisations governing entities are, such as policy creation or ensuring compliance.
- **Lack of compliance with constitution:** The Rules of the AHA WA Branch document acts as the Association's constitution. However, there are many conflicts between the governance structure in the Branch Rules document, and the governance structure depicted on AHA WA's website. For example, in the document the supreme governing body of the Branch is the Branch Committee of Management, whereas on the website it is the Executive Management team. Additionally, there is no mention of a board in the Rules document, but there is a Board of Management on the website.

\*The governance structure has been taken from the Rules of the AHA WA Branch document instead of the current governance structure depicted on the website, due to conflicting information.

# Organisational Analysis: Pharmacy Guild (WA Branch Focus)

Pharmacy Guild supports over 5,800 pharmacies across Australia. It is broken up into Territory Branches with more than 600 pharmacies as members in WA (est. 2017).

## Organisational Information

The Pharmacy Guild's WA Branch's Annual Report can only be viewed by Members of the Organisation.

The Branch consists of the Branch Executive, and the Branch Committee. Where the Branch Executive consists of the Branch President, Branch Vice President(s) and the National Councillor(s). Additionally, in the Branch Executive, the position of Branch President and Vice President can also be held by a National Councillor, resulting in different numbers of Branch Executives between states.

The National council has the power to determine and direct policy, settle disputes, control the national fund, appoint an auditor and other activities relating to being the supreme governing entity.

The constitution does not specify who exactly elects the Branch President, or the Branch Vice Presidents, only that they are elected from the Branch. Whereas Branch Committee Members are elected by financial members in that region.

The Branch and the National Council shall appoint their own auditor. Resulting in potential conflicts of interest, as hypothetically the Branch and the National Council can appoint an auditor who audits in their favour.

## Governance Structure\*

Branch Executive consists of 2 – 6 Executive Members.

All powers and functions of the Branch Committee between meetings of the Branch Committee.

Branch Committee consists of 7 - 14 committee members (excluding the Branch executive).

Control the Branch fund, decide the agenda for and attend special meetings.

There is only one governing entity in WA for Pharmacy Guild, however the WA Branch consists of National Councillors, from the National Council which is the supreme governing body for the Pharmacy Guild. However, the Branch Committee can create subcommittees to carry out particular functions.

## Relevance to WALGA BPGR

Pharmacy Guild WA was contacted to schedule an interview; however, they responded that they do not have time to discuss their governance model. The following insights have been made by research on their publicly available governance information and documentation.

- **Representation:** The interests of members are represented by the Branch Committee Members who are elected by the financial members of the same regions. Additionally, the interests of the National Council are represented in Branches by the National Councillors appointed in each Branch.
- **Composition:** The governance structure of the Branches of the Pharmacy Guild is adaptable to the needs of the Branch. Since the Branch Committee members can decide the number of Committee members needed in their branch, they can do so based on the needs of the Branch at any point in time, making the composition and size of the Branch adaptable to emerging needs. Also, the creation of additional branches and amalgamations of current branches is up to the decision of the National Council, enabling the National Council to alter the composition of the governance model nation-wide as needed. Branches can also create subcommittees as needed.

\*Since the number of members in governance entities is mentioned in the Constitution, the numbers have been estimated based on the current membership as per the Guild's website.



# Best Practice Governance Review

## 4. Governance Principles

# Development of Governance Principles

BPGR Steering Committee (SC) meetings and how they lead to the development of the proposed governance principles.

## BPGR Steering Committee meetings

The BPGR Steering Committee (SC) was established by State Council to guide the review. SC Meetings 2 through to 5 acted as key inputs into the development of the Governance Model principles. The focus of SC Meetings two through to five led to the development of the governance principles.

**SC Meeting 2** - On 8 June 2022, the initial draft of the comparator organisations and their governance structures was presented. The SC identified four assessment criteria for the purposes of assessing potential governance models. The assessment criteria were: (1) representation, (2) efficiency, (3) contemporary, and (4) sustainable. An Options Paper was then developed, using the assessment criteria against two governance model options.

**SC Meeting 3** - On 28 June 2022, a discussion of the DRAFT Options Paper took place. The SC decided that a workshop was required to take a step back and develop the core governance principles (rather than assessment criteria) that needed to underpin any future governance model for WALGA.

**SC Meeting 4** - On 18 July 2022, the SC discussed the principles and identified four principles that should guide WALGA's governance. They were Representative, Responsive, Results Oriented and Renewal. Renewal was the principle that some SC members deemed as optional and is not included as a separate principle. Some elements of renewal are incorporated into the other three principles.

**SC Meeting 5** - On 10 August 2022, the SC discussed and finalised the proposed principles. Discussion focused on the principle components and their likely governance implications. Several activities also occurred around this SC meeting. This include an update to State Council at the Information Forum on 3 August 2022, finalisation of principles on 17 August 2022 to inform AGM Item and finalisation of Agenda Item for 2022 AGM, including approval by State Council.

## Key outcomes

The SC agreed on the proposed governance model principles, their component parts and the implications of these principles. Specifically:

- **Principle definition** – the definition of each of the three principles.
- **Principle component** – the key component parts of each principle.
- **Principle component description** – a description of each principle component.
- **Governance implications** – the governance implications of each of the principle components.

The following slide presents the principles, their components and a description and their governance implications.

# Endorsed Governance Principles

The principles for assessing WALGA's governance model options and governance implications

	Principle	Principle component	Component description	Governance implications
Representative	WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils.	The governing body will maintain equal country and metropolitan local government representation.
		Size	An appropriate number of members/representatives oversees WALGA's governance.	Potential reduction in the size of the overarching governing body.
		Diversity	WALGA's governance reflects the diversity and experience of its Local Government members.	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience.
		Election Process	Considers the processes by which WALGA's governance positions are elected and appointed.	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body.
Responsive	WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making.	WALGA's governance model facilitates responsive decision making.
		Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes.	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure.
		Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances.	WALGA's governance model is agile and future proofed for external changes.
Results Oriented	WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance.	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues.
		Value Added Decision Making	Facilitates opportunities for value to be added to decision making.	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions.
		Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes.	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members.



# Thank you

For more information, visit our [website](#) or contact Tim Lane, Manager Association and Corporate Governance, at [tlane@walga.asn.au](mailto:tlane@walga.asn.au) or 9213 2029.

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

This item will be dealt with at the Ordinary Council Meeting.

**21. Urgent Business Approved By the Presiding Member or By Decision**

This item will be dealt with at the Ordinary Council Meeting.

**22. Confidential Items**

Confidential items to be discussed at this point.

**22.1 CSD06.12.22 Community Citizen of the Year Awards**

A confidential report has been circulated separately to Council Members.

**23. Declaration of Closure**

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