



City of Nedlands

Minutes

Council Committee Meeting

8 June 2021

ATTENTION

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the next Ordinary Meeting of Council following this meeting.

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, 71 Stirling Highway, Nedlands on Tuesday 8 June 2021 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7.02 pm and drew attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Deputy Mayor L J McManus	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Vacant	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor B Tyson	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr E K Herne	Acting Chief Executive Officer
	Mr J Duff	Director Technical Services
	Mr T G Free	Director Planning & Development
	Mr A Melville	Acting Director Corporate & Strategy
	Ms P Panayotou	Executive Manager Community
	Mrs N M Ceric	Executive Officer

Invited Peter Bennington Independent IT Consultant

Public There were 12 members of the public present and 1 online.

Press Nil.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

Disclaimer

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

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

1. Public Question Time

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

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

Nil.

2. Addresses By Members of the Public (only for items listed on the agenda)

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

Mr Luke Bishop, 282 Marine Parade, Swanbourne CSD07.21
(spoke in support of the recommendation)

Mr Alan Bruce, 4A Florence Street, West Perth CPS12.21
(spoke in support of the recommendation)

Mrs Sue Wood, 20 Clark Street, Nedlands 9.4
(spoke in opposition to the recommendation)

Mr Lindsay Timms, 27A Clark Street, Nedlands 9.4
(spoke in opposition to the recommendation)

Moved – Councillor Tyson
Seconded – Councillor Smyth

That Standing Order 3.4(4) be suspended to allow the following 3 additional public addresses on item 9.4.

CARRIED UNANIMOUSLY 11/-

Mrs Jo Hiller, 22 Clark Street, Nedlands 9.4
(spoke in opposition to the recommendation)

Dr Henry Esbenshade, 15 Landon Way, Mt Claremont 9.4
(spoke in opposition to the recommendation)

Mrs Jennifer Esbenshade, 15 Landon Way, Mt Claremont
(spoke in opposition to the recommendation)

9.4

3. Disclosures of Financial and/or Proximity Interest

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

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

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

4.1 Councillor Bennett – Item 9.4 - Responsible Authority Report - 10 Multiple Dwellings at Lot 21 (No. 24) Clark Street, Nedlands

Councillor Bennett disclosed an impartiality interest in Item Item 9.4 - Responsible Authority Report - 10 Multiple Dwellings at Lot 21 (No. 24) Clark Street, Nedlands. Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 23 June 2021. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Bennett intended to listen to Public Questions and Addresses as he believed this is a neutral position and does not predispose a bias for the JDAP.

4.2 Councillor Smyth – Item 9.4 - Responsible Authority Report - 10 Multiple Dwellings at Lot 21 (No. 24) Clark Street, Nedlands

Councillor Smyth disclosed an impartiality interest in Item Item 9.4 - Responsible Authority Report - 10 Multiple Dwellings at Lot 21 (No. 24) Clark Street, Nedlands. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 23rd June 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Smyth intended to listen to Public Questions and Addresses as she believed this is a neutral position and does not predispose a bias for the JDAP.

4.3 Councillor Smyth – CSD07.21- Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project

Councillor Smyth disclosed an impartiality interest in Item CSD7.21 - Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project. Councillor Smyth disclosed that as a Coastal Ward Councillor she holds an honorary position of Vice Patron and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

4.4 Deputy Mayor McManus – CSD07.21- Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project

Deputy Mayor McManus disclosed an impartiality interest in Item CSD07.21- Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project. Deputy Mayor McManus disclosed that as a Coastal Ward Councillor he holds an honorary position of Vice Patron, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Deputy Mayor McManus declared that he would consider this matter on its merits and vote accordingly.

4.5 Councillor Horley – CSD07.21- Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project

Councillor Horley disclosed an impartiality interest in Item CSD7.21 - Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project. Councillor Horley disclosed that as a Coastal Ward Councillor she holds an honorary position of Vice Patron and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Horley declared that she would consider this matter on its merits and vote accordingly.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 11 May 2021

Moved – Councillor Tyson
Seconded – Councillor Smyth

The Minutes of the Council Committee held 11 May 2021 be confirmed.

CARRIED UNANIMOUSLY 11/-

7. Matters for Which the Meeting May Be Closed

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

Councillor Smyth requested that the discussion on item 9.4 be behind closed doors. The Presiding Member advised this would be dealt with at the item.

8. Divisional Reports

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

Moved – Councillor Tyson
Seconded – Councillor Coghlan

That item 9.4 be brought forward.

CARRIED UNANIMOUSLY 11/-

Moved – Councillor Horley
Seconded – Councillor Coghlan

That item CSD07.21 be brought forward following item 9.4.

CARRIED UNANIMOUSLY 11/-

Councillor Smyth & Councillor Bennett left the meeting at 7.38 pm.

Please note this item was brought forward from page 45.

9.4 Responsible Authority Report for 10 Multiple Dwellings – 24 Clark Street, Nedlands

Committee	8 June 2021
Applicant	Tuscom Subdivision Consultants Pty Ltd
Landowner	Sincerity Holding Pty Ltd
Director	Tony Free, Interim Director Planning and Development Services
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.
Report Type Information Purposes	Items provided to Council for information purposes.
Reference	DA20-56042 (DA/20/01889)
Previous Item	Nil
Delegation	Nil
Attachments	1. Responsible Authority Report and Attachments
Confidential Attachments	Nil

Councillor Bennett – Impartiality Interest

Councillor Bennett disclosed an impartiality interest in Item Item 9.4 - Responsible Authority Report - 10 Multiple Dwellings at Lot 21 (No. 24) Clark Street, Nedlands. Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 23 June 2021. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Bennett intended to listen to Public Questions and Addresses as he believed this is a neutral position and does not predispose a bias for the JDAP.

Councillor Smyth – Impartiality Interest

Councillor Smyth disclosed an impartiality interest in Item 9.4 - Responsible Authority Report - 10 Multiple Dwellings at Lot 21 (No. 24) Clark Street, Nedlands. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 23rd June 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she will not stay in the room and debate the item or vote on the matter.

Please Note that although not participating in the debate Councillor Smyth intended to listen to Public Questions and Addresses as she believed this is a neutral position and does not predispose a bias for the JDAP.

Regulation 11(da) – Council agreed that Clark Street is zoned R60 by the City’s Local Planning Scheme. Under the Residential Design Codes Volume 2, the reasonable expectation of the residents of that street is that new developments would be up to 3 storeys with a total height of 12 metres, and a plot ratio of up to 0.8.

Clark Street currently consists predominantly of well-maintained single level residential dwellings on lots of approximately 900 square metres. The street enjoys the amenity associated with a low-density suburban street.

The proposed development is 4 storeys with an overall height of 14.6 metres, with a plot ratio of 0.95. The scale and bulk of the development is beyond the desired R60 acceptable outcomes for Clark Street and well beyond a reasonable outcome for the existing low scale, well maintained dwelling stock which is the dominant built form in Clark Street. The proposed development is not supported by the Aims of the Nedlands Local Planning Scheme – to protect and enhance the local character and amenity, nor by the objectives of the Residential zone which includes the requirement to ensure development maintains compatibility with the desired streetscape in terms of bulk, scale and height. The proposed development goes beyond what is reasonable anticipated by the Scheme, thus the development is inconsistent with the proper and orderly planning for Clark Street. Such an assessment is supported by the Planning and Development Regulations 2015.

The development is proposing to develop to a R80 standard which would allow 4 storeys, at a height of 15 metres and a plot ratio of 1. The density coding, in part, is to create a level of certainty of all parties. It is not reasonable to expect that the residents of Clark Street would have expected that a development in their street be at a R80 density, when the street was rezoned to R60 in 2019. The approval of this development is

essentially indicating that the zoning of the street is incorrect and should be R80 not R60. This is not the role of the approval authority of development applications. On this basis the development application should be refused.

It is also appropriate to highlight the width of the circulation corridors which are less than the minimum width of 1.5 metre to meet the acceptable outcomes measure. This diminishes the useability and amenity of the development for residents and visitors. The sole use of highlight windows for the bedroom window for Apartment's Number 1 and 2 limits the volume of daylight coming into these apartments and thus reduces their liability.

Balcony balustrade treatments and the eastern and western facing windows having a minimum base from the floor of 1.6 metres serve to protect the privacy of the neighbouring properties.

Moved – Councillor Coghlan
Seconded – Councillor Tyson

That Council:

- 1. does not adopt as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands included at Attachment 1;**
- 2. instructs the CEO to incorporate Council's Responsible Authority recommendation into the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands;**
- 3. appoints Councillor Coghlan and Councillor Tyson to coordinate Council's submission and presentation to the Metro Inner-North JDAP for the development of 10 multiple dwellings at 24 Clark Street, Nedlands;**
- 4. advises the Metro Inner-North JDAP as follows:**
 - 4.1 Refuse the DAP Application reference DAP/20/01889 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Nedlands Local Planning Scheme No. 3, on the following grounds:**
 - a. The development is inconsistent with the streetscape character of Clark Street as a result of the proposed height, bulk and scale not being in accordance with:**

- b. all windows on the building side facing east and west shall have a minimum base of 1.6 metres from the floor.

The AMENDMENT was PUT and was

CARRIED UNANIMOUSLY 8/-

The Substantive Motion was PUT and was

CARRIED UNANIMOUSLY 8/-

Councillor Bennett & Councillor Smyth returned to the meeting at 8.11pm.

Council Resolution

That Council:

1. does not adopt as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands included at Attachment 1;
2. instructs the CEO to incorporate Council's Responsible Authority recommendation into the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands;
3. appoints Councillor Coghlan and Councillor Tyson to coordinate Council's submission and presentation to the Metro Inner-North JDAP for the development of 10 multiple dwellings at 24 Clark Street, Nedlands;
4. advises the Metro Inner-North JDAP as follows:
 - 4.1 Refuse the DAP Application reference DAP/20/01889 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Nedlands Local Planning Scheme No. 3, on the following grounds:
 - a. The development is inconsistent with the streetscape character of Clark Street as a result of the proposed height, bulk and scale not being in accordance with:

Recommendation to Committee

That Council:

1. adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands included at Attachment 1;
2. instructs the CEO to incorporate Council's Responsible Authority recommendation into the Responsible Authority Report for the development of 10 multiple dwellings at 24 Clark Street, Nedlands; and
3. appoints Councillor (insert name) and Councillor (insert name) to coordinate Council's submission and presentation to the Metro Inner-North JDAP for the development of 10 multiple dwellings at 24 Clark Street, Nedlands.

1.0 Executive Summary

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Administration has prepared a Responsible Authority Report in relation to the revised plans received on 28 May 2021 for the Metro-Inner North Joint Development Assessment Panel (JDAP) Form 1 Application at Lot 421 (No. 24) Clark Street, Nedlands.

The purpose of this report is to inform Council of the recommendation to the JDAP and for Council to make its recommendation as the Responsible Authority.

Voting Requirement

Simple Majority.

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	911m ²
Land Use	Proposed – Residential (Multiple Dwelling)
Use Class	'P' - Permitted use

2.2 Locality Plan

Lot 421 (No. 24) Clark Street, Nedlands (the site) is located within the street block bounded by Clark Street to the north, Broadway to the east, Edward Street to the south and Bruce Street to the west.

The site experiences a slope in natural ground level of approximately 0.7m from the front boundary (north) to the rear boundary (south). The land abutting the site is zoned R60, however lots further to the east of the site are zoned R160 and R-AC3 abutting Broadway.

The site previously contained a residential dwelling, which has since been demolished and the site cleared. An aerial map of the site is provided below.



Aerial Map

2.3 Background

On 26 October 2020, the City received a Development Application for a Multiple Dwelling Development comprising of 10 apartments at the site. This application is to be determined by the Metro Inner-North Joint Development Assessment Panel (JDAP).

3.0 Application Details

The applicant seeks development approval for a four (4) storey Multiple Dwelling comprising of 10 apartments. The development is proposed as follows:

- A ground floor level comprising two (2) x studio apartments, bin store, storerooms, resident lobby and six (6) bicycle rails;

- Levels 1 and 2 comprising of four (4) x 2-bedroom apartments;
- Roof level (Level 3) comprising of a communal outdoor living area for residents only (no public access). An enclosed plant room and air-conditioning units are also located on this level; and
- A total of 10 resident car parking spaces will be provided at ground level to the rear of the development. Three (3) visitor car parking spaces are also to be provided.

4.0 Consultation

In accordance with the City's Local Planning Policy – Consultation of Planning Proposals, the development proposal is considered a Complex Application. The application was advertised for over four weeks, commencing on 22 January 2021 and concluding on 18 February 2021. Additional consultation time was granted to accommodate the rescheduled community information session that was cancelled due to the WA Government mandatory lockdown between 31 January – 5 February 2021.

Administration received a total of 29 submissions during the public consultation period, of which:

- 2 submissions were in support of the application;
- 1 submission was neither supportive nor objecting; and
- 26 submissions objected to the proposal.

Due to the number of concerns raised during public consultation, a separate summary of the submissions is contained in **Attachment 1**.

5.0 Assessment of Statutory Provisions

5.1 Design Review

For this application, an architectural and landscape architectural design review was undertaken. A copy of the architectural and landscape architectural design review against State Planning Policy 7.0 - Design of The Built Environment (SPP 7.0) is contained in **Attachment 1**. A meeting was also held to allow the applicants an opportunity to present to the City's consultants and address any queries.

A summary of the proposal against SPP 7.0 is provided below, noting that since the original application was submitted, further information and amended development plans were provided by the applicant in response to the initial comments of the City's consultants. The table below demonstrates aspects of the development proposal that the City's consultants are supportive of.

Legend	
3	Supported
2	Supported with conditions
1	Further information required
0	Not supported

SPP 7.0 Principles	Architectural design review	Landscape Architectural design review
Principle 1: Context and Character	3	N/A
Principle 2: Landscape Quality	3	3
1. 3.2 Orientation		1
2. 3.3 Tree Canopy and Deep Soil Areas		3
3. 3.4 Communal Open Space		3
4. 3.6 Public Domain Interface		1
5. 4.12 Landscape Design		3
6. 4.16 Water Management Conservation		3
Principle 3: Built Form and Scale	3	N/A
Principle 4: Functionality and Built Quality	1	N/A
Principle 5: Sustainability	2	N/A
Principle 6: Amenity	3	N/A
Principle 7: Legibility	3	N/A
Principle 8: Safety	3	N/A
Principle 9: Community	3	N/A
Principle 10: Aesthetics	3	N/A

The proposal is considered consistent with the 10 design principles of SPP 7.0.

It should be noted considerable modifications to the development proposal has already been undertaken by the applicant based on the advice of the individual architectural and landscape architect engaged by the City, prior to the City’s formal DRP which was only established in May 2021.

5.2 Residential Design Codes Volume 2 (R-Codes)

A summary of the design elements that were identified as not meeting the Acceptable Outcomes of the R-Codes is outlined in the table below.

An assessment of the proposal against the R-Codes is detailed in full in **Attachment 1**.

R-Codes Element	Proposed	Acceptable Outcomes	Element Objectives
Element 2.2- Building Height	4 storeys and 14.6m overall building height from Natural Ground Level (NGL)	3 storeys and 12.0m overall building height from Natural Ground Level (NGL)	Element Objectives 02.2.1, 02.2.2, 02.2.3 and 02.2.4 is achieved.
Element 2.5- Plot Ratio	0.95 or 864m ² (19% increase)	0.8 or 729m ²	Element Objectives 02.5.1 is achieved.
Element 3.5- Visual Privacy	Apartments 1 and 2 bedroom habitable room window is solely provided with a highlight window.	Habitable room windows without excessive reliance on high sill levels or permanent screening of windows.	Element Objectives 03.5.1 is achieved.
Element 4.5 - Circulation and Common Spaces	The width of circulation corridors proposed is between 1.35m - 1.44m.	Circulation corridors are a minimum 1.5m in width	Element Objectives 04.5.1 and 04.5.2 is achieved.

6.0 Recommendation to JDAP

Administration recommends that Council adopts the Officer Recommendation contained in the Responsible Authority Report to recommend approval of the development, as included in **Attachment 1**.

In the event that Council resolves to recommend to the JDAP that the application should be refused, the following is provided to assist:

It is recommended that the Metro Inner-North JDAP resolves to:

1. **Refuse** DAP Application reference DAP/20/01889 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Nedlands Local Planning Scheme No. 3, subject to the following reasons:
 - a. The development is inconsistent with the streetscape character of Clark Street as a result of the proposed height, bulk and scale does not accord to the following:
 - i. Clause 67(2)(a)(b)(m) and (n) of the Planning and Development (Local Planning Scheme) Regulations 2015.

- ii. Aims of the Scheme under Clause 9(a) of the City of Nedlands Local planning Scheme No. 3.
 - iii. Residential zone objectives under Clause 16 of the City of Nedlands Local planning Scheme No. 3.
- b. Having regard to State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, the height, bulk and scale of the proposed development is inappropriate to the context and local character and will result in unreasonable adverse internal and external amenity impacts given that it does not achieve an appropriate building envelope or massing as the development does not adequately satisfy:
- i. Element 2.2 (Building Height) Element Objectives O2.2.1, O2.2.2 and O2.2.4 as it creates a bulk and scale that adversely affects the amenity of the surrounding single houses.
 - ii. Element 2.5 (Plot Ratio) Element Objective O2.5.1 as it far exceeds the bulk and scale of a building coded R60 and its massing will unreasonably impact to surrounding single houses.
 - iii. Element 3.5 (Visual Privacy) Element Objective O3.5.1 as Apartment 1 and 2 bedroom habitable room window is solely provided with a highlight window.
 - iv. Element 4.5 (Circulation and Common Spaces) Element Objectives 04.5.1 and 04.5.2 as circulation corridors in the development does not meet a minimum of 1.5m in width

7.0 Conclusion

Council is requested to consider the proposed development as the Responsible Authority. It is requested that Council makes a recommendation to the JDAP to either approve or refuse the application.

The application has been assessed in accordance with the planning framework and in instances where the proposal does not satisfy a provision or statute, a condition has been recommended to address the requirement.

Administration acknowledges the proposal represents a change to the existing character of the locality. That notwithstanding, there are multiple sites within the street that are likely to take advantage of the R60 density codes over time. Clark Street provides an important transition between the newly coded Mixed Use R-AC3 (along Broadway) with default height of six (6) storey to then a five (5) storey default height for R160 and to a default height of three (3) storey in areas codes R60.

The potential changes in the form of subdivision, grouped dwellings and multiple dwellings can be managed through appropriate siting and design. Administration is of the view that the subject application has appropriately considered façade, street setback, form, and streetscape presentation in order

to achieve the relevant element objectives of the R-Codes or can be made capable by the application of conditions.

It is recommended Council adopt the Officer Recommendation contained in the Responsible Authority Report to approve the development.

LOT 421 (NO. 24) CLARK STREET, NEDLANDS – MULTIPLE DWELLING DEVELOPMENT (10 APARTMENTS)

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Inner-North JDAP
Local Government Area:	City of Nedlands
Applicant:	Tuscom Subdivision Consultants Pty Ltd
Owner:	Sincerity Holding Pty Ltd
Value of Development:	\$2.5 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)
Responsible Authority:	City of Nedlands
Authorising Officer:	Tony Free, Director Planning and Development Services
LG Reference:	DA20-56042
DAP File No:	DAP/20/01889
Application Received Date:	26 October 2020
Report Due Date:	11 June 2021
Application Statutory Process Timeframe:	90 days with an additional 139 days agreed by the applicant (total 229 days)
Attachment(s):	<ol style="list-style-type: none"> 1. Aerial and Zoning Map 2. Development Plans dated 28 May 2021 3. Landscape Plans dated 28 May 2021 4. Universal Design Plan for Apartment 5 and 6 dated 17 May 2021 5. Plot Ratio Calculation Plan dated 10 December 2020 6. Solar Access and Natural Ventilation Plans dated 10 December 2020 7. Solar Access and Natural Ventilation Statement dated 26 October 2020 8. Arboricultural Impact Statement dated 14 May 2021 9. Acoustic Report dated 6 May 2021 10. Waste Management Plan dated 27 May 2021 11. Traffic Impact Statement dated 26 October 2020 12. NatHERS Report dated 9 April 2021 13. Energy Efficiency Statement dated 14 May 2021 14. Architect Peer Design Review Assessment dated 25 May 2021 15. Landscape Architect Peer Design Review Assessment dated 26 May 2021 16. Summary of Submissions 17. R-Codes Volume 2 Assessment 18. Applicant Planning Letter dated 26 October 2020

	19. Applicant Design Principles Report dated 10 December 2020	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

The Responsible Authority Recommendation of the Council will be provided following its 8 June 2021 Committee Meeting (and prior to submission of this RAR to the Metro Inner-North JDAP).

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Nedlands Local Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	Residential R60
Use Class and permissibility:	Residential 'P' (Multiple Dwelling)
Lot Size:	911m ²
Existing Land Use:	Residential (Single House- demolished)
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input checked="" type="checkbox"/> Other – Design Review by single practitioner
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Proposed Land Use	Residential (Multiple Dwelling)
Proposed Plot Ratio	0.95
Proposed No. Storeys	4
Proposed No. Dwellings	10

It is proposed to develop on Lot 421 (No.24) Clark Street, Nedlands (the site), a four storey Multiple Dwelling development comprising of 10 apartments. The proposed development is summarised as follows:

Ground Level

- Two x studio (1 bedroom) apartments

- Five (5) bicycle rails for residents and one (1) bicycle rail for visitors (a total of 6)
- Ten (10) resident car parking spaces and three (3) visitor car parking spaces
- 19m² bin store and 360L waste bin compactor
- Location of six (6) storerooms for apartments 1, 2, 5, 6, 9 and 10.
- Deep soil planting areas (a total of 156m²)

Levels 1 and 2

- Two (2) x 2-bedroom apartments
- Two (2) x 2-bedroom silver level accessible apartments (apartments 5 and 6)
- Location of four (4) storerooms for apartments 3, 4, 7 and 8
- On-structure planter boxes located along balconies facing the southern lot boundary

Roof Level (Level 3)

- Communal outdoor living area for residents (no public access)
- Lift core overrun, plant room and air conditioning units located in the middle of the roof space
- Photovoltaic array collection panels located on the eastern side of the roof

Background:

Location and Zoning

The site is located within the street block bounded by Clark Street to the north, Broadway to the east, Edward Street to the south and Bruce Street to the west. An aerial and zoning map is provided in **Attachment 1**.

The site is 911m² in area and there is a slope in natural ground level of approximately 0.7m from the front boundary (north) to the rear boundary (south). The site is zoned 'Residential' with a density code of R60 and has its street frontage to Clark Street. The land abutting the site is coded R60, with lots further to the east of the site are coded R160 and R-AC3.

Existing Context and Character of Locality

The site is located in an existing residential neighbourhood which has undergone some more recent subdivision and redevelopment. There is a consistency of similar lot sizes and widths along the section of Clark Street between Broadway and Bruce Street Road. The street accommodates a mix of dwelling styles. There are examples of recently constructed contemporary double storey dwellings with Colorbond pitched roofs, double with garages and driveways.

There are also remnant examples of single storey interwar and post war dwellings with gabled tiled roofs, single width driveways and low or absent front fencing. It should also be noted that there are a number of duplex grouped dwellings located in the eastern end of the street towards Broadway.

The majority of dwellings along Clark Street generally maintain a detached appearance when viewed from the street being set back from side and rear boundaries. The surrounding dwellings sit within a landscaped setting, which is further reinforced by mature canopy street trees.

Future Character

The site is located within what was an existing residential neighbourhood which has undergone widespread upcoding. The gazettal of Local Planning Scheme No.3 on the 16 April 2019 recoded properties west of Clark Street from R12.5 to R60 and further east from R35 to R160.

The gazettal of Local Planning Scheme No.3 has provided for increased building heights to 3 storeys for R60. Appendix 2 of the Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2) designated the R60 code as 'Medium Rise'. It provides the following guidance:

Context: Neighbourhoods with a landscaped residential setting that include a diversity of detached housing, group housing and apartment developments up to 3-4 storeys. The neighbourhood has good walkability to public transport, local services and quality open space, and may be located adjacent to higher density land uses or an urban corridor.

Character: Streetscapes have a landscaped character and built form patterns are defined by overall scale of the streetscape rather than individual building height or style. New development should reflect the prevailing patterns of side setbacks and respond to the existing or planned scale and materiality of the area. Development should include on-site landscaping to enhance streetscape and provide amenity for residents and neighbours.

The City has been made aware of several applications proposing to develop at the higher density coding which demonstrates the changing and emerging future character.

Built Form Modelling/Local Distinctiveness Study

The City has engaged consultants at Hassell to complete a local distinctiveness study, context analysis and built form modelling to inform built form controls within the Broadway Precinct Local Plan. The intent of the distinctiveness study is to review the characteristics of the existing built form that inform the character of the place. The focus has been to uncover elements that make a positive contribution to local distinctiveness and the opportunities for enhancement.

The local distinctiveness study and context analysis will be used to inform built form modelling, which will test different development scenarios for the precinct. Once these development scenarios are reviewed and explored through community engagement, a local precinct based planning policy will be drafted for the precinct, which will define appropriate built form controls which are likely to form an amendment to the Scheme.

The local distinctiveness study and context analysis was presented to Council at the 25 August 2020 Ordinary Council Meeting. Council resolved to accept the study for the Broadway precinct. Community engagement workshops are scheduled to commence in August 2021 which will assist in shaping the future built form controls for this precinct via the local policy framework.

Draft Local Planning Policy - Broadway Precinct Context and Character

On 23 February 2021, Council resolved to initiate draft Local Planning Policy - Broadway Precinct Context and Character (draft LPP) for advertising. The purpose of the draft LPP is as follows:

- Establish the existing and desired future character of the Broadway Precinct.
- For the 'desired future character statement' of the draft LPP to inform the assessment of development applications within the Broadway Precinct.
- Encourage good design and ensure that development responds appropriately to the site, context and character and qualities of the locality.

Whilst the status of the draft LPP is currently in a preliminary stage, it is nonetheless considered appropriate that an assessment against it is undertaken, for reasons of compatibility of the proposal with the future character of the locality. Accordingly, this is provided in the table below.

Desired Future Character Statement	Officer Comment
<p>The Broadway Precinct will provide for more diverse residents within high amenity and attractive streetscapes.</p>	<p>Statement Satisfied</p> <p>The development will provide an additional 10 dwellings. The apartment configuration is as follows:</p> <ul style="list-style-type: none"> • Two (2) x studio apartments. • Two (2) x 2-bedroom silver level accessible apartments. • Six (6) x 2-bedroom apartments. <p>Based on the above, it is considered that the development provides a range of apartment sizes and designs to accommodate various demographic groups.</p>
<p>Landscaping and deep soil areas in new developments will contribute to the leafy-green sense of place, appropriate to the density of each site.</p>	<p>Statement Satisfied.</p> <p>The amount of landscaping and new tree plantings exceeds the minimum requirements of the R-Codes.</p> <p>A substantial portion of the proposed landscaping is to be located along the primary street, eastern, western and southern lot boundary to provide a suitable interface with the landscaped streetscape along Clark Street and neighbouring lots.</p>
<p>Built form and landscaping will be designed to provide appropriate transitions from areas of higher density to areas of lower density.</p>	<p>Statement Satisfied.</p> <p>The proposal's built form is centred to the middle of the site to ensure appropriate setbacks and adequate separation is provided to neighbouring lots.</p>

Desired Future Character Statement	Officer Comment
	At the rear of the proposal, the building façade provides a suitable transition to the rear R60 coded lot which is similar to the site.
New development will reference the traditional built form character of the area through the integration of design elements and a high-quality palette of materials and finishes.	Statement Satisfied. The development is considered to be of a built form that references the existing character of the locality. It also proposes a varied palette of materials and finishes for the building itself. In this regard, the City's Architect Consultant has advised that the façade is considered to be appropriate to the context.
Mixed-use and non-residential development along Broadway will be focussed around existing nodes of activity.	Statement not applicable
New development will interact with the street to enhance the pedestrian environment.	Statement Satisfied It is considered that the development provides an active frontage to Clark Street through the use of a generous primary street setback and clearly defined pedestrian and vehicle routes at street level, which is further enhanced by landscaping.
Land uses will take advantage of the adjacency of the UWA-QEII Specialised Activity Centre.	Statement Satisfied It is considered that the site's proximity to the UWA-QE II area as well as the availability of alternative transport modes will allow it to capitalise on the services offered by the area.

Based on the above, the proposal is considered consistent with desired future character statement of the draft LPP and is therefore acceptable.

Local Planning Strategy

The City's Local Planning Strategy was endorsed by the Western Australian Planning Commission in 2017. The Strategy identifies the area abutting Broadway as a transition zone. This provides a buffer by providing a gradual reduction in development intensity from the medium intensity development proposed on Broadway to the low density residential areas.

The area abutting Broadway is an existing activity centre. The intensity of both commercial and residential development is expected to increase, although the Strategy notes that the dramatic topography of Broadway and its surrounding streets will influence the style of development.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Metropolitan Region Scheme*
- *City of Nedlands Local Planning Scheme No. 3 – clauses 9, 16, 18, 32 and 34*

State Government Policies

- *State Planning Policy 7.0 – Design of the Built Environment*
- *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2)*

Local Policies

- *Local Planning Policy – Consultation of Planning Proposals*
- *Local Planning Policy – Waste Management*

Consultation:

Public Consultation

In accordance with the City's Local Planning Policy – Consultation of Planning Proposals (Consultation Policy), the development proposal is considered a Complex Application. The application was advertised from 22 January 2021 and concluded on 18 February 2021.

Additional consultation time was granted to accommodate the rescheduled community information session that was cancelled due to the WA Government mandatory lockdown between 31 January – 5 February 2021.

In accordance with the Consultation Policy, the following consultation methods were undertaken:

- Letters sent to all City of 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 published on 23 January 2021;
- A Social media post was made on one of the City's Social Media platforms;
- A notice was affixed to the City's Noticeboard at the City's Administration Offices; and

- A community information session was held by City Officers on 17 February 2021, where there were 10 attendees.

The City received a total of 29 submissions at the close of the consultation period, of which:

- 2 submissions were in support of the application;
- 1 submission was neither supportive nor objecting; and
- 26 submissions objected to the proposal.

The schedule of the issues raised during the public consultation are tabled below. A detailed submissions table and officer response is available in **Attachment 16**.

Issue Raised	Officer comments
<p><i>Building Height</i></p> <p>The development exceeds 3 storeys and 12m building height permitted under the R-Codes.</p>	<p>26 submissions from surrounding properties were received on this matter.</p> <p>This matter is discussed in detail in the Planning Assessment section of this report.</p>
<p><i>Context and Character</i></p> <p>The development is not in keeping with the existing built form and context of the suburb which is characterised by low density development, large leafy blocks and a quiet neighbourhood along Clark Street.</p>	<p>22 submissions from surrounding properties were received on this matter.</p> <p>It is noted that the proposed development is consistent with the R60 density coding of the site. This is intended to accommodate additional built form and density centered on along Broadway to the east and Stirling Highway to the north of the site.</p> <p>The proposed development has been assessed as meeting the element objectives for primary controls within the Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2). Therefore, it is considered to be an appropriate form of development for the subject site.</p>
<p><i>Bulk and Scale</i></p> <p>The development results in excessive bulk and scale contrary to the context and character of the area.</p>	<p>19 submissions from surrounding properties were received on this matter.</p> <p>In terms of the scale and built form, the scale of development is considered appropriate for a Medium-rise neighborhood center as per Appendix A2 of the R-Codes.</p> <p>Overall, the development will contribute to the emerging medium rise residential area along Clark Street and the surrounding locality.</p> <p>A detailed assessment of the building height and plot ratio is further discussed in detail in the Planning Assessment section of this report.</p>
<p><i>Plot Ratio</i></p>	<p>19 submissions from surrounding properties were received on this matter.</p>

Issue Raised	Officer comments
<p>Plot ratio is non-compliant for the development proposed at 0.95 in lieu of 0.8 which is a 136m² increase and is unacceptable.</p> <p>The proposal should look at reducing the number of units to comply with plot ratio.</p>	<p>The proposed plot ratio for the development is 0.95 or 864m². The Acceptable Outcomes under the R-Codes Element 2.5 'Plot Ratio' is 0.8 or 729m² for sites coded R60.</p> <p>A detailed assessment of the plot ratio is further discussed in detail in the Planning Assessment section of this report.</p>
<p>Traffic</p> <p>Development will result in an undesirable level of traffic along Clark Street which is already overcrowded with street parking issues and the surrounding area.</p>	<p>17 submissions from surrounding properties were received on this matter.</p> <p>A Traffic Impact Statement (TIS) has been provided which demonstrates that the anticipated traffic generation for the development can be accommodated within the existing traffic network. The TIS has been by the City's as acceptable.</p> <p>The development meets the acceptable outcomes and element objectives for car parking.</p>
<p>Density</p> <p>The site is zoned R60 and a multiple dwelling development of 10 units is inconsistent with the housing within the surrounding area. A proposal for low density grouped dwellings or townhouses would have been appropriate for the site and the surrounding area.</p>	<p>15 submissions from surrounding properties were received on this matter.</p> <p>The City's Local Planning Scheme No.3 was gazetted in April 2019, creating significant density code changes to some areas of the City of Nedlands. The site's zoning remains Residential, however the density code is R60. It is unlikely the site zoning will be down coded.</p>
<p>Overshadowing</p> <p>Development creates overshadowing issues for surrounding properties especially properties directly south.</p>	<p>14 submissions from surrounding properties were received on this matter.</p> <p>The proposal meets the acceptable outcomes and the element objectives for orientation, which considers overshadowing of adjoining properties.</p> <p>The neighbouring property to the south (15 Edward Street, Nedlands) will be overshadowed by the development by 94m² or 10.3% of its total area at 12pm on 21 June (worst case). The Acceptable Outcomes under the R-Codes Element 3.2 'Orientation' is 50% overshadowing on adjoining properties coded R60.</p>
<p>Visual Privacy</p>	<p>13 submissions from surrounding properties were received on this matter.</p>

Issue Raised	Officer comments
<p>Insufficient balcony setbacks and height of the proposal will result in visual privacy and overlooking impacts to those living near the proposed development.</p>	<p>The proposal meets the acceptable outcomes and the element objectives for setbacks and visual privacy requirements to all lot boundaries.</p> <p>It is however, noted that Apartments 1 and 2 bedroom habitable room window is proposed to be solely provided with a highlight window. The Acceptable Outcome under the R-Codes Element 3.5 'Visual Privacy' is habitable room windows without excessive reliance on high sill levels or permanent screening of windows. A detailed assessment of this matter is in the Planning Assessment section of this report.</p>
<p>Dwelling Size</p> <p>The room sizes are extremely small and cramped and do not provide any type of good amenity for future residents.</p> <ul style="list-style-type: none"> The small rooms do not appeal nor accommodate a diversity of buyers such as families into the area. There is a lack of diverse dwelling options in the development. 	<p>11 submissions from surrounding properties were received on this matter.</p> <p>The proposal meets the acceptable outcomes and the element objectives for dwelling size and mix as well as meeting universal design requirements by offering two Silver Level apartments in the development (Apartments 5 and 6).</p>
<p>Open Space</p> <p>There is a lack of open space for the proposed development, deep soil areas for trees, reduced tree canopies and evergreen tree species.</p>	<p>11 submissions from surrounding properties were received on this matter.</p> <p>The R-Codes Volume 2, Table 3.3a requires a minimum deep soil area (DSA) of 91m² (ie. 10% of the 911m² lot size), given no tree is retained on site.</p> <p>A total of 159m² of DSA is provided for the site.</p>
<p>Waste Management</p> <p>Waste management is poorly managed and does not comply with the City of Nedlands Local Planning Policy – Waste as follows:</p> <ul style="list-style-type: none"> Onsite waste collection has not been adequately addressed by the developer. 	<p>10 submissions from surrounding properties were received on this matter.</p> <p>The Waste Management Plan dated 27 May 2021 has been prepared in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines. It is to be implemented prior to occupation and maintained at all times in the event of approval. The City has accepted the findings contained within the Waste Management Plan.</p>

Issue Raised	Officer comments
<ul style="list-style-type: none"> • Insufficient bins to meet the need of residents. • the verge cannot physically accommodate 15 bins. • The bin area has insufficient space to allow easy access to and creating it an unsafe environment. • The location of the wet bin area directly outside the foyer is a poor design resulting in poor health and amenity. 	
<p>Noise Impacts</p> <p>The development will result in undesirable noise within the surrounding area and will result in more residents moving in and creating noise from balconies and increased vehicles impacting the peaceful neighborhood and surrounding properties</p>	<p>10 submissions from surrounding properties were received on this matter.</p> <p>The Acoustic Report prepared by Herring Storer Acoustics dated 6 May 2021 shall be implemented in the event of approval to ensure the development complies with the Environmental Protection (Noise) Regulations 1997.</p>
<p>Construction Impacts</p> <p>Construction impacts and damage to neighbouring properties.</p> <p>A Dilapidation Report is to be done, of either side homes and behind the development prior to the start of any works on site to protect adjoining neighbours and damage to neighbouring properties.</p>	<p>3 submissions from surrounding properties were received on this matter.</p> <p>The Building Act ensures protection of neighbouring land from excavation activities only. It is recommended that a condition be included on any approval requiring dilapidation reports which share a boundary with the site for:</p> <ul style="list-style-type: none"> • No. 22 and 26 Clark Street, Nedlands; and • No. 13, 15 and 17 Edward Street, Nedlands. <p>Any damage as a result of the construction of the development is a civil matter between landowners. The City has no legislative power in this area.</p>

Design Review Advice

For this application, an architectural and landscape architectural design review was undertaken. A copy of the architectural and landscape architectural design review against State Planning Policy 7.0 - Design of The Built Environment (SPP 7.0) is contained as **Attachments 14 and 15**. A meeting was also held to allow the applicants an opportunity to present to the City’s consultants and address any queries.

It should be noted considerable modifications to the development proposal have already been undertaken by the applicant based on the design review, prior to the establishment of the City's formal Design Review Panel.

A summary of the proposal against SPP 7.0 is provided below, noting that since the original application was submitted, further information and amended development plans were provided by the applicant in response to the initial comments of the City's appointed consultants. The table below demonstrates aspects of the development proposal that the City's appointed consultants are supportive of.

Legend		
3	Supported	
2	<i>Supported with conditions</i>	
1	<i>Further information required</i>	
0	<i>Not supported</i>	
SPP 7.0 Principles	Architectural design review	Landscape Architectural design review
Principle 1: Context and Character	3	N/A
Principle 2: Landscape Quality	3	3
1. 3.2 Orientation		1
2. 3.3 Tree Canopy and Deep Soil Areas		3
3. 3.4 Communal Open Space		3
4. 3.6 Public Domain Interface		1
5. 4.12 Landscape Design		3
6. 4.16 Water Management Conservation		3
Principle 3: Built Form and Scale	3	N/A
Principle 4: Functionality and Built Quality	1	N/A
Principle 5: Sustainability	2	N/A
Principle 6: Amenity	3	N/A
Principle 7: Legibility	3	N/A
Principle 8: Safety	3	N/A
Principle 9: Community	3	N/A
Principle 10: Aesthetics	3	N/A

The Principle's that scored 1 or 2 are discussed below.

- *Architectural Design Review*

The City's appointed Architect Consultant has reviewed the revised plans and is supportive of the proposal. However, it should be noted that the Architect Consultant did make the following comment regarding Principles 4 and 5, as follows:

Principle 4 – Functionality and Build Quality comments:

1. *Unit 1 and 2 have still not been replanned to adequately address the minimum dimensions set out in SPP7.3. The bedrooms are too narrow (approx. 2.6m)*
2. *Placement of robes in corridor entry offers poor solution for circulation and interface with bedroom.*
3. *Opportunity to make the bathroom narrower, locate the robe on the western wall of bedroom.*

The applicant has submitted revised development plans in **Attachment 2**, modifying Apartments 1 and 2 by increasing the width of the bedroom from 2.6m to 3.0m wide by decreasing the width of the bathroom. The wardrobe that was located in the walkway between the entry and living area has been shifted to achieve a clear pathway for improved circulation within Apartments 1 and 2.

Principle 5 – Sustainability comments:

1. *Bedroom windows have still not been addressed.*
2. *Proposed water tank has not been noted on drawings.*
3. *The Applicant has confirmed the use of curtains and blinds to mitigate the impact of western sun. Whilst this will reduce glare the heat gain into the unit requires efforts outside the unit interior. The Applicant has indicated that film will be used on windows to address this.*

In regard to Point 1, the architect is referring to Apartments 1 and 2 bedroom habitable room window as being provided with a highlight window rather than windows without high levels. This point is further discussed in detail in the Planning Assessment section of this report under Visual Privacy.

In regard to Point 2, the applicant has submitted revised development plans in **Attachment 2**. The rainwater tank is to be located on the ground floor near the Apartment 2 storeroom.

- *Landscape Architectural Design Review*

The City's Landscape Architect Consultant has reviewed the revised plans and is supportive of the proposed landscaping for this proposal. However, it should be noted that the Landscape Consultant did make the following comment regarding Principle 2 – Landscape Quality:

3.2 Orientation comments:

1. *The Arboricultural Assessment prepared by ArborSafe assesses one of these existing trees as Category B – Moderate Retention Value. It is unclear which of the two street trees this assessment relates to. There is no assessment of the other street tree.*
2. *The Arboricultural Assessment prepared by ArborSafe provides an assessment of three existing trees on adjoining properties. The general assessment and recommendations for these trees is supported, however the location of the four trees assessed should be shown on a plan with all relevant information such as TPZ, SRZ, boundaries and the location of the proposed development. The assessment of both street trees as mentioned above should be included.*

3.6 Public Domain Interface comments:

3. *Two street trees are retained however the Arboricultural Assessment prepared by ArborSafe needs to be updated to assess both street trees is required. The overall intention to retain these trees is supported.*

In regard to Points 1 and 3, the established Queensland Box street trees (City Tree Asset ID 9123 and 9124) has been annotated on the Development Plans and Landscape Plans confirming that the applicant will retain both street trees. In the event of a JDAP approval, it is recommended that a condition be placed to ensure that the

Arboricultural Impact Statement prepared by ArborSafe be updated to include the second street tree in the assessment and clearly identify the street tree.

In regard to Point 2, the Arboricultural Impact Statement prepared by ArborSafe has not provided a site plan depicting the location of the assessed adjoining trees in relation to the proposed development for clarity. In the event of a JDAP approval, it is recommended that a condition be placed to ensure that the Arboricultural Impact Statement be updated to show a plan with all relevant information of the two street trees and three neighbouring trees including information such as Tree Protection Zones (TPZ), Structural Root Zone (SRZ) boundaries and the location of the proposed development.

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme and State and Local Planning Policies outlined in the Legislation and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- Aims of the Scheme
- Matters to be considered (Deemed Provisions clause 67(2) of Schedule 2)
- Residential Zone Objectives
- State Planning Policy 7.3 Residential Design Codes Volume 2
 - Building height
 - Plot ratio
 - Tree Canopy and Deep Soil Areas
 - Visual privacy
 - Circulation and Common Spaces
 - Managing the Impact of Noise
 - Water Management and Conservation

These matters are outlined and discussed below. A full assessment of the proposal against the Residential Design Codes Volume 2 (R-Codes) is included at **Attachment 17**.

Aims of the Scheme

The City has assessed the development against clause 9 'Aims of the Scheme' of the LPS3 and is satisfied that:

- The proposal is considered to be generally consistent with the existing and desired future character of the area due to its setbacks, landscaping and aesthetics.
- The proposal is generally consistent with the development expectations attributable to the R60 higher density code. The R60 coded land, forms part of a transitional area around Broadway and Stirling Highway.

- It is noted that the City's Architect and Landscape consultants are generally supportive of the proposed architectural design and form of the development and landscape qualities.

The proposal is therefore considered to satisfy the clause 9 'Aims of the Scheme' of the LPS3.

Planning and Development (Local Planning Schemes) Regulations 2015

The City has assessed the application against with clause 67(2) of Schedule 2 of the LPS Regulations and is satisfied that:

- The Zoning Table in the LPS3 classifies all residential development as a 'P' use in the Residential Zone. Therefore, the suitability of the land use is not in question.
- Whilst the development is a departure from the existing built form, it is consistent with the expected built form of the medium density code (R60) to which it relates. The development itself is either generally consistent with or exceeds the default primary controls of the R-Codes.
- The proposal is considered to be generally consistent with the existing and desired future character of the area due to its setbacks, landscaping and aesthetics when having regard to the desired future setting of the locality.

The proposal is considered to satisfy clause 67(2) of Schedule 2 of the LPS Regulations.

Residential Zone Objectives

The City has assessed the development against clause 16 'Zones' of the LPS3 and is satisfied that:

- The development will provide medium density housing in a multiple dwelling format.
- This development proposes residential use only.
- The development is four storeys in height and setback sufficiently to provide a landscaped front area. This has been undertaken to ensure the building sits well within the streetscape, which is characterised by large front setbacks.
- The development is now considered to strike a balance between achieving the built form expectations of the R80 density code and responding appropriately to the local context.

The proposal is therefore considered to satisfy clause 16 'Zones' of the LPS3.

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

The purpose of State Planning Policy 7.3 - Residential Design Codes Volume 2 - Apartments (R-Codes) is to provide planning and design standards for residential apartments, including those within a mixed use development and activity centres context. In this regard, the R-Codes specifies a series of elements, with associated objectives, which developments are to achieve.

This can generally be achieved by meeting the acceptable outcomes. However, these are not to be read as prescribed deemed-to-comply standards as they do not necessarily guarantee a positive design outcome. Alternatively, or in addition to the acceptable outcomes, a proposal can also seek consideration based on achieving the related Design Guidance and the Element Objectives.

An assessment of the proposal against the R-Codes is detailed in full in **Attachment 17**. Those elements that were raised as the main areas of concern during public consultation or which require the imposition of conditions are detailed below. They are summarised below for ease of reference.

Building Envelope

1. Building height

The proposal is four (4) storeys and 14.6m overall building height from Natural Ground Level (NGL). The Acceptable Outcomes under the R-Codes Element 2.2 'Building Height' is three (3) storeys and 12.0m overall building height from NGL for sites coded R60.

Element Objectives	Assessment
<p>O2.2.1 – 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.</p>	<p><u>Objective achieved</u></p> <p>The building presents as four (4) storeys to the primary street and the eastern and western lot boundaries. In accordance with the definition of 'storey' in the R-Codes, the enclosed roof terrace is assessed as a storey and is included in the building height calculation. However, the enclosed space containing the lift overrun, plant room and air conditioning units is not considered a storey.</p> <p>The building presents as three (3) storeys to the rear (south) which meets the acceptable outcomes.</p> <p>When having regard to the desired future scale and character of the street and local area, the proposed building height is considered acceptable due to the following reasons:</p> <ul style="list-style-type: none"> • The City is aware of several landowners who intend to develop along Clark Street to the new density code, some of whom have lodged development applications or recently obtained approvals. As such, the character along the street is evolving and likely to change. • The site is within the Broadway Precinct and there is a Distinctiveness Character Study that has been prepared which will assist in shaping the future built form controls for this precinct, further empathising the future transition of the precinct.

Element Objectives	Assessment
	<ul style="list-style-type: none"> • The proposal’s height is centred in the middle of the site to ensure appropriate primary street setback to Clark Street. Side and rear setbacks meets acceptable outcomes to ensure adequate separation. • The enclosed communal roof terrace provides an effective use of space and offers some weather protection for residents. If the communal roof terrace was unenclosed and open, this would not trigger the space as a fourth storey, in accordance with the definition of ‘storey’ in the R-Codes.
<p>O2.2.2 – The height of buildings within a development responds to changes in topography.</p>	<p><u>Objective achieved</u></p> <p>The four-storey building is approximately 14.6m in height, measured to the highest point of the development above the corresponding Natural Ground Level (NGL). The Acceptable Outcome under the R-Codes Element 2.2 ‘Building Height’ is 12.0m overall building height from NGL.</p> <p>When having regard to the proposed height of the development and how it responds to topography, the proposed building height is considered acceptable due to the following reasons:</p> <ul style="list-style-type: none"> • The site slopes from the primary street (north) to the rear (south) by approximately 0.7m and does not result in any significant fill or cut to the site that could further result in building height increases. • The development seeks to maintain the building height to 3 storeys when viewed from the rear. • The building walls are compliant and do not exceed 12.0m from the NGL. However, the non-compliant portion where the building exceeds the 12.0m overall building height is a result of the top of the roof pitch to the middle of the roof which is 14.6m high from NGL. The acceptable outcomes provide for overall building height to be increased by at least 2m to accommodate roof articulation. In this case, the roof is a more traditional pitched design where the bulk of the increased building height is reduced when compared to contemporary flat roof designs.
<p>O2.2.3 – Development incorporates articulated roof design and/or roof top communal open space where appropriate.</p>	<p><u>Objective achieved</u></p> <p>When having regard to the proposed roof design and roof top communal open space, the proposal is considered acceptable due to the following reasons:</p>

Element Objectives	Assessment
	<ul style="list-style-type: none"> • The proposal has incorporated an enclosed roof terrace as a communal area for residents to take advantage of the roof space, making effective use of space and increase the amenity of the development for future residents. • The R-Codes allows for at least 2.0m to be added to the 12.0m height indicative height to allow for rooftop articulation. This has allowed an enclosed roof terrace and on-structure landscaping to be incorporated in the main roof form to make effective use of space and give the impression as single roof form from Clark Street. • The roof design is of a relatively low pitch and design to minimise roof structure mass.
<p>O2.2.4 – 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.</p>	<p><u>Objective achieved</u></p> <p>The proposed development complies with the default overshadowing requirement. The proposal does not overshadow any solar collectors or major openings to adjoining properties at mid-winter. The solar collectors located on 15 Edward Street is located further south in the middle of the block.</p> <p>Due to the design and lot orientation, the maximum shadow cast at mid-winter is 10.3% of the rear property at 15 Edward Street, Nedlands which is zoned R60. It is noted that this falls over the outdoor living area of 15 Edward Street. However, it is also noted that the extent of mid-winter overshadowing to 15 Edward Street is below the permitted percentage of overshadowing for a site coded Residential R25 or lower.</p>

Building Massing

2. Plot Ratio

The proposed plot ratio for the development is 0.95 or 864m². The Acceptable Outcomes under the R-Codes Element 2.5 'Plot Ratio' is 0.8 or 729m² for sites coded R60.

Element Objectives	Assessment
<p>O2.5.1 – The overall bulk and scale of development is appropriate for the</p>	<p><u>Objective achieved</u></p>

Element Objectives	Assessment
<p>existing or planned character of the area.</p>	<p>The development proposes a plot ratio of 0.95, which is 135m² or 19% of additional floor space.</p> <p>When having regard to the proposed overall bulk and scale of the development, the proposal is considered acceptable due to the following reasons:</p> <ul style="list-style-type: none"> • The overall bulk and scale of the development responds to the relatively narrow lot, where this building is provided with setbacks that meet or exceed acceptable outcomes from the side and rear particularly to the eastern, western and southern lot boundaries. • Articulation is provided to each elevation and is located centrally within the building to minimise mass. • Primary street setbacks is between 2.0m-4.0m is consistent with the acceptable outcomes. • Overshadowing to the abutting southern lot is considered acceptable when having regard to the future character of the locality. • Landscaping, deep soil areas and tree canopy coverage are all sufficient and in excess of minimum requirements. • The proposed development responds to a number distinctive characteristic of the local area by incorporating design aesthetics such as the use of limestone, timber, render, weatherboard cladding and a neutral colour palette in its built form to suitably fit within the existing and future character of the area. <p>Based on the above, the proposal is considered to be generally consistent with the existing and desired future character of the area due to its setbacks, landscaping and aesthetics when having regard to the desired future setting of the locality.</p> <p>The City has engaged an Architect Consultant to review the proposed development and has advised that the scale and bulk of the building is considered appropriate to the increase density coding of the area.</p>

Amenity

3. Tree Canopy and Deep Soil Areas

The Acceptable Outcomes under the R-Codes Element 3.3 ‘Tree Canopy and Deep Soil Areas’ has been met. However, the imposition of conditions are detailed in the table below.

Element Objectives	Assessment
<p>O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.</p>	<p><u>Objective achieved with Condition</u></p> <p>On 11 April 2021, the City issued a Demolition Permit for the site. A subsequent site visit confirms that the single house and all existing vegetation has been cleared from the site.</p> <p><u>Existing trees onsite & on verge</u> The Arboricultural Impact Statement Report provided by the applicant does not identify any trees onsite that are worthy of retention (high retention value). There are two Lophostemon Confertus (Queensland box trees) within the verge area adjoining the subject site. The proposed vehicle access configuration ensures that these verge trees can be retained.</p> <p><u>Existing trees on adjoining properties</u> The Arboricultural Impact Statement Report provided by the applicant identifies three (3) existing trees on adjoining properties that requires protection through the planning and construction of the proposed development. The three trees worthy of protection are as follow:</p> <ul style="list-style-type: none"> • A Macadamia Integrifolia (Macadamia Tree) located to the south-western corner of 26 Clark Street, Nedlands. This tree is in fair health and the Tree Protection Zone (TPZ) for this tree is recommended to be 3.6m measured at a radial distance from the centre of the trunk. • A Corymbia Citriodora (Lemon-scented Gum) located on the southern adjacent property. This tree is in good health and the TPZ for this tree is recommended to be 9.0m measured at a radial distance from the centre of the trunk. • A Lophostemon Confertus (Queensland Box tree) located on the verge adjacent to Clark Street is a street tree. This street tree is in fair health and the TPZ for this tree is recommended to be 6.3m measured at a radial distance from the centre of the trunk. <p>The Arboricultural Impact Statement Report identifies that the level of encroachment from the development into this TPZ is within acceptable levels for protection of the tree.</p> <p>The Arboricultural Impact Statement Report contains a number of measures to ensure that retained trees are protected that has been identified. A condition is therefore recommended for the recommendations of</p>

Element Objectives	Assessment
	the Arboricultural Impact Statement Report to be followed during construction of the proposed development.
<p>O3.3.2 – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.</p>	<p><u>Objective achieved</u></p> <p>The Arboricultural Impact Statement Report provided by the applicant notes that the vegetation outlined in the landscaping plan will replenish a similar amount of canopy cover to that lost during due to the development. The landscape design review commissioned by the City also noted that the proposed tree canopy was satisfactory.</p>
<p>O3.3.3 – 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><u>Objective achieved with Condition</u></p> <p>The acceptable outcome for deep soil area has been exceeded by the development.</p> <ul style="list-style-type: none"> • As no trees are to be retained, 10% of the site area (91.1m²) is to be deep soil area. A total of 156m² of deep soil area is proposed. • In the front Deep Soil Area (DSA) facing between the street and building, a total of 2 x medium trees are proposed. • In the eastern, western and southern (rear) DSA, a total of 6 x medium tree and 1 x small trees are proposed. <p>In the event of JDAP approval, it is recommended that a condition for a Landscape Management Plan be imposed to ensure all landscaped areas will be maintained and managed appropriately as a condition of approval.</p>

4. Visual Privacy

The Apartments 1 and 2 bedroom habitable room window is proposed to be solely provided with a highlight window. The Acceptable Outcomes under the R-Codes Element 3.5 ‘Visual Privacy’ is habitable room windows without excessive reliance on high sill levels or permanent screening of windows.

Element Objectives	Assessment
<p>O3.5.1 – 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</p>	<p><u>Objective achieved with Condition</u></p> <p>The development is consistent with the acceptable outcomes for visual privacy. However, it is noted that Apartments 1 and 2 bedroom habitable room is solely provided with a highlight window as:</p> <ul style="list-style-type: none"> • Apartment 1 bedroom window abuts the communal driveway and for safety and reduced noise a highlight window is proposed.

Element Objectives	Assessment
<p>and the external outlook of habitable rooms.</p>	<ul style="list-style-type: none"> Apartment 2 bedroom window abuts the communal entrance to the building of the eastern boundary and for safety and reduced noise a highlight window is proposed. <p>The façade of the proposed development is articulated with portions stepping in and out, along with balconies and vegetation limiting direct overlooking.</p> <p>If the abutting side lots are redeveloped in the future, they will need to be designed in accordance with the R-Codes Volume 2. This will ensure adequate separation is provided between any new balconies/major openings and those currently proposed by the subject development.</p> <p>Furthermore, it is considered the orientation and design of the proposal has tried to minimise direct overlooking to the eastern, western and southern lots.</p> <p>In the event of JDAP approval, it is recommended that a condition be placed on any approval that requires the balustrading to the balconies of Apartments 5, 6, 9 and 10 to be obscure glaze or solid to prevent downwards views into adjoining properties.</p>

5. Circulation and Common Spaces

The proposed width of circulation corridors is between 1.35m - 1.44m for the development. The Acceptable Outcomes under the R-Codes Element 2.5 'Circulation and Common Spaces' is for Circulation corridors are a minimum 1.5m in width.

Element Objectives	Assessment
<p>O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.</p>	<p><u>Objective achieved</u></p> <p>There are limited opportunities for concealment given the simple corridor and common areas outside the lift area.</p> <p>The main area of concealment would be the stairway and associated doors. This can be managed by lighting and secure access only residents having a fob key or via intercom.</p>
<p>O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.</p>	<p><u>Objective achieved</u></p> <p>Due to the configuration of the development, there are no long-enclosed corridors greater than 10m in length from the lift entrance to the apartment entrances on Levels 2 and 3. Proposed windows are located on either side of the common space (eastern and</p>

Element Objectives	Assessment
	<p>western) near the lift area on Levels 2 and 3 that can be provide daylight and ventilation.</p> <p>The circulation areas strike the right balance between the requirement to promote social interaction with the need for privacy and separated entries to avoid congestion.</p> <p>No apartment windows open directly onto circulation or common spaces and dwelling privacy maintained by physical separation.</p>

6. Managing the Impact of Noise

The Acceptable Outcomes under the R-Codes Element 4.7 'Managing the Impact of Noise' has been met. However, the imposition of conditions are detailed in the table below.

Element Objectives	Assessment
<p>O4.7.1 – 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><u>Objective achieved – condition required</u></p> <p>The development appears to locate noise sources appropriately to maintain residential amenity. The updated acoustic report dated 6 May 2021 has been reviewed by the City’s Environmental Health Unit and the recommendations made within the acoustic report be placed as a condition on the approval to achieve compliance with the assigned noise levels of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
<p>O4.7.2 – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.</p>	<p><u>Objective achieved – condition required</u></p> <p>This objective is addressed at the working drawings stage (building plans). A condition is recommended in the event of approval requiring compliance with this objective.</p>

7. Water Management and Conservation

The Acceptable Outcomes under the R-Codes Element 4.16 'Water Management and Conservation' has been met. However, the imposition of conditions are detailed in the table below.

The table below outlines the compliance of the proposal with the R-Codes Element 4.16 Objectives for water management and conservation:

Element Objectives	Assessment
<p>O4.16.1 – Minimise potable water consumption throughout the development.</p>	<p><u>Objective achieved – condition required</u></p> <p>It is recommended that a condition be placed on any approval that requires individual metering of water usage.</p>

Element Objectives	Assessment
O4.16.2 – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	<u>Objective achieved – condition required</u> A standard stormwater management condition placed on any approval will ensure this objective is achieved.
O4.16.3 – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	<u>Objective achieved</u> The site slopes up by approximately 0.7m, from the primary street to the rear. The finished level of the ground floor will be at ground level or above.

Waste Management

Waste management is controlled by Element 4.17 of the R-Codes and the City's Local Planning Policy and Guidelines relating to Waste Management. A Waste Management Plan has been prepared by Tuscom, dated 27 May 2021 (**Attachment 10**). This plan proposes a maximum of 9 x 360L bins to be collected from Clark Street with a communal bin store located at the lower ground level. Based on the City's assessment, there is sufficient capacity on the verge to accommodate the maximum number of bins and the size of the bins can be collected from waste vehicles. The Waste Management Plan is accepted a standard condition of its implementation will be included.

Traffic & Construction Management

A Traffic Impact Statement (**Attachment 11**) has been provided which demonstrates that the anticipated traffic generation for the development can be accommodated for within the existing traffic network. The Traffic Impact Statement has been reviewed by the City and have agreed with this finding.

During public consultation, concern was raised regarding the potential noise and traffic impacts as a result of construction of the development. Based on the scale of the development and having regard to access to the site, it is considered appropriate that a Construction Management Plan be prepared to ensure no adverse amenity or safety impacts to surrounding properties and pedestrian and vehicle traffic along Clark Street. The Construction Management will need to detail matters such as construction vehicle traffic and parking management for contractors, vibration, dust and noise management, method of excavation and preparation of Dilapidation Reports.

Conclusion:

The application has been assessed in accordance with the planning framework. In instances where the proposal does not satisfy a provision or statute, a condition has been recommended to address the requirement.

The City acknowledges the proposal represents a change to the character of existing properties that adjoin the site. That notwithstanding, there are multiple sites within the street that are likely to take advantage of the R60, R160 and R-AC3 density codes over time. Clark Street provides an important transition between the newly coded Mixed Use RAC-3 (along Broadway) and lower density areas beyond with a default height of six (6) storey to a default height of three (3) storey for R60.

The potential changes to the locality in the form of subdivision, grouped dwellings and multiple dwellings can be managed through appropriate siting and design. The City is

of the view that the subject application has appropriately considered façade, street setback, form and streetscape presentation in order to achieve the relevant element objectives of the R-Codes or can be made capable by the application of conditions. It is acknowledged that departures from the acceptable outcomes for building height and plot ratio are proposed. In accordance with the intent of the R-Codes, the development has been assessed against the relevant element objectives for building height and plot ratio notwithstanding the acceptable outcomes are not met. All element objectives have been assessed as being satisfied by the proposal. Therefore, the application is capable of approval, subject to conditions.

Officer Recommendation

It is recommended that the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/20/01889 and accompanying plans (Attachment 2 and 3) for the development of ten (10) multiple dwellings at 24 Clark Street, Nedlands, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Nedlands Local Planning Scheme No. 3, subject to the following conditions:

Conditions

General

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.

Landscaping

4. Prior to the issue of a building permit, a detailed Landscaping Management Plan shall be submitted to and approved by the City of Nedlands and such landscaping is to be installed and maintained by the landowner in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands. (Planning / Park Services)
5. Prior to the issuing of a building permit, the applicant is to demonstrate compliance with the recommendations within the Arboricultural Impact Statement Report (AISR) by ArborSafe dated 14 May 2021, to ensure the number of street tree and neighbouring trees are protected. The AISR is also required to be updated with the following information:

- a. The AISR is to include assessment of the second Queensland Box street tree adjacent to 24 Clark Street in the report; and
- b. A site plan with all relevant information including the location of the two street trees and three neighbouring trees and information such as Tree Protection Zones (TPZ), Structural Root Zone (SRZ) boundaries in relation to the proposed development.

The AISR is to be updated to the satisfaction of the City of Nedlands. (Planning / Park Services)

Construction and Dilapidation Management

6. Prior to the issue of a building permit, the Construction Management Plan and Dilapidation Report is to apply:
 - a) A Construction Management Plan addressing the control of; vibration, dust, noise, waste, sand, sediment, temporary fencing, hoardings, gantries, site access / egress, site deliveries, heavy construction machinery and traffic control shall be provided to the City of Nedlands with or before the demolition permit and building permit approval applications are submitted.
 - b) Dilapidation Reports shall be conducted prior to excavation works for all adjoining property owners at the cost of the development applicant.
 - No. 22 and 26 Clark Street, Nedlands; and
 - No. 13, 15 and 17 Edward Street, Nedlands.
 - c) All adjoining property owners, as listed in b, will be notified in writing at least 14 days prior to the commencement of excavation works.

The Construction Management Plan and Dilapidation Report is to be undertaken, to the satisfaction of the City of Nedlands. (Building / Environmental Health / Waste / Technical Services)

Visual Privacy

7. Visual Privacy Screening:
 - a) Screening of balconies as shown on the approved plans to be installed prior to occupation and be at least 1.6m high from the finished floor level of the relevant balcony.
 - b) Balcony balustrading to be obscure glaze or solid material prior to occupation.

All visual privacy screening is to be installed for the lifetime of the development, to the satisfaction of the City of Nedlands. (Planning Services)

Noise Management

8. Prior to the issuing of a building permit, the applicant is to demonstrate compliance with the recommendations within the Acoustic Report by Herring Storer Acoustics dated 6 May 2021 to the satisfaction of the City of Nedlands. Where changes outside of the specifications contained within the report are proposed, assessment by an acoustic consultant is to be completed to confirm

compliance with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City of Nedlands. (Environmental Health Services)

9. Prior to the issue of a building permit, a Noise Management Plan is to be submitted detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997. The plan is to be prepared by a suitably qualified consultant and is to include:
 - a) sound proofing measures used in the design and construction of the development;
 - b) separation of noise-emitting equipment from bedroom windows and walls to habitable rooms;
 - c) predictions of noise levels;
 - d) control measures to be undertaken (including monitoring procedures);
 - e) a complaint response procedure; and
 - f) demonstration of all dwellings exceeding the minimum requirements of the National Construction Code as it relates to acoustic management.

All sound attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development or as otherwise required by the City and the requirements of the plan are to be observed at all times. (Environmental Health Services)

Lighting Management

10. (Environmental Health Services)

Vehicle Access, Car and Bicycle Parking

11. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 to the satisfaction of the City of Nedlands. (Technical Services)
12. The visitor parking bays are to be clearly marked, signposted and made available to visitors at all times through use of an intercom system or similar, to the satisfaction of the City of Nedlands. (Technical Services)
13. The bicycle rack shall be installed prior to occupation of the development and maintained for the life of the development to the satisfaction of the City of Nedlands. (Planning Services)

Energy Efficiency / Liveable Housing

14. Prior to the issue of a Building Permit, a minimum of two (2) dwellings shall meet the 'Silver' performance level or one (1) dwelling shall meet the 'Platinum' performance level as defined by the Liveable Housing Australia's Liveable Housing Design Guidelines and in accordance with A4.9.1 of State Planning Policy 7.3 - Residential Design Codes - Volume 2 Apartments. (Planning Services)

Waste Management

15. The Waste Management Plan dated 27 May 2021 prepared in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines is to be implemented prior to occupation and maintained at all times, to the satisfaction of the City of Nedlands. (Waste Services)

Materials and Services

16. Prior to occupation of the development the finish of the parapet / retaining walls is to be finished externally to the same standard as the rest of the development or in:
 - a) face brick;
 - b) painted render;
 - c) painted brickwork; or
 - d) other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands. (Planning Services)
17. Prior to occupation of the development, each dwelling unit shall be provided with mechanical clothes driers or alternatively shall have an adequate area provided for drying clothes. Any drying area shall be screened from view from any adjacent public place to the satisfaction of the City of Nedlands. (Environmental Health Services)
18. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street, secondary street to the satisfaction of the City of Nedlands. (Planning Services)
19. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands. (Planning Services)
20. All dwellings to be individually metered for water usage prior to occupation. (Planning Services)

Stormwater

21. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for at least 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands stormwater drainage system unless otherwise approved. (Technical Services)

Advice Notes

General Advice

1. The applicant is advised that:

- a. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard. (Building)
- b. Any public spaces within the development which are proposed for activities (temporary or permanent) that are deemed to be a public building under the Health (Public Buildings) Regulations 1992, will need to comply fully with those Regulations. (Environmental Health)

Landscaping Advice

2. The applicant is advised that:
 - a. All street tree assets in the nature-strip (verge) shall not be removed. (Parks Services)
 - b. The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009). (Parks Services)
 - c. Prior to commencing landscaping of the nature strip / verge, refer to the City of Nedlands' Nature Strip Improvement Guidelines to ascertain if there is a requirement to obtain a Nature Strip Improvement Permit. (Parks Services)

Construction and Dilapidation Management Advice

3. In relation to the Construction Management Plan, the applicant is advised that the plan is to address but is not limited to the following matters:
 - a) hours of construction;
 - b) traffic management;
 - c) parking management;
 - d) access management;
 - e) management of loading and unloading of vehicles;
 - f) heavy vehicle access;
 - g) dust management;
 - h) waste management (where applicable);
 - i) protection of infrastructure and street trees within the road reserve;
 - j) the need for a dilapidation report of adjoining properties;
 - k) if required, details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
 - l) if required, details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
 - m) predictions of noise emission on the construction site;
 - n) use of City car parking bays for construction related activities;

- o) protection of infrastructure and street trees within the road reserve;
 - p) security fencing around construction sites;
 - q) gantries;
 - r) dewatering management plan;
 - s) contact details;
 - t) site offices;
 - u) details of measures to be implemented to control noise (including vibration) emissions;
 - v) complaint response procedure to be adopted;
 - w) details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the water corporation for hydrant standpipe has been granted;
 - x) details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydro mulching); and
 - y) any other relevant matters.
- (Building / Environmental Health / Waste / Technical Services)

4. The applicant is advised that dust control measures are to be applied during construction in accordance with City of Nedlands Health Local Laws 2017 and Department of Water and Environmental Regulation requirements. (Environmental Health Services)

Noise Management Advice

5. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties. (Environmental Health Services)

Vehicle Access, Car and Bicycle Parking Advice

6. The applicant is advised that:
- a. All works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)
 - b. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)
 - c. All redundant crossovers to be removed and the verge and kerbing reinstated prior to occupation of the development to the satisfaction of the City of Nedlands. (Technical Services)

Waste Management Advice

7. The applicant is advised that:

- a. The responsible entity (strata/corporate body) shall be liable for all bin replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process. (Waste Services)
- b. Recyclable waste stream waste bins shall not be compacted. (Waste Services)
- c. Prior to the occupation of the development the responsible entity (strata/corporate body) shall confirm written service agreement for the 360L waste compactor. (Waste Services)
- d. As the proposal consists of more than 3 dwellings, the City's Health Local Laws 2017 require an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:
 - i. constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - ii. walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - iii. smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - iv. easily accessible to allow for the removal of the receptacles;
 - v. provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - vi. provided with a tap connected to an adequate supply of water;
 - vii. adequately ventilated, such that they do not create a nuisance to residences (odour); andsufficient in size to accommodate all receptacles used on the premises;
(Environmental Health Services)

Materials and Services Advice

8. The applicant is advised that:

- a) All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, are to be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second
- b) Laundry facilities are to be provided in accordance with the Building Code of Australia, and adequately ventilated to reduce condensation, in accordance with AS1668.2 The use of mechanical ventilation and Air-conditioning in buildings.

(Environmental Health Services)

Stormwater Advice

9. The applicant is advised that:
- a. All downpipes from guttering are to be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 100-year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. (Technical Services)
 - b. A sewage treatment and effluent disposal system or greywater reuse or treatment system is not to be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand. (Technical Services)

Telecommunications Advice

10. The applicant is advised by the City's Planning Services that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via <http://www.NBNco.com.au/develop-or-plan-with-the-NBN/new-developments.html>, once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.NBNco.com.au/develop-or-plan-with-the-NBN/new-developments/builders-designers.html>

Reasons for Officer Recommendation

The proposal provides an appropriate transition from its R60 coding to the R160 and R-AC3 coded lots to the east of the site. The built form of the proposal meets the elements of the R-Codes.

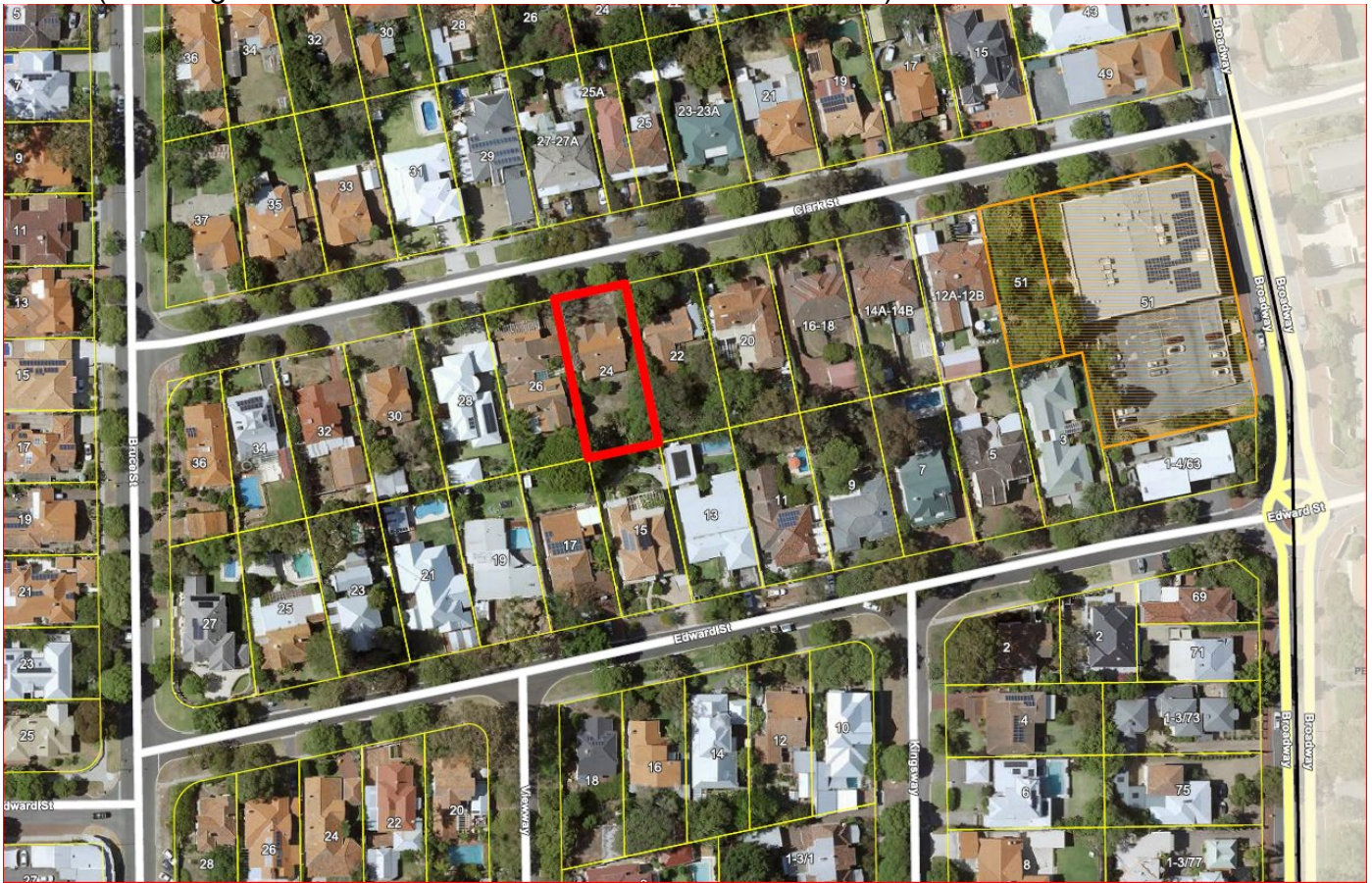
The development is on balance able to be supported given that no significant areas of discretion applied, with all element objectives having been appropriately achieved

For the above reasons, it is recommended that the application be approved, subject to conditions.

Attachment 1- Aerial and Zoning Map

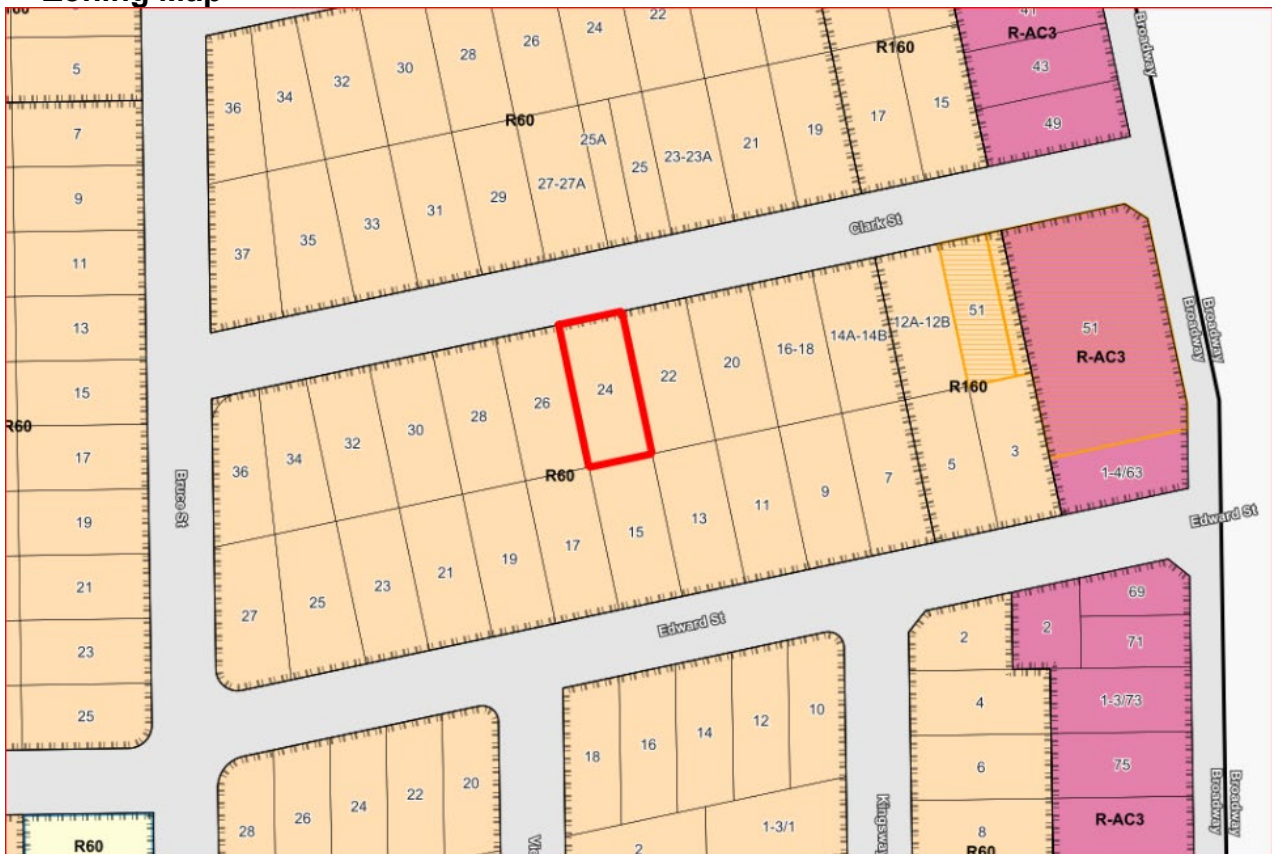
Aerial Map

(The single house has been demolished and site cleared)



(Intramaps 2021)

Zoning Map



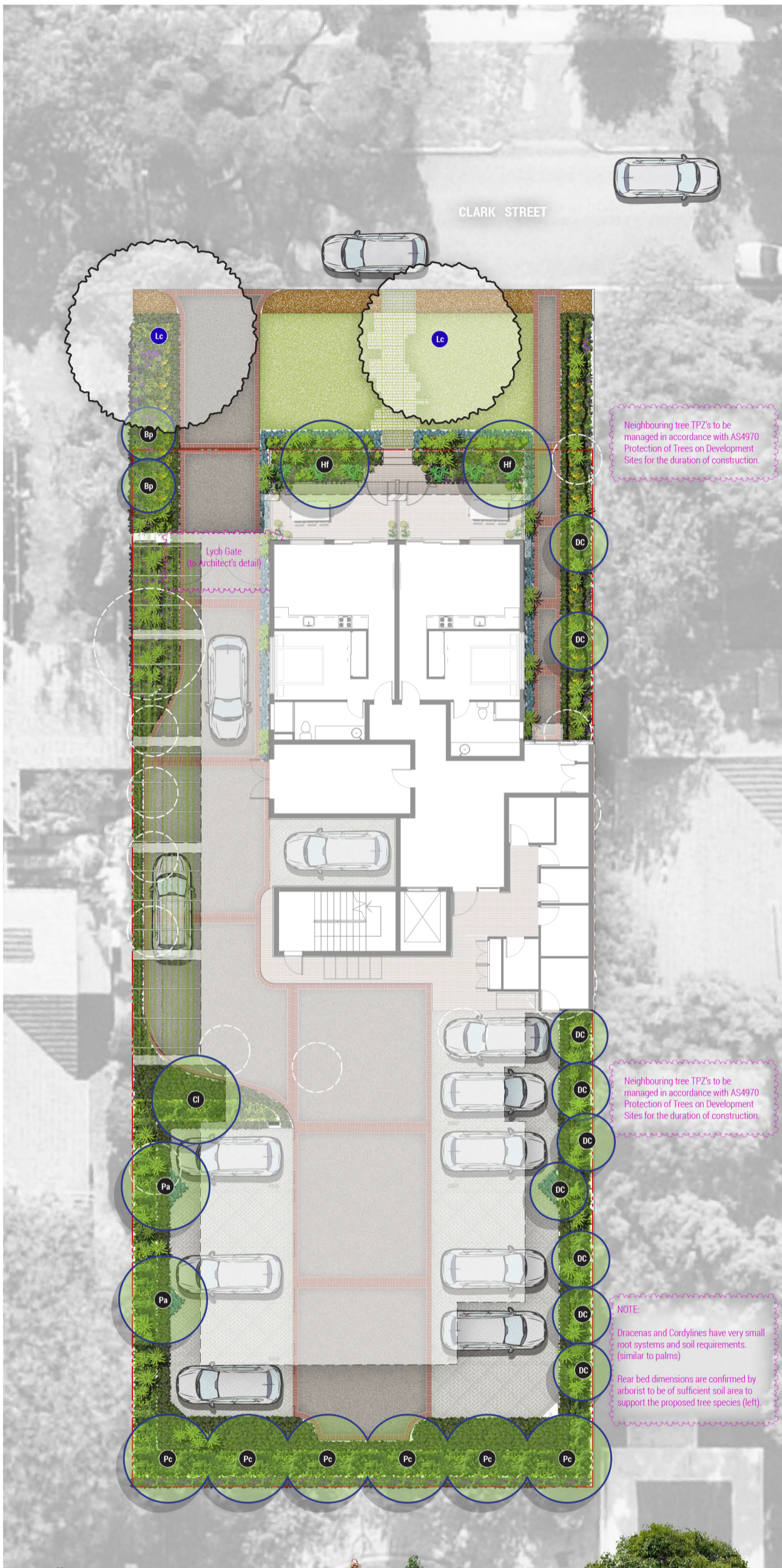
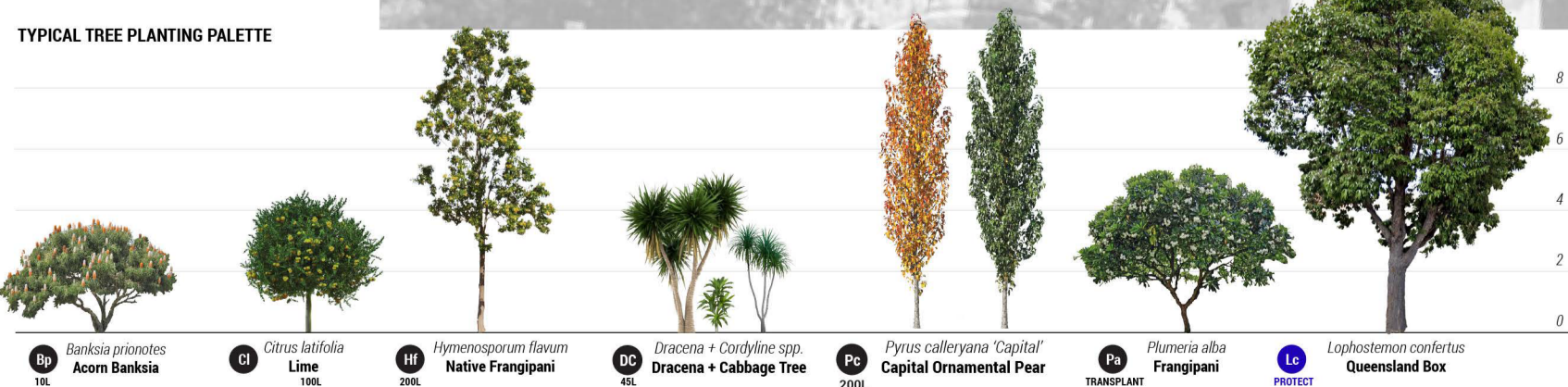
(Intramaps 2021)

TYPICAL UNDERSTOREY PLANTING PALETTE

Pot Size: 130mm pots minimum
 Density: 3 plants/sqm
 Arrange: Groundcovers to front edge | Climbers to rear
 Seeding: 7g / sqm (i.e. Dichondra seeding)



TYPICAL TREE PLANTING PALETTE



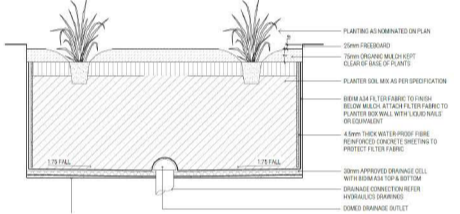
LEGEND Item 9.4 - Attachment 1

- TO BE REMOVED
- TPZ to be fenced off during construction
- PROPOSED TREE refer schedule for selections & sizes
- TREE TO BE REMOVED stumps to be removed
- TRAFFICABLE PAVEMENT reinforced exposed aggregate concrete with brick header
- TRAFFICABLE UNIT PAVING interlocking paving on compacted/concrete base
- CONSOLIDATED FINES GRAVEL 5% cement stabilised | steel edge to unconstrained sides
- TERRACE TILES 20mm vitrified tiles on mortar base
- MASS PLANTING 75mm organic mulch | 3 plants per sqm | 130mm pots
- GRANITE COBBLES (SAWN TOP FACE) dichondra to joints | permeable
- PLANTING LABELS trees as shown at nominated pot sizes

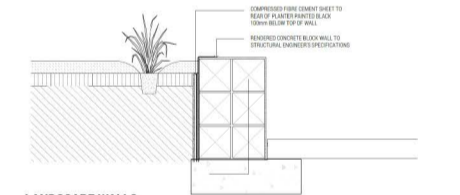
IRRIGATION RATIONALE

- DRIP IRRIGATION THROUGHOUT in-line drip system | subsurface
- BUBBLERS TO TREES 1 - 3 bubblers per tree dependent on size
- NO OVERHEAD SPRAY SPRINKLERS minimise water use, overspray & evaporation
- HYDROZONING designed with water demand calibrated stations
- SOIL MOISTURE SENSORS smart system to respond to soil moisture levels
- RAIN SENSORS smart system to respond to prevailing weather
- PASSIVE IRRIGATION direct storm water to gardens before drains

PODIUM PLANTERS & WALL DETAILING

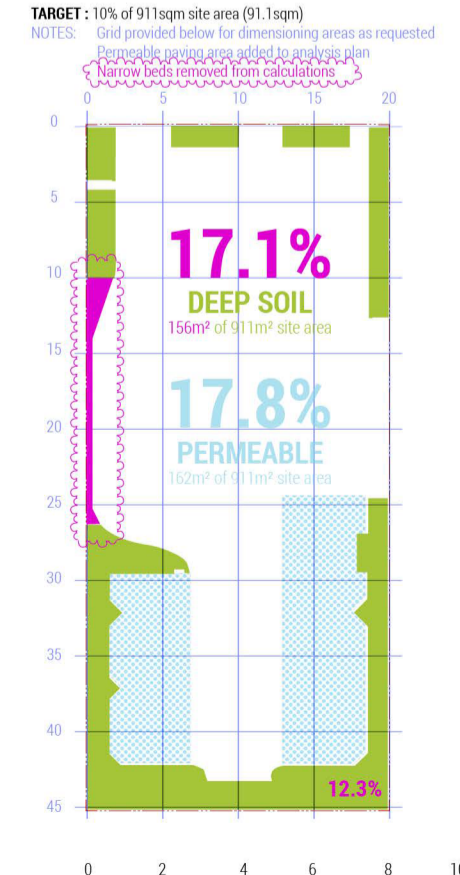


BUILT-IN PLANTERS TO PODIUM
 850mm minimum soil depth to planters
 1000mm high walls above finished paving (balustrade height)
 No step-ups (like low pots) adjacent built-in planters



LANDSCAPE WALLS
 400 wide with rendered finish | waterproofing to garden side
 450mm high walls above finished paving (seating height)

DEEP SOIL COMPLIANCE | 1:500 @ A3





STREET VIEW

LEGEND

-  **TRAFFICABLE PAVEMENT**
reinforced exposed aggregate concrete with brick header
-  **TRAFFICABLE UNIT PAVING**
interlocking paving on compacted/concrete base
-  **CONSOLIDATED FINES GRAVEL**
5% cement stabilised | steel edge to unconstrained sides
-  **TERRACE TILES**
20mm vitrified tiles on mortar base
-  **MASS PLANTING**
75mm organic mulch | 3 plants per sqm | 130mm pots
-  **GRANITE COBBLES (SAWN TOP FACE)**
dichondra to joints | permeable



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28 May 2021

ROOF TERRACE

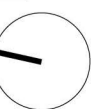
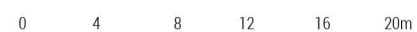
LANDSCAPE DESIGN RATIONALE

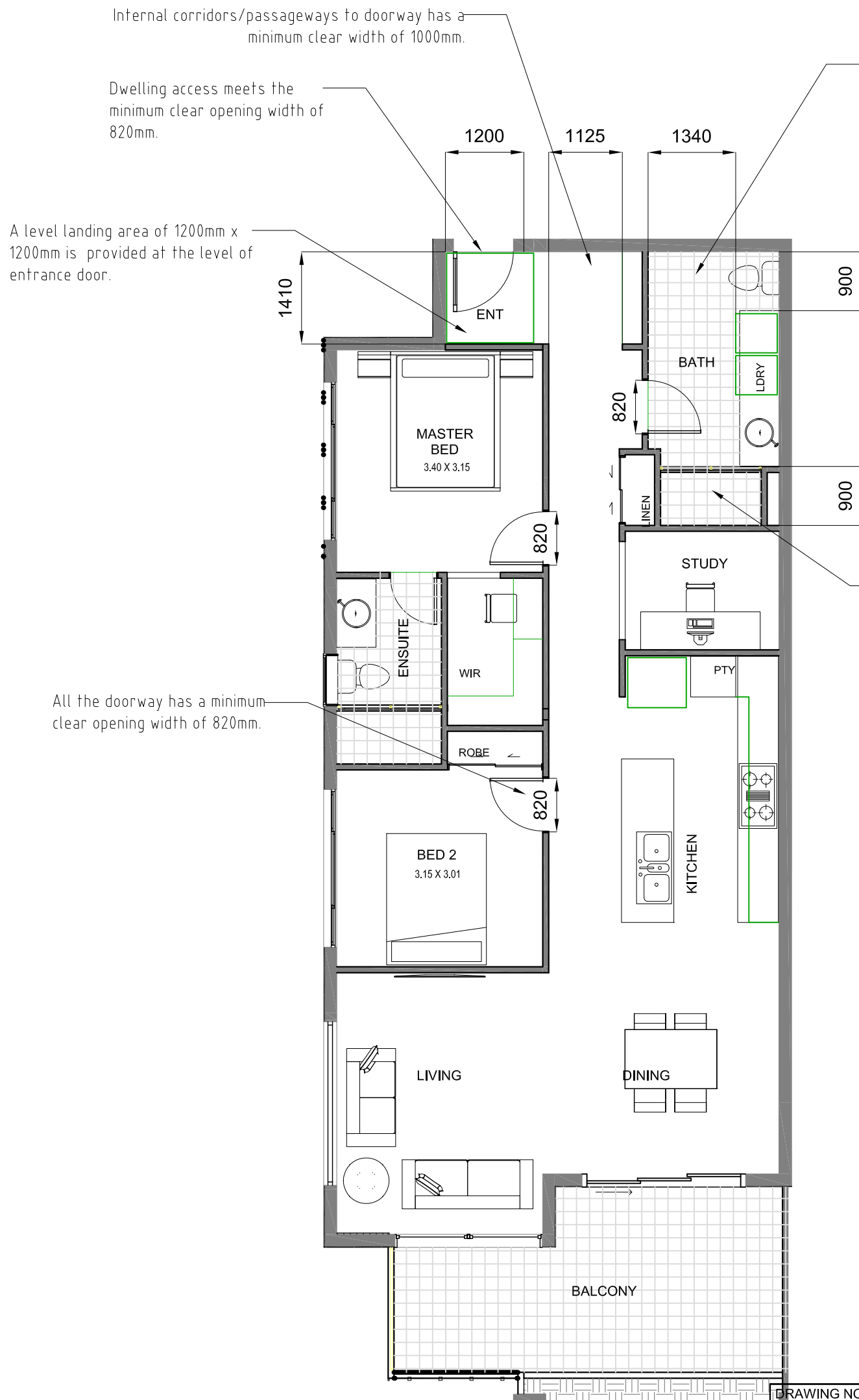
The landscape design for 24 Clark Street, Nedlands will consist of plants and materials sourced locally. The planting design makes reference to the suburban character of Nedlands augmented with hardy local vegetation selections and low-maintenance succulents to create a flowering and scented, native garden setting to the complex. In addition to various technical responses to access and sustainable irrigation, extensive tree planting is proposed to reinforce a verdant and gardensque streetscape presentation (see render above) to the benefit of visitors, neighbours and residents alike.

Initial site investigations reveal a simple post-war era garden predominated by turf and exotic trees with two Queensland Box (*Lophostemon confertus*) nominated for protection on the street verge. Existing tree canopy adjacent the site is characterised by Jacaranda trees on the western boundary and large Camphor laurels to the eastern boundary. No trees are being retained on site, however the neighbouring trees provide excellent screening and shade and these will also be protected in accordance with AS4970 Protection of Trees on Development Sites..

Additional tree planting to the frontage, sides and rear boundary will further reinforce vegetative shade and canopy around the new apartments. Twenty three (23) new tree plantings consist of elegant small flowering Australian and exotic trees, strategically arranged to maximise outdoor comfort whilst minimising maintenance. Extensive semi-advanced, tree planting (in 200L pot sizes) to the frontage will help to soften the built-form and provide filtered views to the street to maintain positive passive surveillance and an amenable community interface that is in keeping with the character of the streetscape.

The understorey plantings around the new building will incorporate part-sun and shade tolerant native plants that reference the local natural landscape character. Planting mixes are combined to minimise irrigation demands and create verdant outlooks to and from the site. Façade greening from the street will also be enhanced with the inclusion of a vegetated pergola along the western boundary of the building that will frame and soften the approach to car parking areas along the eastern boundary. Deep soil targets are compliant with DesignWA targets and will support the establishment of canopy around this development.



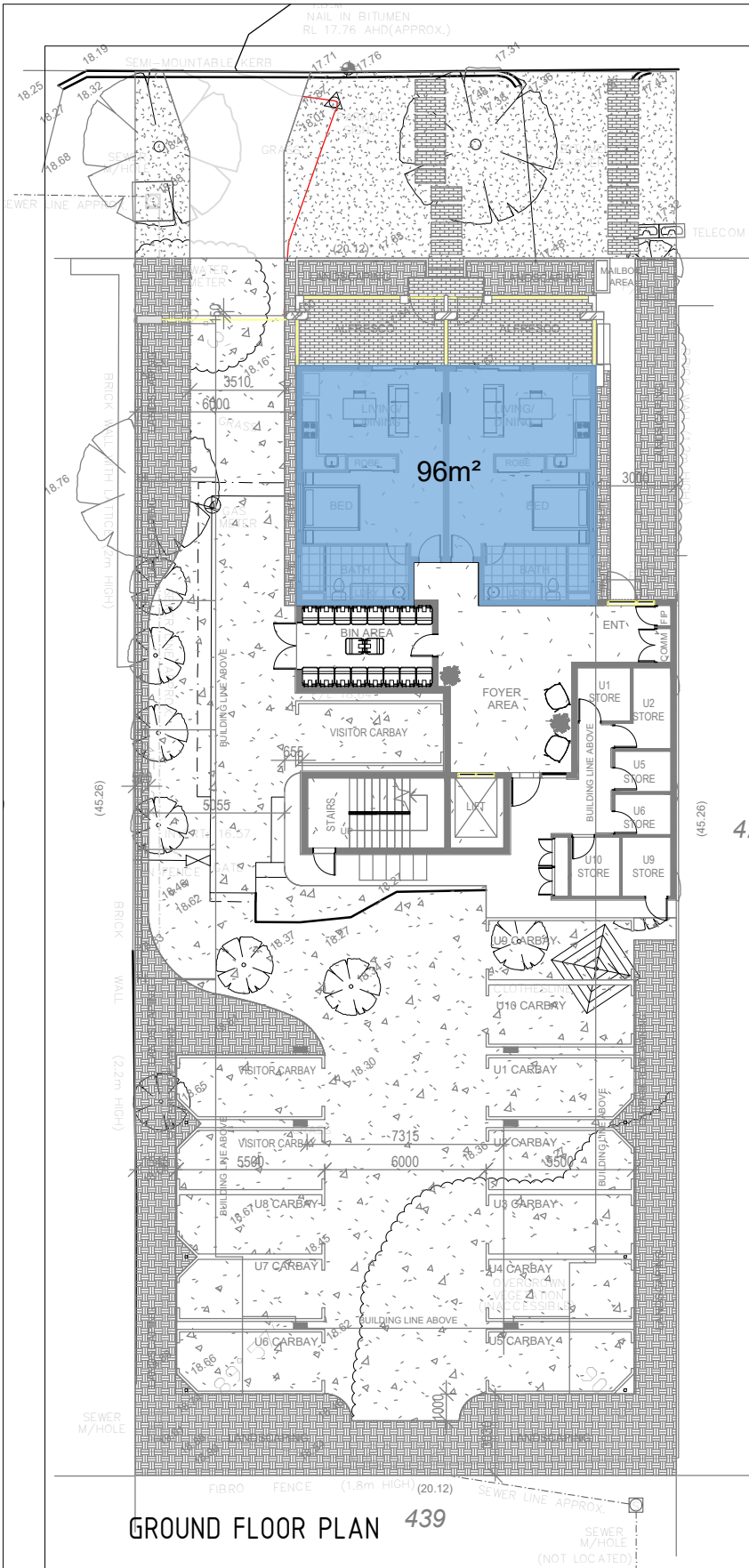


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17 May 2021

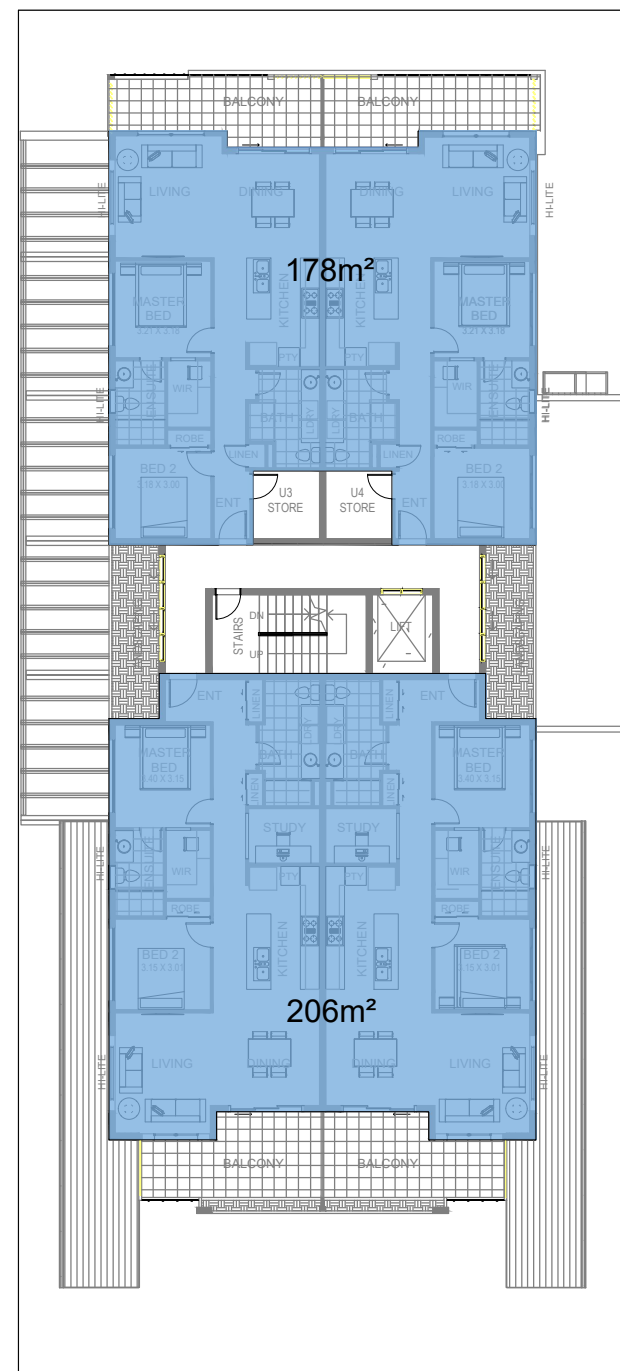
Unit 5 Floor Plan Layout
(Unit 6 - Mirrored)

Unit 5 and 6 are designed in accordance with Livable Housing Guideline silver standard requirement.

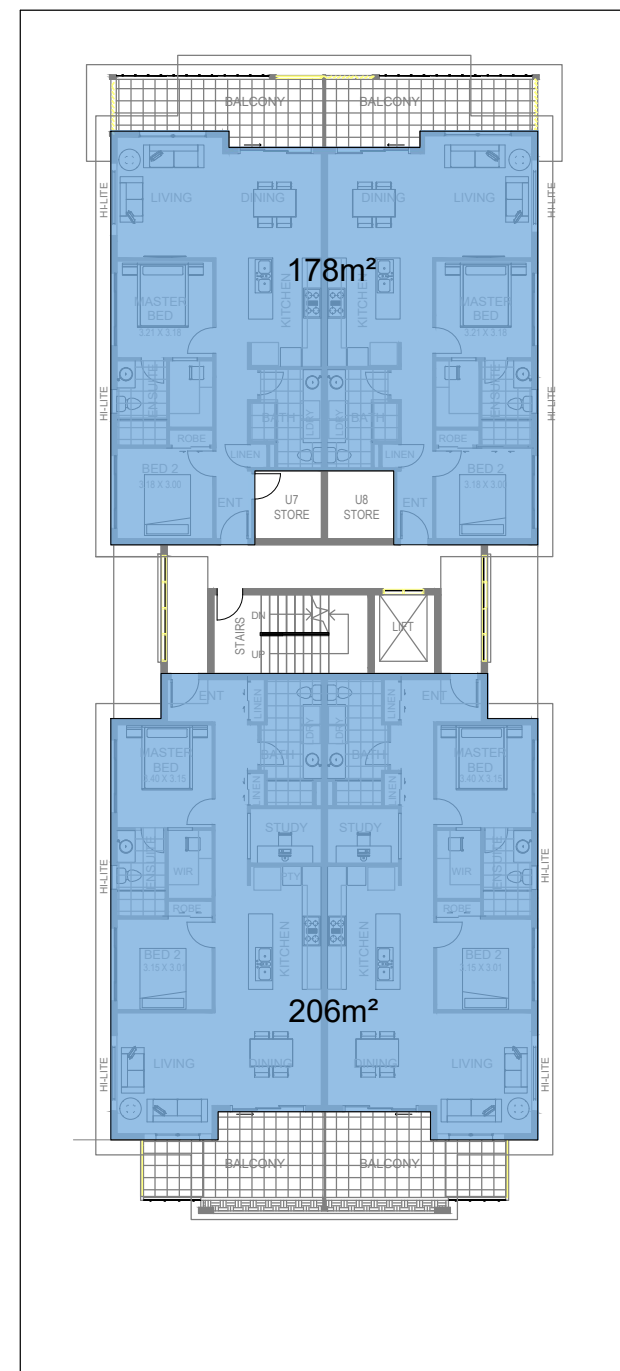
DRAWING NO.			SHEET NO.
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Client Approval		Date	
I ACKNOWLEDGE THAT THIS DRAWINGS ARE SATISFIED AND WILL BE LODGED FOR DEVELOPMENT APPLICATION			
PROJECT NAME: CLARK ST H(24) L(421) NEDLANDS			
DRAWING TITLE: UNIVERSAL DESIGN			REV NO: A



GROUND FLOOR PLAN 439



FIRST FLOOR PLAN




SECOND FLOOR PLAN

PLOT RATIO CALCULATION

GROUND FLOOR GROSS AREA= 96m²
 FIRST FLOOR GROSS AREA= 178m² + 206m²
 SECOND FLOOR GROSS AREA= 178m² + 206m²
 TOTAL FLOOR GROSS AREA= 862m²
 ALLOWABLE OF 0.8 OF 911m²= 729m²
 PROVIDED = 864m² (0.95)

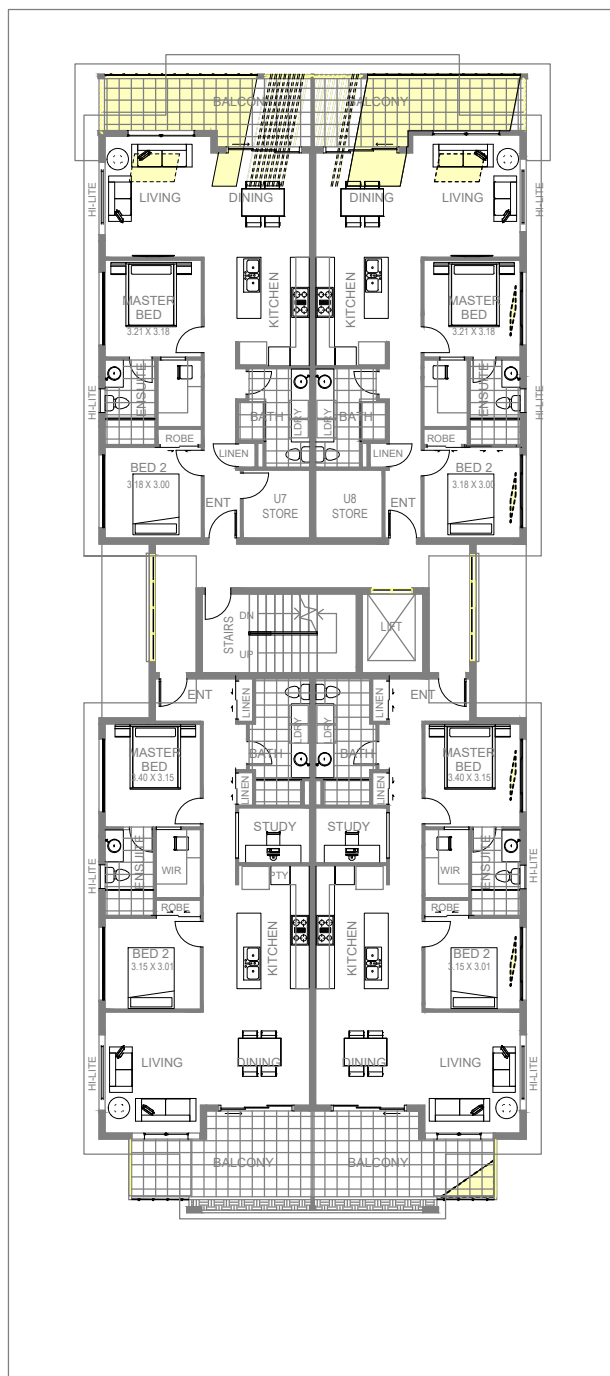
City of Nedlands
 Amended Plans
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 10 December 2020

- NOTES:
1. EXISTING STRUCTURE TO BE DEMOLISHED
 2. DRAWINGS ARE ISSUE FOR COUNCIL APPROVAL PURPOSE ONLY, NOT TO BE USED FOR CONSTRUCTION. ADDITIONAL INFORMATION ARE REQUIRED FOR CONSTRUCTION
 3. ALL DIMENSIONS AND AREAS SHOWN ARE APPROXIMATE
 4. THE EXACT EXTEND OF DEMOLITION AND FITOUT WORKS TO BE SUBJECT ON SITE MEASUREMENT

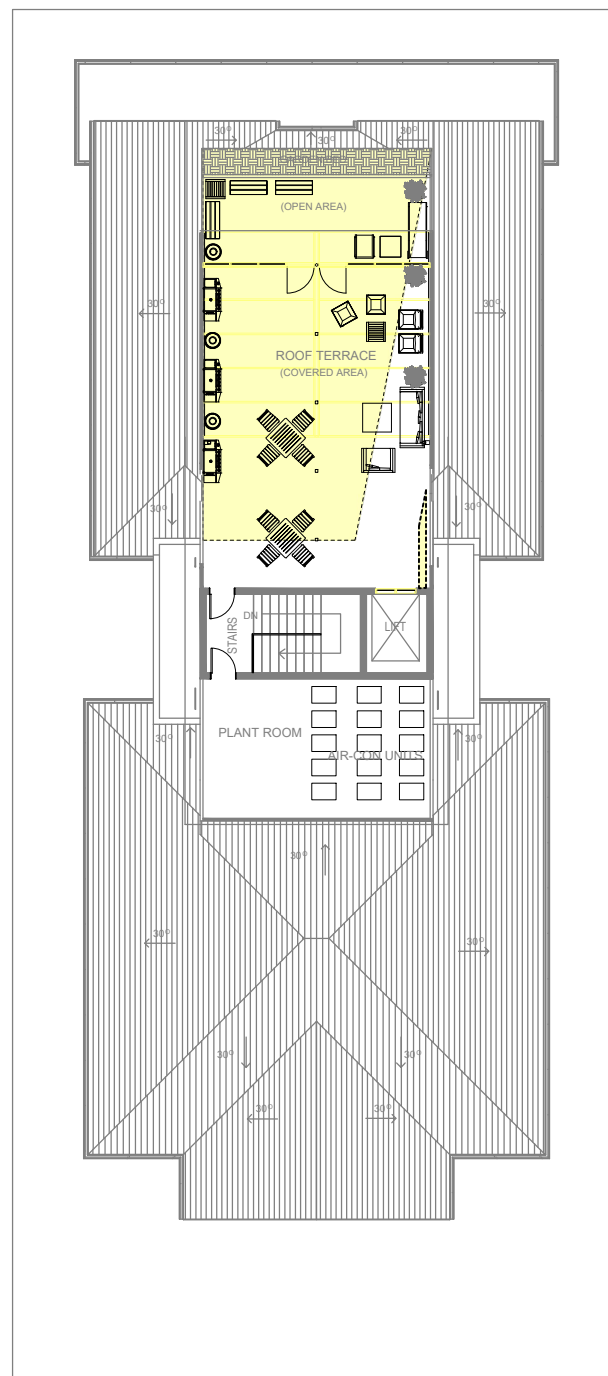
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PROJECT NAME: CLARK ST H(24) L(421) NEDLANDS			
DRAWING TITLE: PLOT RATIO DIAGRAM		REV NO:	
 SINCERITY GROUP Property Construction Migration Education			

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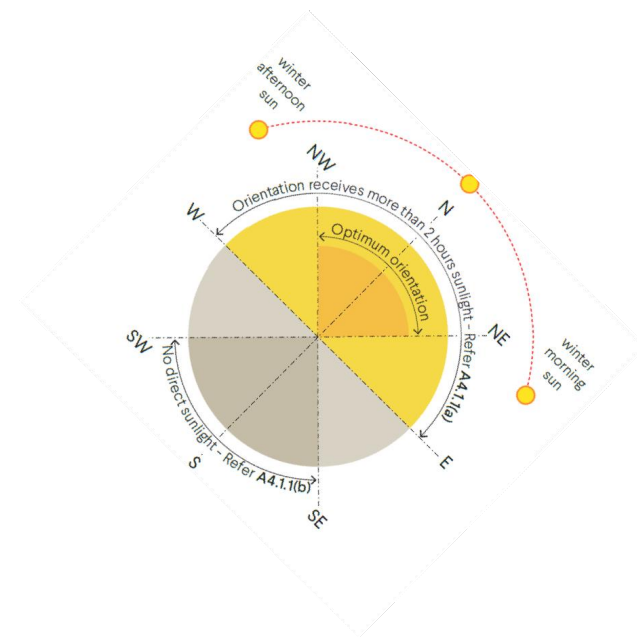
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SECOND FLOOR PLAN



ROOF TERRACE FLOOR PLAN

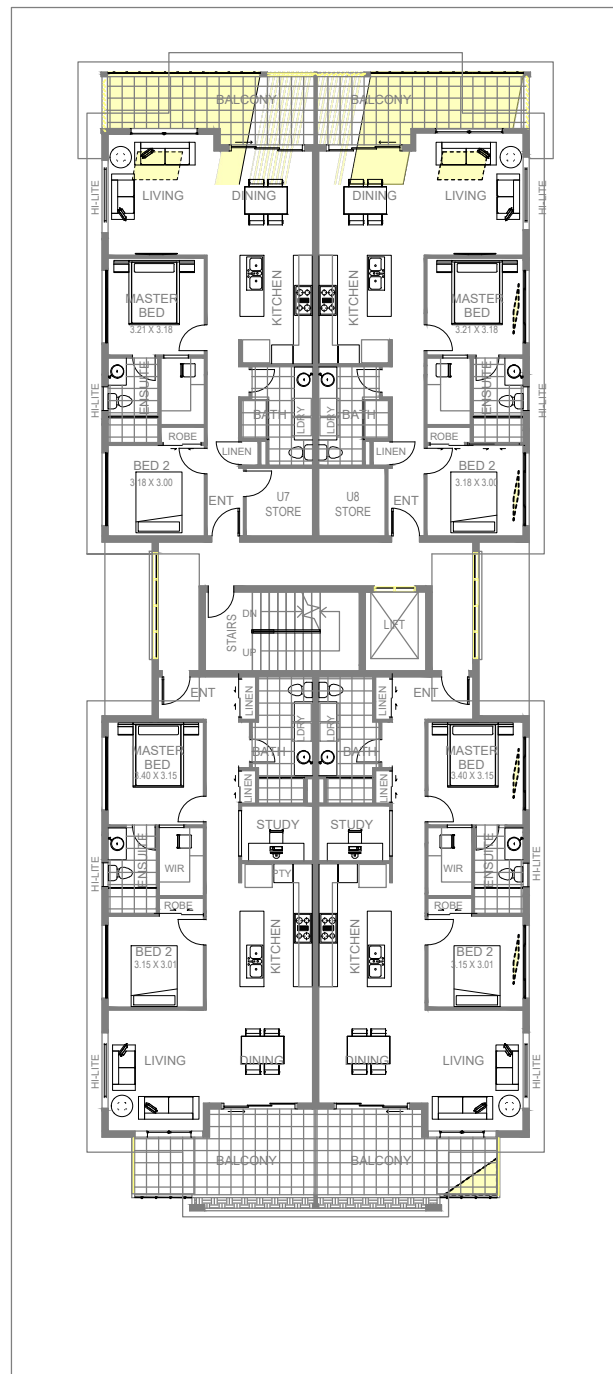


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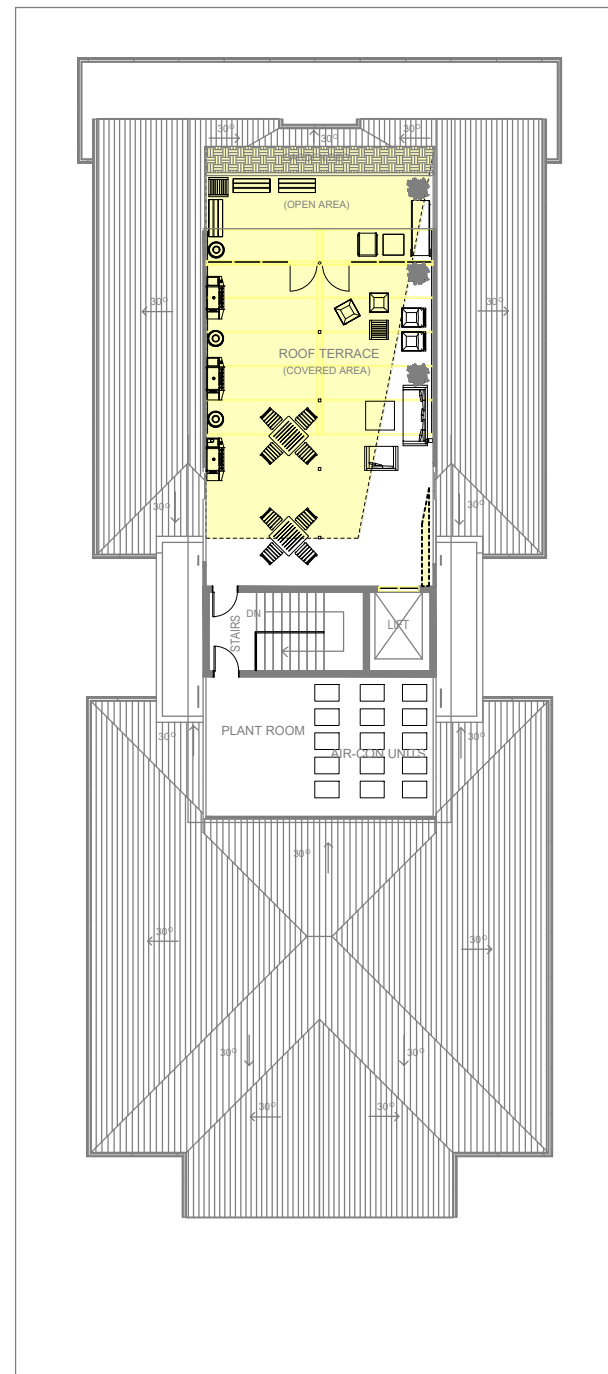
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Client Approval		Date	
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PROJECT NAME:			
MARQUIS ST H(24) L(317) BENTLEY			
DRAWING TITLE:		REV NO:	
SOLAR DIAGRAM PLAN		C	
 SINCERITY GROUP Property Construction Migration Education			

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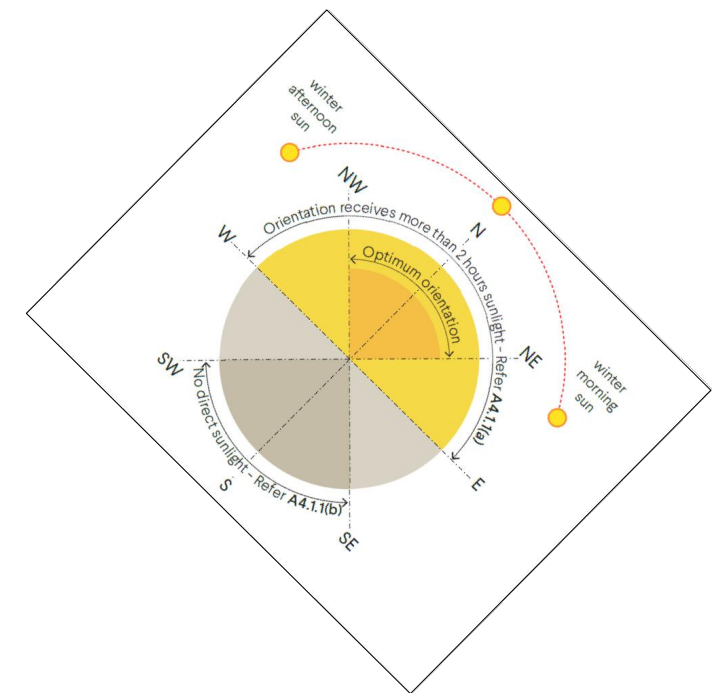
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SECOND FLOOR PLAN



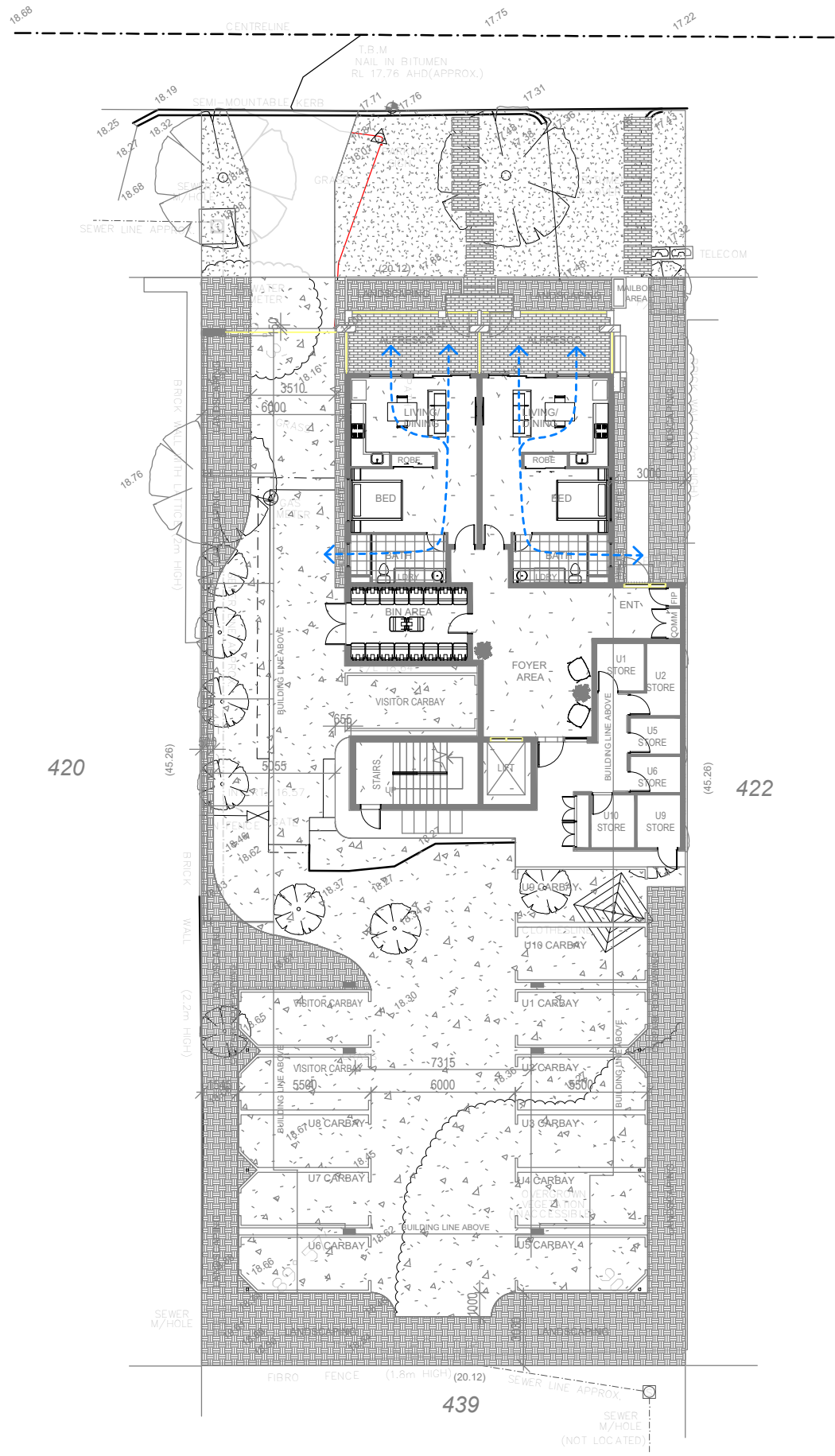
ROOF TERRACE FLOOR PLAN



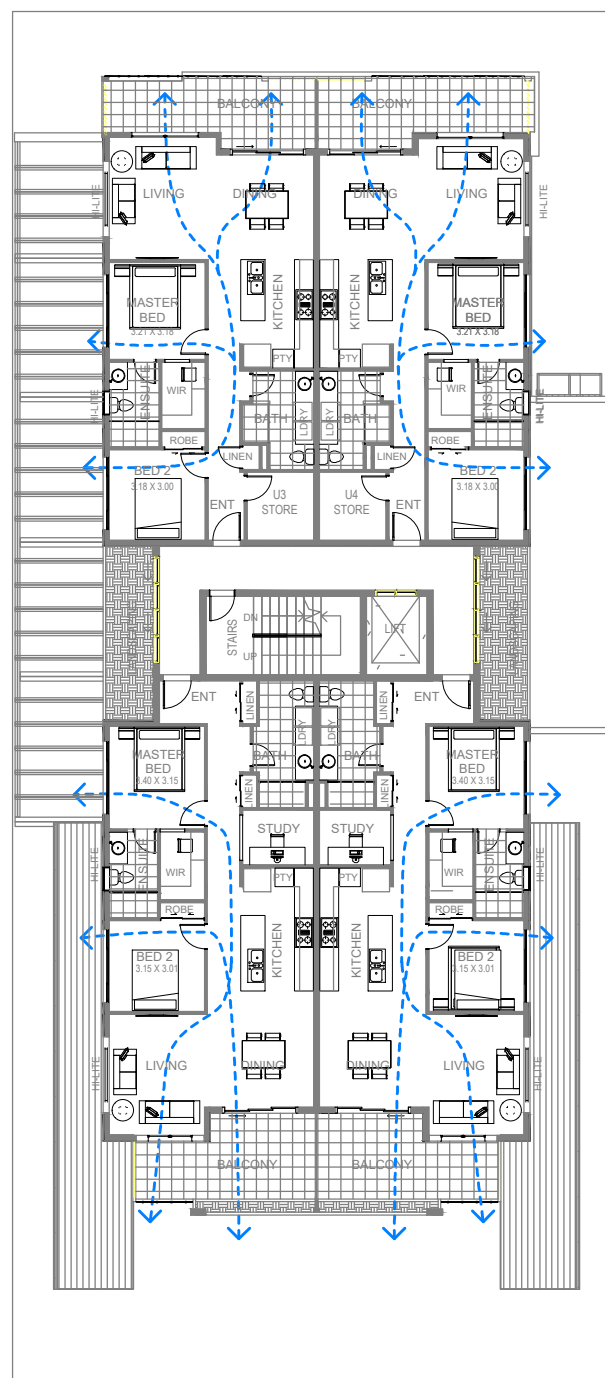
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SOLAR DIAGRAM PLAN		C	
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CLARK STREET



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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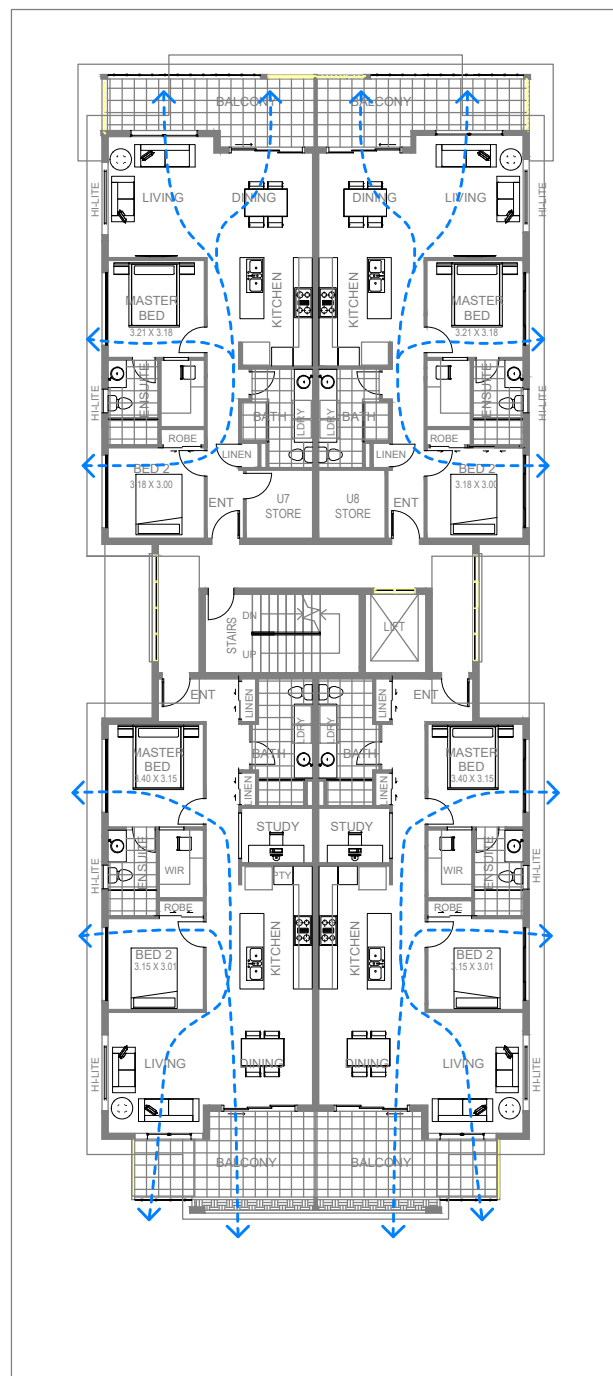
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10 December 2020

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Drawn	Date	Plot Date	Scale
			1:250
Client Approval		Date	
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PROJECT NAME:			
MARQUIS ST H(24) L(317) BENTLEY			
DRAWING TITLE:		REV NO:	
VENTILATION PLAN		C	

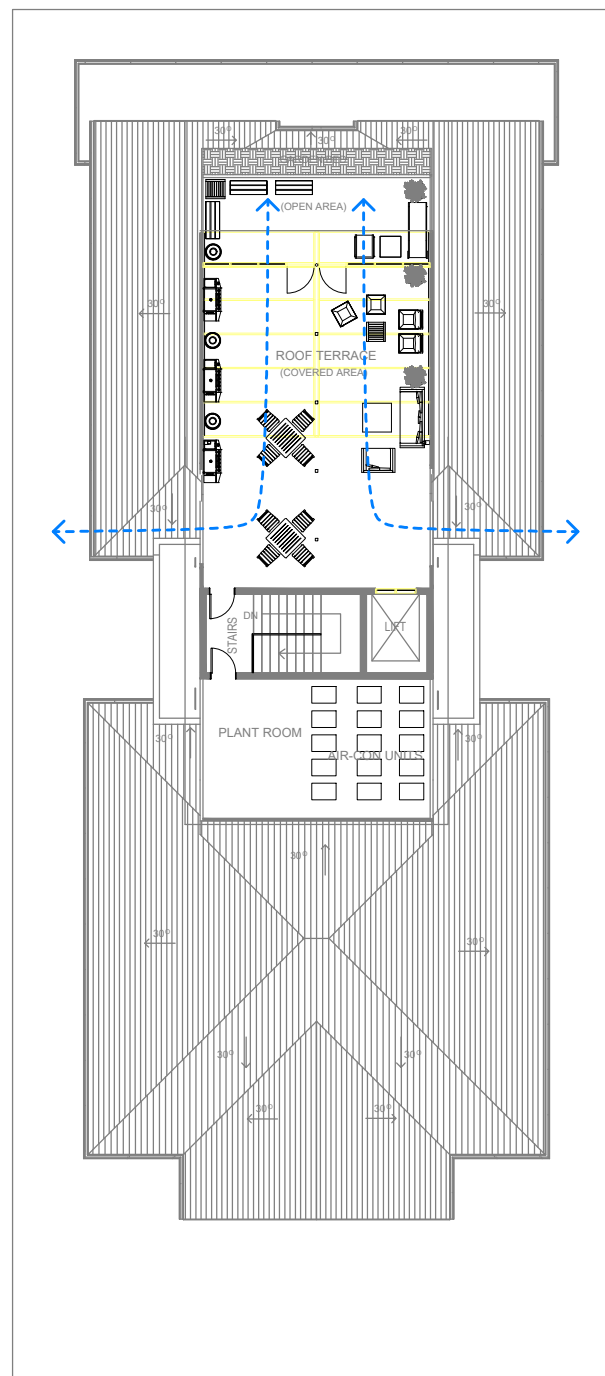


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SECOND FLOOR PLAN



ROOF TERRACE FLOOR PLAN

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			1:250
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PROJECT NAME:			
MARQUIS ST H(24) L(317) BENTLEY			
DRAWING TITLE:			REV NO:
VENTILATION PLAN			C
 SINCERITY GROUP Property Construction Migration Education			

Solar Access for proposed development

Based on the State Planning Policy 7.3- Residential Design code A 4.1.1, 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.

The solar access diagrams below in Figure 1 and Table 1 demonstrate 80% of the units will receive at least 2 hours of solar access between 9am and 3pm on 21st June to the living areas. Further, communal open space is provided at the rooftop that will receive solar access, offering a good level of amenity and choice of open space.



Figure 1: Solar access diagrams demonstrating 80% of the units receiving northern solar access. Only Unit 5 and 9 do not have direct sunlight to the living area.

Natural Ventilation for proposed development

Based on the State Planning Policy 7.3- Residential Design Code A 4.2.2, a minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated.

Below are the items that are demonstrated in the apartment design to optimise the natural ventilation:

- All habitable rooms are provided with access to daylight and natural ventilation.
- All habitable rooms have windows to outdoor areas that are capable of being opened.
- A 2.7m floor to ceiling heights for habitable rooms which is reflected on the sections provided.
- Providing windows to kitchen, bathroom, and laundry areas where possible.
- No habitable room relies on lightwells as the primary source of fresh air.

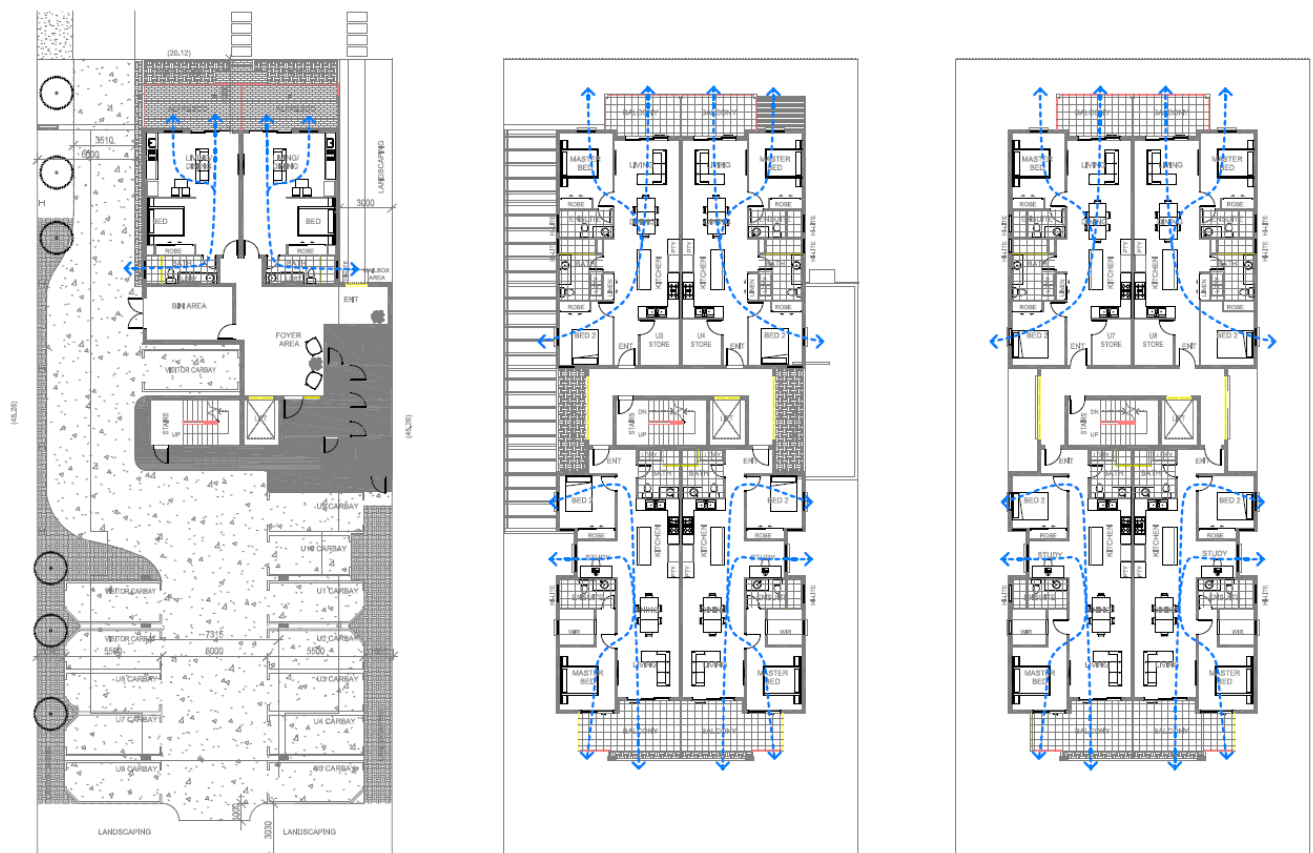


Figure 2: Eight out of a total of ten apartments (80%) in the above can achieve natural cross ventilation with dual aspects /corner layout.

SUN ACCESS MATRIX -21 JUNE														
Unit	0900	0930	1000	1030	1100	1130	1200	1230	1300	1330	1400	1430	1500	Total
Ground Floor- Unit 1							●	●	●	●	●	●	●	3
Ground Floor- Unit 2	●	●	●	●	●	●	●	●	●					4
First Floor- Unit 3		●	●	●	●	●	●	●	●	●				4
First Floor- Unit 4							●	●	●	●	●	●	●	3
First Floor- Unit 5								●	●	●	●	●	●	2.5
First Floor- Unit 6	●	●	●	●	●	●	●	●						3.5
Second Floor- Unit 7		●	●	●	●	●	●	●	●	●				4
Second Floor- Unit 8							●	●	●	●	●	●	●	3
Second Floor- Unit 9								●	●	●	●	●	●	2.5
Second Floor- Unit 10	●	●	●	●	●	●	●	●						3.5

TABLE 1- SOLAR ACCESS MATRIX

City of Nedlands
Received
14 May 2021

Item 9.4 - Attachment 1

ArborSafe 



**Tuscom Subdivision Consultants
Riseley Street, Applecross WA
Project - 24 Clark Street, Nedlands
Arboricultural Impact Assessment**

Assessment and Report prepared by:

Nick Arnold
AQF Level 5

Sita Bresnihan
Consulting Arborist

14 May 2021

City of Nedlands
Received
14 May 2021

Item 9.4 - Attachment 1

ArborSafe 
A Civica Group company

C02118

14 May 2021

Liz Wong
Tuscom Subdivision Consultants
3/4 Riseley Street
Applecross WA 6153

Preliminary Arboricultural Report relating to four (4) trees located at 24 Clark Street, Nedlands

Dear Liz,

We are pleased to provide you with the following Preliminary Arboricultural Assessment of four (4) trees within the property of 24 Clark Street, Nedlands.

Complete use of this report is authorised under the conditions limiting its use as stated in Appendix A Item 7 of "*Arboricultural Reporting Assumptions and Limiting Conditions*".

Should you have any queries relating to this report, its recommendations, or the options considered, please do not hesitate to contact us on 1300 272 671.

Regards,



Sita Bresnihan
Consulting Arborist

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1 Introduction

- 1.1.1 ArborSafe Australia Pty Ltd was engaged by Liz Wong of Tuscom Subdivision Consultants in relation to completion of a Preliminary Arboricultural Assessment (report) on four (4) trees located at 24 Clark Street, Nedlands.
- 1.1.2 The site is located within The City of Nedlands at 24 Clark Street and includes a vacant lot where the existing building has been demolished and site cleared.
- 1.1.3 This report is required to assist in the planning and design of a new building that is proposed for construction within the site and which may adversely affect site trees.
- 1.1.4 The report was intended to provide information on site trees and how they may pose a constraint on proposed development. Report findings and recommendations provided are based upon guidance provided within the Australian Standard AS 4970–2009: Protection of Trees on Development Sites.
- 1.1.5 Observations and recommendations provided within this report are based upon information provided by the client and an arborist site visit.

2 Scope

- 2.1.1 Carry out a visual examination of the nominated trees located within the vicinity of the proposed development.
- 2.1.2 Inspect the nominated trees and their growing environment in the context of the proposed development.
- 2.1.3 Provide an objective appraisal of the subject trees in relation to their species, estimated age, health, structural condition and viability within the landscape.
- 2.1.4 Based on the findings of this investigation, provide independent recommendations on the retention value of the trees.
- 2.1.5 Identify and reduce potential conflicts between tree protection and site development by providing accurate information on the area required for tree protection and the restricted activities within the area for each tree prior to any proposed construction.

3 Methodology

3.1 Data Collection

- 3.1.1 Nick Arnold of ArborSafe Australia Pty Ltd carried out a site inspection of the subject trees on 11 May 2021.
- 3.1.2 Trees that are the subject of this report were identified during discussions with the client and an onsite meeting with Liz Wong, Tuscom Subdivision Consultants on 11 May 2021
- 3.1.3 The subject trees were inspected from ground level. No foliage or soil samples were taken. No aerial or internal investigations were undertaken.
- 3.1.4 Tree height and canopy width were estimated and have been provided to the nearest whole metre. Trunk diameter at breast height (DBH) was measured with a diameter tape and provided to the nearest centimetre.
- 3.1.5 Data collected on site was analysed by Sita Bresnihan, whereupon relevant recommendations were formulated and collated into report format..

3.2 Tree Protection Zones

- 3.2.1 The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) methods have been derived from the Australian Standard AS 4970–2009 *Protection of Trees on Development Sites*.
 - 3.2.2 The TPZ is defined as a specified area above and below ground and at a given distance measured radially away from the centre of the tree's trunk and which is set aside for the protection of its roots and crown. It is the area required to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development. The radius of the TPZ is calculated by multiplying its DBH by 12 (Note DBH is nominally measured as 1.4m from ground level).
- TPZ radius = DBH × 12
- 3.2.3 The SRZ is the area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres.

$$\text{SRZ radius} = (D \times 50)^{0.42 \times 0.64}$$

3.3 Retention Values

- 3.3.1 Retention values are determined based upon the British Standard BS 5837–2012: *Trees in Relation to Design, Demolition and Construction*. This standard categorises tree retention value based upon assessment of the tree's quality (health and structure), and life expectancy. Other criteria such as its physical dimensions, age class, location and its Amenity, Heritage and Environmental significance are also considered. A breakdown of attributes required for each category can be obtained from Appendix B – Explanation of Tree Assessment Terms.

3.4 Images and Site Photographs

- 3.4.1 All photographs were taken at the time of the site inspection by the inspecting arborist. Photographs have been altered for brightness and/or cropped only. Other images used within this report have been sourced from the internet. The source of all images has been referenced accordingly.

4 Observations

4.1 Aerial Images



Figure 1. The blue line indicates approximate site boundary. All trees within this area that are likely to be impacted by future development or may be a constraint on development have been assessed and are documented in this report. (Landgate Locate V5, May 2021).

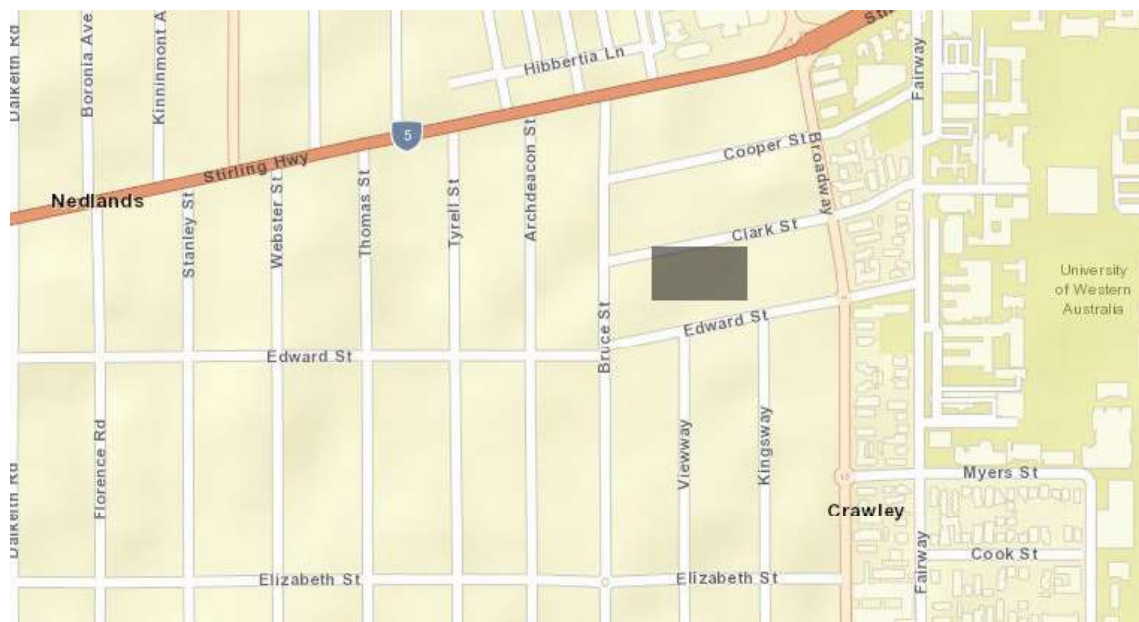


Figure 2. Plan showing locality and street names. Grey box shows the area in the Image in Figure 1. (Landgate Locate V5, May 2021).

4.2 Site Details

- 4.2.1 The subject site is located within the grounds of 24 Clark Street, Nedlands (Figure 1 and Figure 2).
- 4.2.2 Clark Street runs in an approximate east to west alignment bordering the site to the North.
- 4.2.3 Demolition has been carried out and the site has been cleared of all structures and vegetation. The site currently consists of a bare sandy soil surface.
- 4.2.4 The soil landscape for the site is likely to be disturbed which is typical of an urban site. Soil type is therefore expected to deviate from its natural state due to extensive previous site development and its location within an urban area.

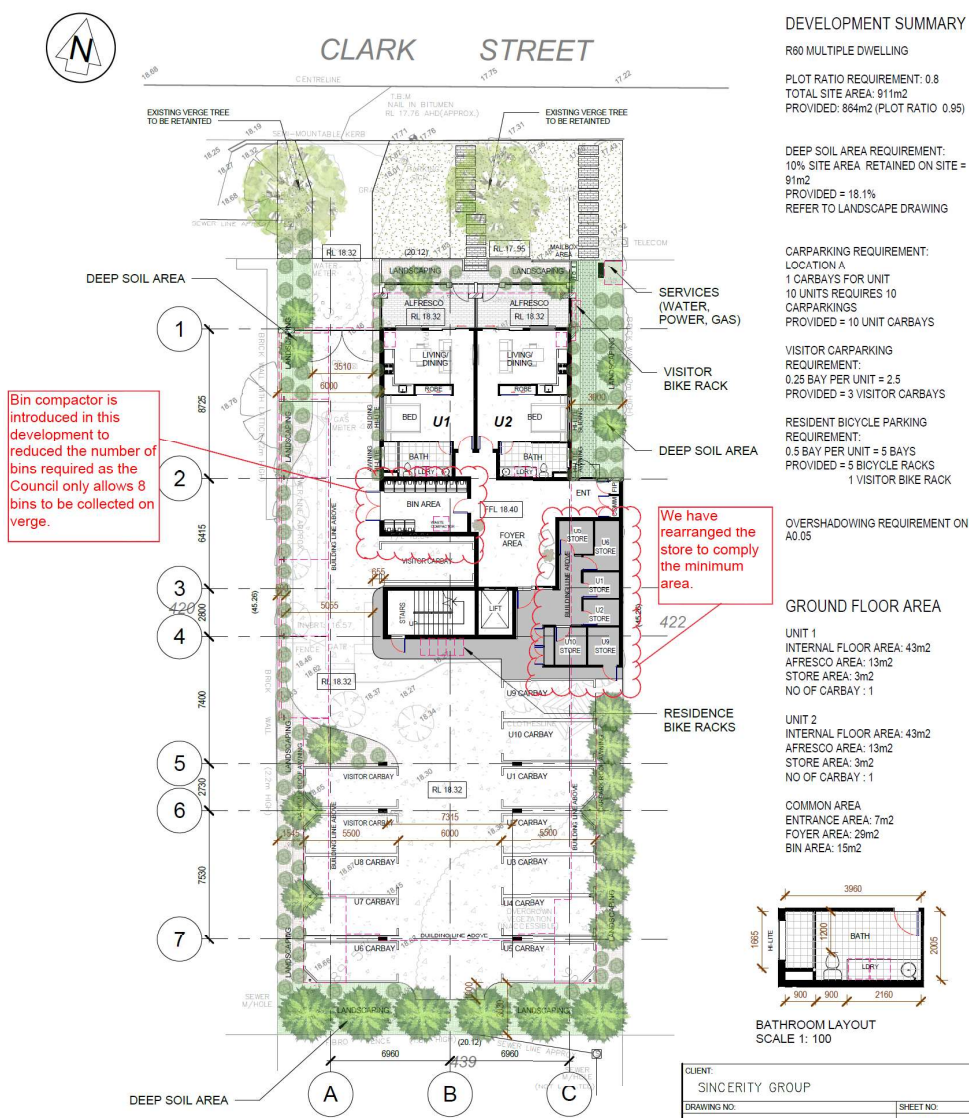


Figure 3. Excerpt from Plan – Lot 421 (24) Clark St, Nedlands development drawings for council approval. (Ground Floor, Revision E). (Tuscom Subdivision Consultants, 11 March 2021).

4.3 Heritage Status

- 4.3.1 The site is located within the City of Nedlands Local Government Area (LGA). A search of the City of Nedlands Heritage List does not show any match for this site.

4.4 Site Trees

- 4.4.1 A total of four (4) trees were inspected and are the subject of this report. Complete attributes for each tree can be found in Appendix C – Preliminary Tree Assessment Data.
- 4.4.2 Trees to be included in the report were detailed by the client in a project briefing email dated 6 May 2021. No trees beyond the scope outlined by the client have been inspected as part of this report.
- 4.4.3 All trees included in the report are to be found in the adjoining properties and will be impacted by this development. It is likely that demolition has already caused significant root disturbance.
- 4.4.4 An encroachment of more than 10% of the TPZ area is deemed a major encroachment by the Australian Standard AS 4970–2009: *Protection of Trees on Development Sites*. If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ the project arborist (an assigned AQF Level 5 Arborist) must demonstrate that the trees would remain viable.
- 4.4.5 Arborist consultation throughout the design stage will allow effective, constructive guidance to be provided throughout the process. This will ensure the final design will have fully considered all aspects of impact to site trees prior to commencement of the Arboricultural Impact Assessment.

5 Tree Retention Values

5.1 Determining Tree Retention Values

- 5.1.1 Tree Retention Value has been determined based on a combination of tree attributes. Tree retention value is categorised as per the British Standard BS 5837–2012: *Trees in Relation to Design, Demolition and Construction*. Attribute considered when determining the retention value include tree health, structure and form, life expectancy, suitability of the tree in the context of local landscape. Arboricultural, Cultural, Environmental and Heritage significance are all also considered within the subcategories identified.
- 5.1.2 Collectively tree attributes are reviewed and used to categorise tree value in a development context. Additional information explaining Tree Retention Value can be found in Appendix B – Explanation of Tree Assessment Terms.

5.2 Category A Trees (High Retention Value)

- 5.2.1 Zero (0) trees were determined to be Category A Trees. Typically trees in this category are of high quality with an estimated remaining life expectancy of at least 25 years and of dimensions and prominence that it cannot be readily replaced in <20 years. The tree may make significant amenity contributions to the landscape and may make high environmental contributions. In some cases trees within this category may not meet the above criteria, however possess significant heritage or ecological value. Trees of this retention value warrant design consideration and amendment to ensure their viable retention.

5.3 Category B Trees (Moderate Retention Value)

- 5.3.1 Three (3) trees were considered to have a Moderate Retention Value. Typically trees in this category are of moderate quality with an estimated remaining life expectancy of 15–25 years and prominence of size dimensions that cannot be readily replaced within ten years. They may make moderate amenity contributions to the landscape and make low/moderate environmental contributions. Trees with this retention value warrant minor design consideration in an attempt to allow for their retention.
- 5.3.2 Category B trees are numbered 2, 3 and 4.
- 5.3.3 Tree 2 is a *Macadamia integrifolia* (Macadamia). The tree, located in the adjacent western property in the south-west corner of the site, provides significant screening value and forms a significant feature within the immediate landscape.
- 5.3.4 Demolition works within the site have likely impacted the root zone of this tree.
- 5.3.5 Tree 2 is of fair health and good structure and has a life expectancy of 15–25 years.
- 5.3.6 The TPZ for Tree 2 is 3.6m measured at a radial distance from the centre of the trunk.



Figure 4. View to south of Tree 2 *Macadamia integrifolia* in its growing environment. (Nick Arnold, 11 May 2021).

- 5.3.7 Tree 3 is a *Corymbia citriodora* (Lemon-scented Gum). The tree is located on the southern adjacent property in the south-east corner of the site, provides significant screening value and forms a significant feature within the landscape. This tree is the property of the owners of the adjacent Lot.
- 5.3.8 Tree 3 is of good health and fair structure and has a life expectancy of 15–25 years.
- 5.3.9 The TPZ for Tree 3 is 9m measured at a radial distance from the centre of the trunk.



Figure 5. View to south of Tree 3 *Corymbia citriodora* in its growing environment. (Nick Arnold, 11 May 2021).

- 5.3.10 Tree 4 is a *Lophostemon confertus* (Queensland Box). The tree is located on the north boundary verge adjacent to Clark Street and is likely a Council owned tree. Approval will need to be sought to undertake any changes to this tree. The tree provides significant screening value and forms a significant feature within the landscape.
- 5.3.11 Tree 4 is of fair health and structure and has a life expectancy of 15–25 years.
- 5.3.12 The TPZ for Tree 4 is 6.3m measured at a radial distance from the centre of the trunk.



Figure 6. View to south of Tree 4 *Lophostemon confertus* in its growing environment. (Nick Arnold, 11 May 2021).

5.4 Category C Trees (Low Retention Value)

- 5.4.1 One (1) tree was identified as being Category C Trees. Trees in this category are of low quality with an estimated remaining life expectancy of 5–15 years, or young trees that are easily replaceable, may have poor health and/or structure, are easily replaceable, or are of undesirable species and do not warrant design consideration.
- 5.4.2 Category C tree is Tree 1.
- 5.4.3 Tree 1 is a *Stenocarpus sinuatus* (Fire Wheel Tree). The tree is located within the adjacent property on the western boundary of the site and provides some screening value and forms an attractive amenity feature within the landscape. This tree is the property of the owners of the adjacent Lot.
- 5.4.4 Tree 1 is of good health and fair structure and has a life expectancy of 5–10 years.
- 5.4.5 The TPZ for Tree 1 is 2m measured at a radial distance from the centre of the trunk.



Figure 7. View to south of Tree 1 *Stenocarpus sinuatus* in its growing environment. (Nick Arnold, 11 May 2021).

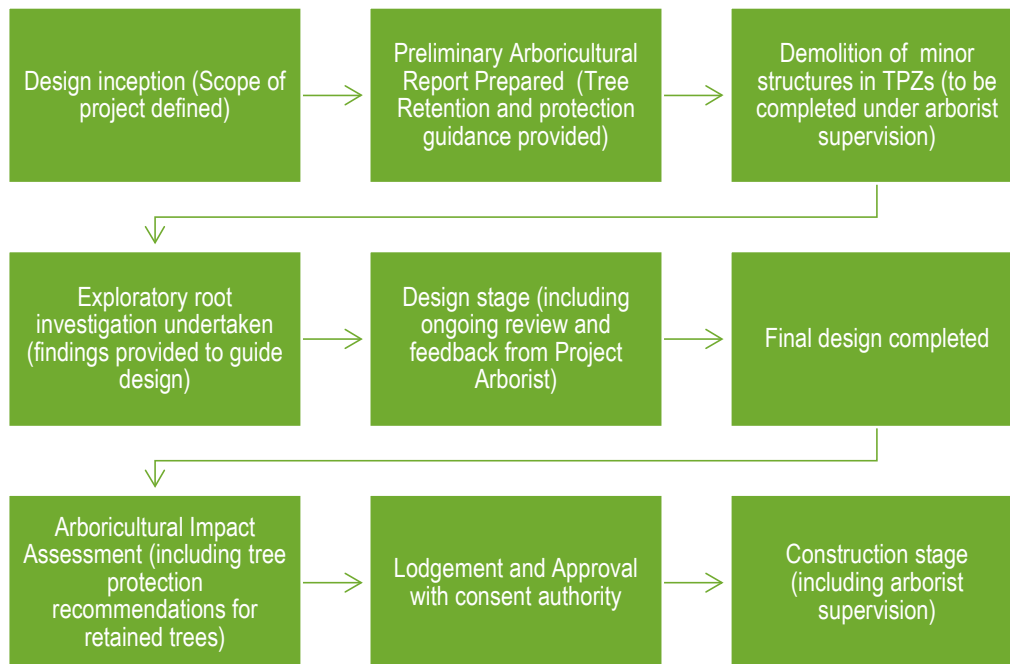
5.5 Category U Trees (Unsuitable for Retention)

- 5.5.1 Zero (0) trees were found to be in such a condition that they cannot realistically be retained as viable trees in the context of the current land use for longer than five years. These trees may be dead and/or of a species recognised as a weed that resulted in them being unretainable. These trees should be removed irrespective of any future development on the site.

6 Discussion

6.1 Project timelines

6.1.1 It is important to ensure that trees worthy of retention (i.e. Category A Trees and where possible Category B Trees) are considered throughout the design and construction stage. The following timeline is based upon guidance provided within the Australian Standard AS 4970–2009: *Protection of trees on development sites* with specific consideration to this project to identify appropriate involvement from the Project Arborist.



6.1.2 Plans for Council approval have been reviewed, however final plans are not yet available. The project is therefore determined to be at the Design concept stage.

6.2 Project design

6.2.1 Due to space available for the proposed construction and the size of the TPZ's of Moderate retention value trees, it is anticipated that hardscaping, landscaping, and machinery access works will be required within tree TPZ's to ensure the project is viable.

6.2.2 When considering the TPZs at the design stage, it important to attain Arborist guidance as to the permissible extent of encroachment that would still allow for viable tree retention.

6.2.3 An encroachment of up to 10% of the TPZ area is deemed a minor encroachment by the Australian Standard AS 4970–2009: *Protection of Trees on Development Sites*. If the proposed encroachment is less than 10% of the area of the TPZ and is outside the Structural Root Zone (SRZ), detailed root investigations should not be required.

6.2.4 An encroachment of more than 10% of the TPZ area is deemed a major encroachment by the AS 4970–2009: *Protection of Trees on Development Sites*. If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ the project arborist (an assigned AQF Level 5 Arborist) must demonstrate that the trees would remain viable.

6.2.5 Arborist consultation throughout the design stage will allow effective, constructive guidance to be provided throughout the process. This will ensure the final design will have fully considered all aspects of impact to site trees prior to commencement of the Arboricultural Impact Assessment.

6.3 Root Location

6.3.1 Root location is important in determining how and where any proposed structures can be constructed. It is likely that significant roots are located within the areas proposed for development and thus, if works are to proceed, it would be considered a major encroachment (>10% of TPZ area) under the Australian Standard AS 4970–2009 and identification and recording of these roots would be required. It is likely that demolition works have significantly impacted the roots of Trees 2, 3 and 4.

6.3.2 Exploratory root investigation should be carried out in a manner conducive to root retention and protection. This may include the use of air excavation (Air spade) and or hydro excavation (water jet and hydro vac etc.). Root investigation should be undertaken at pre-agreed locations that will most effectively guide future design. These may be at set offsets from the trunk of the tree in a radial pattern.

6.3.3 It is necessary to “root map” the proposed excavation line to ascertain the effects of any TPZ encroachment. Common methods for root mapping include:

- Exploratory excavation by hand.
- Exploratory excavation using a high pressure water jet and vacuum truck.
- Exploratory excavation using an Air Spade with vacuum truck.
- Ground Penetrating Radar*

(* Due to the high likelihood of foreign material in the soil profile, ground penetrating radar may not provide accurate results and exploratory excavation is the preferred option.)

6.3.4 Findings from the root investigation should be compiled into a comprehensive report which identifies significant roots that should be retained and less significant roots that may be appropriate for severance. This information is important to qualify the developable area during the design process.

7 Recommendations

7.1 Site survey

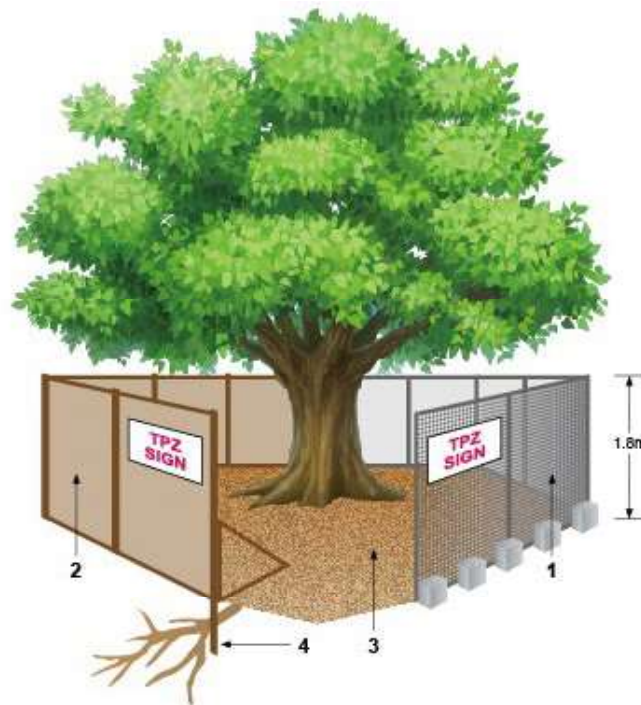
7.1.1 A site survey should be completed using a registered surveyor. Tree numbers contained within this report and located on the individual tree tags onsite should be used in the survey.

7.1.2 Trunk location and size, crown spread in a north, south, east and west orientation should be clearly depicted on the site survey. Crown height (i.e. distance between the ground and lowest lateral branches) should also be displayed for High Retention Value trees.

7.1.3 The TPZ of all retainable trees (Category B and C) trees should be displayed accurately on the site survey and subsequent plans for the development using the distances and tree numbers contained in this report.

7.2 Demolition

- 7.2.1 Demolition of existing site structures is recommended prior to the design stage to allow accurate root investigation to be undertaken. Demolition should be carried out with care under Arborist supervision. The use of machinery should be undertaken from areas of hardstand to avoid potential root compaction. Given the works will take place within the TPZ of a number of trees, protective fencing should be installed to avoid unnecessary damage to tree roots.
- 7.2.2 Protective fencing is to be installed as far as practicable from the trunk of any retained trees. Fencing should be installed as per the image below before any machinery or materials are brought to site and before commencement of works (including demolition).
- 7.2.3 Once installed, protective fencing must not be removed or altered without approval from the Project Arborist. The TPZ fencing should be secured to restrict access as depicted in Figure 8. Tree Protection Zone fencing is to be a minimum of 1.8m high and mesh or wire between posts must be highly visible. Fence posts and supports should have a diameter greater than 20mm and should ideally be freestanding, otherwise be located clear of the roots.

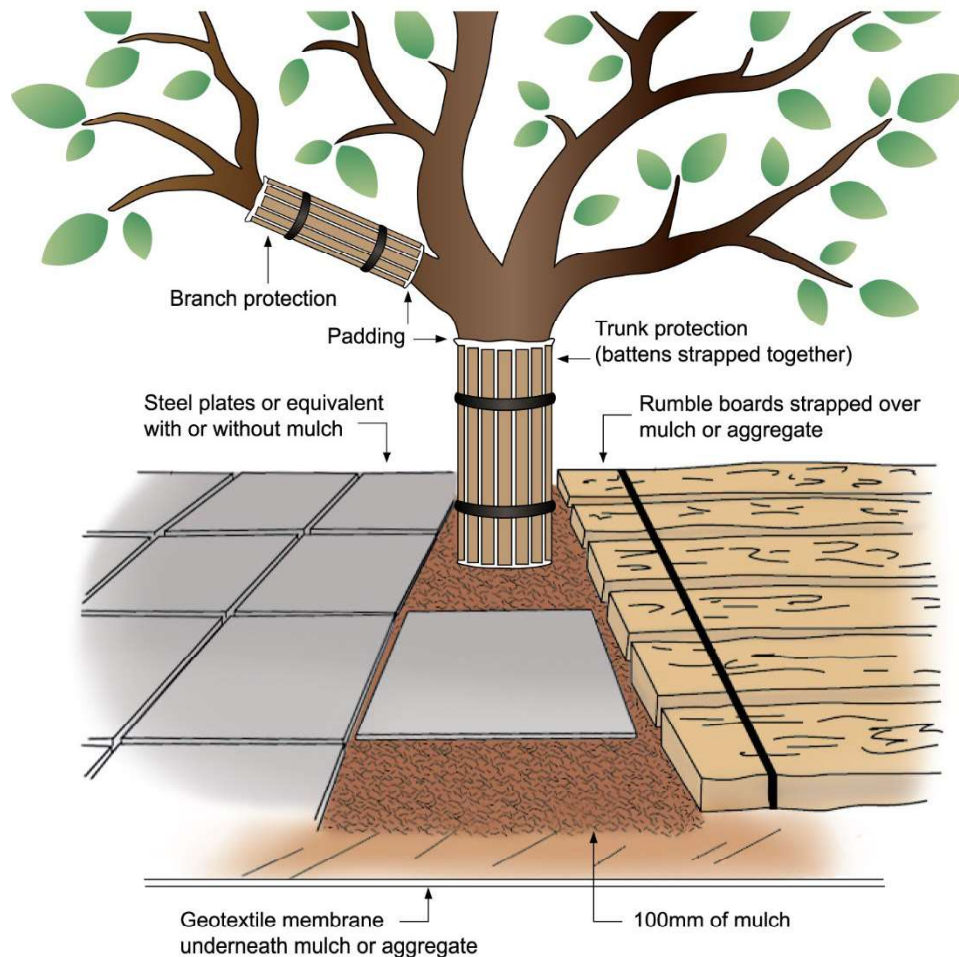


Legend:

1. Chain wire mesh panels with shade cloth attached (if required), held in place with concrete feet
2. Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ
3. Mulch installation across surface of TPZ (at discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage materials of any kind are permitted within the TPZ
4. Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

Figure 8. Depicts standard fencing techniques. (AS 4970–2009).

- 7.2.4 Where demolition access into the TPZ of trees cannot be avoided, the root zone of each tree must be protected using either steel plates or rumble board strapped over mulch/aggregate until such a time as permanent above ground surfacing (cellular confinement system or similar) is to be installed.
- 7.2.5 Trunk protection must also be installed as per Figure 9. Trunk and ground protection should be undertaken in line with AS 4790–2009 as per the image below and installed prior to the commencement of works and remain in place until after construction works have been completed.



Notes:

1. For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.
2. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.

Figure 9. Depicts trunk and ground protection techniques. (AS 4970–2009).

7.3 Exploratory Root Investigation

- 7.3.1 Based upon the indicative carpark location identified in Figure 1, exploratory root investigation along the boundary line is recommended for Tree 3 prior to the design stage to determine the size and location of tree roots that are extending south into the developable area. Root investigation should be undertaken at specific offsets from the trees trunk to allow a comprehensive analysis of its roots to be undertaken.

7.3.2 Recommended offsets for root investigation should be at specific radial distances from the trunk on its southern side (e.g. 3m, 5m, 7m, 9m). Excavation should be undertaken using one of two options: 1: air-spade; 2. Hydro-excavation using hydro-vac.

7.3.3 Roots discovered should be measured and their diameter, depth and distance from trunk recorded and collated into a root map.

7.4 Underground Services

7.4.1 An investigation as to the location, condition and size of underground services should also be undertaken and plotted on drawings. Any utility that needs replacement or upgrading, which is located within the TPZ of a tree appropriate for retention should be identified at the design stage.

7.5 Building Design

7.5.1 The design stage should allow for consultation from the Project Arborist. The Project Arborist should be used to provide feedback and guidance as to the effects of the proposed design upon the tree population.

7.5.2 Sensitive construction methods may be permissible within the TPZ's marked for retention. Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling can minimize the impact on the root zones of trees marked for retention. The Project Arborist will be able to provide feedback upon these approaches and advise as to their viability in relation to tree retention.

7.6 Prepare an Arboricultural Impact Assessment

7.6.1 Once designs are finalised, an Arboricultural Impact Assessment should be prepared to detail the impacts of the development on the tree population on an individual tree basis. The Arboricultural Impact assessment should provide information on tree removal and retention as well as specific guidance on an individual trees basis as to required protection measures.

8 References

- Australian Business Licence and Information Service (ABLIS). (n.d.). *Permit to Interfere with Vegetation on Local Government Property - City of Nedlands - Western Australia*. Retrieved from <https://ablis.business.gov.au/service/wa/permit-to-interfere-with-vegetation-on-local-government-property-city-of-nedlands/22816>
- City of Nedlands. (n.d.). *Heritage List*. Retrieved from <https://www.nedlands.wa.gov.au/document/heritage-list>
- City of Nedlands. (n.d.). *Street Trees Policy*. Retrieved from <https://www.nedlands.wa.gov.au/street-trees>
- Standards Australia. (2009). *AS 4970–2009: Protection of Trees on Development Sites*. Sydney: Standards Australia.
- The British Standards Institution. (2012). *BS 5837–2012: Trees in relation to design, demolition and construction*. London: BSI Standards Limited.

9 Appendices

9.1 Appendix A – Arboricultural Reporting Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Any titles and ownership of any property are assumed to be good. No responsibility is assumed for matters legal in character.
2. It is assumed that any property/project is not in violation of any applicable codes, ordinances, statutes or other government regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified in so far as possible, however, the consultant can neither guarantee nor be responsible for the accuracy of the information provided by others.
4. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by anyone but the person to whom it is addressed, without the prior written consent of the consultant.
7. Neither all nor any part of the contents of this report, nor any copy thereof, shall be used for any purpose by anyone but the person to whom it is addressed, without the written consent of the consultant. Nor shall it be conveyed by anyone, including the Client, to the public through advertising, public relations, news, sales or other media, without the written consent of the consultant.
8. This report and any values expressed herein represent the opinion of the consultant and the consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise.
10. Information contained in this report covers only those items that were examined and reflect the condition of those items at the time of inspection.
11. Inspection is limited to visual examination of accessible components without dissection, excavation or probing. There is no warranty or guarantee expressed or implied that the problems or deficiencies of the plants or property in question may not arise in the future.

9.2 Appendix B – Explanation of Tree Assessment Terms

Tree number: Refers to the individual identification number assigned within the ArborSafe software to each assessed tree on the site and the number which appears of the tree's tag.

Tree location: Refers to the easting and northing coordinates assigned to the location of the tree as obtained from the geo-referenced aerial image within the ArborSafe software.

Tree species: Provides the botanic name (genus, species, sub-species, variety and cultivar where applicable) in accordance with the International Code of Botanical Nomenclature (ICBN), and the accepted common name.

Trees in group: The number of trees encompassing a collective assessment of more than one tree. Typically grouped trees have similar attributes that can be encompassed within one data record.

Height: The estimated range in metres attributed to the tree from its base to the highest point of the canopy. Where required height will be estimated to the nearest metre.

Diameter at Breast Height (DBH): Refers to the tree's estimated trunk diameter measured 1.4m from ground level for a single trunked tree. These estimates increase in 50mm increments. Where required DBH will be measured to give an accurate measurement for single trunked trees, trees with multiple trunks, significant root buttressing, bifurcating close to ground level or trunk defects and will be measured as per the Australian Standard AS 4970–2009: *Protection of Trees on Development Sites*.

Canopy spread: The estimated range in metres attributed to the spread of the tree's canopy on its widest axis. Where required crown spread will be estimated to the nearest metre.

Health: Refers to the health and vigour of the tree.

Category	Description
Excellent	Canopy full with even foliage density throughout, leaves are entire and are of an excellent size and colour for the species with no visible pathogen damage. Excellent growth indicators, e.g. seasonal extension growth. Exceptional specimen.
Good	Canopy full with minor variations in foliage density throughout, leaves are entire and are of good size and colour for the species with minimal or no visible pathogen damage. Good growth indicators, none or minimal deadwood.
Fair	Canopy with moderate variations in foliage density throughout, leaves not entire with reduced size and/or atypical in colour, moderate pathogen damage. Reduced growth indicators, visible amounts of deadwood, may contain epicormic growth.
Poor	Canopy density significantly reduced throughout, leaves are not entire, are significantly reduced in size and/or are discoloured, significant pathogen damage. Significant amounts of deadwood and/or epicormic growth, noticeable dieback of branch tips, possibly extensive.
Dead	No live plant material observed throughout the canopy, bark may be visibly delaminating from the trunk and/or branches.

Age: Refers to the life cycle of the tree.

Category	Description
Young	Newly planted small tree not fully established may be capable of being transplanted or easily replaced.
Juvenile	Tree is small in terms of its potential physical size and has not reached its full reproductive ability.
Semi-mature	Tree in active growth phase of life cycle and has not yet attained an expected maximum physical size for its species and/or its location.
Mature	Tree has reached an expected maximum physical size for the species and/or location and is showing a reduction in the rate of seasonal extension growth.
Senescent	Tree is approaching the end of its life cycle and is exhibiting a reduction in vigour often evidenced by natural deterioration in health and structure.

Structure: Refers to the structure of the tree from roots to crown.

Category	Description
Good	Sound branch attachments with no visible structural defects, e.g. included bark or acute angled unions. No visible wounds to the trunk and/or root plate. No fungal pathogens present.
Fair	Minor structural defects present, e.g. apical leaders sharing common union(s). Minor damage to structural roots. Small wounds present where decay could begin. No fungal pathogens present.
Poor	Moderate structural defects present, including bifurcations with included bark with union failure likely within 0–5 years. Wounding evident with cavities and/or decay present. Damage to structural roots.
Hazardous	Significant structural defects with failure imminent (3–6 months). Defects may include active splits and/or partial branch or root plate failures. Tree requires immediate arboricultural works to alleviate the associated risk.

Useful Life Expectancy (ULE): Useful life expectancy refers to an expected period of time the tree can be retained within the landscape before its amenity value declines to a point where it may detract from the appearance of the landscape and/or presents a greater risk and/or more hazards to people and/or property. ULE values consider tree species, current age, health, structure and location. ULE values are based on the tree at the time of assessment and do not consider future changes within the tree's location and environment which may influence the ULE value.

Category
0 Years
<5 Years
5–10 Years
10–15 Years
15–25 Years
25–50 Years
>50 Years

Defects: Visual observations made of the presenting defects of the tree and its growing environment that are, or have the capacity to impact upon, the health, structural condition and/or the useful life expectancy of the tree. Defects may include adverse physical traits or conditions, signs of structural weaknesses, plant disease and/or pest damage, tree impacts to assets or soil related issues.

Tree Significance: Includes environmental, social or historical reasons why the tree is significant to the site. The tree may also be rare under cultivation or have a rare or localised natural distribution.

Arborist Actions: A list of arboricultural and/or plant health care works that are aimed at maintaining or improving the tree's health, structural condition or form. Actions may also directly or indirectly reduce the risk potential of the tree such as via the removal of a particular branch or the moving of infrastructure from under its canopy.

Tree Retention Value: (based upon BS 5837–2012: *Trees in relation to design, demolition and construction – recommendations*)

Category and definition	Criteria (including sub-categories where appropriate)		
Category U			
Trees in such a condition that they cannot realistically be retained as viable trees in the context of the current land use for longer than 5 years.	<ul style="list-style-type: none"> Trees that have a severe structural defect that are not remediable such that their failure is expected within 12 months. Trees that will become unviable after removal of other Category U trees (e.g. where for whatever reason the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate and irreversible overall decline. Trees infected with pathogens of significance to the health and or safety of other trees nearby Low quality trees suppressing adjacent trees of better quality. Noxious weeds or species categorised as weeds within the local area. <p>Note: Category U trees can have existing or potential conservation value* which might make it desirable to preserve.</p>		
	1. Arboricultural Qualities	2. Landscape qualities	3. Cultural and environmental values
Category A			
Trees of High Quality with an estimated remaining life expectancy of at least 25 years and of dimensions and prominence that it cannot be readily replaced in <20 years.	Trees that are particularly good examples of their species, especially if rare or unusual (in the wild or under cultivation); or those that are important components of groups or avenues.	Trees or groups of significant visual importance as arboricultural and/or landscape features. (e.g. feature and landmark trees).	Trees, groups or plant communities of significant conservation, historical, commemorative or other value (e.g. remnant trees, aboriginal scar trees, critically endangered plant communities, trees listed specifically within a Heritage statement of significance).
Category B			
Trees of Moderate Quality with an estimated remaining life expectancy of 15–25 years and of dimensions and prominence that cannot be readily replaced within 10 years.	Trees that might be included within Category A but are downgraded because of diminished condition such that they are unlikely to be suitable for retention beyond 25 years.	Trees that are visible from surrounding properties and/or the street but make little visual contribution to the wider locality.	Trees with conservation or other cultural value (trees within conservation areas or landscapes described within a statement of significance, locally indigenous species).
Category C			
Trees of Low Quality with an estimated remaining life expectancy of 5–15 years, or young trees that are easily replaceable.	Trees of very limited value or such impaired condition that they do not qualify in higher categories.	Trees offering low or only temporary/transient landscape benefits.	Trees with no material conservation or other cultural value.

*Where trees would otherwise be categorised as U, B or C but have significant identifiable conservation, heritage or landscape value even though only for the short term, they may be upgraded, although they might be suitable for retention only.

Table 2. Tree Quality

		Health**			
		Excellent/ Good	Fair	Poor	Dead
Structure	Good	A	B	C	U
	Fair	B	B	C	U
	Poor	C	C	U	U
	Hazard*	U	U	U	U

*Structural hazard that cannot be remediated through mitigation works to enable safe retention.

** Trees of short term reduced health that can be remediated via basic, low cost plant health care works (e.g. mulching, irrigation etc.) may be designated in a higher health rating to ensure correct retention value nomination.

9.3 Appendix C – Preliminary Tree Assessment Data

Tree no.	Botanical Name	Common Name	Trees in group	DBH 1 (cm)	DBH Total (cm)	DRB (cm)	Radial TPZ (m)	TPZ area (m ²)	Radial SRZ (m)	Tree Height (m)	Canopy (m)	Health	Structure	Age	TLE (Yrs.)	Defects	Significance	Arborist comments	Tree Quality Score	Tree Retention value subcategory
1	<i>Stenocarpus sinuatus</i>	Fire Wheel Tree	1	15	15	20	2.0	12.57	1.7	5-10	<5	Good	Fair	Semi-Mature	5-10	Co-dominant stems; Deadwood/stubs > 60mm; Epicormic growth; Poor pruning; Weak union(s);	Screen value;	Neighbours tree previously lopped.	C	1
2	<i>Macadamia integrifolia</i>	Macadamia	1	30	30	31	3.6	40.72	2.0	5-10	5-10	Fair	Good	Semi-Mature	15-25	Co-dominant stems; Crossing/rubbing branches; Deadwood/stubs < 30mm; Dieback; Epicormic growth;	Attractive landscape feature; Amenity value/shade;	Approximately 2m from existing fence line in neighbouring property.	B	2
3	<i>Corymbia citriodora</i>	Lemon-scented Gum	1	75	75	80	9.0	254.47	3.0	15-20	10-15	Good	Fair	Semi-Mature	15-25	Co-dominant stems; Deadwood/stubs > 30mm; Epicormic growth; Previous failure(s);	Attractive landscape feature; Amenity value/shade; Significant due to age/size;	Neighbours tree inspected from within site only. Asymmetric crown/diminished form as a result of historic encroachment pruning.	B	2
4	<i>Lophostemon confertus</i>	Queensland Box	1	35	52	40	6.3	122.82	2.3	5-10	5-10	Fair	Fair	Semi-Mature	15-25	Co-dominant stems;	Avenue tree; Amenity value/shade;	Council owned tree located on nature strip. Crown somewhat thin.	B	2

City of Nedlands
Received
14 May 2021

Item 9.4 - Attachment 1

ArborSafe 

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A Civica Group company

TUSCOM

**24 CLARK STREET
NEDLANDS**

**DEVELOPMENT APPLICATION
ACOUSTIC REPORT**

APRIL 2021

OUR REFERENCE: 26266-3-20252

DOCUMENT CONTROL PAGE

DA ACOUSTIC REPORT

24 CLARK STREET
 NEDLANDS

Job No: 20252

Document Reference : 26266-3-20252

FOR

TUSCOM

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1.0 INTRODUCTION

Herring Storer Acoustics was commissioned by Tuscom Subdivision Consultants Pty Ltd to conduct a preliminary review of the proposed development at 24 Clark Street, Nedlands.

This report has been based on the Development Application drawings provided.

2.0 PROPOSED DEVELOPMENT

The proposed development site is located on the south side of Clark Street, Nedlands.

The development consists of residential apartments, with ground floor parking.

The following summarises the development:

Ground Floor

- Parking
- Foyer.
- Apartments.

First Floor

- Apartments.

Level 02

- Apartments.

Roof

- Roof Terrace

3.0 CRITERIA

3.1 BCA PROVISIONS

For Class 2 or 3 buildings, Part F5 of the National Construction Code (NCC), outlines the minimum acoustic isolation of apartments. The following summarises the acoustic criteria:

3.1.1 Walls

Wet to wet	$R_w + C_{tr}$ not less than 50 dB.
Living to living	$R_w + C_{tr}$ not less than 50 dB.
Wet to living construction.	$R_w + C_{tr}$ not less than 50 dB plus discontinuous
Kitchens to living construction.	$R_w + C_{tr}$ not less than 50 dB plus discontinuous

Note: Where kitchens are part of an open living area, we consider the kitchen to be part of the living area and in these cases a discontinuous construction is required. This also includes cases where kitchens are back-to-back, however, discontinuous construction is only required on one side.

3.1.2 Floors

Floors $R_w + C_{tr}$ not less than 50 dB.

Impact Isolation $L_{n,w}$ not more than 55 dB is recommended.

Note: The impact isolation criteria under the BCA is an $L_{n,w}$ of not more than 62 dB. However, as a member firm of the Association of Australasian Acoustic Consultants, (AAAC) we recommend a criteria of an $L_{n,w}$ of not more than 55 dB be adopted for a development of this type.

3.1.3 Service Risers

to Habitable Rooms $R_w + C_{tr}$ not less than 40 dB.

to Non-Habitable Rooms $R_w + C_{tr}$ not less than 25 dB.

3.1.4 Hydraulics

The above requirements also apply to storm water down pipes.

3.1.5 Doors

Door (Connecting) R_w not less than 30 dB.

The development will be designed to comply with the requirements of Part F5 of the BCA.

3.2 ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997

The *Environmental Protection (Noise) Regulations 1997* stipulate the allowable noise levels at any noise sensitive premises from other premises. The allowable or assigned noise levels for noise sensitive premises are determined by the calculation of an influencing factor, which is added to the baseline criteria set out in Table 1 of the Regulations. The baseline assigned noise levels are listed in Table 3.1.

TABLE 3.1 – ASSIGNED NOISE LEVELS

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L_{A10}	L_{A1}	L_{Amax}
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	35 + IF	45 + IF	55 + IF

Note: The L_{A10} noise level is the noise that is exceeded for 10% of the time.
The L_{A1} noise level is the noise that is exceeded for 1% of the time.
The L_{Amax} noise level is the maximum noise level recorded.

It is a requirement that noise from the site be free of annoying characteristics (tonality, modulation and impulsiveness) at other premises, defined below as per Regulation 9.

“impulsiveness” means a variation in the emission of a noise where the difference between L_{Apeak} and $L_{Amax Slow}$ is more than 15dB when determined for a single representative event;

“modulation” means a variation in the emission of noise that –

- (a) is more than 3dB $L_{A Fast}$ or is more than 3dB $L_{A Fast}$ in any one-third octave band;
- (b) is present for more at least 10% of the representative assessment period; and
- (c) is regular, cyclic and audible;

“tonality” means the presence in the noise emission of tonal characteristics where the difference between –

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A Slow}$ levels.

Where the above characteristics are present and cannot be practicably removed, the following adjustments are made to the measured or predicted level at other premises.

TABLE 3.2 – ADJUSTMENTS FOR ANNOYING CHARACTERISTICS

Where tonality is present	Where modulation is present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB

The following neighbouring noise sensitive premises are to be considered in a noise impact assessment, as shown in Figure 1 below.

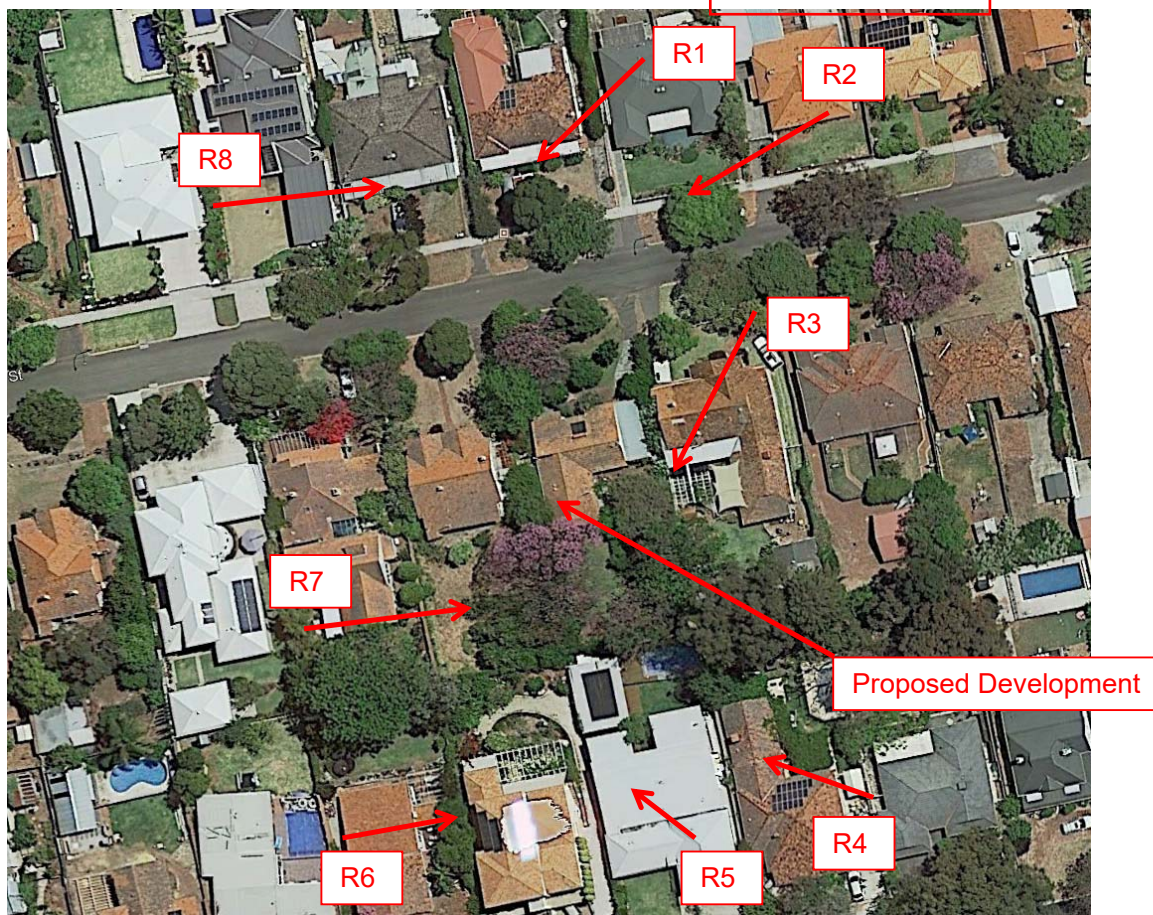


FIGURE 1 – AERIAL OF DEVELOPMENT LOCATION AND NEIGHBOURING RESIDENCES

From a review of the development, the influencing factor for the premises identified in proximity to the development would be 4 dB, based on the following :

- Major Road within outer circle;**
 Stirling Highway + 2 dB
- Commercial Premises within the outer circle;**
 10 % + 0.5 dB
- Total IF + 2.5 (Rounded down to 2 dB)**

Hence the influencing factor would be + 2 dB and the assigned noise levels would be as listed in Table 3.3.

TABLE 3.3 - ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	47	57	67
	0900 - 1900 hours Sunday and Public Holidays	42	52	67
	1900 - 2200 hours all days	42	52	57
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	37	47	57

Note: L_{A10} is the noise level exceeded for 10% of the time.
 L_{A1} is the noise level exceeded for 1% of the time.
 L_{Amax} is the maximum noise level.

We note that noise emissions from the premises need to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. This includes noise associated with mechanical services (ie air conditioning and ventilation systems).

3.3 NOISE INGRESS

Inbound Noise Levels

It is proposed to adopt an internal noise level design criteria, similar to other areas within Perth. The aim of the criteria is to design the residential building façade to achieve the following internal sound levels :

- L_{eq} 35 dB(A) in sleeping areas (bedrooms); and
- L_{eq} 40 dB(A) in living/work areas and other habitable rooms.

It is noted that these internal design sound levels are congruent with other noise ingress policies such as the WAPC State Planning Policy 5.4 and the Town of Vincent Sound Attenuation Policy, and whilst these policies are not applicable at this location, in the absence of a policy specific to the City of Nedlands, these policies have been utilised as justification for the internal sound levels set for our design considerations.

4.0 BCA REQUIRMENTS

The proposed development will be constructed to comply with the requirements of Part F5 of the NCC.

It is noted that the construction will exceed the requirements, in particular, the footfall impact isolation requirements.

5.0 NOISE INGRESS

5.1 NOISE SOURCE IDENTIFICATION

The area of the proposed development was examined to ascertain the applicable noise sources.

Given the location, noise ingress is not considered to be of concern at this site with standard glazing (i.e. an R_w of around 22 – 25 dB) considered sufficient. It is considered highly likely that other design requirements, such as energy/thermal efficiency will dictate glazing requirements.

6.0 NOISE FROM DEVELOPMENT

The main source of noise from the proposed development will be from mechanical services likely to be limited to air-conditioning condenser units. Noise received at neighbouring premises from these items need to comply with the assigned noise levels as determined under the *Environmental Protection (Noise) Regulations 1997*.

6.1 MECHANICAL SERVICES

The main source of noise from the proposed development will be from mechanical services consisting of air-conditioning plant and condenser units. Noise received at residence (neighbours and residence within the development) from these items need to comply with the assigned noise levels as determined under the *Environmental Protection (Noise) Regulations 1997*.

As the mechanical services could operate during the night, noise emissions from the development needs to comply with the assigned L_{A10} night period noise level of 37 dB(A) at residential premises. Potentially, noise emissions from mechanical services could be tonal, in which case an +5 dB(A) penalty for a tonal component could be applied to the resultant noise levels. Therefore, the design level at the neighbouring residential premises would be 32 L_{A10} dB.

6.1.1 Apartments

The air conditioning for the apartments is not yet known, however, a plantroom on the roof is noted. Given that it appears all the mechanical plant is to be located within this space, noise at neighbouring premises, and at apartments within the development itself, will be easily controlled and in compliance with the applicable assigned noise levels. See extract below for plant location.

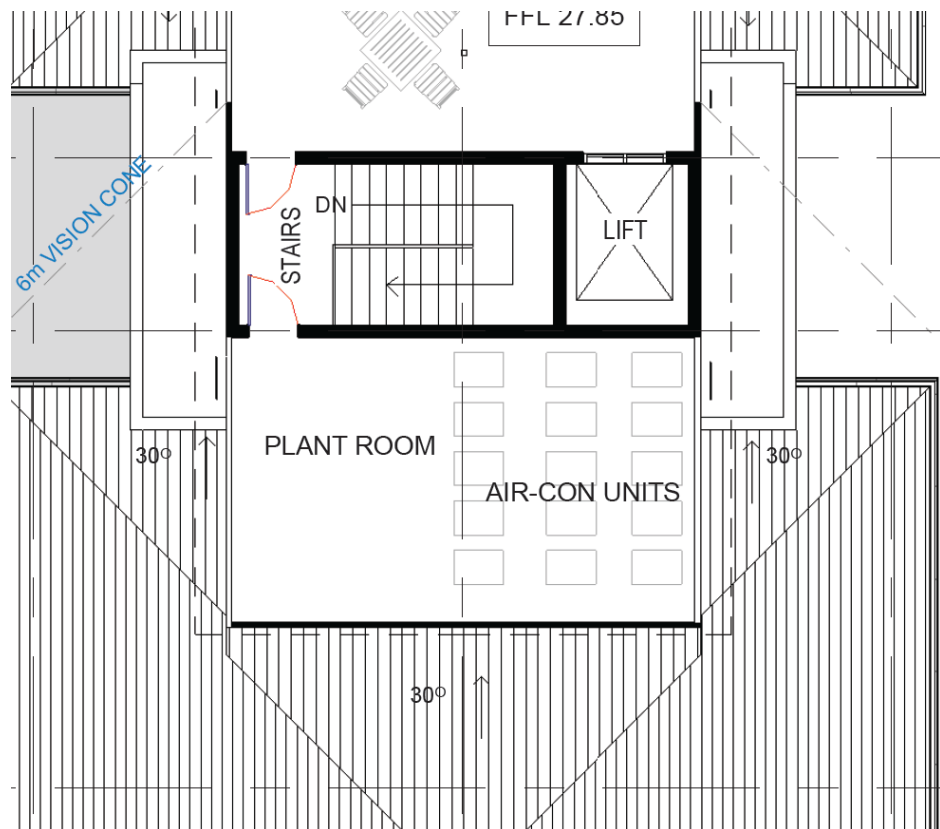


FIGURE 2 – ROOFPLAN EXTRACT SHOWING PLANTROOM

Based on previous assessments of similar developments, indicate that condenser unit selections will emit a noise level of 52 dB(A) at a distance of 1m.

Given the proposed location of the condenser units, and the assumed noise levels, noise levels at all locations noted in Figure 1 above are listed in Table 6.1.1, noting that the noise levels below include an adjustment for tonal characteristics.

TABLE 6.1.1 – ASSESSABLE NOISE LEVELS

Location	Noise Level, L _{A10} dB
Apartments/Townhouses within development	25
R1	20
R2	23
R3	30
R4	25
R5	25
R6	27
R7	30
R8	23

Based on the above preliminary calculations, noise levels associated with the proposed air conditioning meets the requirements of the *Environmental Protection (Noise) Regulations 1997*.

6.2 WASTE COLLECTION

Noise emissions from waste collection are exempt from requiring to comply with the *Environmental Protection (Noise) Regulations 1997*, under Regulation 14A.

Regulation 14A exempts waste collection from being required to meet the Assigned Noise Levels stipulated by the *Environmental Protection (Noise) Regulations 1997* provided the works are either carried out during the day period, or under a noise management plan.

It appears that the bin store is design to incorporate typical council provided bins, hence, the provision of a noise management plan (if collections are to occur outside the day period) would be the responsibility of the City of Nedlands to provide, and would be no different to any other typical residential premise in the area.

In the event that a private contractor is utilised for bin collection, the responsibility of a noise management plan (if required) would fall to the contractor.

Regardless of which method is utilised above, the end result would be no different – in terms of noise impact – to a normal residence in the area.

WASTE MANAGEMENT PLAN

PREPARED FOR NO.24 (LOT 421) CLARK STREET,
NEDLANDS– PROPOSED TEN (10) MULTIPLE
DWELLINGS

BY TUSCOM DEVELOPMENT CONSULTANTS

1.0 - INTRODUCTION

A development of ten (10) multiple dwellings on No. 24 (Lot 421) Clark Street, Nedlands ('herein to referred to as the subject site') was proposed to the City of Nedlands in December 2020 by Tuscom Development Consultants on behalf of the registered owners of the subject site.

The objective of this WMP is to ensure that waste management is undertaken in an effective, efficient and sustainable manner.

2.0 - BACKGROUND

The owners of the subject site have requested Tuscom Subdivision Consultants to prepare a Waste Management Plan for the proposed residential multiple dwellings developments at No. 24 Clark Street, Nedlands. The proposed development is located in the City of Nedlands.

The proposed development consists of ten (10) residential units. There are eight (8), two - bedroom units and two (2) one- bedroom studios.

The subject site is zoned R60 under the City of Nedlands Local Planning Scheme No. 3 and have a lot area of 911m².

3.0 – Development Proposal

Below is the waste calculation based on the City's "Waste Management Local Planning Policy":

Dwelling size	Waste (litres per week)	Recycling (litres per fortnight)	The City may introduce Food organic and Garden organic (FOGO) bin in the future. Bin allocation for (FOGO) 240L bin will also needs to be catered for onsite. The minimum of 40L waste generation rate allocation per property per week is acceptable.
Studio/One Bedroom	80	240	
Two Bedroom	120	240	

Residential Units' Calculation

	General Waste Rates	Recycle Waste Rates	FOGO Waste Rates
2 Studio units	80L/week x 2 = 160L	240L/fortnight x 2= 480L	40L/week x2= 80L
8 Two-bedroom units	120L/week x 8 = 960L	240L/fortnight x 8= 1920L	40L/week x8= 320L
TOTAL	1120L	2400L	480L
Waste Compactor at 2:1			
Number of bins required	2 X 360L	7 X 360L (per week)	2 X 240L (per week)

Based on the above calculation, we are proposing two (2) 360L general waste bins which will give a total capacity of 720L for the residential use. We are proposing seven (7) 360L bin for recycle waste and one (1) 360L bin for green waste. The proposed bins capacity is complying with the provisions of the City's "Waste Management Local Planning Policy".

4.0 – COMMUNICATION

This document will be included in the handover pack given to the owners at the time of purchase/lease. The proposed Strata Management Statement will form part of the Strata Title for this development. It will incorporate this WMP and any changes to such must be approved by the relevant local authority.

5.0 – WASTE DISPOSAL

5.1 – Demolition

All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Work Safe and EPA requirements. The tendering of the demolition of the building and the tender assessment scoring will be weighted in favor of contractors with reputable waste minimization strategies.

5.2 – Construction

During construction, a skip bin will be provided on site for waste produced during the course of construction and serviced as required. Some waste management contractors provided off site sorting and recycling to minimize landfill waste. These waste contractors will be selected to service during the construction phase, where practical. Sub-contractors will be responsible for pre-sorting waste products into the appropriate bins where possible, as this will reduce overall construction costs. This will be supervised by site management. Sub-contractors are encouraged to use products that can be reused or easily sorted prior to landfill.

Waste water generated during wash down and clean-up of equipment used for brickwork and plastering has the potential to be high in PH and to be toxic to aquatic flora and fauna. To minimize the impacts associated with the cleanup of such equipment, the developer shall ensure that wastewaters are disposed of in accordance with Department of Environmental Regulation (DER) guidelines. This shall be communicated to all personnel during induction.

Used solvents and paints are to be stored in the site sea container and removed by a licensed contractor as required. All excess lime or cement is to be removed by the person who brought it on to site.

All sub-contractors will be notified of their responsibility to maintain site cleanliness and adhere to waste management policies during construction. These obligations will be included in all sub-contractor contracts.

6.0 – OCCUPATION

6.1 – Waste Flow

Waste is generated by the apartment occupiers. This waste is separated into different waste types by the occupier and transported by hand to the bin store, where it is placed in the relevant bins. The nominated caretaker will manage the bins in the relevant bin area to ensure one bin is full before the next one is used by the apartment occupiers. Waste bin compactor will be used to compact the waste. The City of Nedlands' Waste Service will conduct on-street collection for the communal bins on the appointed collection day. The City of Nedlands' Waste Services will be using side loader collection trucks to empty the bins respectively where they will be removed from site for further processing.

6.2 – Bin Storage

The bin storage for residential is located on the ground floor (see site plan) next to the visitor car bay and accessible from the foyer. The bin location for the residents' use will be equitable access for residents and ease of collection. The Bin Area will house a compactor, 2 x 360L General waste bins, 7x 360L Recycling bins, 2x 240L FOGO Waste bins and 1 extra bin area. The bin store area will have concrete slab floor with a graded floor to a waste drain that is connected to sewer. A hose cock will also be included to facilitate washout of bins and washout of the area in general. Floor traps will be provided for the bin area. The walls of the bin store will be sealed and painted in a light color to facilitate washout. The caretaker will be responsible for washing the bins and returning of the bins from verge to bin room placement. The bin store can be accessed from the carpark area. Signage will be installed at entry/egress points stating "DANGER" and "NO STANDING". The bin store and wash down area is open to air and therefore will be well ventilated.

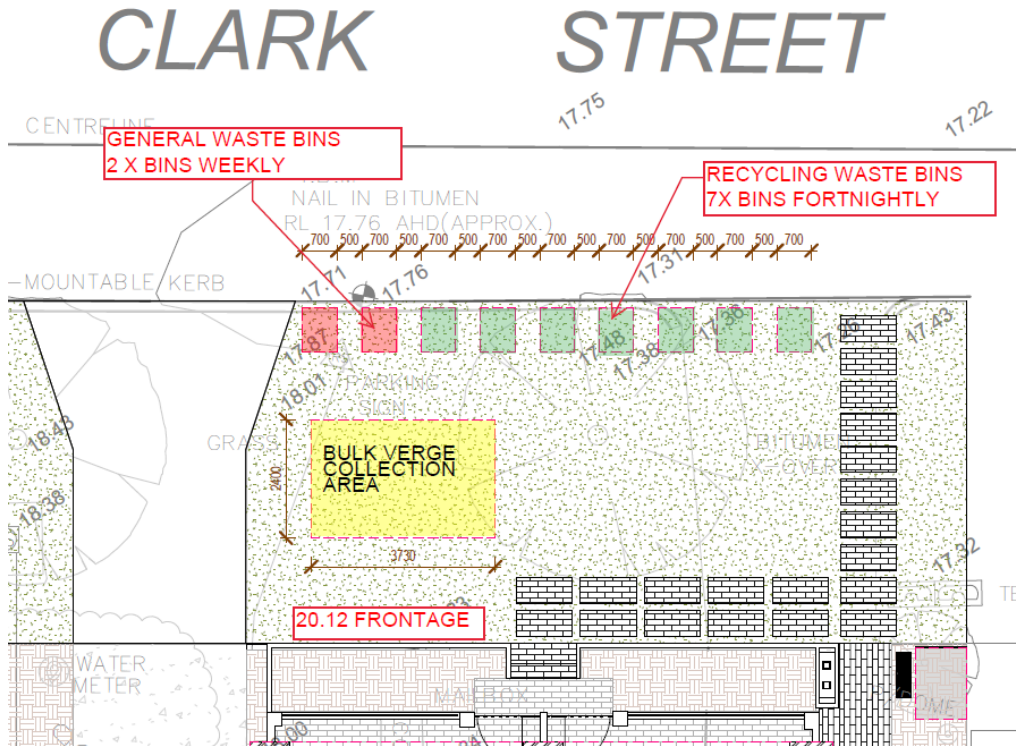
6.3 – Bin Verge Collection

Internal service collection is not proposed due to the size of the development permitting the use of a compactor and a limited but permitted number of 360L bins being presented on the street. Bulk verge collection area will be free of obstacles to ensure skip bin or bulky items will be able to be placed on site.

The bins will be presented to the kerb of Clark Street by the Strata Management in the evening before the day of collection. The waste bins are then collected by the City's

waste contractor and returned back to the respective locations (bin store) by the strata management/caretaker.

The collection point is illustrated below. Bins will be placed on the verge for ease collection by the City's side-loader waste truck. Bins will be placed 0.5metres apart.



7.0 – WASTE MANAGEMENT PLAN

7.1 – City’s Collection Frequency

The City currently offers weekly waste collection and fortnightly recycling collections to residential properties. In the week when both general and recyclable waste is collected, up to 9x 360 L waste bins will be placed on verge (7 recycle waste and 2 general waste bins).

In the week when recyclables are not collected, a maximum of 2x360L general waste bin will be placed on the verge.

7.2 – General Waste compaction

A General Waste Compaction (Orwak Flexi 4360 Single) is proposed for this development. A total of 2x 360L general waste bin is proposed as the compaction ratio is 2 to 1.

Dimension of Proposed Waste Compactor

Width	Depth	Height	Opening Width
950mm	980mm	1790mm	810mm

Recycling waste bins shall not be compacted.

7.2.1 Operation, Maintenance and Repairs

Provision relating to the operation of the compactor will be included in the Strata Management Statement, including:

- Compactor to be operated by dedicated personnel only (Cleaner or caretaker)
- Strata owners shall be responsible for regular maintenance of the compactor;
- Strata owners shall enter into an agreement with a suitable contractor to regularly service the compactor and carry out any urgent repairs within time period of 24 hours;
- Strata owners shall be responsible for the cost of any replacement bins if there's damage caused by the compactor.

According to the Acoustic Report, noise emissions from waste collection are exempt from requiring to comply with the Environmental Protection (Noise) Regulations 1997, under Regulation 14A.

Regulation 14A exempt waste collection from being required to meet the Assigned Noise Level stipulated by the Environmental Protection (Noise) Regulation 1997 provided the works are either carried out during the day period, or under a noise management plan.

Compactors are strictly to be operated between 7am to 7pm only.

The responsible entity (strata/corporate body) shall be liable for all bins replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process.

7.3 – Waste Sources and Volumes Generated

The City's Waste Services requires:

- Adequate storage shall be provided to contain all waste and recycled material generated on the premises for at least 1 week.
- In addition to a detailed floor plan showing the size and location of the bin storage area, a Waste Management Statement shall be provided showing compliance with the City's requirements.

Maximum per bin weight shall not exceed 70kg for waste and 15kg for recycling.

7.3.1 – Waste Sources and Volumes Generated

See calculation:

Residential Units' Calculation

	General Waste Rates	Recycle Waste Rates	FOGO Waste Rates
Multiple Dwelling Unit	120L/week	240L/fortnight	40L/week
2 Studio units	80L/week x 2 = 160L	240L/fortnight x 2= 480L	40L/week x2= 80L
8 Two-bedroom units	120L/week x 8 = 960L	240L/fortnight x 8= 1920L	40L/week x8= 320L
Waste Compactor at 2:1			
Number of bins required	2 X 360L	7 X 360L (per week)	2 X 240L (per week)

The provision of bins for general waste and recycling are well more than that required for MUDs and is in line to the City's standard practice. Residential waste in this instance will be separated into general and recyclable products and stored in the associated receptacles.

7.4 – Storage Area Required

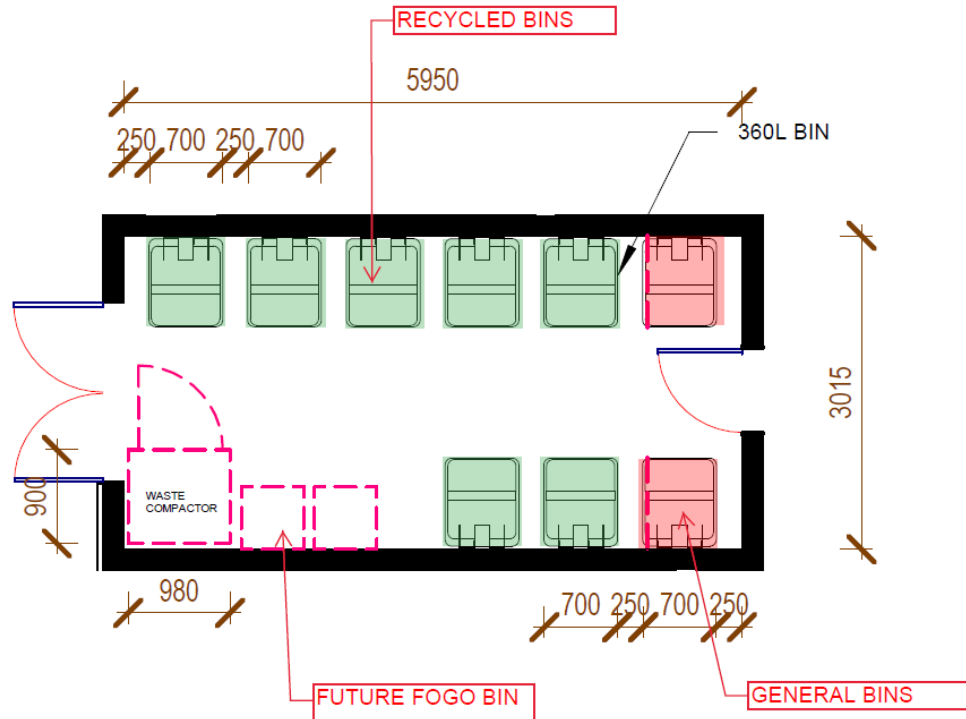
The City of Nedlands has indicated that the bin storage areas at this development must be adequate to contain all waste and recycled material generated on the premises for at least 1 week. Based on the number of bins required the below calculation for storage area is required. The Bulk collection area will be free of obstructions at all time.

7.4.1 – Residential Waste

We provide 18.0sqm of bin storage to accommodate 9 x 360L bins and 2 x 240L FOGO bins.

- 9 X 360L bin – with a total footprint 10 X 0.63sqm= 6.3sqm.
- 2 X 240L bin- with a total footprint 2 X 0.48sqm= 0.96sqm

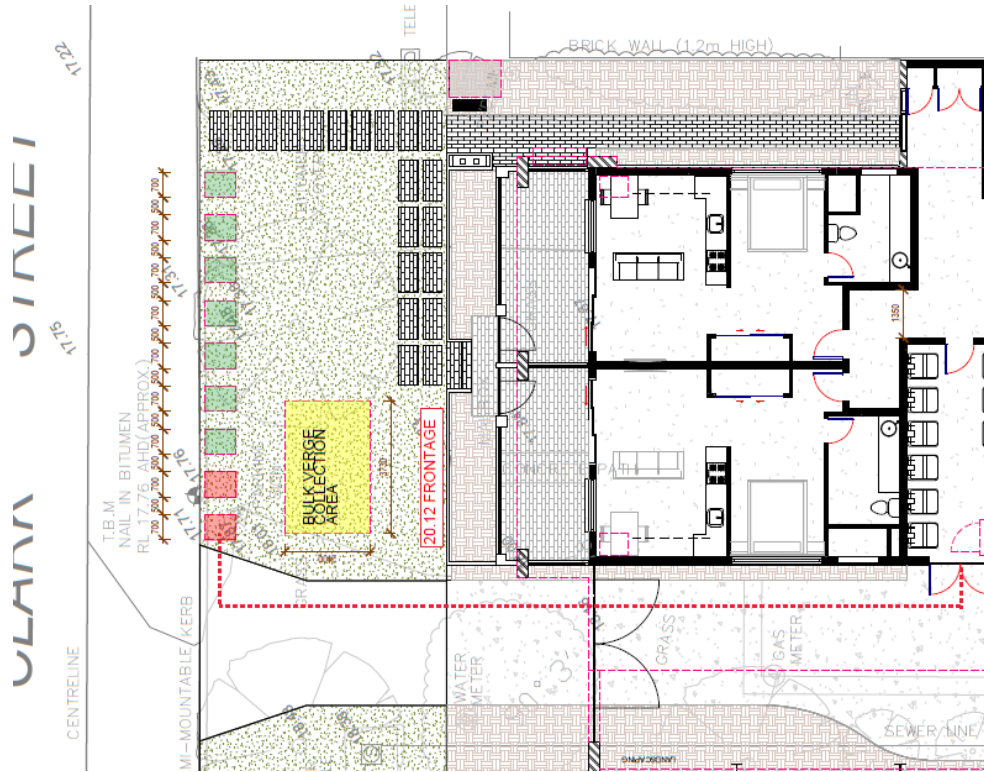
The location of the bin storage areas are out of view to the street as required by the Residential Design Codes, and are located in a convenient location for future residents. 2x 240L FOGO bins will be placed next to the Waste Compactor in the future.



7.5 – Movement of Waste within the Development

This waste is separated into different waste types by the occupier and transported by hand to the bin store, where it is placed in the relevant bin. Specific signage on use and obligations of occupiers will be placed on site. The nominated caretaker will manage the bins in the relevant bin area to ensure one bin is full before the next one is used by the apartment occupiers. The City of Nedlands' Waste Service will conduct on-kerb servicing for the communal bins on the appointed collection day. The City of Nedlands' Waste Services will be using side loader collection trucks to empty the bins respectively where they will be removed from site for further processing.

The path for wheeling the bins between the waste presentation point and the waste collection truck will be a flat surface (no steps or dock levelers) be free of obstacles and vehicle ramps at all times.



8 – Waste Management Plan Summary

As there are ten (10) residential units, the bin storage area proposed is 15.0sqm. The City's Waste Services will conduct on street collection with side loader collection trucks. The proposed Strata Management Statement will form of part of the Strata Title for this development. It will incorporate this Waste Management Plan and any changes to this plan must be approved by the City of Nedlands.

Due to the City's bin placement compliance and bin storage space constraints, the strata management will not be unable to request additional recycling bins in the future.

9 – Site Plan





PROPOSED APARTMENT DEVELOPMENT (10 RESIDENCE

LOT 421 (24) CLARK ST, NEDLANDS



TRANSPORT IMPACT STATEMENT



TRANSPORT IMPACT STATEMENT



City of Nedlands
 Received
 26 October 2020

Project details


Project Proposed Apartment Development (10 Residences)
 Location Lot 421 (24) Clark St, Nedlands
 Project ID 35602
 Client Tuscom Subdivision Consultants & Sincerity Group
 Description A Transport Impact Statement for a proposed Apartment development containing 10 residential apartments on Lot 421 Street No 24 Clark St in the City of Nedlands suburb of Nedlands prepared in accordance with the WAPC 2016 Transport Impact Assessment Guidelines and State Planning Policy 7.3.

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Author David Wilkins
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Revision status comments: D1 issued to client for comment and review. F1 issued as final report with additional bicycle bay.
 This is not an approved document unless certified here.

 Digitally signed by David Wilkins
 • Date: 2020.09.11 13:36:02 +08'00'

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ABOUT THE AUTHOR

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David's specialist skills are in the management and development of transport infrastructure and planning, particularly with respect to road safety engineering, roadworks traffic management, traffic engineering, crash investigation, road safety audits, alternative transport systems (TravelSmart, shared paths, cycle facilities), transport statements, transport assessments, parking demand management, local area traffic management, speed management, accessible environments and innovation.

David specialises in undertaking and preparing traffic impact assessments in accordance with either the WAPC document *Transport Impact Assessment Guidelines* ⁽¹⁾ or Austroads *Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments* ⁽²⁾. David has personally undertaken approximately 200 traffic impact assessments in the last 10 years.

1 INTRODUCTION

1.1 ASSESSMENT LEVEL

This Transport Impact Statement report has been prepared in accordance with the WAPC publication *Transport Impact Assessment Guidelines* (1). These guidelines indicate that a *Transport Impact Statement* (TIS) “is required for those developments that would be likely to generate moderate volumes of traffic and therefore would have a moderate overall impact on the surrounding land uses and transport networks, (in accordance with Table 1.)”

LAND USE	MODERATE IMPACT	HIGH IMPACT
	Transport Impact Statement required 10 – 100 vehicle trips in the peak hour	Transport Impact Assessment required > 100 vehicle trips in the peak hour
Residential	10–100 dwellings	> 100 dwellings

Table 1 - Level of TIA required by land use and size (Source Table 1 WAPC Guidelines Vol 4)

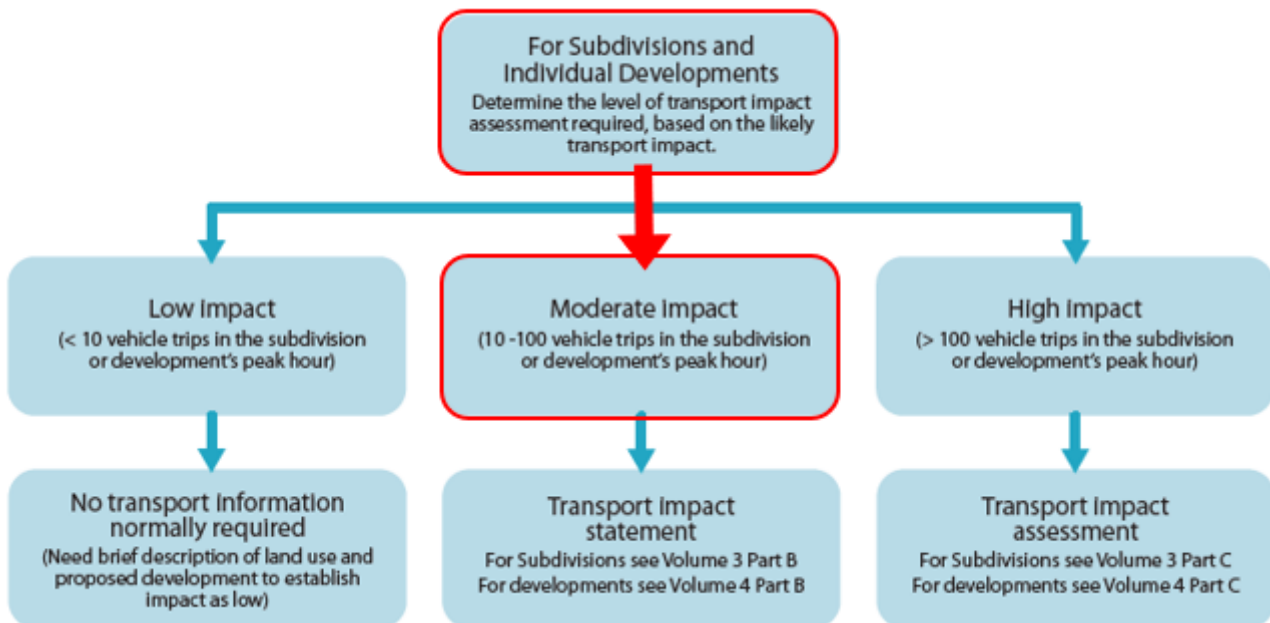


Figure 1 – Level of assessment required (Source Figure 2 WAPC Guidelines Vol 4)

The assessed forecast maximum hourly vehicle trips is 9, as discussed in **Section 1.2**.



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The WAPC Guidelines state that:

*“A transport impact statement is a **brief statement outlining the transport aspects of the proposed development**. The intent of the statement is to provide the approving authority with sufficient transport information to confirm that the proponent has adequately considered the transport aspects of the development and that it would not have an adverse transport impact on the surrounding area. **It is envisaged that the transport impact statement will generally be from two to three pages up to several pages in length**, but this will depend upon the number and nature of any specific issues that need to be addressed. **It is expected that most, if not all, of the information to be provided will be of a nontechnical nature**, that is, will not require input from a specialist in transportation planning or traffic engineering. This will, however, depend upon the nature of the specific issues to be addressed and specialist technical input may be required on occasions.”*

The proponent has held discussions with the City of Nedlands, and it has been determined that the key issues to be covered in this TIS are those related to parking and vehicular access. This TIS has therefore been prepared in accordance with the WAPC Guidelines with an emphasis on detailed assessment of the parking and vehicular access and a regular assessment of the other items in the Transport Impact Statement checklist, as shown in **Appendix B**.



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1.2 TRIP GENERATION

The most recent trip generation data for residential developments is included in the RMS NSW *Guide to Traffic Generating Developments Updated traffic surveys* (3). This data is for 'Low Density' and 'High Density' residential developments in the Urban and Rural areas of Sydney. 'Low Density' is defined as 130 persons/ hectare Medium Density 365 persons/ hectare and High Density 600 persons/ hectare. The area of Lot 421 is 0.09105 Hectares. There are two 1-bedroom apartments and eight 2-bedroom apartments and therefore it is likely to have a total of between 10 and 36 people (23 average), which equates to between 110 and 395 people per hectare, ranging between Low and Medium Density.

The forecast maximum trip generation for the site, based on 10 units/ apartments and Medium Density rates (determined from the average of Low and High Density rates) is between 6 and 9 trips, as shown in Table 2 below.

Land Use	Source	Adopted Trip Generation Rate	Units	Peak Hour Trips	rounded up			
					IN	OUT	IN	OUT
Medium Density Residential Flat (Sydney Urban) AM Ave	RMS	0.57 per 1 unit	10	6	20%	80%	2	5
Medium Density Residential Flat (Sydney Urban) AM Max	RMS	0.82 per 1 unit	10	8	20%	80%	2	7
Medium Density Residential Flat (Sydney Urban) PM Ave	RMS	0.57 per 1 unit	10	6	65%	35%	4	2
Medium Density Residential Flat (Sydney Urban) PM Max	RMS	0.86 per 1 unit	10	9	65%	35%	6	3

Table 2 – Trip Generation Calculations based on RMS data

The proposed development will replace an existing 2-bedroom 1-bathroom residential dwelling which would be expected to generate at least one trip during the morning and afternoon peak hours. On this basis the assessed maximum **traffic impact** is that associated with up to an additional 5 to 8 trips in the peak hours, i.e. a **Low Impact**.

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2 PROPOSED DEVELOPMENT

2.1 EXISTING LAND USES

The existing Lot contains a single 2-bedroom, 1-bathroom house, as shown in Photograph 1 and Photograph 2 below.



Photograph 1 – Existing land use: Aerial view of existing residence at 24 Clarke St



Photograph 2 – Existing land use: Looking south at street level from north verge of Clarke St



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2.2 PROPOSED LAND USE

The existing dwelling will be demolished, and the site cleared for the development of 10 apartments, as shown in the development drawings included in **Appendix A**, and described in Table 3 below.

	Bedrooms		Parking Bays			Bicycle Parking		Stores (4m ²)	
	1	2	Tenant	Visitor	MC/ Scooter	Tenant	Visitor		
Second Floor		4						2	
First Floor		4						2	
Ground Floor	2		10	3	0	5	2	6	
Totals	2	8	13			0	5	2	10
	10						7		

Table 3 – Summary of proposed land use

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2.3 CONTEXT WITH SURROUNDS

Clark St is an Access Road in the Main Roads WA Functional Road Hierarchy (4) and provides access between the development site and Bruce St to the west (a Local Distributor road) and Broadway to the east (a Distributor B road) and then Stirling Hwy (a Primary Distributor road), as shown in Figure 2 below.

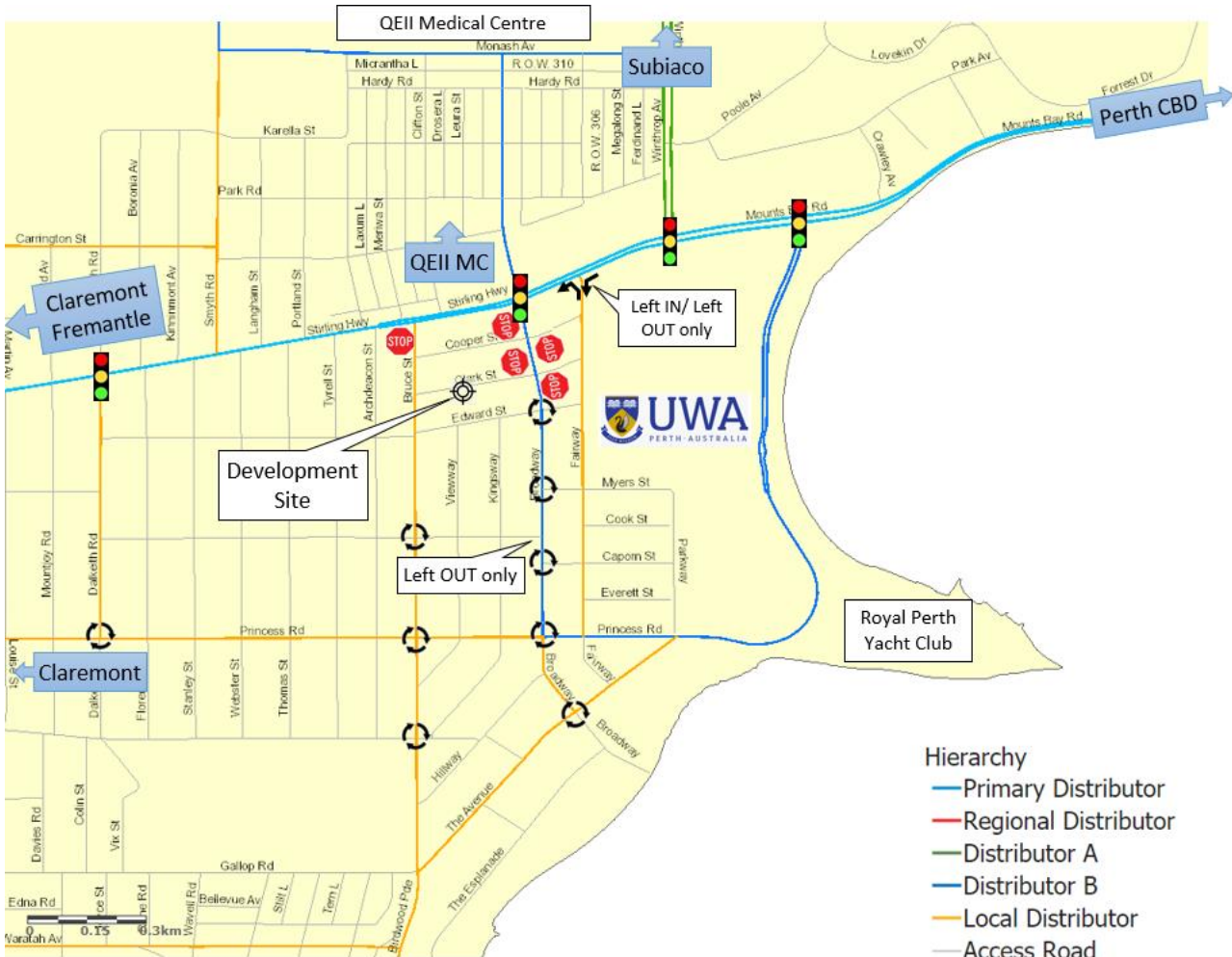


Figure 2 – Road Hierarchy, traffic control of access/ egress routes and context of surrounds

Lot 421 is zoned R60 Residential in the City’s Local Planning Scheme No. 3 (LPS 3 (5)) which was gazetted on 16 April 2019 and is now the legal document used to guide land use and development in the City of Nedlands.

A diagram showing the context of the development site to its surroundings, is provided as Figure 3 on the following page.

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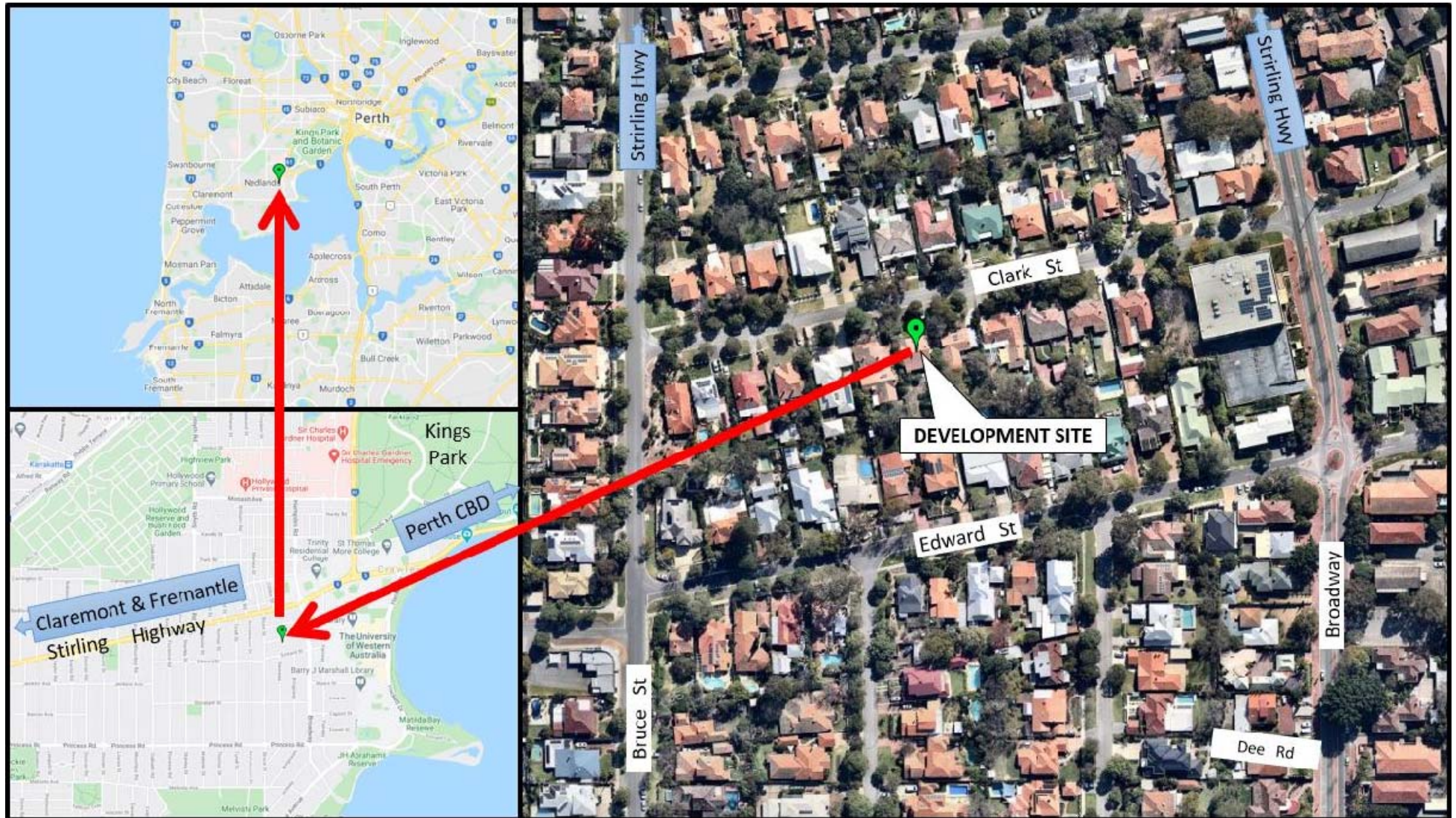


Figure 3 – Development site in context of its surroundings – Note extent of compact urban development in the vicinity of the Development Site

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3 VEHICLE ACCESS AND PARKING

3.1 ACCESS ARRANGEMENTS

All vehicular access to the development site is off Clarke St, a local access street. The existing access driveway on the east side of the site will be removed and a new 3.510 m wide access driveway will be provided on the west side to provide vehicular access to the 13 bay car park on the ground floor, as shown in Figure 4 below and in the Development Drawings included in **Appendix A**.



Figure 4 – Overlay of extract from development drawings with aerial photograph of site showing accesses

Vehicle access points are essential connections between the street and parking or delivery areas within the development.

Well-designed access and circulation areas improve safety and functionality for users, whereas poorly considered vehicle access may compromise the safety of pedestrians, residents, and traffic, as well as having a detrimental effect on the appearance and amenity of the streetscape. Design needs to balance the need for safe and efficient vehicle access and egress with the needs of pedestrians, other road users and impacts on the public realm.

The Vehicle Access design requirements are set out in Section 3.8 (Vehicle Access) of *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* (5).

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An assessment against the Acceptable Outcomes and Design Guidance criteria of Section 3.8 of SPP7.3 is provided in Table 4 below and Table 5 on the following pages.


ACCEPTABLE VEHICLE ACCESS OUTCOMES		Assessment comment
A 3.8.1	Vehicle access is limited to one opening per 20 m street frontage that is visible from the street.	Complies (one opening for 20.114 m street frontage)
A 3.8.2	Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.	Complies.
A 3.8.3	Vehicle entries have adequate separation from street intersections.	Complies. 110 m from Bruce St to the west and 190 m from Broadway to the east.
A 3.8.4	Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.	Complies. Property opposite has access driveway and parking area opposite proposed access driveway. 
A 3.8.5	Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/ egress requirements.	Complies. Clause 2.5.2 of AS/ NZS 2890.1 (6) states one-way roadway to be 3.0 m. Clause 3.2.2 indicates that 30 or more movements in a peak hour requires provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5 m. On long driveways, passing opportunities should be provided at least every 30 m. Max movements of 9 expected in an hour. Passing opportunity has been provided 20 m from the southern kerb on Clarke St.
A 3.8.6	Driveways designed for two-way access to allow for vehicles to enter the street in forward gear where:	Complies.
	<ul style="list-style-type: none"> the driveway serves more than 10 dwellings 	Not Applicable. 10 dwellings.
	<ul style="list-style-type: none"> the distance from an on-site car parking to the street is 15 m or more OR 	Applicable. 23.0 m.
	<ul style="list-style-type: none"> the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road. 	Not applicable. Local road.
A 3.8.7	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 5 & Figure 6 on following page).	Complies.

Table 4 – Assessment of Acceptable Vehicle Access Outcomes in SPP7.3

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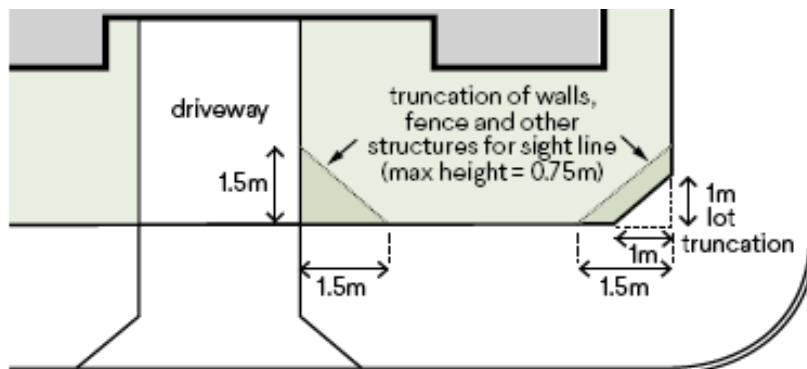


Figure 5 – Truncation at driveway and street corner to provide sightlines (Figure 3.8a of SSP7.3)



Figure 6 – Overlay of required truncation at driveway to provide sightline (bush to be removed)

VEHICLE ACCESS DESIGN GUIDANCE		Assessment comment
DG 3.8.1	Good design can reduce the visual impact of vehicle access at the street frontage. Consider:	
	Providing access from a secondary street where possible	Not applicable.
	Keeping the width to a minimum and avoiding vehicle standing areas within the street setback	Complies.
	In built passing points but not the full driveway length	Complies. Passing point provided 20 m from the southern kerb on Clarke St.
	Positioning ramps, gates, and roller doors behind the main building frontage	Complies.
	Selecting materials and colours that identify the access point while integrating with the built form and streetscape	Complies. Refer development drawings.
	Minimising voids in the building façade through the use of doors or gates at entries or returning the façade detailing along exposed sides/ interior of driveways	Complies. Refer development drawings.
	Concealing building services, pipes, and ducts within visible parking areas.	Insufficient detail to assess at this stage.

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VEHICLE ACCESS DESIGN GUIDANCE		Assessment comment
DG 3.8.2	Locate and design vehicle access to minimise impacts on pedestrians, in particular ensuring that vehicles exiting the site have adequate visibility of oncoming pedestrians, cyclists and vehicles.	Complies.
DG 3.8.3	Visitor bays are readily accessed from the primary vehicle entry. Where located inside security gates, provide intercom controls to facilitate visitor access.	Complies if intercom provided.
DG 3.8.4	Consider design solutions to reduce the impact of vehicle entries and circulation areas within the site accommodating appropriate sightlines and safety considerations, such as:	
	Using changes in materials, colour, levels, or landscaping to delineate pedestrian and vehicle circulation areas and define pedestrian paths in shared areas.	Complies. Refer development drawings.
	Locating vehicle entries to minimise ramp lengths and excavation	Not applicable (No ramps).
	Where required, incorporating aesthetically pleasing traffic calming devices that are integrated into the design such as changes in paving material or textures	Not applicable. Length not sufficient to achieve 30 km/h to warrant traffic calming (Clause 4.9 of AS/ NZS 2890.1).
	Reducing parts of the driveway to single lane (3m width) to allow for the incorporation of deep soil areas	Complies.
	Minimising the visual impact of unavoidable long driveways through changing alignments and screen planting.	Complies.
DG 3.8.5	Minimise the need for large vehicles to enter and manoeuvre within the site. Where it is required, ensure a well-planned path of travel with sufficient clearance distances and site lines. This requires consideration of building servicing requirements, including waste collection, during the preliminary design.	Complies. Waste collection to be kerbside.

Table 5 – Assessment of Acceptable Vehicle Access Design in SPP7.3

3.2 PUBLIC, PRIVATE, 'DISABLED' PARKING, SET-DOWN/ PICK-UP

Car parking within apartment buildings can have a significant impact on site planning, landscape and building design. It requires careful consideration in the design phase to ensure that car parking provided does not detract from the overall design intent or the intended character of the streetscape.

Car parking can account for significant land-take at the expense of landscaping and open space. Car parking areas can also have negative environmental impacts such as heat gain from solar absorption, glare, and stormwater contamination. Reducing onsite parking requirements can mitigate these impacts and may also encourage greater use of alternative transport modes to the private vehicle. On the other hand, residents expect adequate, safe, and accessible car parking and the local community should not be adversely impacted by on-street parking associated with development.

The design process must balance these requirements to provide sufficient parking that is well integrated into the overall design of the development and does not detract from the streetscape.

The car and bicycle design requirements are set out in Section 3.9 (Car and bicycle parking) of *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* (5).

An assessment against the Acceptable Outcomes criteria of Section 3.9 of SPP7.3 is provided as Table 6 below, continuing on the following page.

ACCEPTABLE CAR AND BICYCLE PARKING OUTCOMES		Assessment comment
A 3.9.1	Secure, undercover bicycle parking is provided in accordance with Table 3.9 (Table 8 in this TIS) and accessed via a continuous path of travel from the vehicle or cycle entry point.	7 bicycle bays provided on Ground Floor level, 5 for tenants in the car park and 2 for visitors at the front. Each dwelling has an allocated store room suitable for the secure storage of bicycles.
A 3.9.2	Parking is provided for cars and motorcycles in accordance with Table 3.9 (Table 8 in this TIS).	Complies – refer Table 9 on page 20.
A 3.9.3	Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9 (Table 8 in this TIS).	Complies. Table 9 on page 20 indicates that a total of 13 bays is specified and proposed.
A 3.9.4	Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments (Refer	Complies. Refer assessment in Table 7 and Section 3.3 of this TIS. SSP7.3 prefers narrower driveways than the standard.
A 3.9.5	Car parking areas are not located within the street setback and are not visually prominent from the street.	Complies.
A 3.9.6	Car parking is designed, landscaped, or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.	Complies. Refer development drawings.

ACCEPTABLE CAR AND BICYCLE PARKING OUTCOMES		Assessment comment
A 3.9.7	Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.	Complies when signed.
A 3.9.8	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.	Not applicable.
A 3.9.9	Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.	Not applicable.
A 3.9.10	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.	Not applicable.

Table 6 – Assessment of Acceptable Car and Bicycle Parking Outcomes in SPP7.3

An assessment of the car parking and vehicle circulation areas against the requirements of AS/ NZS 2890.1 in accordance with **Outcome A 3.9.4** in Table 6 is provided in Table 7 below, continuing on the following pages.

Criteria	Section	Adopted and AS/ NZS 2890.1 (6) comments	Complies?
Classification	1.4	User Class 1A adopted <i>Residential, domestic and employee parking,</i>	✓
Design coordination	2.3.1	The layout design of an off-street car park shall consider the entire facility, including parking modules, circulation roadways, access driveways and, if necessary, frontage road access, as an integrated and coordinated design. Provision for traffic within a parking facility shall take into account the following: (a) The need for traffic to move to and from the frontage road with minimum disruption to through traffic and maximum pedestrian safety. (b) Provision of adequate capacity in circulation roadways and parking aisles to handle peak period movements. (c) Arrangement of internal roadways to avoid, as far as practicable, conflicts between intersecting streams of circulating traffic. (d) Provision of minimum length travel paths between entry/exit points and parking spaces. (e) Safe treatment of points of conflict with pedestrians and other road users. (f) Provision of parking spaces and accessible pedestrian paths for people with disabilities (<i>Building Code of Australia (6) does not require provision of parking spaces for people with a disability within a Class 1A Building</i>).	✓
Parking angle	2.3.2	90-degree parking adopted. <i>Parking aisles for 90-degree parking shall be designed for two-way movement even though one-way movement may need to be imposed in some instances.</i>	✓

Criteria	Section	Adopted and AS/ NZS 2890.1 (6) comments	Complies?
Parking aisle length	2.3.3	Maximum parking aisle length = 17.7 m <i>If a parking aisle exceeds 100 m in length, (i.e. more than about 40 × 90-degree parking spaces on either side) traffic control devices such as speed humps shall be placed along the parking aisle to control vehicle speeds.</i>	✓
Angle parking spaces	2.4.1	Required width for Class 1A bay is 2.4 m with 0.3 m clearance to walls. Required length for Class 1A bay to a wall is 5.4 m. Minimum bays sizes proposed are 2.4 m wide and 5.5 m long with more than 300 mm clearance to side walls.	✓
Angle parking aisle	2.4.2	A minimum aisle width of 6 m has been adopted throughout the car park. <i>The minimum aisle width for User Class 1A is 5.8 m. Dimensions for 90-degree parking aisles are for two-way aisles. These dimensions are required to be observed even though one-way movement along aisles is imposed for other purposes.</i> The aisle has been extended 1 m beyond the last parking space. <i>Blind aisles</i> <i>At blind aisles, the aisle shall be extended a minimum of 1 m beyond the last parking space (as shown in Figure 2.3 of AS/ NZS 2890.1), and the last parking space widened by at least 300 mm if it is bounded by a wall or fence.</i> <i>NOTE: Where practicable the space should be widened by the same amount as the aisle is lengthened.</i>	✓
Gradients within parking modules	2.4.6	The gradient of all parking modules is not indicated although spot levels are. <i>So that parking floors will drain adequately, the minimum gradient shall be 1 in 200 (0.5%) for covered areas.</i>	Insufficient detail to assess at this stage.
Layout design of circulation roadways and ramps	2.5.2	A 3.5 m wide (between 300 m wide kerbs to walls) and 13 m long circulation roadway has been provided between the property boundary and the 6.0 m wide circulation roadway (passing point). <i>Where the circulation roadway leading from a Category 1 access driveway is 30 m or longer, or sight distance from one end to the other is restricted, and the frontage road is an arterial or sub-arterial road, both the access driveway and the circulation roadway for at least the first 6 m from the property boundary shall be a minimum of 5.5 m wide. In other cases, subject to consideration of traffic volumes on a case-by-case basis, lesser widths, down to a minimum of 3.0 m at a domestic property, may be provided. As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5 m. On long driveways passing opportunities should be provided at least every 30 m.</i>	✓ Max volume of 9 vehicles in peak hour. 3.5 m width selected with 6 m width (passing point) after 20 m (13 m long circulation roadway + 7 m long access driveway).

Criteria	Section	Adopted and AS/ NZS 2890.1 (6) comments	Complies?
Circulation roadway and ramp grades	2.5.3	<p><i>Straight ramps:</i></p> <p><i>(i) Longer than 20 m—1 in 5 (20%) maximum.</i></p> <p><i>(ii) Up to 20 m long—1 in 4 (25%) maximum. The allowable 20 m maximum length shall include any parts of grade change transitions at each end that exceed 1 in 5 (20%).</i></p> <p><i>Grade change transitions will be required in both cases where grades are at or near the maximum</i></p>	Not applicable (no ramps)
Access driveway width location	3.2	<p>The access driveway is shown as 6.0 m wide.</p> <p><i>Tables 3.1 and 3.2 from AS/ NZS 2890.1 indicate that the minimum width for the access driveway is 3 m.</i></p>	✓
Pavement markings	4.4	<p><i>Parking spaces other than those for people with disabilities shall be delineated by means of white or yellow lines 80 to 100 mm wide, or white or yellow pavement markers in one or other of the forms and patterns illustrated in Figure 4.1 of AS2890.1. Pavement markers, if used, shall be substantially flush i.e. not higher than 3 mm.</i></p>	Insufficient detail to assess at this stage.
Parcel pickup	4.5	<p><i>Parcel pick-up areas shall be designed so that queues do not interrupt the flow of vehicles in the circulation roadways. Pedestrians shall be able to move freely around vehicles in the pick-up zone without being endangered by traffic entering or leaving the parcel pick-up area.</i></p>	✓ Visitor bays or on-street
Headroom	5.3	<p><i>To permit access for both cars and light vans, the height between the floor and overhead obstruction shall be a minimum of 2200 mm. The minimum available clearance shall be signposted at all entrances. Appropriate warning devices such as flexible striker bars shall be provided in conjunction with the signs wherever the clearance shown on the signs is less than 2.3 m. Low clearance signs are specified in Clause 4.3.4(a) of AS/ NZS 2890.1.</i></p> <p><i>NOTE: A considerable amount of inconvenience can be caused by collisions with overhead appurtenances such as fire sprinklers. Care should be exercised in the location of these devices where headroom is limited. Headroom at a 'sag' type grade change shall be measured as illustrated in Figure 5.3 of AS/ NZS 2890.1. It shall be measured perpendicular to a chord of length equal to the wheelbase of the B99 vehicle located longitudinally such that the dimension H is a minimum.</i></p>	✓ Minimum height between floor and overhead slab scales at 2.6 m.

Table 7 – Assessment of car parking and vehicle circulation areas against AS/ NZS 2890.1

The car and bicycle parking requirements in SPP7.3 are shown in Table 8 below.

Parking types		Location A	Location B
Car parking ¹	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 ¹	Resident	0.5 space per dwelling	
	Visitor	1 space per 10 dwellings	
Motorcycle/ Scooter parking ²		Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays	
¹ Calculations of parking ratios shall be rounded up to the next whole number. ² For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay. Definitions: Location A: 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. Location B: not within Location A.			

Table 8 – Car and bicycle parking requirements (Source Table 3.9 – Parking ratio SPP7.3)

The calculation of the car and bicycle parking requirements for the proposed development, which is within 'Location A', (refer **Section 7**) is shown in Table 9 below. This shows that the development complies with, or exceeds, all parking provision requirements under *State Planning Policy 7.3*.

Vehicle	Use	Rate	Units	*Rounded up		Provided
				Required*		
Car	1 bedroom dwelling residents	0.75 bays per dwelling	2	2	10	10
	2+ bedroom dwelling residents	1.00 bays per dwelling	8	8		
	Visitors (First 12 dwellings)	1.00 bays per 4 dwellings	3	3	3	3
Bicycle	Residents	0.50 space per dwelling	10	5		5
	Visitors	1.00 space per 10 dwellings	1.0	1		2
Motorcycle/ scooter	> 20 dwellings	1.00 space per 10 bays	1.3	0		0

Table 9 – Assessment of car, motorcycle/ scooter and bicycle parking requirements and provision

Note that the storage areas provided for each dwelling is also able to be used for bicycle storage.



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4 SERVICE VEHICLES

4.1 RUBBISH COLLECTION

The proponent has indicated that waste and recyclable collection will be via regular weekly and fortnightly kerbside collection.

4.2 EMERGENCY VEHICLE ACCESS

There are no identified concerns with access by emergency vehicles.

5 TRAFFIC VOLUMES AND VEHICLE TYPES

5.1 EXISTING DAILY AND PEAK TRAFFIC VOLUMES

There is no known traffic volume data for Clarke St.

The forecast additional traffic volumes of up to 8 vehicles during the peak hours is less than the minimum of 10 vehicles in the peak hour that warrants assessment in the Guidelines, i.e. low impact.

5.2 EXISTING TYPES OF VEHICLES

With the exception of service and waste collection vehicles, all vehicles associated with the proposed development are expected to be light vehicles.

5.3 PROPOSED DAILY AND PEAK TRAFFIC VOLUMES

As indicated in **Section 1.2**, the proposed development is expected to generate up to 9 trips during its peak hours which are the same as the road network peak hours, i.e. 7.30-8.30 AM and 4.30-5.30 PM. This represents 1 trip every 6 or 7 minutes during the peak hours, i.e. a low impact.

Daily volumes are expected to be around 40 trips.

6 TRAFFIC MANAGEMENT ON FRONTAGE STREET

The layout of Clark St in the vicinity of the subject site is best described through Photograph 3 below.

Clarke St is subject to the default urban speed limit of 50 km/h.

There is a NO PARKING restriction on the north side and a 1 Hour Parking Restriction between 8 AM and 5 PM Monday to Friday on the south side, i.e. the development side.



Photograph 3 – Looking east on Clarke St just west of development site

7 PUBLIC TRANSPORT ACCESS

Nearest bus routes	23 on Bruce St 24 & 29 on Broadway 23, 102,103, 107, 998* and 999* on Stirling Hwy *High Frequency Bus Routes
Nearest train route	Perth-Fremantle Line
Nearest bus stops	Bruce St (2 min walk), Broadway (4 min walk), Stirling Hwy (6 min walk)
Nearest train station	Loch St (35-minute walk/ 11-minute cycle away)
Pedestrian/ cycle link to bus stops	Paths on north side of Clarke St, west side of Bruce St and both sides of Broadway. Matheson Rd. Edward St, Bruce St and Fairway designated as a 'Good Road Riding Environment' route in the Perth, Fremantle & Stirling Comprehensive Bike Map.
Pedestrian/ cycle link to train station	A network of 'Good Road Riding Environment' local roads and off-road cycle paths.

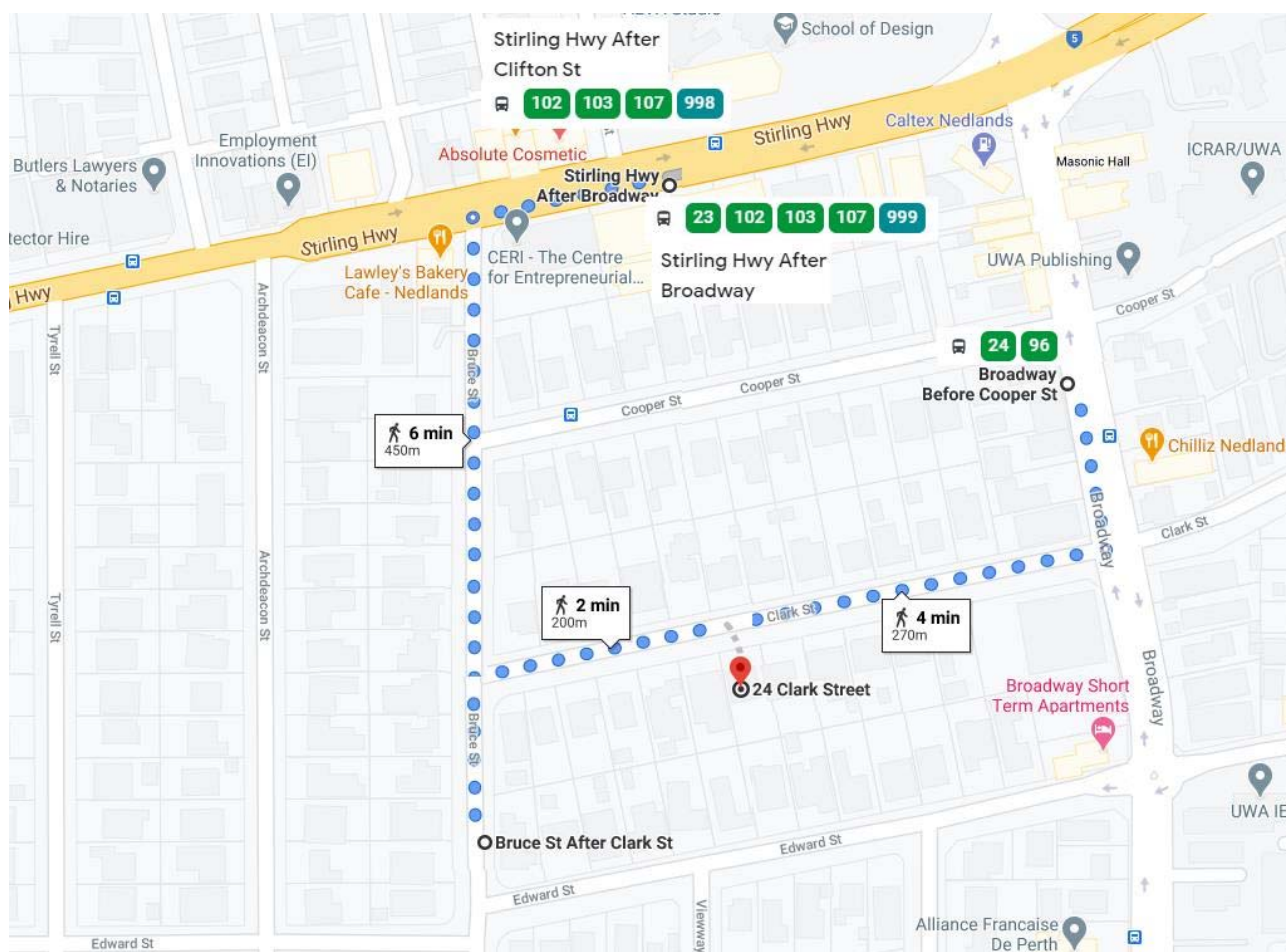


Figure 7 – Nearest bus stops and routes showing walking distances



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8 PEDESTRIAN ACCESS/ FACILITIES

Existing pedestrian facilities within the development	Not applicable (1 house to be demolished)
Proposed pedestrian facilities within the development	Separate entrance from vehicular entrance.
Existing pedestrian facilities on surrounding roads	Paths on north side of Clarke St, west side of Bruce St and both sides of Broadway. Matheson Rd. Edward St, Bruce St and Fairway designated as a 'Good Road Riding Environment' route in the Perth, Fremantle & Stirling Comprehensive Bike Map.
Proposals to improve pedestrian access	None identified or warranted.

9 CYCLE ACCESS/ FACILITIES

Existing cycle facilities within the development	Not applicable (1 house to be demolished)
Proposed cycle facilities within the development	5 Tenants and 2 Visitor plus 10 stores.
Existing cycle facilities on surrounding roads	A network of 'Good Road Riding Environment' local roads and off-road cycle paths (e.g. Kings Park, Matilda Bay and Mounts Bay Rd.)
Proposals to improve cycling access	None identified or warranted.

10 SITE SPECIFIC ISSUES

There are no identified site-specific issues.

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References

1. **Western Australian Planning Commission.** *Transport Impact Assessment Guidelines.* Department of Planning, Government of Western Australia. Perth, Western Australia : Western Australian Planning Commission, August 2016. p. 182, Revised August 2016. The current version of the TIA guidelines (August 2016) has been endorsed by the WAPC..
2. **Austrroads.** *Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments.* Austrroads. Sydney, NSW : Austrroads Ltd, April 2020. p. 113, Guide to Traffic Management. ISBN 978-1-925854-86-2.
3. **NSW Government.** *Guide to Traffic Generating Developments Updated traffic surveys.* Transport, Roads & Maritime Services. Sydney : NSW Government, August 2013. p. 22, Technical Direction. RMS.13.298.
4. **Main Roads Western Australia.** Perth Metropolitan Area Functional Road Hierarchy. [ed.] Asset & Network Information. Perth, WA, Australia : Main Roads Western Australia, August 1997.
5. **Government of Western Australia.** *City of Nedlands Local Planning Scheme No. 3.* Department of Planning, Lands and Heritage. Perth : Department of Planning, Lands and Heritage, Gazetted 16/04/2019. p. 42, Gazetted 16/04/2019.
6. —. *State Planning Policy 7.3: Residential Design Codes. Volume 2 - Apartments.* Department of Planning, Lands and Heritage. Perth : Western Australian Planning Commission, February 2019. p. 149, Version 1.
7. **Standards Australia.** *AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking.* Sydney : Standards Australia/ Standards New Zealand, 2004. p. 77. (Incorporating Ammendment No 1). ISBN 0 7337 5742 1.
8. **Australian Building Codes Board (ABCB).** *The Building Code of Australia.* Canberra : Australian Building Codes Board (ABCB), 2010. The Building Code of Australia (BCA) is Volumes One and Two of the National Construction Code (NCC). The BCA is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Australian Government and State & Territory Governments..



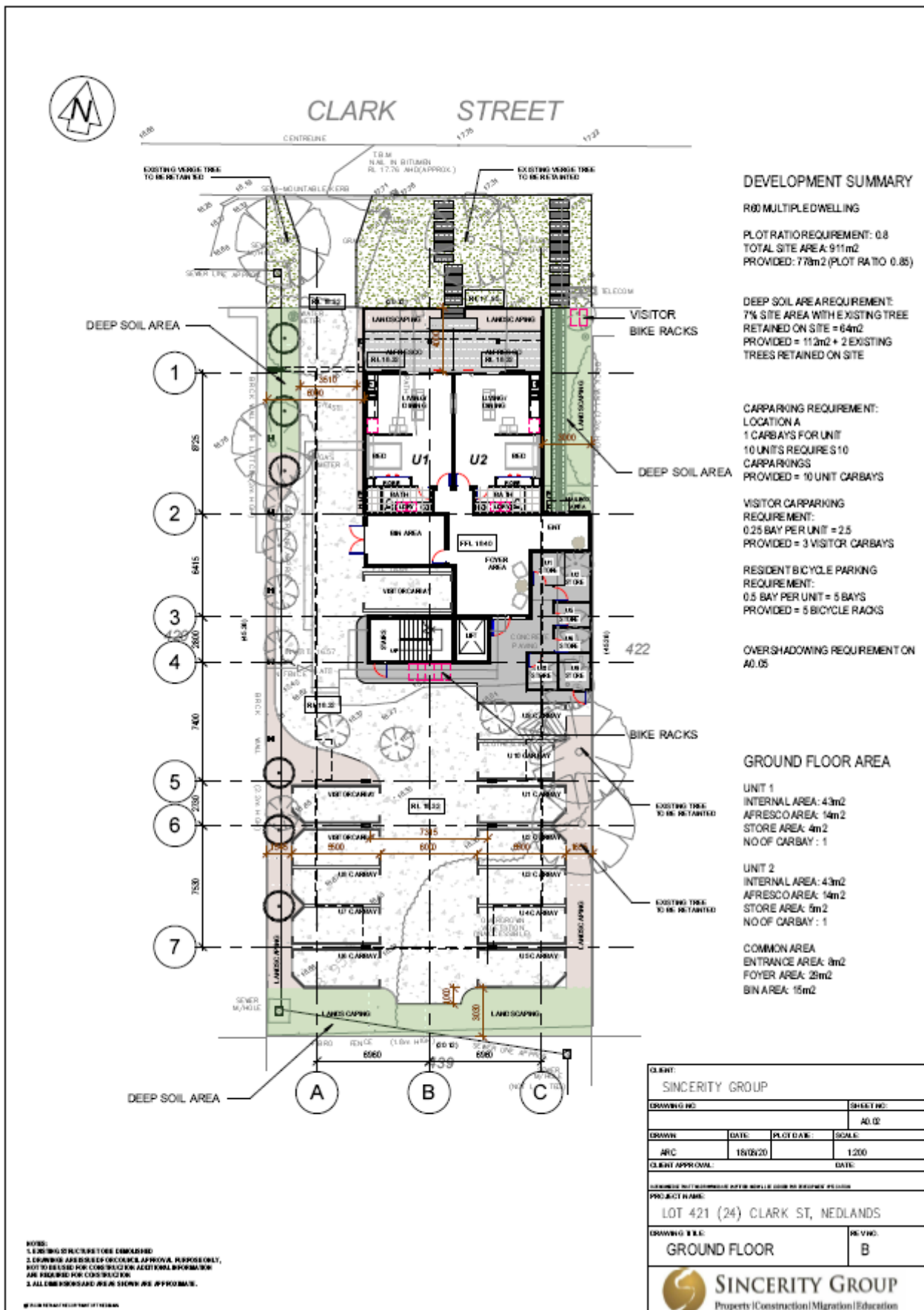
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APPENDIX A DEVELOPMENT DRAWINGS



24 CLARK ST, NEDLANDS
 APARTMENTS PROPOSAL

CLIENT: SINCERITY GROUP			
DRAWING NO:			SHEET NO: A/00
DRAWN: ARC	DATE: 19/09/20	PLOT DATE:	SCALE: 1:200
CLIENT APPROVAL:			DATE:
PROJECT NAME: LOT 421 (24) CLARK ST, NEDLANDS			
DRAWING TITLE: FRONT COVER			REV. NO.: B
SINCERITY GROUP Property Construction Migration Education			



DEVELOPMENT SUMMARY

R60 MULTIPLE DWELLING
PLOT RATIO REQUIREMENT: 0.8
TOTAL SITE AREA: 911m²
PROVIDED: 778m² (PLOT RATIO 0.85)

DEEP SOIL AREA REQUIREMENT:
7% SITE AREA WITH EXISTING TREE
RETAINED ON SITE = 64m²
PROVIDED = 112m² + 2 EXISTING
TREES RETAINED ON SITE

CARPARKING REQUIREMENT:
LOCATION A
1 CARBAY FOR UNIT
10 UNITS REQUIRES 10
CARPARKINGS
PROVIDED = 10 UNIT CARBAYS

VISITOR CARPARKING
REQUIREMENT:
0.25 BAY PER UNIT = 2.5
PROVIDED = 3 VISITOR CARBAYS

RESIDENT BICYCLE PARKING
REQUIREMENT:
0.5 BAY PER UNIT = 5 BAYS
PROVIDED = 5 BICYCLE RACKS

OVERSHADOWING REQUIREMENT ON
A0.05

GROUND FLOOR AREA

UNIT 1
INTERNAL AREA: 43m²
AFRESCO AREA: 14m²
STORE AREA: 4m²
NO OF CARBAY : 1

UNIT 2
INTERNAL AREA: 43m²
AFRESCO AREA: 14m²
STORE AREA: 5m²
NO OF CARBAY : 1

COMMON AREA
ENTRANCE AREA: 8m²
FOYER AREA: 23m²
BIN AREA: 15m²

CLIENT: SINCERITY GROUP			
DRAWING NO:		SHEET NO:	
		A1.02	
DRAWN:	DATE:	PLOT DATE:	SCALE:
ARC	18/09/20		1:200
CLIENT APPROVAL:		DATE:	
DRAWING NOT VALID FOR CONSTRUCTION UNLESS APPROVED BY LOCAL GOVERNMENT			
PROJECT NAME: LOT 421 (24) CLARK ST, NEDLANDS			
DRAWING TITLE: GROUND FLOOR		REV. NO.: B	
SINCERITY GROUP Property Construction Migration Education			

NOTES:
1. EXISTING STRUCTURES TO BE DEMOLISHED
2. EXISTING AREAS ARE SUBJECT TO APPROVAL, PURPOSE ONLY,
NOT TO BE USED FOR CONSTRUCTION. ADDITIONAL INFORMATION
AND FEES ARE FOR CONSTRUCTION.
3. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
4. FOR FURTHER INFORMATION CONTACT THE ARCHITECT.

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FIRST FLOOR AREA

UNIT 3
 INTERNAL AREA: 81m²
 BALCONY AREA: 10m²
 STORE AREA: 6m²
 NO OF CARBAY : 1

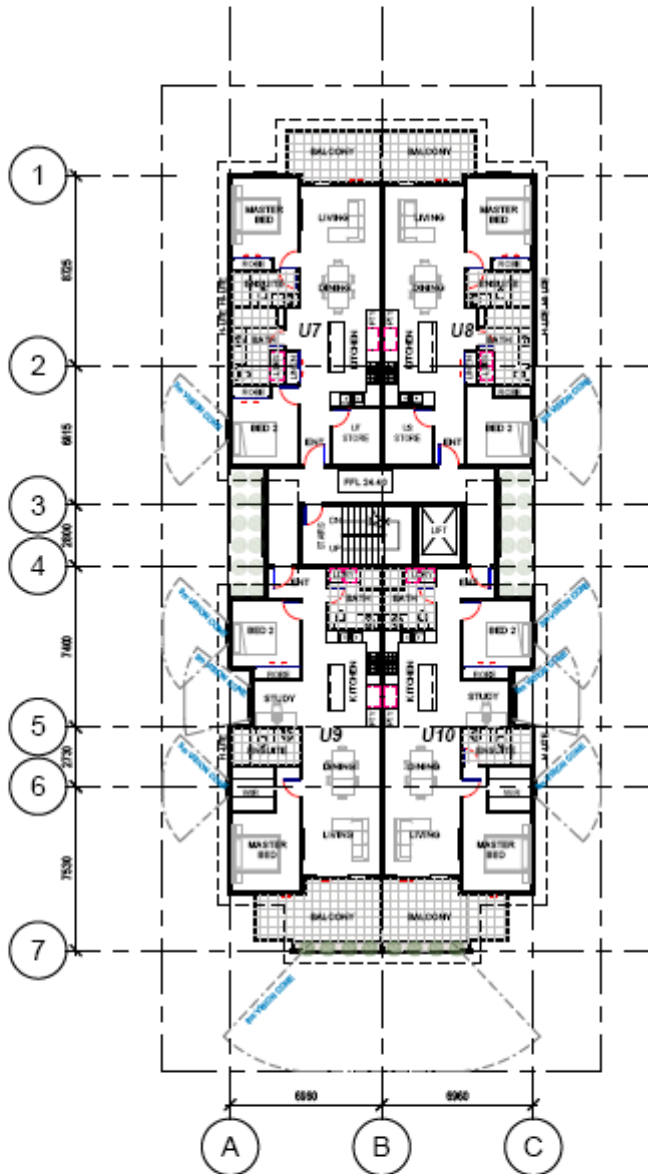
UNIT 4
 INTERNAL AREA: 81m²
 BALCONY AREA: 10m²
 STORE AREA: 6m²
 NO OF CARBAY : 1

UNIT 5
 INTERNAL AREA: 92m²
 BALCONY AREA: 17m²
 STORE AREA: 4m²
 NO OF CARBAY : 1

UNIT 6
 INTERNAL AREA: 92m²
 BALCONY AREA: 17m²
 STORE AREA: 4m²
 NO OF CARBAY : 1

NOTES:
 1. EXISTING STRUCTURE TO BE DEMOLISHED
 2. DIMENSIONS ARE FOR CONSTRUCTION APPROVAL PURPOSE ONLY.
 NOT TO BE USED FOR CONSTRUCTION. ADDITIONAL INFORMATION
 ARE REQUIRED FOR CONSTRUCTION.
 3. ALL DIMENSIONS AND AREAS GIVEN ARE APPROXIMATE.

CLIENT: SINCERITY GROUP			
DRAWING NO:		SHEET NO:	
		A3.03	
DRAWN:	DATE:	PLOT DATE:	SCALE:
ARC	18/05/20		1:200
CLIENT APPROVAL:		DATE:	
CUSTOMER HAS VIEWED AND APPROVED THESE PLANS. I AGREE TO THE PLANS PREPARED. PROJECT NAME: LOT 421 (24) CLARK ST, NEDLANDS			
DRAWING TITLE:		REV NO:	
FIRST FLOOR		B	
SINCERITY GROUP Property Construction Migration Education			



SECOND FLOOR AREA

UNIT 7
 INTERNAL AREA: 81m²
 BALCONY AREA: 10m²
 STORE AREA: 6m²
 NO OF CARBAY : 1

UNIT 8
 INTERNAL AREA: 81m²
 BALCONY AREA: 10m²
 STORE AREA: 6m²
 NO OF CARBAY : 1

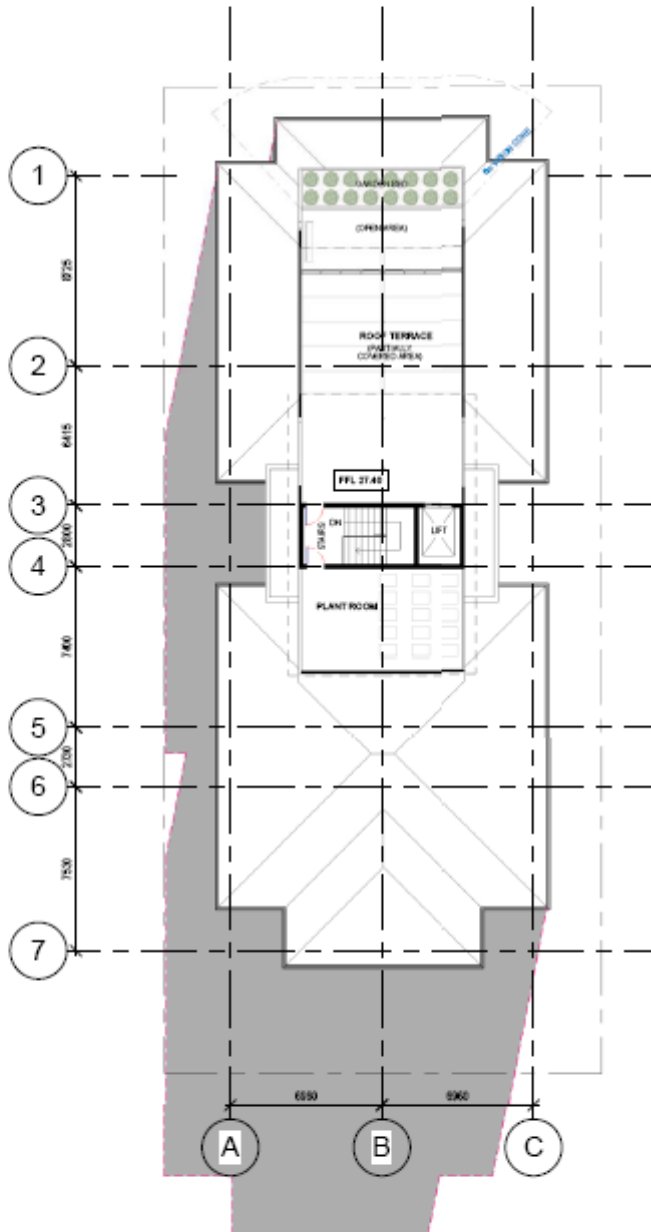
UNIT 9
 INTERNAL AREA: 92m²
 BALCONY AREA: 17m²
 STORE AREA: 4m²
 NO OF CARBAY : 1

UNIT 10
 INTERNAL AREA: 92m²
 BALCONY AREA: 17m²
 STORE AREA: 4m²
 NO OF CARBAY : 1

NOTES:
 1. EXISTING STRUCTURE TO BE DEMOLISHED
 2. DRAWINGS ARE ISSUED FOR COUNCIL APPROVAL PURPOSE ONLY.
 NOT TO BE USED FOR CONSTRUCTION. ADDITIONAL INFORMATION
 ARE REQUIRED FOR CONSTRUCTION.
 3. ALL DIMENSIONS AND AREA FIGURES ARE APPROXIMATE.

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CLIENT: SINCERITY GROUP			
DRAWING NO:		SHEET NO:	
		A0.04	
DRAWN:	DATE:	PLOT DATE:	SCALE:
ARC	18/08/20		1:200
CLIENT APPROVAL:		DATE:	
PROJECT NAME: LOT 421 (24) CLARK ST, NEDLANDS			
DRAWING TITLE: SECOND FLOOR		REV NO: B	
SINCERITY GROUP Property Construction Migration Education			



ROOF FLOOR AREA

- COMMON AREA
- PLANT ROOM AREA: 35m²
- ROOF TERRACE COVERED AREA: 60m²
- OPEN SPACE AREA WITH GARDEN BED: 34m²

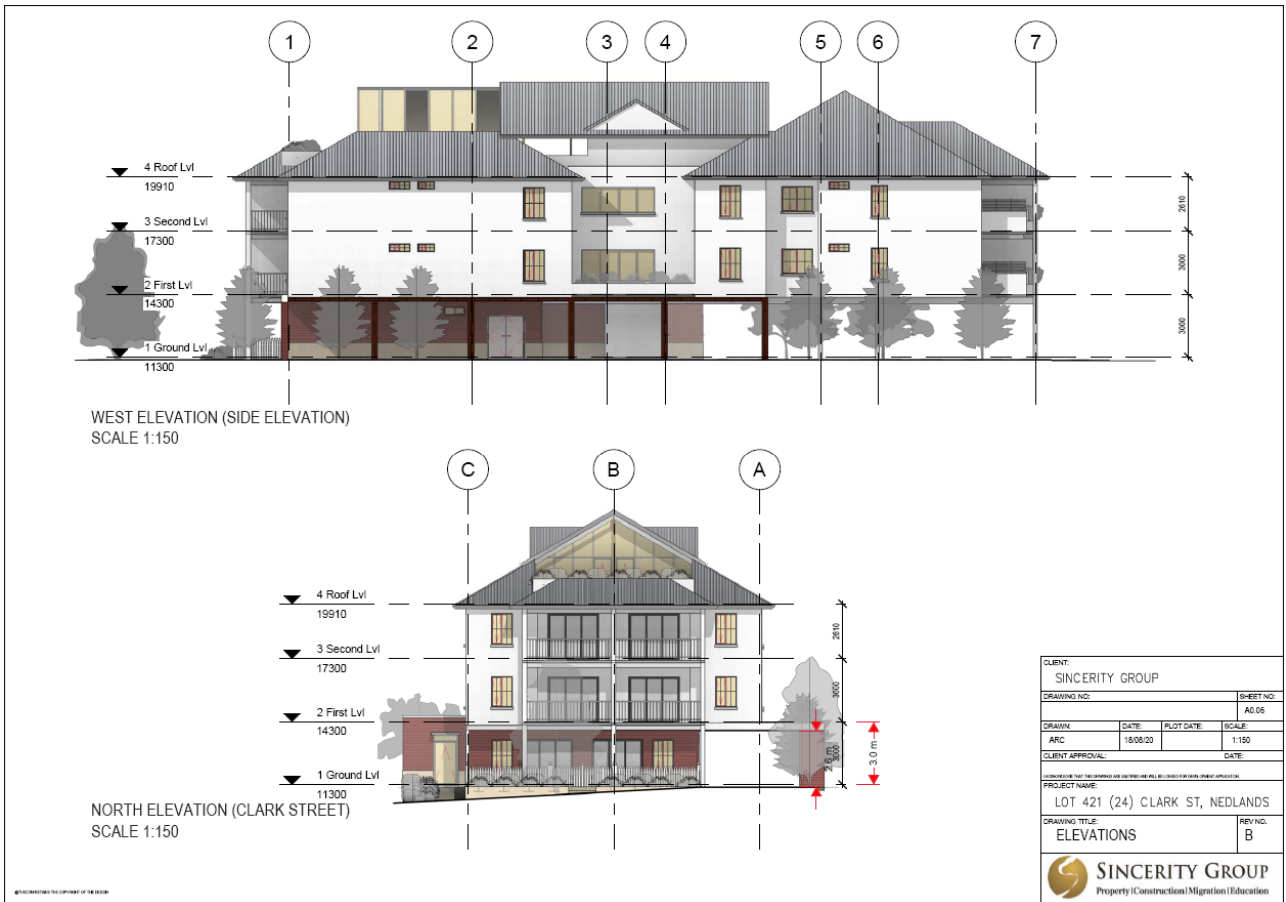
OVERSHADOWING

- ALLOWABLE OVERSHADOWING FOR LOT 439:
- 50% OF 911m² = 455M²
- USED = 99m² (11%)

NOTES:
 1. EXISTING STRUCTURE TO BE DEMOLISHED
 2. DIMENSIONS AND LEVELS FOR CONSOLE APPROVAL PURPOSE ONLY, NOT TO BE USED FOR CONSTRUCTION. ADDITIONAL INFORMATION AND REQUIREMENTS FOR CONSTRUCTION ARE REQUIRED FOR CONSTRUCTION.
 3. ALL DIMENSIONS AND AREAS SHOWN ARE APPROXIMATE.

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CLIENT: SINCERITY GROUP			
DRAWING NO:		SHEET NO:	
		A3 05	
DRAWN:	DATE:	PLOT DATE:	SCALE:
ARC	18/05/20		1:200
CLIENT APPROVAL:		DATE:	
PROJECT NAME:			
LOT 421 (24) CLARK ST, NEDLANDS			
DRAWING TITLE:		REV NO:	
ROOF FLOOR		B	
 SINCERITY GROUP Property Construction Migration Education			



APPENDIX B WAPC TRANSPORT IMPACT STATEMENT CHECKLIST

Checklist for a transport impact statement for individual development

- Tick the provided column for items for which information is provided.
- Enter N/A in the provided column if the item is not appropriate and enter reason in comment column.
- Provide brief comments on any relevant issues.
- Provide brief description of any proposed transport improvements, for example, new bus routes or signalisation of an existing intersection.

ITEM	PROVIDED	COMMENT
Proposed development		
existing land uses	✓	Section 2.1
proposed land use	✓	Section 2.2
context with surrounds	✓	Section 2.3
Vehicular access and parking		
access arrangements	✓	Sections 3.1 & 3.3
public, private, disabled parking set down/ pick up	✓	Sections 3.2 & 3.3
Service vehicles (non-residential)		
access arrangements	NA	
on/off-site loading facilities		
Service vehicles (residential)		
rubbish collection and emergency vehicle access	✓	Sections 4.1 & 4.2
Hours of operation (non-residential only)		
	NA	
Traffic volumes		
daily or peak traffic volumes	✓	Sections 5.1 & 5.3
Type of vehicles (for example, cars, trucks)	✓	Sections 5.2 & 5.3
Traffic management on frontage streets	✓	Section 6
Public transport access		
nearest bus/train routes	✓	Section 7
nearest bus stops/train stations	✓	Section 7
pedestrian/cycle links to bus stops/ train station	✓	Section 7
Pedestrian access/ facilities		
existing pedestrian facilities within the development (if any)	NA	
proposed pedestrian facilities within development	✓	Section 8

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ITEM	PROVIDED	COMMENT
existing pedestrian facilities on surrounding roads	✓	Section 8
proposals to improve pedestrian access	NA	
Cycle access/facilities		
Existing cycle facilities within the development (if any)	NA	
proposed cycle facilities within development	✓	Section 9
existing cycle facilities on surrounding roads	✓	Section 9
proposals to improve cycle access	✓	Section 9
Site specific issues	NA	
Safety issues		
identify issues	✓	Section 11
remedial measures	NA	

Proponent's name

Company

Sincerity Group

Date *11th September 2020*

Transport assessor's name

David Wilkins

Company

i3 consultants WA

Date *11th September 2020*



Class 2 Building

Assessment declaration

Assessment	791720
Date	28/08/2020
Assessor	Fleming
Mode	New Home (NatHERS principals for rating in regulation mode used)
Assessor Company	Green Start Consulting
Signature	

Client Details	Sincerity Group
Project Address	Lot 421 (#24) Clark Street, Nedlands WA 6009

Climate Zone	13 Perth Airport
Averaged Simulated Heating :	27.2 Mj/m²
Averaged Simulated Cooling :	15.5 Mj/m²
Averaged Simulated Total :	42.6 Mj/m²
Number of Units	10

Averaged Star Rating

7.5



Sole-Occupancy Unit (SOU) Thermal Performance Specifications

Apartment	Simulated Loads (area adjusted)		Individual Star Ratings	Rated with Downlights
	Heating	Cooling		
1	28.8 Mj/m ²	15.1 Mj/m ²	7.5	No
2	28.7 Mj/m ²	16.6 Mj/m ²	7.4	No
3	2.5 Mj/m ²	14.0 Mj/m ²	9.0	No
4	1.9 Mj/m ²	14.0 Mj/m ²	9.1	No
5	57.8 Mj/m ²	10.7 Mj/m ²	6.1	No
6	55.7 Mj/m ²	12.0 Mj/m ²	6.1	No
7	11.2 Mj/m ²	17.0 Mj/m ²	8.3	No
8	10.1 Mj/m ²	17.2 Mj/m ²	8.4	No
9	38.6 Mj/m ²	18.3 Mj/m ²	6.7	No
10	36.2 Mj/m ²	19.9 Mj/m ²	6.8	No

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 1 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	43.9
Heating	28.8
Cooling	15.1

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	35.7
Unconditioned Room Area	5.9
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Kitchen/Living	19.2	kitchen	Y
Bedroom	16.6	bedroom	Y
Bath	5.9	unconditioned	N

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	74.5
Single brick	0.0	0	25.3

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
CSOG	0.0	encl	41.7

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
SlabExt:Slab - Suspended Slab - External Insul	0.0	0.0	41.7

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	5.06
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	2.14

Window Directions

Direction	Area (m ²)
N	6.7
W	0.5

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	2	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Kitchen/Living	61.9	1187.4	29.6	568.5
Bedroom	0.4	7.0	3.4	56.6

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 2 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	45.3
Heating	28.7
Cooling	16.6

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	35.7
Unconditioned Room Area	5.9
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Kitchen/Living	19.2	kitchen	Y
Bedroom	16.6	bedroom	Y
Bath	5.9	unconditioned	N

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	74.5
Single brick	0.0	0	25.3

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
CSOG	0.0	encl	41.7

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
SlabExt:Slab - Suspended Slab - External Insul	0.0	0.0	41.7

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	5.06
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	2.14

Window Directions

Direction	Area (m ²)
N	6.7
E	0.5

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	2	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Kitchen/Living	61.4	1179.3	32.5	624.1
Bedroom	0.5	7.5	3.8	63.2

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 3 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	16.5
Heating	2.5
Cooling	14.0

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	74.9
Unconditioned Room Area	8.0
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	12.8	bedroom	Y
Bedroom 2	10.7	bedroom	Y
Ensuite	4.5	nightTime	Y
Bath	8.0	unconditioned	N
Store	5.5	dayTime	Y
Entry	3.4	dayTime	Y
Kitchen/Living	38.1	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	106.3
Single brick	0.0	0	74.5

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	encl	82.9

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
SlabExt:Slab - Suspended Slab - External Insul	0.0	0.0	82.9

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.51
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	5.06

Window Directions

Direction	Area (m ²)
N	6.7
W	2.5
S	1.3

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	3	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Ensuite	1.0	4.6	17.4	77.9
Entry	20.6	70.1	3.9	13.4
Kitchen/Living	0.4	15.5	16.2	614.9
Store	0.5	2.8	0.3	1.9
Bedroom 2	8.0	85.7	17.5	186.9
Bedroom 1	1.3	16.4	16.2	207.1

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 4 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	15.9
Heating	1.9
Cooling	14.0

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	74.9
Unconditioned Room Area	8.0
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	12.8	bedroom	Y
Bedroom 2	10.7	bedroom	Y
Ensuite	4.5	nightTime	Y
Bath	8.0	unconditioned	N
Store	5.5	dayTime	Y
Entry	3.4	dayTime	Y
Kitchen/Living	38.1	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	106.3
Single brick	0.0	0	74.5

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	encl	82.9

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
SlabExt:Slab - Suspended Slab - External Insul	0.0	0.0	82.9

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.51
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	5.06

Window Directions

Direction	Area (m ²)
N	6.7
S	1.3
E	2.5

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	3	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Ensuite	0.6	2.7	16.0	71.6
Entry	18.0	61.0	3.8	12.9
Kitchen/Living	0.4	15.1	16.4	622.7
Store	0.5	2.5	0.3	1.8
Bedroom 2	5.1	54.7	16.8	179.5
Bedroom 1	1.3	16.9	16.8	215.5

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 5 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	68.5
Heating	57.8
Cooling	10.7

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	81.4
Unconditioned Room Area	6.1
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	13.2	bedroom	Y
Bedroom 2	10.4	bedroom	Y
Wir	4.3	nightTime	Y
Ensuite	5.0	nightTime	Y
Bath	6.1	unconditioned	N
Entry	5.1	dayTime	Y
Kitchen/Living	43.4	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	120.9
Single brick	0.0	0	77.3

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	open	87.5

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
SlabExt:Slab - Suspended Slab - External Insul	0.0	0.0	87.5

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	8.86
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.66

Window Directions

Direction	Area (m ²)
S	8.9
W	5.7

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	4	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Wir	9.5	40.7	12.5	53.7
Ensuite	9.4	47.6	11.5	58.0
Entry	202.4	1025.3	3.5	17.7
Kitchen/Living	79.5	3446.2	11.5	500.1
Bedroom 2	6.9	72.0	13.1	136.6
Bedroom 1	32.8	433.1	13.0	171.9

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 6 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	67.7
Heating	55.7
Cooling	12.0

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	81.4
Unconditioned Room Area	6.1
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	13.2	bedroom	Y
Bedroom 2	10.4	bedroom	Y
Wir	4.3	nightTime	Y
Ensuite	5.0	nightTime	Y
Bath	6.1	unconditioned	N
Entry	5.1	dayTime	Y
Kitchen/Living	43.4	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	120.9
Single brick	0.0	0	77.0

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	open	87.5

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
SlabExt:Slab - Suspended Slab - External Insul	0.0	0.0	87.5

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	8.86
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.66

Window Directions

Direction	Area (m ²)
S	8.9
E	5.7

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	4	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Wir	7.0	30.3	11.6	49.7
Ensuite	7.6	38.3	14.4	72.6
Entry	200.7	1017.1	4.7	23.6
Kitchen/Living	76.6	3322.8	13.2	571.0
Bedroom 2	4.3	44.8	11.1	116.1
Bedroom 1	32.4	427.9	16.6	219.2

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 7 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	28.2
Heating	11.2
Cooling	17.0

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	74.9
Unconditioned Room Area	8.0
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	12.8	bedroom	Y
Bedroom 2	10.7	bedroom	Y
Ensuite	4.5	nightTime	Y
Bath	8.0	unconditioned	N
Store	5.5	dayTime	Y
Entry	3.4	dayTime	Y
Kitchen/Living	38.1	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	106.3
Single brick	0.0	0	74.5

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	encl	82.9

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
Cont:Attic-Continuous	4.0	0.0	82.9

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.51
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	5.06

Window Directions

Direction	Area (m ²)
N	6.7
W	2.5
S	1.3

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	3	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Ensuite	7.2	32.3	19.1	85.2
Entry	75.9	257.8	5.9	20.2
Kitchen/Living	6.5	249.0	20.5	780.5
Store	11.6	63.8	0.4	2.1
Bedroom 2	19.4	206.7	24.0	256.0
Bedroom 1	7.0	90.2	18.0	230.2

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 8 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	27.3
Heating	10.1
Cooling	17.2

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	74.9
Unconditioned Room Area	8.0
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	12.8	bedroom	Y
Bedroom 2	10.7	bedroom	Y
Ensuite	4.5	nightTime	Y
Bath	8.0	unconditioned	N
Store	5.5	dayTime	Y
Entry	3.4	dayTime	Y
Kitchen/Living	38.1	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	106.3
Single brick	0.0	0	74.5

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	encl	82.9

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
Cont:Attic-Continuous	4.0	0.0	82.9

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.51
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	5.06

Window Directions

Direction	Area (m ²)
N	6.7
S	1.3
E	2.5

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	3	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Ensuite	5.3	23.6	17.9	80.2
Entry	71.9	244.1	6.9	23.6
Kitchen/Living	6.4	245.4	20.4	778.1
Store	11.0	60.5	0.4	2.0
Bedroom 2	14.0	149.5	23.6	251.1
Bedroom 1	7.0	89.9	19.6	251.5

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 9 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	56.9
Heating	38.6
Cooling	18.3

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	81.4
Unconditioned Room Area	6.1
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	13.2	bedroom	Y
Bedroom 2	10.4	bedroom	Y
Wir	4.3	nightTime	Y
Ensuite	5.0	nightTime	Y
Bath	6.1	unconditioned	N
Entry	5.1	dayTime	Y
Kitchen/Living	43.4	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	120.9
Single brick	0.0	0	77.0

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	open	87.5

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
Cont:Attic-Continuous	4.0	0.0	87.5

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	8.86
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.66

Window Directions

Direction	Area (m ²)
S	8.9
W	5.7

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	4	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Wir	14.4	62.0	22.0	94.6
Ensuite	14.5	73.0	20.9	105.4
Entry	141.3	716.0	5.9	29.9
Kitchen/Living	42.6	1849.0	20.8	900.8
Bedroom 2	10.5	109.1	18.8	196.5
Bedroom 1	43.2	571.0	20.6	271.9

Project Information

Mode	New Home
Climate	13 Perth Airport
Site Exposure	suburban
Client Name	Sincerity Group
Rated Address	Unit 10 Lot 421 (#24) Clark Street, Nedlands WA 6009
Accredited Rater	Fleming
Date	28/08/20
Reference	791720

Energy Usage

Type	Energy MJ/m ²
Total	56.1
Heating	36.2
Cooling	19.9

Areas

Area	Size (m ²)
Net Conditioned Floor Area (NCFA)	81.4
Unconditioned Room Area	6.1
Garage Area	0.0

Zones

Zone	Area (m ²)	Conditioning Type	Conditioned
Bedroom 1	13.2	bedroom	Y
Bedroom 2	10.4	bedroom	Y
Wir	4.3	nightTime	Y
Ensuite	5.0	nightTime	Y
Bath	6.1	unconditioned	N
Entry	5.1	dayTime	Y
Kitchen/Living	43.4	kitchen	Y

Walls

Type	Bulk Insulation (R)	Num Reflective Airgaps	Area (m ²)
Brick cavity	0.0	0	120.9
Single brick	0.0	0	77.0

Floors

Type	Bulk Insulation (R)	Ventilation	Area (m ²)
Suspended Concrete	0.0	open	87.5

Roofs/Ceilings

Type	Bulk Ceiling Insulation (R)	Bulk Roof Insulation (R)	Area (m ²)
Cont:Attic-Continuous	4.0	0.0	87.5

Windows

Type	U-Value	SHGC	Area (m ²)
ALM-002-01 A Aluminium B SG Clear	6.70	0.70	8.86
ALM-001-01 A Aluminium A SG Clear	6.70	0.57	5.66

Window Directions

Direction	Area (m ²)
S	8.9
E	5.7

Air leakage

Item	Sealed	Unsealed
Generic Vent	-	0
Unflued Gas Heater	-	0
Exhaust Fan	4	0
Downlight	0	0
Chimney	0	0
Heater Flue	-	0

Zone Energy Loads

Zone	Heating (MJ/m ²)	Total Heating (MJ)	Cooling (MJ/m ²)	Total Cooling (MJ)
Wir	10.6	45.4	19.8	85.2
Ensuite	12.3	61.8	24.4	123.2
Entry	141.3	715.8	8.7	44.2
Kitchen/Living	39.5	1711.9	22.5	976.1
Bedroom 2	7.1	74.0	16.3	170.5
Bedroom 1	42.6	563.9	26.0	344.4

Artificial Lighting, Ceiling Penetration & NCC Checklist

City of Nedlands
Attached
09 April 2021

Units 1 & 2 Lot 421 (#24) Clark Street, Nedlands WA 6009 (per unit)

Artificial Lighting Calculations

This Compliance Report verifies that the building work described in the attached plans and specifications complies with the BCA Volume One Part J6.2 for Class 2 SOU

	House		Garage		Porch & Alfresco	
	House Area sqm	Light Fittings in House Area	Garage Area sqm	Light Fittings in Garage Area	Porch & Alfresco Area sqm	Light Fittings in Porch & Alfresco Area
	43	7	12.4	1	14	2
The design illumination power load per light is:	30 W		36 W		20 W	
Max. permitted Wattage	215 W		37 W		56 W	
Proposed Wattage	210 W		36 W		40 W	

Perimeter	Light Fittings in Perimeter Area	1
Perimeter lighting to be controlled by a daylight sensor or time switch		

Plans comply with Section J6.5 of Vol1 BCA

Ceiling Penetration Calculations

BCA Climate Zone 5 applies.
The nominated MINIMUM star rating for the building is 6 STAR.
Plans comply with Part J3 of Vol1 BCA

	Exhaust Fan/Range-hood sqm =	Exhaust Fan/Range-hood % =	light sqm =	light % =	
	0.02	0.04	0.005	0.035	
	2	0.04	7	0.035	
Max. permitted Ceiling Penetration	0.5%				Total = 0.17%
Proposed Ceiling Penetration	0.09%		0.08%		

Construction

Building Work will comply with the following provisions:

- 3.12.0(a)(i)(B) ■ Insulation will be supplied and installed as *required* by 3.12.1.1
 - 3.12.0(a)(i)(C) ■ Thermal breaks will be installed as *required* by 3.12.1.2(c) and 3.12.1.4(b)
 - 3.12.0(a)(i)(E) ■ Floor edge insulation will be installed as *required* by 3.12.1.5(c) and 3.12.1.5(d)
 - 3.12.0(a)(i)(F) ■ Building sealing will be undertaken as *required* by Part 3.12.3
 - 3.12.0(b) ■ Services will be installed as *required* by Part 3.12.5
- WA Additions**
- All required by WA Provisions 2.3.2**
- Plumbing fixtures and fittings will be as *required* by WA 2.3.1
 - All Tap fittings other than Bath and Gardern Taps will be minimum 4-star WELS rated.
 - All Showerheads will be a minimum 3-star WELS rated
 - All sanitary flushing systems will be a minimum dual-flush, 4-stars WELS rated
 - Hot water system installation will be as *required* by WA 2.3.3
 - Hot water system installed and insulated in accordance with AS/NZS 3500:
 - Plumbing and Drainage, Part 4 Heated Water Services
 - The pipe from the hot water system or re-circulating hot water system to the furthest hot water outlet will be less than either 20 m in length or 2 litres of internal volume.

Artificial Lighting, Ceiling Penetration & NCC Checklist

City of Nedlands
Attached
09 April 2021

Units 3, 4, 7 & 8 Lot 421 (#24) Clark Street, Nedlands WA 6009 (per unit)

Artificial Lighting Calculations

This Compliance Report verifies that the building work described in the attached plans and specifications complies with the BCA Volume One Part J6.2 for Class 2 SOU

	House		Garage		Porch & Alfresco	
	House Area sqm	Light Fittings in House Area	Garage Area sqm	Light Fittings in Garage Area	Porch & Alfresco Area sqm	Light Fittings in Porch & Alfresco Area
	87	14	12.4	1	10	2
The design illumination power load per light is:	30 W		36 W		20 W	
Max. permitted Wattage	435 W		37 W		40 W	
Proposed Wattage	420 W		36 W		40 W	

Perimeter	Light Fittings in Perimeter Area	1
Perimeter lighting to be controlled by a daylight sensor or time switch		

Plans comply with Section J6.5 of Vol1 BCA

Ceiling Penetration Calculations

BCA Climate Zone 5 applies.
The nominated MINIMUM star rating for the building is 6 STAR.
Plans comply with Part J3 of Vol1 BCA

	Exhaust Fan/Range-hood sqm =	Exhaust Fan/Range-hood % =	light sqm =	light % =	
	0.02	0.06	0.005	0.07	
	3	0.06	14	0.07	
Max. permitted Ceiling Penetration	0.5%				Total = 0.15%
Proposed Ceiling Penetration	0.07%	0.08%			

Construction

Building Work will comply with the following provisions:

- 3.12.0(a)(i)(B) ■ Insulation will be supplied and installed as *required* by 3.12.1.1
- 3.12.0(a)(i)(C) ■ Thermal breaks will be installed as *required* by 3.12.1.2(c) and 3.12.1.4(b)
- 3.12.0(a)(i)(E) ■ Floor edge insulation will be installed as *required* by 3.12.1.5(c) and 3.12.1.5(d)
- 3.12.0(a)(i)(F) ■ Building sealing will be undertaken as *required* by Part 3.12.3
- 3.12.0(b) ■ Services will be installed as *required* by Part 3.12.5
- Plumbing fixtures and fittings will be as *required* by WA 2.3.1
- All Tap fittings other than Bath and Gardern Taps will be minimum 4-star WELS rated.
- All Showerheads will be a minimum 3-star WELS rated
- All sanitary flushing systems will be a minimum dual-flush, 4-stars WELS rated
- Hot water system installation will be as *required* by WA 2.3.3
- Hot water system installed and insulated in accordance with AS/NZS 3500:
- Plumbing and Drainage, Part 4 Heated Water Services
- The pipe from the hot water system or re-circulating hot water system to the furthest hot water outlet will be less than either 20 m in length or 2 litres of internal volume.

WA Additions
All required by
WA Provisions
2.3.2

Artificial Lighting, Ceiling Penetration & NCC Checklist

City of Nedlands
Attached
09 April 2021

Units 5, 6, 9 & 10 Lot 421 (#24) Clark Street, Nedlands WA 6009 (per unit)

Artificial Lighting Calculations

This Compliance Report verifies that the building work described in the attached plans and specifications complies with the BCA Volume One Part J6.2 for Class 2 SOU

	House		Garage		Porch & Alfresco	
	House Area sqm	Light Fittings in House Area	Garage Area sqm	Light Fittings in Garage Area	Porch & Alfresco Area sqm	Light Fittings in Porch & Alfresco Area
	96	16	12.4	1	17	3
The design illumination power load per light is:	30 W		36 W		20 W	
Max. permitted Wattage	480 W		37 W		68 W	
Proposed Wattage	480 W		36 W		60 W	

Perimeter	Light Fittings in Perimeter Area	1
Perimeter lighting to be controlled by a daylight sensor or time switch		

Plans comply with Section J6.5 of Vol1 BCA

Ceiling Penetration Calculations

BCA Climate Zone 5 applies.
The nominated MINIMUM star rating for the building is 6 STAR.
Plans comply with Part J3 of Vol1 BCA

	Exhaust Fan/Range-hood sqm =	Exhaust Fan/Range-hood % =	light sqm =	light % =	
	0.02		0.005		
	3	0.06	16	0.08	
Max. permitted Ceiling Penetration	0.5%				Total = 0.15%
Proposed Ceiling Penetration	0.06%		0.08%		

Construction

Building Work will comply with the following provisions:

- 3.12.0(a)(i)(B) ■ Insulation will be supplied and installed as *required* by 3.12.1.1
 - 3.12.0(a)(i)(C) ■ Thermal breaks will be installed as *required* by 3.12.1.2(c) and 3.12.1.4(b)
 - 3.12.0(a)(i)(E) ■ Floor edge insulation will be installed as *required* by 3.12.1.5(c) and 3.12.1.5(d)
 - 3.12.0(a)(i)(F) ■ Building sealing will be undertaken as *required* by Part 3.12.3
 - 3.12.0(b) ■ Services will be installed as *required* by Part 3.12.5
- WA Additions**
- All required by WA Provisions 2.3.2**
- Plumbing fixtures and fittings will be as *required* by WA 2.3.1
 - All Tap fittings other than Bath and Gardern Taps will be minimum 4-star WELS rated.
 - All Showerheads will be a minimum 3-star WELS rated
 - All sanitary flushing systems will be a minimum dual-flush, 4-stars WELS rated
 - Hot water system installation will be as *required* by WA 2.3.3
 - Hot water system installed and insulated in accordance with AS/NZS 3500:
 - Plumbing and Drainage, Part 4 Heated Water Services
 - The pipe from the hot water system or re-circulating hot water system to the furthest hot water outlet will be less than either 20 m in length or 2 litres of internal volume.

Energy Efficiency Statement

Further to Architectural Peer Review comments, this memorandum addresses the sustainability comment on the development located at **24 Clark Street, Nedlands WA (herein referred to as the subject site)**.

1. Water Efficiency

Water sensitive landscaping design has been incorporated throughout the site to reduce the ongoing reliance on irrigating and in turn reducing the overall operating costs for residents. 2,000L of rainwater tank will be proposed for the development to reduce the water usage. Grey water from rainwater tank can be used to water garden to reduce main water cost.

2. Energy Efficiency

The developers are planning for all electric development- no connection to gas which allows for incidental carbon emissions reductions as contribution of renewable energy generators increases.

A number of PV cells are located on the roof of the building to assist in reducing overall operating costs to the building and its residents. Our proposed apartment is to install solar to supply on the common area circuits, these circuits have substantial loads during daytime (elevator, communal area, lobby and so on) These savings benefit all owners via their strata fees.

Energy conservation can also include energy efficient appliances such as:

- Dishwashers (where supplied): 3.5 stars
- Washing Machines (where supplied): 4.0 stars
- Dryers (where supplied): 2 stars
- Fridge/Freezers (where supplied): 3.5 stars
- Efficient LED lighting with smart control
- Efficient electric induction cooktops

3. West Facing Openings

Curtains or blinds will be installed for all the windows in the development. Window films will be proposed for west facing openings to help block against solar heat and protect ultraviolet exposure.

Conclusion

The proposed multiple dwelling development will represent a significant improvement in energy efficiency. Using modern architecture design and modern environmental practices, the occupants within the proposed units will be able to enjoy their living space.

24 Clark Street, Nedlands- DA Review
Architectural Peer Review Assessment
 (State Planning Policy 7.0 Design of the Built Environment; Schedule 1 - Design Principles)

Design quality evaluation		
Apply the applicable rating to each Design Principle	3	<i>Supported</i>
	2	<i>Supported with conditions</i>
	1	<i>Further information required</i>
	0	<i>Not supported</i>
Principle 1 - Context and character	3	<p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 3.9, 4.10, 4.11, 4.12 as relevant.</i></p>
		<ul style="list-style-type: none"> A comprehensive context and character analysis was undertaken making it possible to assess the design against this.
REVIEW 2	3	<ul style="list-style-type: none"> No further comment
REVIEW 3	3	<ul style="list-style-type: none"> No further comment
Principle 2 - Landscape quality	1	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 4.12 and 4.16 as relevant.</i></p>
		<ul style="list-style-type: none"> The Landscape plan is extremely comprehensive and informative. The proposal incorporates several trees that will assist in screening to neighbours and add amenity to the neighbourhood. Several of the garden beds that have been calculated as deep soil are narrow. More information is requested to confirm the viability of the root zones of trees where they are planted in narrow garden beds. Landscape has been under-explored in the communal open space and this could be extended to increase the amenity of this area.
REVIEW 2	3	<ul style="list-style-type: none"> Landscape has been extended around the communal open space on the upper level. Further information has been provided in relation to concerns regarding deep soil calculation and viability of root zones.
REVIEW 3	3	<ul style="list-style-type: none"> No further comment
Principle 3 - Built form and scale	1	<p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 4.10 and 4.11 as relevant.</i></p>
		<ul style="list-style-type: none"> The scale and bulk of the building is considered appropriate to the increased density coding of the area. The roof to the rear apartments, 9 & 10, is over scaled in comparison to the rest of the development and the context.
REVIEW 2	3	<ul style="list-style-type: none"> The roof form for the rear portion of the building has not been modified. It is not considered to create a detrimental impact to the streetscape as it cannot be seen from the street.

REVIEW 3	3	<ul style="list-style-type: none"> No further comment
Principle 4 - Functionality and build quality	1	<p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p> <p><i>As informed by SPP7.3 Element Objectives 4.3, 4.4, 4.6, 4.7, 4.12, 4.15, 4.17, 4.18 as relevant.</i></p>
		<ul style="list-style-type: none"> Units 1 and 2 require significant replanning to make these spaces functional Unit 5 and 6 have undersized storage spaces. The location of utility meters should be incorporated into the design of the front fence / street interface. This is currently only indicated on the plans as a zone.
REVIEW 2	1	<ul style="list-style-type: none"> Units 1 and 2 have not undergone replanning. These are considered to provide low amenity to residents, in particular the living spaces noted as a sofa facing a wall approx. 1.2m away. These dimensions do not comply with the minimum dimensions for habitable rooms set out in SPP7.3: 4.3 Storage spaces have now been reallocated and comply.
REVIEW 3	1	<ul style="list-style-type: none"> Unit 1 and 2 have still not been replanned to adequately address the minimum dimensions set out in SPP7.3. The bedrooms are too narrow (approx. 2.6) Placement of robes in corridor entry offers poor solution for circulation and interface with bedroom. Opportunity to make the bathroom narrower, locate the robe on the western wall of bedroom.
Principle 5 - Sustainability	0	<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.9, 4.1, 4.2, 4.3, 4.11, 4.12, 4.15, 4.16, 4.17 as relevant.</i></p>
		<ul style="list-style-type: none"> Units 5 and 9 receive no direct sunlight into habitable rooms. Natural ventilation for studio apartments 1 and 2 should not require the bathroom door to be open. Confirmation that windows in bedroom are operable and will allow for cross ventilation. Glass roof to communal space will create heat gain issues for the space. This will make the room uninhabitable for much of the year. Consideration could be given to increasing the eaves overhang of the communal open space roof to provide greater sun protection to the northern elevation. PV cells have been incorporated. More information is requested in relation to the quantity and confirmation that these would be used for unit owners in addition to common spaces. No provision has been made for grey water recycling of the harvesting of rainwater for plants. There is a lack of shading to the west elevation. More detail is required to demonstrate how solar access to these openings will be dealt with.
REVIEW 2	0	<ul style="list-style-type: none"> Bedrooms have operable windows for cross ventilation. It is noted that these are placed at a high level, above beds, in units that have been designed to a silver liveable access level. The accessibility and functionality of these is questioned. Communal space roof has been re-designed to address issues of comfort and heat gain. Eaves overhang has been substantially increased for the communal space. No further information has been supplied in relation to the quantity and use of PV cells. No provision has been made for grey water harvesting. No provision has been made to shade large west facing openings. Further information is

		required to demonstrate consideration of solar gain to these openings.
REVIEW 3	2	<ul style="list-style-type: none"> • Bedroom windows have still not been addressed. • Proposed water tank has not been noted on drawings. • The Applicant has confirmed the use of curtains and blinds to mitigate the impact of western sun. Whilst this will reduce glare the heat gain into the unit requires efforts outside the unit interior. The Applicant has indicated that film will be used on windows to address this.
Principle 6 - Amenity	1	<p><i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3,4.4, 4.5, ,4.7, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17,4.18 as relevant.</i></p>
		<ul style="list-style-type: none"> • The communal open space currently lacks amenity in regard to usability of the space. Further consideration should be given to furniture layout and the provision of equipment such as barbeques for residents. Additionally, the amenity of this space could be improved by extending the degree to which the interior and exterior communal spaces are connected. • Integration of more landscape at the upper level would contribute to the amenity of this space. • Privacy screening has been incorporated as required. • Consideration should be given to the possible negative impacts on visual privacy of continuous clear glazed balconies to the street. • Air conditioning condensers are not indicated on the drawings. It is assumed these will be located on balconies behind the screens facing the street. This is a poor outcome in terms of visual amenity from dining rooms. Ideally condensers are not located on balconies. • Further information is requested in relation to the design of spaces with consideration to universal design and/or the Liveable Housing guidelines. • Landscape is currently being used to great effect as perimeter screen planting.
REVIEW 2	1	<ul style="list-style-type: none"> • The communal space has been substantially improved through the developed design. • Air conditioning units are now clearly noted adjacent to plant room on the roof. This is a positive outcome. • Further information has been supplied in relation to the applicability of the Liveable Housing Guidelines, albeit difficult to read. The drawing is not annotated and notes have limited relevance without context.
REVIEW 3	3	<ul style="list-style-type: none"> • Bathrooms to unit 5 and 6 have been modified to comply with the Liveable Housing Guidelines.
Principle 7 - Legibility	1	<p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4,3.6, 3.7, 3.8, 3.9, 4.5 as relevant.</i></p>
		<ul style="list-style-type: none"> • The proposal achieves good legibility in regard to the public domain interface. • The current proposed entry portico is considered inconsistent with the design language established for the project. • No provision has been made for bicycle parking. Confirmation is requested in relation to the location of bike parking and therefore its legibility.
REVIEW 2	3	<ul style="list-style-type: none"> • The entry portico has been redesigned to create a consistent language with the rest of the project. • Resident bicycle parking is noted on the plans and was overlooked in the first review.

REVIEW 3	3	<ul style="list-style-type: none"> No further comment
Principle 8 - Safety	1	<p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1,3.4, 3.6, 3.7, 3.8,3.9, 4.5 as relevant.</i></p>
		<ul style="list-style-type: none"> More information is requested in relation to bike parking and universal design.
REVIEW 2	3	<ul style="list-style-type: none"> Bicycle parking is shown on the ground floor plan. More information has been provided in relation to the Liveable Housing Guidelines. In particular the width of several doorways is noted on the drawings. Limited cross referencing between drawings and notes makes some information difficult to establish.
REVIEW 3	3	<ul style="list-style-type: none"> No further comment
Principle 9 - Community	2	<p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.5, 4.9,4.18 as relevant.</i></p>
		<ul style="list-style-type: none"> The language of the building façade is considered to be appropriate to the context. Further development of the interface with the public domain in terms of the fence, gate, landscape and portico could better address the community. The communal open space requires further development to provide real amenity for the community of residents.
REVIEW 2	3	<ul style="list-style-type: none"> The public domain interface has been developed to create an integrated response, incorporating the fence, gate, landscape and portico.
REVIEW 3	3	<ul style="list-style-type: none"> No further comment
Principle 10 Aesthetics	2	<p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4, 4.8 as relevant.</i></p>
		<ul style="list-style-type: none"> The façade is considered appropriate to the context. Improvements could be made with consideration to material selection, ensuring that “honest” materials are used in preference to cladding. This is particularly the case with the stone base proposed for the building. The need to change the direction of the screening is questioned and there is a preference for vertical elements as this relates better to the character of the area. The portico is considered under-developed. A more consistent outcome would be to utilise the established language of the arbor at the entry.
REVIEW 2	3	<ul style="list-style-type: none"> The screening has been developed in response to feedback The portico has been developed in response to feedback The impact and necessity of alternating wood cladding and render on the building façade, along with a change of materials on the screen is questioned. It is considered that a more elegant and context appropriate solution would be to simplify this approach. The drawings indicate the use of limestone on the ground floor, street facing elevation.
REVIEW 3	3	<ul style="list-style-type: none"> No further comment

24 Clark Street, Nedlands- DA Review
Landscape Peer Review Assessment
 (State Planning Policy 7.0 Design of the Built Environment; Schedule 1 - Design Principles)

Design quality evaluation

Apply the applicable rating to each Design Principle	3	<i>Supported</i>
	2	<i>Supported with conditions</i>
	1	<i>Further information required</i>
	0	<i>Not supported</i>

Principle 1 - Context and character	<p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 3.9, 4.10, 4.11, 4.12 as relevant.</i></p>
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	<p>1a.[Comments]</p> <p>1b. [Recommendations]</p>
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Principle 2 - Landscape quality	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 4.12 and 4.16 as relevant.</i></p>
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	<p>3 Siting the development</p> <p><u>3.2 Orientation</u></p> <ul style="list-style-type: none"> • Generally the site respects the set backs of dwellings along the street with garden areas between U1 and U2 and the verge. • The Landscape Plan dated 01.04.2021 prepared by Propagule proposes to retain two existing street trees which is supported. • The Arboricultural Assessment prepared by ArborSafe assesses one of these existing trees as Category B – Moderate Retention Value. It is unclear which of the two street trees this assessment relates to. There is no assessment of the other street tree. • The Arboricultural Assessment prepared by ArborSafe provides an assessment of three existing trees on adjoining properties. The general assessment and recommendations for these trees is supported, however the location of the four trees assessed should be shown on a plan with all relevant information such as TPZ, SRZ, boundaries and the location of the proposed development. The assessment of both street trees as mentioned above should be included. • In accordance with the recommendations of the Arboricultural Assessment prepared by ArborSafe care must be taken during construction of the new driveway to avoid adverse impacts to the tree roots of the tree on the alignment of the western boundary. • The proponent will need to adopt the recommendations of the Arboricultural Assessment prepared by ArborSafe during future works. <p>1 – Further Information Required</p> <p><i>Proponent to provide information to address these criteria.</i></p>
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3.3 Tree Canopy and Deep Soil Areas

3.3.1

- As per comments above care needs to be taken during design and construction to avoid adverse impacts to the retained street trees and trees on neighbouring properties.

3.3.2

- The overall quantity of proposed DSA exceeds minimum requirement with (156m² proposed and 91.1m² required).
- The proposed quantity of trees exceeds the minimum requirement (11 medium trees proposed, 2 required).

3 – Supported

3.4 Communal Open Space

3.4.1

- The main communal open space is located within the roof above L2.
- The open courtyard located on L2 has been increased in size and includes a proposed BBQ and space for out door furniture and passive recreation.

3.4.2

- It is noted that communal open space is mostly for adults, facilities for young children are not provided (without adult supervision).

3 – Supported

3.6 Public Domain Interface

- The development has a good presentation to the street. The residential entry is defined with appropriate residential paving and planting.
- Two street trees are retained however the Arboricultural Assessment prepared by ArborSafe needs to be updated to assess both street trees is required. The overall intention to retain these trees is supported.
- The fencing is generally visually permeable with consistent orientation of infill panels that match the vehicle gate and façade shade panels which is supported.

1 – Further Information Required

Proponent to provide information to in relation to the existing street trees.

	<p><u>4.12 Landscape design</u></p> <p>4.12.1</p> <ul style="list-style-type: none"> The landscape design generally complements the development and provides an attractive presentation to the street. <p>4.12.2</p> <ul style="list-style-type: none"> Proposed plant species respond to differing light levels and exposure. Selection of some native species would help provide some habitat for local fauna (mainly birds). <p>4.12.3</p> <ul style="list-style-type: none"> No water point is shown however the intention to install a best practice water-wise irrigation system is supported. <p>4.12.7</p> <ul style="list-style-type: none"> Consideration will need to be given to maintenance of planters on the roof garden space. <p>3 – Supported</p> <p><u>4.16 Water Management and Conservation</u></p> <ul style="list-style-type: none"> An approach to water management is not outlined in the proposal. The proponent is to provide additional information. <p>14.16.2</p> <ul style="list-style-type: none"> Areas of permeable paving are shown to assist in ground water infiltration during rain events. It is assumed more detailed engineering design will be provided for building approval. <p>3 – Supported</p> <p>2b. [Recommendations]</p> <p>The Arboricultural Assessment needs to be updated to include both street trees and locate all assessed trees on plan/aerial with all information relevant to the trees and development.</p>
<p>Principle 3 - Built form and scale</p>	<p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 4.10 and 4.11 as relevant.</i></p>
	<p>3a. [Comments]</p> <p>3b. [Recommendations]</p>
<p>Principle 4 - Functionality and build quality</p>	<p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p> <p><i>As informed by SPP7.3 Element Objectives 4.3, 4.4, 4.6, 4.7, 4.12, 4.15, 4.17, 4.18 as relevant.</i></p>

	4a. [Comments]
	4b. [Recommendations]
Principle 5 - Sustainability	<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.9, 4.1, 4.2, 4.3, 4.11, 4.12, 4.15, 4.16, 4.17 as relevant.</i></p>
	5a. [Comments]
	5b.[Recommendations]
Principle 6 - Amenity	<p><i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3,4.4, 4.5, ,4.7, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17,4.18 as relevant.</i></p>
	6a. [Comments]
	6b.[Recommendations]
Principle 7 - Legibility	<p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4,3.6, 3.7, 3.8, 3.9, 4.5 as relevant.</i></p>
	7a. [Comments]
	7b.[Recommendations]
Principle 8 - Safety	<p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1,3.4, 3.6, 3.7, 3.8,3.9, 4.5 as relevant.</i></p>
	8a.[Comments]
	8b.[Recommendations]
Principle 9 - Community	<p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.5, 4.9,4.18 as relevant.</i></p>
	9a.[Comments]
	9b.[Recommendations]
Principle 10 Aesthetics	<p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4, 4.8 as relevant.</i></p>
	10a.[Comments]
	10b.[Recommendations]

<div style="display: flex; justify-content: space-between;"> ELEMENT 2.2 BUILDING HEIGHT </div>		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
<p>O2.2.1 – 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.</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>The development is consistent with the future scale of this area which will be small apartment buildings at R60. The building consists of 3 residential storeys with a roof terrace, serves for community purpose.</p> <p>The development does not have basement parking as the car parking is located at the rear area on ground floor with 2 units facing Clark Street to have active street activity.</p> <p>The development is proposed within required setback (2m street front setback and 3m side and rear setback); The proposed ceiling height for each floor is 2.7m to accommodate flexible use, complying with R-Codes Vol.2 Figure 4.3b.</p> <p>The development scale is considered appropriated to the existing street/local character and the future development of the surrounding area.</p>	<p><u>Objective achieved</u></p> <p>The building presents as 4 storeys to the primary street and the eastern and western lot boundaries. In accordance with the definition of 'storey', the enclosed roof terrace on the roof level is considered to be storey and is included in the building height calculation.</p> <p>It should be noted that the building presents as 3 storeys to the rear which meets the acceptable outcomes.</p> <p>Due to the enclosed roof terrace, the building presents as 4 storeys to the primary street and the eastern and western lot boundaries and proposes an overall height of 14.6m high in lieu of 12.0m from the Natural Ground Level (NGL). The roof level also includes an enclosed plant room and aircon units which is not considered to be a storey.</p> <p>The proposed enclosed roof terrace is located towards the front half of the building and designed to fit within the existing roof pitch (31-degree pitch) and roof form when viewed from the primary street.</p> <p>The building walls is compliant and do not exceed 12.0m from the NGL. However, the non-compliant portion where the building exceeds the 12.0m overall building height is a result of the top of the roof pitch to the middle of the roof which is 14.6m high from NGL. The proposed overall height is consistent with the height envisaged by the R-Codes, which allows for at least 2.0m to be added to the 12.0m height indicative height to allow for rooftop articulation.</p> <p>The height is considered to respond to the future scale and character of the street in than it currently presents taller against the existing two storey dwellings along Clark Street when compared. However, a higher height is afforded against the eastern properties abutting Broadway, which are coded R-AC3 and R160 which are within the same block.</p>

		In the absence of a local planning policy that articulates the desired height for the location, the City must defer to the heights set out in Table 2.1 of the R-Codes Vol 2.
O2.2.2 – The height of buildings within a development responds to changes in topography.	The site is relatively level as the proposed RL ground floor level is less than 500mm different from the neighbour site levels.	Objective achieved The site slopes from the primary street (north) to the rear (south) by approximately 0.7m high. The development seeks to maintain the building height to 3 storeys view from the rear.
O2.2.3 – Development incorporates articulated roof design and/or roof top communal open space where appropriate.	Rooftop communal space is provided. Gabled roof is proposed to match with the neighbouring elevations and better solar efficiency.	Objective achieved The roof design is of a relatively low pitch and articulated design to minimise roof structure mass. The proposal has incorporated an enclosed roof terrace as a communal area for residents to take advantage of the roof space.
O2.2.4 – 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 has provided generous floor to ceiling height for better ventilation & solar access. Detailed overshadow diagram is provided which illustrate the shadow is within the SPP 7.3 requirement. Solar access diagram is included in the application package. The proposed development satisfies the acceptable outcomes for 2.2 Building Height. The acceptable outcome is for three storeys, and three storeys apartment plus roof top communal open space are proposed.	Objective achieved The proposed development complies with the default overshadowing requirement. The neighbouring property to the south (15 Edward Street, Nedlands) will be overshadowed by the development by 94m ² or 10.3% of its total area at 12pm on 21 June (worst case).

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
Building height (storeys) <i>refer 2.2</i>	2	3	3	4	4	5	3	6	7	9	

Acceptable Outcome Not Achieved:

The building will be four storeys in height (maximum of 3 storeys in R60 density). The maximum height to top of roof is 14.6m above natural ground level (12m acceptable outcome).

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	In the absence of a local planning policy that articulates the desired height for the location, the City must defer to the heights set out in Table 2.1 of the R-Codes Vol 2.

ELEMENT 2.3 STREET 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>	
O2.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.	The proposed landscape is considered acceptable with the reduced driveway to improve the site landscape and reduce the street frontage impact. Two street trees are retained in front of the development to maintain the consistency of the streetscape along Clark Street.	<u>Objective achieved</u> The development will be setback a minimum of 2.0m from the northern street boundary. The front setback is articulated along the façade, with setbacks varying from 4.0m from the ground floor and 2.0m from the upper floors.
O2.3.2 – The street setback provides a clear transition between the public and private realm.	The street setback is consistent with Table 2.1. Generous amount of landscaping is provided in front of Unit 1 & 2 to provide a clear transition between public and private realm.	<u>Objective achieved</u> The ground floor area between the front lot boundary and the building is comprised of a landscaped areas and a clear pedestrian path to the building. These elements are considered to provide a clear transition between the public and private realms.
O2.3.3 – The street setback assists in achieving visual privacy to apartments from the street.	Ground floor units are 4m setback from the street. Landscape and fencing are provided on the ground floor courtyard for further privacy screening.	<u>Objective achieved</u> There are two ground floor apartments facing the street. There are a total of 2 upper floor apartments that face the street. The privacy for the ground floor apartments is achieved through landscaping. The upper floor apartments utilise balconies to increase the setbacks to indoor living areas and bedrooms.
O2.3.4 – The setback of the development enables passive surveillance and outlook to the street.	The proposed street setback and design provides for passive street surveillance with the following: 1. Two ground units facing the street; 2. The balconies are positioned facing the street. The proposed development satisfies the acceptable outcomes for 2.3 Street Setback. The acceptable outcome	<u>Objective achieved</u> Each apartment that faces the street includes balconies and indoor living areas with passive surveillance to the street. There are windows and balconies that directly overlook the pedestrian and vehicle entries into the development.

is 2m for street setback hence 2m setback are proposed for first and second floor and 4m setback on ground floor.

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
	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 ⁴	2m	2m		2m		2m or Nil ⁵	2m or Nil ⁵	2m or Nil ⁵		

(4) Minimum secondary street setback 1.5m

(5) Nil setback applicable if commercial use at ground floor

Acceptable Outcome Achieved

R60 provides a minimum 2m setback. The proposed development achieves a minimum setback between 2.0m – 4.0m from the primary street.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	In the absence of a local planning policy that articulates the desired primary street setback for the location, the City must defer to the street setbacks set out in Table 2.1 of the R-Codes Vol 2.

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>	
O2.4.1 – Building boundary setbacks provide for adequate separation between neighbouring properties.	The side and rear setbacks are consistent with Table 2.1. An adequate degree of setback is provided to all lot boundaries to create articulation of side wall to mitigate building bulk.	<u>Objective achieved</u> There is adequate separation between neighbouring properties due to compliance with the acceptable outcomes for side/rear setbacks from the ground floor and above.

		<p>The proposed boundary wall on the eastern lot boundary meets the Acceptable Outcomes and will still provide adequate separation from adjoining properties for a development of this nature and scale.</p>
<p>O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.</p>	<p>The development is considered to meet the intent of element objective.</p>	<p><u>Objective achieved</u></p> <p>Side and rear setbacks for single houses are varied within the street block. More modern homes provide side and rear setbacks less than 3.0m in some cases. The development has achieved an average rear setback of 5.5m from the second floor and above, which is consistent with the provision of a 'back yard' as seen on surrounding properties.</p>
<p>O2.4.3 – 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.</p>	<p>The site will be cleared; however, new trees are proposed at the rear of the site with a 6m setback for tree canopy.</p>	<p><u>Objective achieved</u></p> <p>The two existing street trees along Clark Street will remain. All existing trees on site will be removed. However, extensive tree plantings are proposed to the eastern, western and southern DSA.</p>
<p>O2.4.4 –The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.</p>	<p>The site is sitting in the middle of the zoned R60 residential. Therefore, no transition between different zoning or land use is necessary.</p> <p>The proposed development satisfies the acceptable outcomes for 2.4 Side and Rear Setback. The acceptable outcome is 3m for lot boundary setback, all walls has met the acceptable outcomes for lot boundary setback. No boundary wall is proposed in the development.</p>	<p><u>Objective achieved</u></p> <p>The adjoining sites share the same density code, and over time the built form in this area is expected to change with respect to subdivision and dwelling form to incorporate grouped dwellings and multiple dwellings. Notwithstanding, the proposed setbacks are considered to adequately limit the impact of the proposal on the adjoining single houses.</p>

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	R-AC0
Boundary wall height (storeys) ^{1,2} <i>refer 2.4</i>	1 ³		1 ³	2 ³	2 ³		2	3	4		
Minimum side setbacks ⁶ <i>refer 2.4</i>	2m	3m	3m		3m		Nil				
Minimum rear setback <i>refer 2.4</i>	3m		3m		6m		6m	Nil	Nil		
Average side setback where building length exceeds 16m <i>refer 2.4</i>	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA		

- (1) Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions
- (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
- (3) Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.
- (6) Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.

Side and Rear Setbacks

3m for side and rear setbacks is required to meet acceptable outcomes. This development meets this requirement as follows:

- East side – 3.0m
- West side – 3.0m
- South side (rear)– 5.5m

Acceptable Outcome achieved

Boundary Walls

Proposed boundary walls as follows:

- Proposed boundary wall height of 1 storey (Acceptable Outcome is 2 storeys),
- Proposed 1 boundary walls in lieu of one lot boundary only.
- Proposed boundary walls does not exceed 2/3 length as follows:
 - East side: 27% in lieu of 66.66% in length.

Acceptable Outcome achieved

The development is generally consistent with the visual privacy separation acceptable outcomes. This matter will be addressed in Element 3.5.

A2.4.2 – Development is setback from the boundary in order to achieve the Objectives outlined in 2.7 *Building separation*, 3.3 *Tree canopy and deep soil areas*, 3.5 *Visual privacy* and 4.1 *Solar and daylight access*.

Acceptable Outcome achieved

Elements 2.7, 3.3, 3.5 and 4.1 have been achieved by this development.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

ELEMENT 2.5		PLOT RATIO	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT	
<p>O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.</p>	<p>The total plot ratio is 0.95. The proposal seeks a variation of plot ratio of 0.15 or 136sqm. It is noted that the primary purpose of plot ratio is manage building bulk and scale however this is done in conjunction with other building controls, there being building height, setbacks, DSA and overshadowing. As such, plot ratio alone should not be relied upon as an effective means of managing building bulk.</p>	<p><u>Objective achieved</u></p> <p>Administration acknowledges that the proposed development represents a significant departure from the existing bulk and scale of the surrounding single houses built or renovated under the previous Residential R12.5 code along Clark Road under Town Planning Scheme No.2 which has been since replaced by the City’s current Local Planning Scheme No.3 adopted on 16 April 2019.</p> <p>The proposed development is, however, consistent with the intended building envelope for a multiple dwelling development within the Residential R60 density code.</p> <p>The overall bulk and scale of the development responds to the relatively narrow lot, where this building is provided with setbacks that meet or exceed acceptable outcomes from the side and rear. The setbacks of the building is consistent with the existing streetscape, particularly to the eastern, western and southern lot boundaries.</p>	
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>			

A2.5.1 – 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)

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
Plot ratio ⁷ <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	

(6) Refer to Definitions for calculation of plot ratio

Acceptable Outcome not achieved

Plot ratio area for the development has been calculated at 864m². The acceptable outcome of 0.8 for R60 is 729m².

The proposed plot ratio for the development is 0.95 or 864m² in lieu of 0.8 or 729m².

The development is proposing an additional 0.15 or 135m² (19%) of additional plot ratio.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.

ELEMENT 2.6 BUILDING DEPTH		
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>	
O2.6.1 – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.	The proposed apartments are well planned with all units having a depth of less than 15m with ceiling height of 2.7m in height. The proposal meets the Natural Ventilation and Daylight objective, please see attached ventilation and solar diagram.	Objective achieved The proposed apartments are well planned and propose a building depth which provides sufficient access to daylight and natural ventilation. Each apartment includes an outdoor living area and several major openings which allows for optimal daylight, solar access and natural ventilation to penetrate into each residential unit.
O2.6.2 – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.	Solar and ventilation diagrams are included in the application package.	

<p>O2.6.3 – Room depths and / or ceiling heights optimise daylight and solar access and natural ventilation.</p>	<p>Majority of the units in the development are facing north to capture sun from both aspects. All room depths and heights in the proposed development achieve and have access to an adequate degree of solar access and natural ventilation.</p> <p>The proposed development satisfies the acceptable outcomes for 2.6 Building Depth.</p>	<p>Objective achieved</p> <p>The proposal optimises the site’s northern aspect, minimising the number of dwellings with no northern light. All of the apartments have a floor to ceiling height of at least 2.7m and meet the acceptable outcomes for solar and daylight access and natural ventilation.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A2.6.1 – 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.</p>		
<p>Acceptable Outcome achieved There is no single aspect apartment in the proposed development.</p>		
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>	
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	<p>Nil.</p>	

<p>ELEMENT 2.7</p>	<p>BUILDING SEPARATION</p>	
<p>ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i></p>	<p>APPLICANT COMMENT</p>	<p>ASSESSOR COMMENT</p>
<p>O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.</p>	<p>The development has sufficient side setback to ensure that there is sufficient area for landscaping.</p>	<p>Objective achieved</p> <p>The building height and setbacks will allow for appropriate separation should adjoining properties be developed in the future.</p> <p>The proposed side and rear setbacks allow for a detached built form complementing the surrounding residential character. The proposal provides opportunity for passive surveillance, with half of all apartment balconies overlooking the street. The proposed setbacks are considered to achieve the desired R60 streetscape pattern.</p>
<p>O2.7.2 – Building separation is in proportion to building height.</p>	<p>Proposed development is a 3- storey development apartment with rooftop communal area which does not require building separation.</p>	<p>Objective achieved</p>

		The building is less than 4 storeys high and will achieve acceptable outcome for building separation.
O2.7.3 – Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.	The development has sufficient side setback to ensure that there is sufficient area for solar access and natural ventilation. Acoustic report is provided.	Objective achieved Visual privacy meets the R60 acceptable outcomes of Element 3.5. Separation to the property boundaries is sufficient to allow daylight access and natural ventilation. Windows and balconies have been placed to allow outlook without impacting on visual privacy.
O2.7.4 – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings	The proposed 6m building setback at the rear allows for a generous amount of DSA and a wide range of additional landscaping located throughout the site and roof top terrace to create inviting communal open space areas. The proposed development satisfies the acceptable outcomes for 2.7 Building Separation.	Objective achieved The compliant eastern, western and rear southern setbacks allow for the provision of a deep soil area (DSA). The DSA will allow for plantings of 6 x medium trees (200L) and 1 x small trees (100L) in the area. The northern setback area will provide for a landscaped area between the primary street and the building.

ACCEPTABLE OUTCOMES

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

A2.7.1 – Development complies with the separation requirements set out in Table 2.7.

Table 2.7 Building separation

	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.

Acceptable Outcome achieved

Within site boundary

The development meets the acceptable outcomes as follows:

- Proposed non-habitable room setbacks between bedrooms without major openings is proposed to be setback 5.75m in lieu of 4.5m. This meets the acceptable outcomes for Levels 1 and 2.
- The development does not have any habitable or balconies that face each other.

To adjoining property boundaries

Yes – the development meets the acceptable outcomes for 2.4 and 3.5.

LOCAL PLANNING FRAMEWORK**REQUIREMENT**

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

Nil.

ELEMENT 3.2**ORIENTATION****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.

O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.

The Public realm on the ground floor has a good connection with 2 units on the ground facing the street and private entrance is provided.

Objective achieved

The building maximises daylight access by reducing the number of apartments that rely solely on south-facing openings (only 4 (40%) apartments take advantage of the eastern and western orientation). Six (6) apartments are oriented to the street to activate the frontage and takes advantage of the northern aspect.

Most dwellings have been designed to maximise the northern aspect that obtain at least 2 hours direct sunlight between 9am to 3pm on 21 June.

O3.2.2 – Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

The overshadowing on the proposal is minimal due to the orientation of the building. Most dwellings have been designed to maximise the northern aspect that obtain at least 2 hours direct sunlight between 9am to 3pm on 21 June. Neighbouring site is undeveloped but of the same density code and hence has no overshadowing requirements.

Objective achieved

The proposed development complies with the default overshadowing requirement. The proposal does not overshadow any solar collectors or major openings to adjoining properties at mid-winter. The solar collectors located on 15 Edward Street is located further south in the middle of the block.

The proposed development satisfies the acceptable outcomes for 3.2 Orientation. The overshadow is 11% of the adjoining rear site which is under the 50% of the requirement.

Due to the design and lot orientation, the maximum shadow cast at mid-winter is 10.3% of the rear property at 15 Edward Street, Nedlands which is zoned R60. It is noted that this falls over the outdoor living area of 15 Edward Street. However, it is also noted that the extent of mid-winter overshadowing to 15 Edward Street is below the permitted percentage of overshadowing for a site coded Residential R25 or lower.

ACCEPTABLE OUTCOMES

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

A3.2.1 – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.

Acceptable Outcome achieved
A total of 6 apartments directly faces the street. Direct access is provided between the street and the lobby entrance.

A3.2.2 – Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.

Acceptable Outcome not applicable

A3.2.3 – 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:

- adjoining properties coded R25 and lower – 25% of the site area¹
- adjoining properties coded R30 – R40 - 35% of the site area¹
- adjoining properties coded R50 – R60 – 50% of the site area¹
- adjoining properties coded R80 or higher – Nil requirements.

(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)

Acceptable Outcome achieved
The adjoining property to the south is coded R60. Acceptable Outcome is 50% of the site area for overshadowing requirements. The neighbouring property to the south (15 Edward Street, Nedlands) will be overshadowed by the development by 94m² or 10.3% of its total area at 12pm on 21 June (worst case).

A3.2.4– 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.

Acceptable Outcome not applicable

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.

ELEMENT 3.3	TREE CANOPY AND DEEP SOIL AREAS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.	No trees are being retained on site, given the site layout and development, their retention is not possible. However, around 22 small – medium new trees are proposed on site.	<u>Objective achieved with Condition</u> It should be noted that on 11 April 2021, the City's Building Services issued a Demolition Permit for the site. A subsequent site visit shows that the single house and all vegetation has been cleared from the site.

Existing trees onsite

The Arboricultural Impact Statement Report provided by the applicant does not identify any trees onsite that are worthy of retention (high retention value).

Existing trees within the verge

There are two *Lophostemon confertus* (Queensland box trees) within the verge area adjoining the subject site. The proposed vehicle access configuration ensures that these verge trees can be retained.

Existing trees on adjoining properties

The Arboricultural Impact Statement Report provided by the applicant identifies three (3) existing trees on adjoining properties that requires protection through the planning and construction of the proposed development. The three trees worthy of protection are as follow:

- A *Macadamia Integrifolia* (Macadamia Tree) located to the south-western corner of 26 Clark Street, Nedlands. This tree is in fair health and the Tree Protection Zone (TPZ) for this tree is recommended to be 3.6m measured at a radial distance from the centre of the trunk.
- A *Corymbia Citriodora* (Lemon-scented Gum) located on the southern adjacent property. This street tree is in good health and the TPZ for this tree is recommended to be 9.0m measured at a radial distance from the centre of the trunk.
- A *Lophostemon Confertus* (Queensland Box tree) located on the verge adjacent to Clark Street is a street tree. This tree is in fair health and the TPZ for this tree is recommended to be 6.3m measured at a radial distance from the centre of the trunk.

The Arboricultural Impact Statement Report identifies that the level of encroachment from the development into this TPZ is within acceptable levels for protection of the tree.

The Arboricultural Impact Statement Report contains a number of measures to ensure that retained trees are protected throughout development. A condition is therefore recommended for the recommendations of the Arboricultural Impact Statement Report to be followed during construction of the proposed development.

<p>O3.3.2 – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.</p>	<p>The development seeks to plan at least 22 small to medium trees thereby offsetting the vegetation proposed to be removed from the site.</p>	<p><u>Objective achieved</u></p> <p>The Arboricultural Impact Statement Report provided by the applicant notes that the vegetation outlined in the landscaping plan will replenish a similar amount of canopy cover to that lost during due to the development. The landscape design review commissioned by the City also noted that the proposed tree canopy was satisfactory.</p>
<p>O3.3.3 – 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>The development has 18% of deep soil area which will be reticulated and mulched. Pedestrian pathway is proposed along the entrance to lobby, however, it does not exceed 20% of its area and does not inhibit the planting and growth of trees.</p> <p>A range of low-maintenance plants are proposed on the landscape plan prepared by Propagule Landscape Architecture. The proposed development exceeds the requirements which relate to landscaping, tree canopy and deep soil areas acceptable outcomes.</p> <p>The proposed development satisfies the acceptable outcomes for 3.3 Deep soil area with the area of 18% of the site which exceed the minimum requirement of 10%.</p>	<p><u>Objective achieved with Condition</u></p> <p>The acceptable outcome for deep soil area has been exceeded by the development.</p> <ul style="list-style-type: none"> • As no trees are to be retained, 10% of the site area (91.1m²) is to be deep soil area. A total of 156m² of deep soil area is proposed. • In the front Deep Soil Area (DSA) facing between the street and building, a total of 2 x medium trees are proposed. • In the eastern, western and southern (rear) DSA, a total of 6 x medium tree and 1 x small trees are proposed. <p>In the event of JDAP approval, it is recommended that a condition for a Landscape Management Plan be imposed to ensure all landscaped areas will be maintained and managed appropriately as a condition of approval.</p>

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

A3.3.1 – Retention of existing trees on the site that meet the following criteria:

- healthy specimens with ongoing viability **AND**
- species is not included on a State or local area weed register **AND**
- height of at least 4m **AND/OR**
- trunk diameter of at least 160mm, measured 1m from the ground **AND/OR**
- average canopy diameter of at least 4m.

Acceptable Outcome with Condition

On 11 April 2021, the City’s Building Services issued a Demolition Permit for the site. A subsequent site visit shows that the single house and all vegetation has been cleared from the site.

A3.3.2 – The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.

Acceptable Outcome achieved

The tree removal is supported by the Arboricultural Impact Statement Report submitted.

A3.3.3 – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.

Acceptable Outcome achieved

The surrounding properties incorporate small and medium trees into the landscaping in the rear and along the side boundaries. The setbacks of the proposed development will ensure against impact on trees located on neighbouring properties.

A3.3.4 – 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.

Table 3.3a Minimum deep soil area and tree provision requirements

Site Area	Minimum deep soil area	Minimum requirement for trees ¹
Less than 700m ²	10% OR 7% if existing tree(s) retained on site (% site area)	1 medium tree and small trees to suit area
700 – 1,000m ²		2 medium trees OR 1 large tree and small trees to suit area
> 1,000m ²		1 large tree and 1 medium tree for each additional 400m ² in excess of 1000m ² OR 1 large tree for each additional 900m ² in excess of 1000m ² and small trees to suit area

¹ Minimum requirement for trees includes retained or new trees
Refer Table 3.3b for tree sizes

A3.3.5 – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.

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 ¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m ²	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m ²	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m ²	6m	4.5m (DSA) + 1.5m (RSZ)	500L

¹ Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.

Acceptable Outcome achieved

<p>As no trees are to be retained, 10% of the site area (91.1m²) is to be deep soil area. A total of 156m² of deep soil area is proposed.</p> <p>In the front DSA facing between the street and building, a total of 2 x medium streets is proposed.</p> <p>In the eastern, western and southern (rear) DSA, a total of 6 x medium tree and 1 x small trees are proposed.</p>	
<p>A3.3.6 – 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.</p> <p><u>Acceptable Outcome achieved</u></p> <p>Yes - the DSA calculation noted above excludes paved areas.</p>	
<p>A3.3.7 – 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.</p> <p><u>Acceptable Outcome not applicable</u></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>Nil.</p>

ELEMENT 3.4 COMMUNAL OPEN SPACE		
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>O3.4.1 – Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.</p>	<p>It is not compulsory for this development to provide a communal area; however, a rooftop communal area is provided for the development with partially opened screen facing toward the street.</p> <p>The rooftop area has potential to provide a bbq area, recreation facilities and good landscaping.</p>	<p><u>Objective achieved</u></p> <p>The overall communal open space requirement for up to 10 dwellings under Table 3.4 is informal seating associated with deep soil or other landscaped areas. There is no applicable minimum dimensions or areas.</p> <p>The development proposes informal communal space at the roof terrace which is semi-enclosed. The communal area is north-facing and is considered to be a positive contribution to resident amenity. The design review notes that the area is suitable for the scale of the development.</p> <p>The communal open space is collocated with areas of landscaping. Partial covering of the communal open space will allow the space to be comfortably utilised by residents throughout different weather conditions.</p>

<p>O3.4.2 – Communal open space is safe, universally accessible and provides a high level of amenity for residents.</p>	<p>The communal area is easily accessible with the shared elevator which is accessible to all floors. The communal area will receive at least 2 hours direct sunlight during winter as it is oriented toward north with glass roof which allows the daylight to come in.</p>	<p>Objective achieved</p> <p>The communal open space is accessible via the main lift and stairs and is orientated towards Clark Street, meaning that it is open to passive surveillance from the public realm. The communal space has no steps to ensure it is universally accessible.</p>
<p>O3.4.3 – 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.</p>	<p>The communal area is located on the rooftop toward the front of the development which will minimise the impact on the habitable rooms and private open space within the site and neighbouring properties.</p> <p>The proposed development satisfied the acceptable outcomes for 3.4 Communal open space. Roof top communal area is proposed for the development.</p>	<p>Objective achieved</p> <p>The communal open space does not immediately abut any apartments to minimise any direct impacts such as noise and light.</p> <p>The communal open space is orientated towards the street, rather than towards the private open spaces of adjoining properties.</p>

ACCEPTABLE OUTCOMES

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

A3.4.1 – Developments include communal open space in accordance with Table 3.4

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 ² per dwelling up to maximum 300m ²	At least 2m ² per dwelling up to 100m ²	4m

A3.4.2 – 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.

Acceptable Outcome achieved

The overall communal open space requirement for up to 10 dwellings under Table 3.4 is informal seating associated with deep soil or other landscaped areas. There is no applicable minimum dimensions or areas.

The development proposes informal communal space at the roof level located within the enclosed roof terrace.

A3.4.3 – 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.

Acceptable Outcome achieved

The communal roof terrace is orientated towards the northern elevation and will received more than 2 hours of direct sunlight.

A3.4.4– Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.

<p><u>Acceptable Outcome achieved</u> The communal roof terrace is proposed to be surrounded with plantings on structure around the edge of the open roof terrace area.</p>	
<p>A3.4.5 – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.</p>	
<p><u>Acceptable Outcome achieved</u> The communal roof terrace is proposed to be surrounded with plantings on structure around the edge of the open roof terrace area.</p>	
<p>A3.4.6 – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.</p>	
<p><u>Acceptable Outcome achieved</u> The communal roof terrace is proposed to be well lit and is only for residents of the building only which will allow passive surveillance along Clark Street.</p>	
<p>A3.4.7 – 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.</p>	
<p><u>Acceptable Outcome achieved</u> The communal roof terrace is proposed to be located towards the front of the building towards Clark Street. The roof terrace meets acceptable outcomes for visual privacy.</p>	
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	<p>Nil</p>

ELEMENT 3.5	VISUAL PRIVACY	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
<p>O3.5.1 – 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.</p>	<p>All the visual privacy setbacks are consistent with Table 3.5. We have provided a generous balcony size with screening at the side to avoid privacy issue to neighbouring properties. All living and dining rooms have an external outlook from an unobstructed major opening. Proposed communal space is located at the front of development on roof top which has generous setback from the rear and side boundary. The proposed development</p>	<p><u>Objective achieved with Condition</u> The development is consistent with the acceptable outcomes for visual privacy. However, it is noted that Apartments 1 and 2 bedroom habitable room is solely provided with a highlight window as:</p> <ul style="list-style-type: none"> • Apartment 1 bedroom window abuts the communal driveway and for safety and reduced noise a highlight window is proposed.

satisfies the acceptable outcomes for 3.6 Public Domain Interface.

The proposed development satisfied the acceptable outcomes for 3.5 Required privacy setback to adjoining sites.

- Apartment 2 bedroom window abuts the communal entrance to the building of the eastern boundary and for safety and reduced noise a highlight window is proposed.

The façade of the proposed development is articulated with portions stepping in and out, along with balconies and vegetation limiting direct overlooking.

If the abutting side lots are redeveloped in the future, they will need to be designed in accordance with the R-Codes Volume 2. This will ensure adequate separation is provided between any new balconies/major openings and those currently proposed by the subject development.

Furthermore, it is considered the orientation and design of the proposal has tried to minimise direct overlooking to the eastern, western and southern lots.

In the event of JDAP approval, it is recommended that a condition be placed on any approval that requires the balustrading to the balconies of Apartments 5, 6, 9 and 10 to be obscure glaze or solid to prevent downwards views into adjoining properties.

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.

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	

Acceptable Outcome achieved

Adjoining properties are coded R60 to the east, west and south.

All cone of vision complies as follows:

- All major openings to bedroom and study windows are setback 3.0m.
- All major openings to habitable rooms other than bedroom and studies are setback 4.5m

<ul style="list-style-type: none"> All balconies and the roof terrace are setback 6.0m from the eastern, western and southern lot boundaries. <p>All proposed screening is 1.6m high from the FFL.</p>	
<p>A3.5.2 – Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).</p> <p>Acceptable Outcome achieved All apartments meet this acceptable outcome.</p>	
<p>A3.5.3 - Living rooms have an external outlook from at least one major opening that is not obscured by a screen.</p> <p>Acceptable Outcome achieved All living rooms have an external outlook to the courtyard/balcony.</p>	
<p>A3.5.4 – 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>Acceptable Outcome not achieved Apartments 1 and 2 bedroom habitable room is solely provided with a highlight window (1.8m sill height from FFL). As noted in the Building Separation section above, visual privacy is maintained due to compliant side and rear setbacks.</p>	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.

ELEMENT 3.6		PUBLIC DOMAIN INTERFACE	
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT	
<p><i>Development is to achieve the following Element Objectives</i></p>	<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>		
<p>O3.6.1 – The transition between the private and public domain enhances the privacy and safety of residents.</p>	<p>The proposed design ensures that there is an adequate degree of privacy maintained, particularly for Unit 1 and Unit 2 located on the ground floor, by fencing, raised level and landscaping. Access to the apartments and the site itself will be through a secure access door.</p>	<p>Objective achieved</p> <p>The public-private interface for the development incorporates an open landscape front area between the street and the building and passive surveillance from all six apartments that front the street.</p>	
<p>O3.6.2 – Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.</p>	<p>There are 2 units on the ground facing the street with generous amount of landscape provided at the front of the building. Upper level balconies are facing the street as well. All the parking and bin room are located behind the building, outside the primary street setback.</p>	<p>Objective achieved</p> <p>Two trees are proposed along the street boundary with will provide shade. The landscaping is open in nature to</p>	

The proposed development satisfies the acceptable outcomes for 3.6 Public Domain Interface.

prevent concealment and to demarcate the public-private interface.

ACCEPTABLE OUTCOMES

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

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.

Acceptable Outcome achieved

Apartments 1 and 2 fronts the street. The development plans show direct access between the living area, courtyard and the front setback area.

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).

Acceptable Outcome achieved

The proposed car parking area is located to the rear of the site and away from the primary street setback. The vehicle entry is integrated into the building design.

A3.6.3 – Upper level balconies and/or windows overlook the street and public domain areas.

Acceptable Outcome achieved

Apartments 3, 4, 7 and 8 include balconies and windows that overlook the primary 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.

Acceptable Outcome achieved

A combination of brick and glass balustrading is proposed to the street-facing balconies. Privacy screening is proposed for the side elevations of the balconies facing the eastern and western lot boundaries.

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.

Acceptable Outcome achieved

There is no significant level change between the street and the building or surrounding gardens.

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.

Acceptable Outcome achieved

The proposed front fencing for Apartments 1 and 2 does not exceed 1.2m solid wall portions above the required retaining wall.

A3.6.7 – Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.

Acceptable Outcome achieved

The landscaped area within the front setback area of the building is fenced and will eliminate areas for concealment.	
A3.6.8 – Bins are not located within the primary street setback or in locations visible from the primary street.	
<u>Acceptable Outcome achieved</u>	
Bins will be located within an integrated bin storage room that is located within the building. The store will screen bins from view.	
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. ¹	
(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.	
<u>Acceptable Outcome achieved with conditions</u>	
Meter boxes and service area located to the north-eastern corner of the site and will be integrated into the design of the development.	
It is noted that the	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

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>	
O3.7.1 – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.	The proposed entry way is suitable for universal access along the north-east boundary which lead all the way to the main lobby. The design provides a wide, step free, generally flat access to the apartments and lift accompanying with the landscaping. The proposed design provides a clear and separate pedestrian entry from vehicle traffic.	<u>Objective achieved</u>	The entry into the building is at grade located to the eastern side of the building. The entry to the building is identified via a welcoming entry with tree canopy cover. This allows it to be easily accessed and identified which should encourage an attractive street presence along Clark Street.
O3.7.2 – Entries to the development connect to and address the public domain with an attractive street presence.	The proposed design provides a clear and connected interface between the public domain and the street. The design utilises a variety of materials and colours, in combination with landscaping to provide an attractive street presence. The proposed development satisfies the acceptable outcomes for 3.7 Pedestrian Access and Entries.		The entrance will be lit for safe entry at night.

ACCEPTABLE OUTCOMES	
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>	
<p>A3.7.1 – 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.</p> <p><u>Acceptable Outcome achieved</u> The pedestrian entry is located on the eastern side of the building and will be readily identifiable as the entry point into the development. The entrance layout is legible and easy to navigate to the lifts and foyer area.</p>	
<p>A3.7.2 – Pedestrian entries are protected from the weather.</p> <p><u>Acceptable Outcome achieved</u> The entry pathway for pedestrians will be partially covered with tree canopy cover that will provide shade.</p>	
<p>A3.7.3 – 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.</p> <p><u>Acceptable Outcome achieved</u> The pedestrian entry is located on the eastern side of the building and is directly visible from the primary street being Clark Street.</p>	
<p>A3.7.4 – 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.</p> <p><u>Acceptable outcome not applicable</u></p>	
<p>A3.7.5 – 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.</p> <p><u>Acceptable Outcome achieved</u> All services and utilities are located away from the entry and concealed.</p>	
<p>A3.7.6 – Bins are not located at the primary pedestrian entry.</p> <p><u>Acceptable Outcome achieved</u> Bins are located away from the entry in the bin storage room.</p>	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O3.8.1 – 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.	<p>The proposal provided vehicle access points have been designed in a standard manner. One-way vehicle entry has been provided in the proposal given that the development has only 10 units. Additionally, reducing the crossover will help to reduce the visual impact of the streetscape with additional landscape provided.</p> <p>A separated pedestrian traffic is proposed along the north-east of the boundary which provide a safer path for the pedestrian away from the vehicle traffic. The submitted plans and documentation provide additional detail on the specifics of the crossover and driveway.</p>	<p><u>Objective achieved</u></p> <p>The vehicle access point is located perpendicular to the street and provided with appropriate sight lines to Clark Street, which is a local access road.</p>
O3.8.2 – Vehicle access points are designed and located to reduce visual impact on the streetscape.	<p>Reducing the vehicles entry to one-way access will help to reduce the visual impact of the streetscape with additional landscape provided. The partially open-air car park reduces the impact of car parking structures to the streetscape and neighbouring properties.</p> <p>The proposed development satisfies the acceptable outcomes for 3.8 Vehicle Access.</p>	<p><u>Objective achieved</u></p> <p>The vehicle access point is limited to a single crossover and driveway located towards the western lot boundary of the site. The driveway will be integrated into the building and landscaping.</p>
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<p>A3.8.1 – Vehicle access is limited to one opening per 20m street frontage that is visible from the street.</p> <p><u>Acceptable Outcome achieved</u> There is one vehicle access point into the property. The frontage of the property is 20.12m wide.</p>		
<p>A3.8.2 – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.</p> <p><u>Acceptable Outcome achieved</u> The vehicle access is visible from the street and is integrated into the building. The driveway leads to the car parking area to the rear of the site.</p>		
<p>A3.8.3 – Vehicle entries have adequate separation from street intersections.</p> <p><u>Acceptable Outcome achieved</u> The crossover will be located approximately 125m from the nearest street intersection (Bruce Street).</p>		
<p>A3.8.4 – Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.</p> <p><u>Acceptable Outcome achieved</u></p>		

The driveway is located along the western side of Apartment 1. To avoid headlights shining into Apartment 1 bedroom, a highlight window is proposed. There are also no apartments that face the car park area which will reduce the impact of headlights from vehicles to and from the site.

A3.8.5 – Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.

Acceptable Outcome achieved

The driveway is varies between 3.5-5.0m wide, which will allow for vehicles to pass, consistent with A3.8.6.

A3.8.6 – Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:

- the driveway serves more than 10 dwellings
- the distance from an on-site car parking to the street is 15m or more **OR**
- the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.

Acceptable Outcome achieved

As there are 10 dwellings, one-way access has been provided. All vehicles will be able to exit in forward gear.

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).

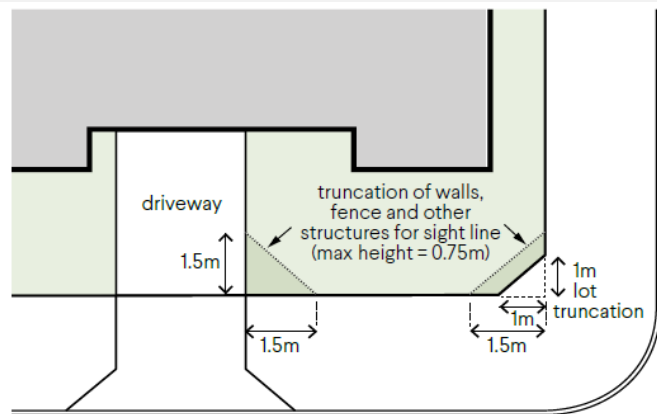


Figure 3.8a Truncation at street corner to provide sightlines (refer A3.8.7).

Acceptable Outcome achieved

No front fence is proposed or structures greater than 0.75m high is located within the 1.5m x 1.5m truncation area.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.

ELEMENT 3.9		CAR AND BICYCLE PARKING	
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>	
O3.9.1 – Parking and facilities are provided for cyclists and other modes of transport.	The provided bicycle and car parking spaces are sufficient and satisfy the requirement. Each unit has their own car bay.	<u>Objective achieved</u> The development proposes 10 resident car parking bays, 3 visitor parking bays and 6 bicycle spaces. This provision meets the acceptable outcome requirements. No motorcycle parking is required in order to meet acceptable outcomes. The development is located 250m from a high frequency bus services on Broadway (Bus 24, 96 and 97). This provides alternative travel options to private car travel for the development especially for visitors who wish to visit the site. The car parking area is secured by a gate with assumed automated access.	
O3.9.2 – 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.	Both bicycle and car parking are undercover and easily accessible via a continuous path of travel from site entrance.	<u>Objective achieved</u> The development is located 250m from a high frequency bus services on Broadway (Bus 24, 96 and 97). The combination of the three bus services meets the requirement for a high frequency bus route having a 15minute service or better between 7am to 9am and 5pm to 7pm. This provides alternative travel options to private car travel for the development especially for visitors who wish to visit the site. Given the proximity of the site to the high frequency bus routes on Broadway, the University of Western Australia and amenities on Broadway, the parking provided is considered appropriate for this site.	

<p>O3.9.3 – Car parking is designed to be safe and accessible.</p>	<p>The proposed car parking design is safe and accessible. A separate pedestrian entry is also proposed.</p>	<p>Objective achieved</p> <p>Car parking has been designed to AS2890.1 as required by acceptable outcomes.</p> <p>The City's Technical Services Unit has also reviewed the car parking layout and is satisfied with the proposal.</p>
<p>O3.9.4 – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.</p>	<p>The proposed development achieves this element objective and the related acceptable outcomes for design and location of car parking. The car parking is located behind the street setback area, is not visible from the street, and is proposed to be accompanied by landscaped areas.</p> <p>The proposed development satisfies the acceptable outcomes for 3.9 Car and Bicycle Parking. 10 resident parking bays and 2 visitor parking bays are proposed. The proposed car parking and vehicle circulation are considered to satisfy AS2890.1.</p>	<p>Objective achieved</p> <p>The car parking area is located to the rear of the development and is completely screened from the view of the street.</p>

ACCEPTABLE OUTCOMES

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

A3.9.1 – 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.

Table 3.9 Parking ratio

Parking types		Location A	Location B
Car parking ¹	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 ¹	Resident	0.5 space per dwelling	
	Visitor	1 space per 10 dwellings	
Motorcycle/ Scooter parking ²	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays		

¹ Calculations of parking ratios shall be rounded up to the next whole number.

² For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.

Definitions:

Location A: 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.

Location B: not within Location A.

Acceptable Outcome achieved

Bicycle parking requirement: 5 spaces + 1 visitor space = 6 required. A total of 6 bicycle racks are provided.

The bicycle parking area for residents is located to the southern side of the staircase and the 1 visitor bicycle bay is located to at the front entrance near Apartment 2 alfresco area.

A3.9.2 – Parking is provided for cars and motorcycles in accordance with Table 3.9.

Acceptable Outcome achieved

Development site is Location A. The site is located within 250m of high frequency bus services along Broadway being Bus 24, 96 and 97.

Resident car parking requirement:

- 1 Bedroom Apartments= 2 x 0.75 bays per dwelling = 1.5 required.
- 2 Bedroom Apartments= 8 x 1.0 bays per dwelling = 8 required.
- A total of 9.5 car bays is required.
- A total of 10 car bays provided for residents.

Visitor car parking requirement: 10 x 1 bay per 4 dwellings = 2.5 (3 round up) required. A total of 3 car bays provided for visitors.

Motorcycle bays are not required as the development does not exceed 20 units. Only 10 units proposed.

A3.9.3 – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9

Acceptable Outcome achieved

A total of 10 spaces are provided, whereas the amount that is double the minimum requirement is 20 bays.

A3.9.4 – Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.

Acceptable Outcome achieved

The design has been assessed as meeting the Australian standard.

A3.9.5 – Car parking areas are not located within the street setback and are not visually prominent from the street.

Acceptable Outcome achieved

All car parking is located to the rear of the site and is screened from view from Clark Street.

A3.9.6 – Car parking is designed, landscaped or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.

Acceptable Outcome achieved

All car parking is located to the rear of the site and is screened from view from Clark Street.

A3.9.7 – Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.

Acceptable Outcome achieved – condition recommended

Visitor car parking bays are located to rear of the site. A condition is recommended in the event of approval that requires the visitor car parking to be signed appropriately.

A3.9.8 – 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.

Acceptable Outcome not applicable	
A3.9.9 – Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.	
Acceptable Outcome not applicable	
A3.9.10 – 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.	
Acceptable Outcome achieved	
The basement parking is not proposed for this development.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	The City of Nedlands Parking Local Planning Policy does not apply to this development.

ELEMENT 4.1		SOLAR AND DAYLIGHT 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>	
O4.1.1 – 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.	The solar access diagrams provided demonstrate 80% of the units will receive at least 2 hours of solar access between 9am and 3pm on 21st June to the living areas. Further, communal open space is provided at the rooftop that will receive solar access, offering a good level of amenity and choice of open space.	Objective achieved A total of 8 apartments (80%) will receive at least 2 hours of direct sunlight between 9am - 3pm. This is more than the minimum 70% of dwellings having living rooms and private open space to obtain at least 2 hours of direct sunlight. In addition, it is considered that the building maximises orientation to its northern aspect, having regard to its adequate separation from surrounding properties. It is also noted that the City’s consultant architect did not raise any specific concerns regarding solar/daylight access.	
O4.1.2 – Windows are designed and positioned to optimise daylight access for habitable rooms.	Windows and balconies are positioned to optimise daylight access for habitable room.	Objective achieved The proposal does not rely on lightwells or skylights as the primary daylight source for any habitable room. In addition, for each apartment, every habitable room is provided with at least one window, visible from all parts of the room, with their being more than 10% of the total floor	

		area of the respective room owing to the floor-to-ceiling glazed portion.
<p>O4.1.3 – The development incorporates shading and glare control to minimise heat gain and glare:</p> <ul style="list-style-type: none"> - from mid-spring to autumn in climate zones 4, 5 and 6 AND - year-round in climate zones 1 and 3. 	<p>The proposed development satisfies the acceptable outcomes for 4.1 Solar and Daylight Access. More than 70% of the apartments have living rooms and private open space which receive at least 2 hours of direct sunlight between 9am and 3pm.</p>	<p><u>Objective achieved</u></p> <p>Covered balconies are provided to shade openings into living areas.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.1.1 – In climate zones 4, 5 and 6 <u>only</u>:</p> <ul style="list-style-type: none"> 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. <p><u>Acceptable Outcome achieved</u></p> <p>A total of 8 apartments (1, 2, 3, 4, 6, 7, 8 and 10) will have access to direct sunlight for at least 2 hours on June 21 between 9am-3pm (80%). Only Units 5 and 9 will not have direct sunlight to living areas (20%).</p>		
<p>A4.1.2 – 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.</p> <p><u>Acceptable Outcome achieved</u></p> <p>Each habitable room is provided with a minimum glazed area of 10% of the floor area, all of which is clear glaze.</p>		
<p>A4.1.3 – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.</p> <p><u>Acceptable Outcome achieved</u></p> <p>Each room has an external window as the primary source of daylight.</p>		
<p>A4.1.4 – The building is oriented and incorporates external shading devices in order to:</p> <ul style="list-style-type: none"> - minimise direct sunlight to habitable rooms: <ul style="list-style-type: none"> ▪ between late September and early March in climate zones 4, 5 and 6 only AND ▪ in all seasons in climate zones 1 and 3 - permit winter sun to habitable rooms in accordance with A 4.1.1 (a). <p><u>Acceptable Outcome achieved</u></p> <p>All covered balconies are provided.</p>		
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>	

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.
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ELEMENT 4.2	NATURAL VENTILATION	
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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>	
O4.2.1 – Development maximises the number of apartments with natural ventilation.	Based on the SPP 7.3- Residential Design Code A 4.2.2, the development has met the minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated.	<u>Objective achieved</u> All apartments achieve natural ventilation. This is considered to be maximised given compliant side and rear setbacks to achieve natural ventilation.
O4.2.2 – Individual dwellings are designed to optimise natural ventilation of habitable rooms.	Below are the items that are demonstrated in the apartment design to optimise the natural ventilation: <ul style="list-style-type: none"> • All habitable rooms are provided with access to daylight and natural ventilation. • All habitable rooms have windows to outdoor areas that are capable of being opened. • A 2.7m floor to ceiling heights for habitable rooms which is reflected on the sections provided. • Providing windows to kitchen, bathroom, and laundry areas where possible. • No habitable room relies on lightwells as the primary source of fresh air. • No single aspect apartments proposed. 	<u>Objective achieved</u> Each habitable room in the development is provided with a window with openings. The acceptable outcome for distance between openings in a room has been achieved.
O4.2.3 – Single aspect apartments are designed to maximise and benefit from natural ventilation.	The proposed development satisfies the acceptable outcomes for 4.2 Natural Ventilation. More than 60% of the apartments are capable of being naturally cross ventilated.	<u>Objective achieved</u> No single aspect apartments are proposed.

ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>
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A4.2.1 – 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.
A4.2.2 – <ul style="list-style-type: none"> (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 (b) Single aspect apartments included within the 60 per cent minimum at (a) above must have: <ul style="list-style-type: none"> ▪ ventilation openings oriented between 45° – 90° of the prevailing cooling wind direction AND ▪ room depth no greater than 3 × ceiling height (c) For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings.

<p><u>Acceptable Outcome achieved</u> All rooms achieve this requirement.</p>	
<p>A4.2.3 – The depth of cross-over and cross-through apartments with openings at either end and no openings on side walls does not exceed 20m.</p>	
<p><u>Acceptable Outcome achieved</u> All apartments are capable of cross ventilation (100%). No single aspect apartment is proposed. The development is only 4 storeys.</p>	
<p>A4.2.4 – No habitable room relies on lightwells as the primary source of fresh-air.</p>	
<p><u>Acceptable Outcome achieved</u> All rooms are provided with external windows that can be opened for fresh air.</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>Nil.</p>

ELEMENT 4.3		SIZE AND LAYOUT OF DWELLINGS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT	
	<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>O4.3.1 – 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 layout of the dwellings is functional with all the habitable rooms meet the minimum dimension and area requirement.</p>	<p><u>Objective achieved</u> The overall size and internal dimensions of the dwellings are considered adequate and functional for the intended household size.</p>	
<p>O4.3.2 – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.</p>	<p>Most of the rooms have sufficient natural ventilation and daylight access as shown on the solar access and natural ventilation diagrams. All habitable rooms are capable of being naturally cross-ventilated and have a window or other opening to provide natural solar access.</p>	<p><u>Objective achieved</u> Floor to ceiling heights of minimum 2.7m are provided throughout the development to provide for well-proportioned spaces. Dwellings are provided with appropriate ventilation and solar access, as addressed in 4.1 and 4.2 above.</p>	
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>			
<p>A4.3.1 – Dwellings have a minimum internal floor area in accordance with Table 4.3a.</p>			

Table 4.3a Minimum floor areas for dwelling types

Dwelling type	Minimum internal floor area
Studio	37m ²
1 bed	47m ²
2 bed × 1 bath ¹	67m ²
3 bed × 1 bath ¹	90m ²

¹An additional 3m² shall be provided for designs that include a second or separate toilet, and 5m² for designs that include a second bathroom.

Acceptable Outcome achieved

- 2 x Studio (Apartments 1 and 2): 37m² required floor area. Proposed minimum of 42m².
- 8 x 2 Bed (Apartments 3 to 10): 67m² required floor area. Proposed minimum of 83m².

A4.3.2 – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.

Table 4.3b Minimum floor areas and dimensions for habitable rooms

Habitable room type	Minimum internal floor area	Minimum internal dimension
Master bedroom	10m ²	3m
Other bedrooms	9m ²	3m
Living room – studio and 1 bed apartments	N/A	3.6m
Living room – other dwelling types	N/A	4m

¹Excluding robes

Acceptable Outcome achieved

All rooms now meet acceptable outcome requirements.

A4.3.3 – Measured from the finished floor level to finished ceiling level, minimum ceiling heights are:

- Habitable rooms – 2.7m
- Non-habitable rooms – 2.4m
- All other ceilings meet or exceed the requirements of the NCC.

Acceptable Outcome achieved

A ceiling height of 2.7m is achieved for the development.

A4.3.4 – 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.

Acceptable Outcome not applicable

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

ELEMENT 4.4 PRIVATE OPEN SPACE AND BALCONIES		
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>	
O4.4.1 – Dwellings have good access to appropriately sized private open space that enhances residential amenity.	Private open space areas are connected to living room, dining room or kitchen. Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4	<u>Objective achieved</u> All apartments are provided with areas of private open space which either meet or exceed acceptable outcomes for minimum dimensions and overall size. The location and orientation of private open spaces maximise outlook to the street and/or deep soil areas. The proposed private open spaces are therefore considered to positively contribute to residential amenity for each apartment.
O4.4.2 – Private open space is sited, oriented and designed to enhance liveability for residents.	Majority of the private open space is generally north-west oriented, and minority of the units are south-east oriented. Units that are north-west oriented can receive direct sun during winter.	<u>Objective achieved</u> Private open spaces are well integrated into the building design and are all provided with landscaped areas.
O4.4.3 – Private open space and balconies are integrated into the overall architectural form and detail of the building.	The proposed development satisfies the acceptable outcomes for 4.4 Private Open Space and Balconies.	<u>Objective achieved</u> The balconies have been well articulated and are provided with a mix of visually permeable balustrades and 1.6m high screening. Overall, the balconies are considered to be well integrated into the overall architectural form and detail of the building.
ACCEPTABLE OUTCOMES		
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.4.1 – Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.		

Table 4.4 Private open space requirements

Dwelling type	Minimum Area ¹	Minimum Dimension ¹
Studio apartment + 1 bedroom	8m ²	2.0m
2 bedroom	10m ²	2.4m
3 bedroom	12m ²	2.4m
Ground floor / apartment with a terrace	15m ²	3m

¹ 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.

Acceptable Outcome achieved

All Apartments are provided with private open space that meets the size and dimension requirements of Table 4.4.

- **Apartment 1 and 2- Proposed balcony of 13m². The minimum requirement is 8m².**
- **Apartments 3-10- Proposed balcony of 10m². The minimum requirement is 15m².**

A4.4.2 – 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.

Acceptable Outcome achieved

Screening is proposed on all balconies that face the eastern and western lot boundaries. All balconies are not entirely screened, and outlook is not obscured from adjacent living rooms.

A4.4.3 – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.

Acceptable Outcome achieved

The balconies are fully integrated into the design of the building. The ground floor private open space areas for Apartments 1 and 2 are integrated into the landscaping of the development.

A4.4.4 – 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.

Acceptable Outcome achieved

No services are shown on the private open space areas.

LOCAL PLANNING FRAMEWORK**REQUIREMENT**

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

Nil.

ELEMENT 4.5		CIRCULATION AND COMMON SPACES	
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>	
O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.	The size and capacity of circulation areas is appropriate, direct, convenient, and safe. Pedestrian access is provided for all residents and visitors both from the street, and from vehicle parking areas.	<u>Objective achieved</u> There are limited opportunities for concealment given the simple corridor and common areas outside the lift area. The main area of concealment would be the stairway and associated doors. This can be managed by lighting and secure access only residents having a fob key or via intercom.	
O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.	The provided circulation areas and common spaces provide a high level of amenity which are accompanied by major openings and landscaping to provide an appropriate area and opportunity for social interaction. The proposed development satisfies the acceptable outcomes for 4.5 Circulation and Common Spaces.	<u>Objective achieved</u> Due to the configuration of the development, there are no long-enclosed corridors greater than 10m in length from the lift entrance to the apartment entrances on Levels 2 and 3. Proposed windows are located on either side of the common space (eastern and western) near the lift area on Levels 2 and 3 that can be provide daylight and ventilation. The circulation areas strike the right balance between the requirement to promote social interaction with the need for privacy and separated entries to avoid congestion. No apartment windows open directly onto circulation or common spaces and dwelling privacy maintained by physical separation.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.5.1 – Circulation corridors are a minimum 1.5m in width.			
<u>Acceptable Outcome not achieved</u> The width of circulation corridors proposed is between 1.35m - 1.44m in lieu of 1.5m.			
A4.5.2 – Circulation and common spaces are designed for universal access.			
<u>Acceptable Outcome achieved</u>			

- In accordance with the Liveable Housing Design Guidelines the internal width for corridors/passageways should provide a minimum clear width of 1.0m for Silver Level housing.
- The development meets the Silver Level housing (Apartment 5 and 6) by providing a minimum of 1.35m-1.44m widths for all circulation corridors and the communal area located on the roof level which will be universally accessible.
- All doorways and thresholds into the lift are at grade.

A4.5.3 – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.

Acceptable Outcome achieved

The circulation corridors are straight on upper floors. On the ground floor, there are a number of right-angle bends in the corridor. However, these are offset by relatively wide corridor widths.

A4.5.4 – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.

Acceptable Outcome achieved

The circulation corridors are capable of being lit. There are no windows directly into apartments that would create a nuisance.

A4.5.5 – 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.

Acceptable Outcome achieved

There are no windows and major openings that open directly onto the circulation corridors.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

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>	
O4.6.1 – Well-designed, functional and conveniently located storage is provided for each dwelling.	<p>Each apartment has been provided with a storeroom. Unit 3,4,7 & 8 have their storeroom outside of their units. And the remaining storerooms will be on the ground floor next to the carpark. All the storerooms meet the minimum requirement from Table 4.6.</p> <p>The proposed development satisfies the acceptable outcomes for 4.6 Storage. All stores have met the minimum requirement of dimension, area and height.</p>	<p><u>Objective achieved</u></p> <p>All apartments are provided with a secure, weatherproof storeroom located within the dwelling. All stores are appropriately dimensioned, conveniently located and not readily visible from common areas.</p>

ACCEPTABLE OUTCOMES

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

A4.6.1 – 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.

Table 4.6 Storage requirements

Dwelling type	Storage area ¹	Minimum dimension ¹	Minimum height ¹
Studio dwelling	3m ²	1.5m	2.1m
1 bedroom dwelling	3m ²		
2 bedroom dwellings	4m ²		
3 bedroom dwellings	5m ²		
¹ Dimensions exclusive of services and plant.			

A4.6.2 – 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.

Acceptable Outcome achieved

A minimum storeroom area of 3-5m² is provided for each apartment. The minimum dimension provided is 1.5m. Minimum height is 2.7m.

A4.6.3 – Storage provided separately from dwellings or within or adjacent to private open space¹, is integrated into the design of the building or open space and is not readily visible from the public domain.

(1) Storage on/adjacent to private open space is additional to required open space area and dimensions.

Acceptable Outcome achieved

- Apartment 1, 2, 5, 6, 9 and 10 storerooms are located on the ground floor.
- Apartment 3, 4, 7 and 8 storerooms are integrated within the dwelling and located close to the entrance of the apartment and is separated from any private open space.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.

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>O4.7.1 – 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>An Acoustic Report has been prepared and revised by Herring Storer Acoustics for the proposed development. This report demonstrates that the proposed design will be easily controlled and in compliance with applicable noise level.</p>	<p><u>Objective achieved – condition required</u></p> <p>The development appears to locate noise sources appropriately to maintain residential amenity. The updated acoustic report dated 6 May 2021 has been reviewed by the City’s Environmental Health Unit and the recommendations made within the acoustic report be placed as a condition on the approval to achieve compliance with the assigned noise levels of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
<p>O4.7.2 – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.</p>	<p>According to the Acoustic report, the main source of noise would be from the mechanical services (eg A/C Unit) which are all located on top of the roof. The plant room will be enclosed to reduce the noise impact.</p> <p>The proposed development satisfies the acceptable outcomes for 4.7 Managing the Impact of Noise.</p>	<p><u>Objective achieved – condition required</u></p> <p>This objective is addressed at the working drawings stage (building plans). A condition is recommended in the event of approval requiring compliance with this objective.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.7.1 – 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><u>Acceptable Outcome achieved – condition recommended.</u></p> <p>An acoustic report has been provided which has been assessed. The updated acoustic report dated 6 May 2021 is has been reviewed by the City’s Environmental Health Unit and the recommendations made within the acoustic report be placed as a condition on the approval to achieve compliance with the assigned noise levels of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>		
<p>A4.7.2 – 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><u>Acceptable Outcome achieved</u></p> <p>Major noise emitters shown on the development plans include the bin store, service area, building services and mechanical equipment are not located adjacent to any habitable rooms.</p>		
<p>A4.7.3 – Major openings to habitable rooms are oriented away or shielded from external noise sources.</p> <p><u>Acceptable Outcome achieved</u></p> <p>The development is located in a residential area with limited external noise sources. The main noise source is Broadway, which is a Distributer B Road. The majority of the development is located away from Broadway.</p>		

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

ELEMENT 4.8	DWELLING MIX	
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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>	
<p>O4.8.1 – A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.</p>	<p>Adequate range of dwellings types proposed. The proposal consists 2 studio unit and 8 two-bedroom units.</p> <p>The proposed development satisfies element objectives for 4.8 Mixed Dwellings.</p>	<p><u>Objective achieved</u></p> <p>The development provides a mix of two studio apartments and six 3 bed apartments. There is a distribution of each type throughout the development. It is considered that the development will cater generally for singles or couples, small families and downsizers. In the context of the location, the dwelling mix is considered appropriate.</p>

<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>
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A4.8.1 –

- a) Dwelling mix is provided in accordance with the objectives, proportions or targets specified in a local housing strategy or relevant local planning instrument **OR**
- 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.

Acceptable Outcome achieved

- a) **There is currently no local housing strategy or local planning instrument that provides guidance on dwelling mix.**
- b) **A minimum of 2 dwellings are required to have differing bedroom numbers. The development proposes 20% studio and 80% 2 bedroom apartments.**

A4.8.2 – Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.

Acceptable Outcome achieved

Differing dwelling types are located on each floor as follows:

- **Ground: 2 x Studio**
- **Level 1: 2 x 2 bed and 2 x 2 bed silver level apartments.**
- **Level 2: 4 x 2 bed**

LOCAL PLANNING FRAMEWORK	REQUIREMENT
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Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.
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ELEMENT 4.9		UNIVERSAL DESIGN	
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>	
O4.9.1 – 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.		Unit 5 and 6 have been designed to “Silver Level Universal Design” This unit has flat and wider corridor to allow wheelchair movement. The rest room facilities will be provided with additional railings etc, the door frames are wider to accommodate wheelchair access.	<u>Objective achieved</u> The provision of two Silver Level apartments (Apartments 5 and 6) provides dwelling options for people living with disabilities or limited mobility, and also supports aging in place.
ACCEPTABLE OUTCOMES			
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.9.1 – <ul style="list-style-type: none"> 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). <p><u>Acceptable Outcome achieved</u> The development is proposing Apartments 5 and 6 meeting silver level requirements which is 20% of all dwellings.</p>			
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		Nil.	

ELEMENT 4.10		FAÇADE DESIGN	
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>	

<p>O4.10.1 – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.</p>	<p>The building is an excellent expression of a more traditional architectural language that responds to the character of the place. This is achieved through the design of the gabled roof, balcony and along with the landscape which will contribute and emphasise Nedlands' landscape character of "leafy green" neighbourhood.</p>	<p><u>Objective achieved</u></p> <p>The façade incorporates a number of materials and textures to provide visual relief. The balconies and limestone feature provide interest to the primary façade.</p> <p>The use of materials and finishes found on surrounding housing provides a connection back to the existing character. The façade presents a modern contemporary building design which will fit with the existing streetscape of Clark Street.</p>
<p>O4.10.2 – Building façades express internal functions and provide visual interest when viewed from the public realm.</p>		<p><u>Objective achieved</u></p> <p>The entry into the building is well-defined by the presence of the entry walkway and canopy over the pedestrian path to the building entrance. Upper floor balconies provide visual interest and identify the location of apartments.</p> <p>All building servicing are located within the building on the ground floor levels which will not be visible from the primary street.</p> <p>The use of a number of materials, colour, angles and textures reduces the impression of the building being box-like.</p>

ACCEPTABLE OUTCOMES

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

A4.10.1 – Façade design includes:

- scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm
- rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.

Acceptable Outcome achieved

A mix of materials including limestone, render, weatherboard cladding, metal and glass are used in the façade to provide visual interest and to draw attention towards the front façade and entrance of the building. The façade is articulated by being broken by vertical screening elements/segments.

A4.10.2 – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.

Acceptable Outcome not applicable

A4.10.3 – The façade includes design elements that relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.

Acceptable Outcome achieved

<p>Both adjacent buildings on Clark Street are two storey residential homes with relatively high wall and roof pitches. The façade has incorporated materials commonly seen on housing in the street, such as face brick and render.</p>	
<p>A4.10.4 – Building services fixtures are integrated in the design of the façade and are not visually intrusive from the public realm.</p>	
<p>Acceptable Outcome achieved All services will be located within the building and not visible from the street.</p>	
<p>A4.10.5 – Development with a primary setback of 1m or less to the street includes awnings that:</p> <ul style="list-style-type: none"> - define and provide weather protection to entries - are integrated into the façade design - are consistent with the streetscape character. 	
<p>Acceptable Outcome not applicable</p>	
<p>A4.10.6 – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.</p>	
<p>Acceptable Outcome not applicable.</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>Nil.</p>

ELEMENT 4.11	ROOF DESIGN	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O4.11.1 – Roof forms are well integrated into the building design and respond positively to the street.	The roof is designed to reflect the local character of the area with gabled and pitched roof element.	<p>Objective achieved</p> <p>The roof design has been designed to be stepped back as much as possible to reduce the building bulk of the proposed development.</p> <p>The roof design is fully integrated into the façade to break up the height and bulk of the building when viewed from the street.</p>
O4.11.2 – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.	Rooftop communal open space is provided. Additionally, several PV cells are located on the roof of the building to assist in reducing overall operating costs to the building and its residents.	<p>Objective achieved</p> <p>The roof space has been utilised as communal open space areas for residents only. The communal roof space</p>

	The proposed development satisfies the acceptable outcomes for 4.11 Roof Design.	meets visual privacy setbacks requirements and minimises overlooking through landscaping around the edge space of the roof space of the development.
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.11.1 – The roof form or top of building complements the façade design and desired streetscape character. <u>Acceptable Outcome achieved</u> The roof design has been designed to be stepped back as much as possible to reduce the building bulk of the proposed development.		
A4.11.2 – Building services located on the roof are not visually obtrusive when viewed from the street. <u>Acceptable Outcome achieved</u> Services such as the lift core overrun, air conditioning units are shown on the roof. Services such as water, power and gas will be located near the front of the pedestrian access. The bin area, communications and the Fire Indicator Panel (FIP) is located within the building and not visible from the primary street.		
A4.11.3 – 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. <u>Acceptable Outcome achieved</u> The roof space has been utilised as communal open space areas for residents only. The communal roof space meets visual privacy setbacks requirements and minimises overlooking through landscaping around the edge space of the roof space of the development.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.	

ELEMENT 4.12 LANDSCAPE DESIGN		
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>	
O4.12.1 – 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.	The development will retain two street trees at the front by creating a one-way vehicle entrance. Two native Frangipani are proposed in front of both Unit 1 & 2 between dwelling and footpath to enhance the streetscape and provide soft and attractive interface.	<u>Objective achieved</u> The Landscape Plans includes low shrub plantings and two medium trees within the front setback area. This will provide visual relief to the building, as well as provide shade in the front setback open space area.

	<p>Landscaping on structure at the rooftop communal space helps to make communal areas attractive and inviting.</p>	<p>The overall landscape design will provide an attractive outlook for apartments looking down into the site and reduce the bulk and scale of the building.</p>
<p>O4.12.2 – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.</p>	<p>The proposed landscaping and plant selection as detailed in the landscaping concept plan prepared by Propagule Landscape Architecture has been thoughtfully selected, and is suitable for the proposed plant location, drainage, water, and soil conditions.</p> <p>Water irrigation will be provided using mains potable water.</p>	<p><u>Objective achieved</u></p> <p>The revised Landscaping Plans have been reviewed by the City’s Landscape Architect Consultant who advised the species selection was appropriate for the site and their proposed planting locations within the development.</p>
<p>O4.12.3 – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.</p>		<p><u>Objective achieved</u></p> <p>The revised Landscape Plan and irrigation via soft landscaped areas have been assessed by the City’s Landscape Architect Consultant as being acceptable for a project of this scale for the proposed development.</p> <p>The development is proposing to water harvest grey water that will be stored in the 2000L rainwater tank located near Apartment 9 storeroom on the ground floor.</p>
<p>O4.12.4 – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.</p>	<p>Vertical plant is proposed along the driveway walls which help to create shade and attractive view from the road.</p> <p>The proposed development satisfies the acceptable outcomes for 4.12 Landscape Design.</p>	<p><u>Objective achieved</u></p> <p>The landscaping has been integrated into the built form outcomes, particularly in relation to the open space areas, ground floor private open space areas and the communal outdoor living areas on the roof.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.12.1 – 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.</p> <p><u>Acceptable Outcome achieved</u> Updated Landscape Plans by Propagule dated 28 May 2021 were submitted.</p>		
<p>A4.12.2 – 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.</p> <p><u>Acceptable Outcome achieved</u> A significant number of trees are proposed to be planted within the DSA areas and on structure within balcony areas and the roof space. The landscape areas are considered to improve the amenity to each apartment unit for residents.</p>		
<p>A4.12.3 – Planting on building structures meets the requirements of Table 4.12.</p>		

Table 4.12 Planting on structure: minimum soil standards for plant types and sizes

Plant type	Definition	Soil volume	Soil depth	Soil area
Large tree	Over 12m high, crown spread at maturity	76.8m ³	1,200mm	64m ² with minimum dimension 7m
Medium tree	8-12m high, crown spread at maturity	36m ³	1,000mm	36m ² with minimum dimension 5m
Small tree	4-8m high, crown spread at maturity	7.2m ³	800mm	3m × 3m
Small ornamentals	3-4m high, crown spread at maturity	3.2m ³	800mm	2m × 2m
Shrubs	--	--	500-600mm	--
Ground cover	--	--	300-450mm	--
Turf	--	--	200mm	--

Acceptable Outcome achieved

Updated Landscape Plans by Propagule dated 28 May 2021 were submitted, showing on structure shrub plantings only.

A4.12.4 – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.

Acceptable Outcome achieved

Building services have been integrated inside the building and ground floor levels and will not impact on landscaped areas.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Nil.

ELEMENT 4.13 ADAPTIVE REUSE		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
Development is to achieve the following Element Objectives	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.	
O4.13.1 – New additions to existing buildings are contemporary and complementary and do not detract from the character and scale of the existing building.	N/A	<u>Objectives not applicable</u> This proposal is not retaining the existing dwelling.

<p>O4.13.2 – Residential dwellings within an adapted building provide good amenity for residents, generally in accordance with the requirements of this policy.</p>	<p>N/A</p>	
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.13.1 – New additions to buildings that have heritage value do not mimic the existing form and are clearly identifiable from the original building.</p> <p>Acceptable Outcome not applicable</p>		
<p>A4.13.2 – New additions complement the existing building by referencing and interpreting the scale, rhythm and materiality of the building.</p> <p>Acceptable Outcome not applicable</p>		
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>	
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	<p>Nil.</p>	

<p>ELEMENT 4.14 MIXED USE</p>		
<p>ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i></p>	<p>APPLICANT COMMENT</p>	<p>ASSESSOR COMMENT</p>
<p>O4.14.1 – Mixed use development enhances the streetscape and activates the street.</p>	<p>N/A</p>	<p>Objectives not applicable</p>
<p>O4.14.2 – A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.</p>	<p>N/A</p>	<p>This proposal is not retaining the existing dwelling.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.14.1 – Where development is located within a mixed use area designated within the local planning framework, ground floor units are designed for future adaption to non-residential uses.</p> <p>Acceptable Outcome not applicable</p>		
<p>A4.14.2 – Ground floor uses including non-commercial uses, such as communal open space, habitable rooms, verandahs and courtyards associated with ground floor dwellings, address, enhance and activate the street.</p>		

<u>Acceptable Outcome not applicable</u>	
A4.14.3 – Non-residential space in mixed use development is accessed via the street frontage and/or primary entry as applicable.	
<u>Acceptable Outcome not applicable</u>	
A4.14.4 – Non-residential floor areas provided in mixed use development has sufficient provision for parking, waste management, and amenities to accommodate a range of retail and commercial uses in accordance with the requirements	
<u>Acceptable Outcome not applicable</u>	
A4.14.5 – Mixed use development is designed to mitigate the impacts of non-residential uses on residential dwellings, and to maintain a secure environment for residents	
<u>Acceptable Outcome not applicable.</u>	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

ELEMENT 4.15 ENERGY EFFICIENCY		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
O4.15.1 – Reduce energy consumption and greenhouse gas emissions from the development.	Further details will be provided at the building permit stage, to assist in addressing this element objective.	<p><u>Objective achieved</u></p> <p>A number of measures have been listed by the proponent, including photovoltaic cells on the roof.</p> <p>The applicant has submitted an NATHERS report by Green Start Consulting dated 9 April 2021, which demonstrates the building will achieve an average rating of 7.5 stars. The requirements proposed exceed those outlined in the NCC by 7.0 stars (minimum requirement is 0.5 stars).</p>
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.15.1 –		

- a) Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) **OR**
- b) All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.¹

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.

Acceptable Outcome achieved

Photovoltaic cells are proposed on the eastern aspect of the roof.

The applicant has submitted an NATHERS report by Green Start Consulting dated 9 April 2021, which demonstrates the building will achieve an average rating of 7.5 stars. The requirements proposed exceed those outlined in the NCC by 7.0 stars.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

ELEMENT 4.16 WATER MANAGEMENT AND CONSERVATION		
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>	
O4.16.1 – Minimise potable water consumption throughout the development.	Further details will be provided at the building permit stage, to assist in addressing this element objective.	<u>Objective achieved – condition required</u> It is recommended that a condition be placed on any approval that requires individual metering of water usage.
O4.16.2 – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	Further details will be provided at the building permit stage, to assist in addressing this element objective.	<u>Objective achieved – condition required</u> A standard stormwater management condition placed on any approval will ensure this objective is achieved.
O4.16.3 – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	There will be minimal risk of flooding as no basement is proposed for this development. Further details will be provided at the building permit stage, to assist in addressing this element objective. This area is not close to the water table.	<u>Objective achieved</u> The site slopes up by approximately 0.7m, from the primary street to the rear. The finished level of the ground floor will be at ground level or above.
ACCEPTABLE OUTCOMES		
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.16.1 – Dwellings are individually metered for water usage.		
<u>Acceptable Outcome achieved – condition required</u>		

It is recommended that a condition be placed on any approval requiring individual metering.	
A4.16.2 – Stormwater runoff generated from small rainfall events is managed on-site.	
<u>Acceptable Outcome achieved – condition required</u>	
Stormwater run-off is to be accommodated by on-site soak wells. It is recommended that a condition be placed on any approval granted requiring this outcome.	
A4.16.3 – Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.	
<u>Acceptable Outcome achieved</u>	
Stormwater management will be controlled through standard conditions in the event of approval.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

ELEMENT 4.17 WASTE MANAGEMENT		
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>	
O4.17.1 – Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.	As detailed in the Waste Management Plan, the bin store is located behind Unit 1 and not visible from the street, or residential apartments. The bin store will also include a washdown area, and suitable drain with gross pollutant trap.	<u>Objective achieved</u> The bin storage areas are located on the ground floor level and have been incorporated into the development. The bin store areas will not be visible from the street.
O4.17.2 – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	This waste is separated into different waste types by the occupier and transported by hand to the bin store, where it is placed in the relevant bin. Specific signage on use and obligations of occupiers will be placed on site. The proposed development satisfies the acceptable outcomes for 4.17 Waste Management.	<u>Objective achieved</u> The Waste Management Plan has been assessed by the City and is considered to be generally in compliance with the City's Waste Management Guidelines. The City's Waste Services Unit has reviewed the Waste Management Plan and were supportive of the management plan dated 27 May 2021.
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		

<p>A4.17.1 – 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).</p> <p>Acceptable Outcome achieved A Waste Management Plan (WMP) dated 27 May 2021 has been prepared in accordance with the City’s Waste Management Local Planning Policy and Guidelines.</p>	
<p>A4.17.2 – 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).</p> <p>Acceptable Outcome achieved The submitted WMP has been prepared and has been assessed as appropriate. The City’s Waste Services Unit has reviewed the WMP and were supportive of the management plan.</p>	
<p>A4.17.3 – 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).</p> <p>Acceptable Outcome achieved The submitted WMP has identified a dedicated area for bulk verge collection area. A sufficient sized bin store area located on the ground floor (18m²) that is to accommodate 9 x 360L bins and 2 x 240L bins and a 360L bin compactor.</p>	
<p>A4.17.4 – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.</p> <p>Acceptable Outcome achieved The bin storage areas are located on the ground floor level and have been incorporated into the development.</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>The updated Waste Management Plan dated 27 May 2021 and waste arrangements have been assessed against the City’s Waste Management Local Planning Policy. The WMP has been assessed as compliant with the policy in the event approval is granted.</p>

ELEMENT 4.18 Utilities		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<p>ELEMENT OBJECTIVES <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>O4.18.1 –The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that</p>	<p>The proposed building services will include power, potable water, natural gas, sewerage, and NBN. These services will be fit for purpose and meet the performance and</p>	<p>Objective achieved</p>

are fit for purpose and meet current performance and access requirements of service providers.	access requirements of the respective services access providers. The location of the services is shown on the plans.	All services are available to the site. The restively size of the development is expected to not create any capacity issues. However, in the event of capacity issues, there are established processes to determine upgrades between the developer and service providers.
O4.18.2 – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.	None of the utilities are located near the driveway as they are all accessible easily and safely by pedestrian pathway.	<u>Objective achieved</u> Utility meters will be located within the building on the ground floor opposite of the lift and stairs which will be screened not visually intrusive.
O4.18.3 – 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.	The proposed utilities box location is next to the storeroom wall of Unit 10, next to car parking bay 9. The location of the proposed meter boxes is in a suitable location which is not visually obtrusive, visible from the street, or from open space.	<u>Objective achieved</u> Utility meters will be within the building on the ground floor opposite of the lift and stairs which are screened from view.
O4.18.4 – 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.	A/C units are located on the rooftop which is accessible from the elevator. The area will be screened and will not have adverse negative impact on the streetscape. Laundries and hot water units will be in individual units.	<u>Objective achieved</u> Utilities within dwellings is limited to laundry areas. These are located within an enclosed cupboard and dedicated laundry areas.

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

<p>A4.18.1 – 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><u>Acceptable Outcome achieved</u></p> <p>The water, power and gas utility meters will be located within the front setback area to the eastern corner of the site that will not visually intrusive being located low on the ground.</p> <p>All communication and fire utilities will be located within the building close to the amin entrance and not visible from the primary street.</p>
<p>A4.18.2 – Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.</p> <p><u>Acceptable Outcome achieved</u></p> <p>This is a standard requirement of NBN Co for new developments. An advice note will be included on any approval granted.</p>
<p>A4.18.3 – 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><u>Acceptable Outcome achieved</u></p> <p>The location of air conditioner units is concealed and located at the roof level.</p> <p>The provision has been made for clothes dryers in the bath/laundry areas for all apartments.</p>

A4.18.4 – Laundries are designed and located to be convenient to use, secure, weather-protected and well-vented; and are of an overall size and dimension that is appropriate to the size of the dwelling.

Acceptable Outcome achieved

Laundry facilities are located within each apartment. These take the form of a laundry/bath area that contain sufficient space for a trough, washing machine and dryer. Ventilation and function of laundry areas will be subject to Health requirements in the event of approval.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Nil.

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City of Nedlands
Received
26 October 2020

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1 October 2020

City of Nedlands
PO Box 9
NEDLANDS WA 6909

Attention: Mr. Joshua Scrutton– Senior Urban Planner

Dear Peter

RE: PROPOSED TEN (10) THREE-STOREY MULTIPLE DWELLINGS AT LOT 421 (NO. 24) CLARK STREET, NEDLANDS

Tuscom Subdivision Consultants, on behalf of the registered owners of the above site, Sincerity Development Pty Ltd, submitted an application seeking preliminary advice on the abovementioned proposal on 21 May 2020.

In light of comments received by the Council on the 19 June 2020, we hereby submit the attached revised plans. The following demonstrates changes to the proposal as per comments provided by the City's Planning Officer:

- Driveway narrowed to reduce impact on street
- Private direct access to street for ground floor units
- Pedestrian access to lobby separated from driveway
- More vegetation around the site boundaries with small-medium trees
- Bins closer to street, with store accessed off lobby for convenience
- Smaller balconies to enable more articulation/reduce scale of elevation
- Communal area in roof space – partially open with a pergola following the line of the roof structure
- A more traditional architectural language that responds to the character of the place

Further to the City's comment, this application is supported by the following specialised reports;-

- Acoustics report
- Traffic Impact Report
- Waste Management Plan
- Landscape Plan

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- Solar Access & Ventilation Plan

ZONING

This is a preliminary assessment based on City of Nedlands Local Planning Scheme No. 3 ('herein referred to as the Scheme'). The subject site is zoned 'Residential' under the scheme with a designated density of R60. The objective of 'Residential' zone is to "provide for a range of housing and a choice of residential densities to meet the needs of the community." In addition, the zone is to "facilitate and encourage high quality design, built form and streetscapes throughout residential areas."

THE PROPOSAL

The proposal seeks planning approval for ten (10) multiple dwellings located over three levels. Specifically, the development proposal exhibits the following key characteristics:

- A lower ground level comprising two (2) ground floor units, pedestrian access and egress and thirteen (13) car parking bays including three (3) visitor bays;
- The first floor comprising a total of four (4) units;
- The second floor comprising a total of four (4) units;
- Eight (8) units will be provided with two bedrooms and two bathrooms; and two (2) units are studio units;
- Each unit is provided with either private courtyard or balcony.

GENERAL PLANNING ASSESSMENT

	PERMISSIBLE	PREVIOUS PLAN	AMENDED PLAN
R-Code	R60	R60	R60
Plot Ratio (Lot area – 911m ²)	0.8 (729m ²)	0.9 (840m ²)	0.85 (778 m ²)
Building Height	3 Storeys	3 Storeys	3 Storeys
Front setback	2.0m	2.0m	2.0m
Overshadow	50% of the site area	11% of the site area	11% of the site area
Deep Soil Area	10% minimum or 7% with existing tree	8% + retaining 2 existing trees	12% DSA

Table 1 – Key Development Assessment Summary

The proposal complies with all general aspects of the Design WA Residential Design Codes. The only minor variation sought is plot ratio, which will be discussed further below.

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PLOT RATIO

The proposal seeks a plot ratio of 0.85 being a total plot ratio area of 778m² in lieu of 0.8 (729m²), representing a variation of 0.05 or 49m². Where a variation is sought, consideration against the design principles of the R-Codes is necessary which stipulates *“Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality”*.

It is noted that the primary purpose of plot ratio is to manage building bulk and scale however this is done in conjunction with other building controls, these being building height, setbacks, deep soil areas and overshadowing. As such, plot ratio alone should not be relied upon as an effective means of managing building bulk.

The visual impact of a development is influenced by the perceived height, bulk and scale of the development and this can be ‘softened’ by utilising various design elements. For the subject proposal, visually the proposal presents as a three-storey dwelling as viewed from the street and the scale has been further mitigated by varying the building materials, colour, finishes, roof form, heights and setback.

Further to the above, under the general planning principles contained in high level state planning policies such as Liveable Neighbourhoods (LN), the general principles to achieving lot layout for housing diversity and density would suggest that:

“Medium density housing and small lot development should be made more appealing by placing it in good locations such as close to town and neighbourhood centres or overlooking parks. Smaller lots need to predominate near town and neighbourhood centres and public transport stops to achieve sufficient density to support these facilities.

In this regard, we bring attention the following key considerations:

- The subject site is within 600m to University of Western Australia and Trinity Residential College;
- Within 600m to Broadway Fair Shopping Centre;
- Within 400m to a high frequency bus stop and 200m to nearest bus stop;
- 1.0km to St Thomas More College, and
- 1.2km to Matilda Bay Reserve and Hospitals such as Hollywood Private Hospital and Sir Charles Gairdner Hospital.

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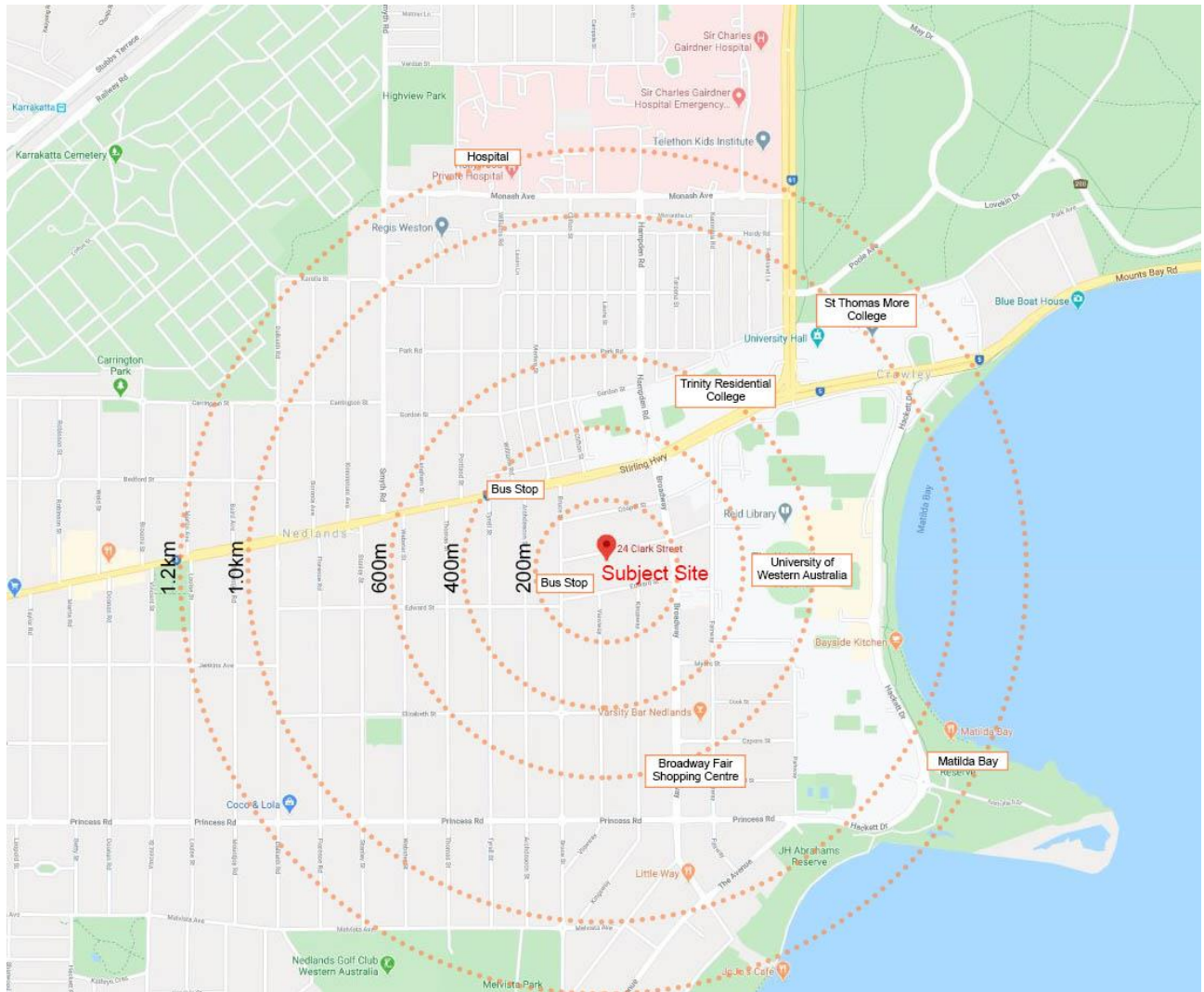


Figure 1 – Site Context

Objective 9 of LN relative to Element 7 states *“To promote the restructuring of existing urban areas to improve the distribution of centres in walking distance of residences, and to upgrade the quality and function of existing centres to support mixed uses, public transport, walkability, intensification, sense of community, amenity, and reduced car travel”*.

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As noted above, the proximity of the subject site to the Local Shopping Centre, University/Colleges and transport linkages is considered to address this objective. In addition, the proposal delivers an alternate housing type and affordability in an area currently dominated by low density single houses on large lots. The proposal is considered to exhibit design excellence in not only its exterior façade but also in its internal layout and configuration based on the following factors:

- Large living and dining areas which all have access to large major openings / balconies which allow access to ventilation and sunlight. The open nature of these areas also allow for multiple functions to occur simultaneously;
- Large and functional bedrooms all of which have the ability to gain access to direct sunlight;
- All balconies meet the minimum size requirements of the R-Codes; and
- Incidental facilities including robes to all bedrooms, cupboards as well as laundry nooks have been well placed and provided for within all units.



Figure 2 – Aerial perspective of Subject Site

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Figure 3 – Proposed development as viewed from Clark Street

DWELLING DESIGN

According to the State Planning Policy 7.3 Residential Design Codes, dwellings shall have a minimum internal floor area in accordance with Table 4.3a, and habitable rooms have a minimum floor areas and dimensions in accordance with Table 4.3b. Furthermore, each dwelling shall be provided with private open space accessed

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directly from a habitable room with dimensions in accordance with Table 4.4. Refer State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments for tables.

The proposed development consists of ten (10) units, eight (8) units will be provided with two bedrooms and two bathrooms; and two (2) units are studio units. Table 2 below shows comparison between the proposed units and requirements of Residential Design Codes WA.

Unit No.	Dwelling Type	Internal Floor Area		Private Open Space	
		Minimum Area	Proposed Area	Minimum Area	Proposed Area
1	Studio Unit	37m ²	43m ²	8m ²	14m ²
2	Studio Unit	37m ²	43m ²	8m ²	14m ²
3	2 bedroom x 2 bathroom	72m ²	78m ²	10m ²	10m ²
4	2 bedroom x 2 bathroom	72m ²	78m ²	10m ²	10m ²
5	2 bedroom x 2 bathroom	72m ²	93m ²	10m ²	17m ²
6	2 bedroom x 2 bathroom	72m ²	93m ²	10m ²	17m ²
7	2 bedroom x 2 bathroom	72m ²	78m ²	10m ²	10m ²
8	2 bedroom x 2 bathroom	72m ²	78m ²	10m ²	10m ²
9	2 bedroom x 2 bathroom	72m ²	93m ²	10m ²	17m ²
10	2 bedroom x 2 bathroom	72m ²	93m ²	10m ²	17m ²

Table 2 – Comparison between proposed units and Design WA requirements

Suite 3, Level 1, 4 Riseley Street
Applecross
Western Australia 6153

City of Nedlands
Received
26 October 2020

Telephone: 9316 8388
Fax: 9316 8378
Mobile: 0432 298 736
Email: consult@tuscom.com.au

CONCLUSION

It is considered that the proposal warrants favourable consideration based on the above. In summary, reasons in support of the proposal are:

- In isolation, the proposal plot ratio variation of 0.05 in lieu of 0.8 should not be construed as representing an adverse amenity impact to the locality on the basis that more pertinent factors such as building height, setbacks and deep soil areas have been appropriately provided;
- The proposed internal floor area variations are deemed appropriate as the internal size and layout are functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to students in the area;
- Compared to the existing development on the subject site, the proposal will significantly improve the amenity of the locality by introducing a high quality development that is visually appealing but also improves the housing and affordability options in the locality to the benefit of the wider community;
- The subject site affords excellent access to public bus services which provide connection to Fremantle, Perth City and areas in between. Medium to high density development such as the proposal should be encouraged in this regard.

Should you have further queries or seek clarification with regard to the matters raised above, please do not hesitate to contact Ms Susie Chai – Project Development Consultant on 9316 8388 or susie@tuscom.com.au.

Yours faithfully



MR JAMES TEOH
DIRECTOR

SPP 7.0- Design of the Built Environment	
Design Principle	Applicant Response
<p>1. Context and Character- <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>	<p>The building is an excellent expression of a more traditional architectural language that responds to the character of the place. This is achieved through the design of the gabled roof, balcony and along with the landscape which will contribute and emphasise Nedlands' landscape character of "leafy-green" neighbourhood.</p>
<p>2. Landscape Quality- <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p>	<p>Landscape plan has been prepared by Propagule Landscape Architecture. A wide selection of low maintenance plants and new trees are proposed for the development. The driveway is reduced to provide more landscape space and reduce impact on street. The area for deep soil has also meets with the provisions of SPP 7.3 DSA requirement.</p>
<p>3. Built Form and Scale- <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p>	<p>The built form and scale of this development is considered appropriate with a 3 storey building plus a rooftop communal space which is permitted in areas zone R60. The articulation of side wall and the use of screening plants to mitigate building bulk.</p>
<p>4. Functionality and Build Quality- <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p>	<p>The development is considered to have functionality and build quality with good separation of different areas and the units. The public realm on the ground floor has a good connection with 2 units on the ground facing the street and private entrance is provided. 2.7m ceiling height proposed for all units to improve the functionality of the units' habitable spaces.</p> <p>The proposed design is sustainable and aesthetically pleasing with durable and renewable material such as lightweight timber cladding, stone cladding on the ground façade and colorbond roof.</p>
<p>5. Sustainability- <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p>	<p>Most dwellings have been designed to maximise the northern aspect that obtain at least 2 hours direct sunlight between 9am to 3pm on 21 June. Most of the apartments have dual aspect ventilation with decent sized window openings.</p> <p>A number of PV cells are located on the roof of the building to assist in reducing overall operating costs to the building and its residents.</p>
<p>6. Amenity- <i>Good design provides successful places that offer a</i></p>	<p>The proposal will improve the amenity of the locality by introducing a high-quality development with larger</p>

<p><i>variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i></p>	<p>units apartment and balconies. Rooftop communal area is provided for the residents. 2 Ground Floor units comply with Universal Design silver level standards. Plant room that facilitates air-conditioning condensers is proposed on roof terrace, for servicing the occupancy units. 18% Deep soil area with a wide range of plants are proposed for the development, promoting a greener development and improving occupancies' enjoyment. The site has good access to public bus services which provide connection to Fremantle, Perth City and area in between. Given the convenient location, multiple dwelling offering a different choice to the community should be supported.</p>
<p>7. Legibility- <i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p>	<p>The development has very clear path and navigation for both residents and visitors. Pedestrian access to lobby is provided and separated from the driveway.</p>
<p>8. Safety- <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p>	<p>This development has a clear definition of public, communal and private area which is in appropriate scale. A generous foyer area is provided for visitors. Each apartment has a secured storeroom and the bicycle rack are located internally.</p>
<p>9. Community- <i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p>	<p>Private pedestrian street entries are provided to the ground floor apartments to have better connection with the local community. Ground floor units' front alfresco area are raised approximately 300mm from verge area, creating a clear separation of space between public and private. Both open and covered communal area is provided on roof terrace.</p>
<p>10. Aesthetics- <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p>	<p>The development is considered well designed and provides an overall good aesthetics by adopting a more traditional architectural approach for the building elevations, responding to the character of the area. The inclusion of the communal recreation area within the roof space and landscaping plants with 18% deep soil area, create a well-conceived design and allow occupants to fully utilise the spaces.</p>

Please note this item was brought forward from page 31.

CSD07.21	Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project
-----------------	--

Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the Local Government Act 1995	Nil.
Executive Manager	Patricia Panayotou – Executive Manager Community
Attachments	Nil.
Confidential Attachments	Nil.

Councillor Smyth – Impartiality Interest

Councillor Smyth disclosed an impartiality interest in Item CSD7.21 - Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project. Councillor Smyth disclosed that as a Coastal Ward Councillor she holds an honorary position of Vice Patron and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

Deputy Mayor McManus – Impartiality Interest

Deputy Mayor McManus disclosed an impartiality interest in Item CSD07.21- Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project. Deputy Mayor McManus disclosed that as a Coastal Ward Councillor he holds an honorary position of Vice Patron, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Deputy Mayor McManus declared that he would consider this matter on its merits and vote accordingly.

Councillor Horley – Impartiality Interest

Councillor Horley disclosed an impartiality interest in Item CSD7.21 - Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project. Councillor Horley disclosed that as a Coastal Ward Councillor she holds an honorary position of Vice Patron and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Horley declared that she would consider this matter on its merits and vote accordingly.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Horley
Seconded – Councillor Smyth

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

Councillor Wetherall left the meeting at 8.12pm and returned at 8.15pm.

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council approves the following expenditure on the redevelopment of the Swanbourne Surf Life Saving Club's facilities project, being:

- 1. \$124, 200 in the 2021/22 financial year; and**
- 2. \$124,200 in the 2022/23 financial year.**

The Presiding Member adjourned the meeting for 5 minutes for the purposes of a refreshment break.

The meeting adjourned at 8.25pm and reconvened at 8.30pm with the following people in attendance:

Councillors	Deputy Mayor L J McManus	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Vacant	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor B Tyson	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr E K Herne	Acting Chief Executive Officer
	Mr J Duff	Director Technical Services
	Mr T G Free	Director Planning & Development
	Mr A Melville	Acting Director Corporate & Strategy
	Ms P Panayotou	Executive Manager Community
	Mrs N M Ceric	Executive Officer

Invitation	Peter Bennington	Independent IT Consultant
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Public	There were 4 members of the public present and 1 online.	
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Press	Nil.	
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8.1 Planning & Development Report No PD22.21

Planning & Development Report No PD22.21 to be dealt with at this point (copy attached yellow cover sheet).

PD22.21	Consideration of Development Application for 5 Grouped Dwellings at 15 Thomas Street, Nedlands
----------------	---

Committee	8 June 2021
Council	22 June 2021
Applicant	H Golestani
Landowner	Go Develop Louise St P/L
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/61309
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings.
Attachments	<ol style="list-style-type: none"> 1. Local Planning Scheme Regulations 2015 Clause 67 (2) Assessment 2. Administration State Planning Policy 7.0 Assessment 3. Applicant State Planning Policy 7.0 Assessment 4. Renders (Artist Impression)
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah

Seconded – Councillor Coghlan

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 8/3

(Against: Crs. Bennett Mangano & Tyson)

Committee Recommendation / Recommendation to Committee

In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 4 March 2021 in accordance with the plans date stamped 25 May 2021 (DA21/61309) for five (5) grouped dwellings at Lot 72 (No.15) Thomas Street, Nedlands, subject to the following conditions:

1. This approval is for a 'Residential' (Grouped Dwellings) land use and development as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
2. This approval is limited to the construction of 5 grouped dwellings only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
5. Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level, as shown on the plans, shall be set back in accordance with clause 5.4.1 of the Residential Design Codes Volume 1, in direct line of sight within the cone of vision from the lot boundary, a minimum distance as prescribed in C1.1 of Clause 5.4.1 – Visual Privacy of the Residential Design Codes. Alternatively, the major openings are to be screened in accordance with the Residential Design Codes by either;
 - a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level, or

- b) **Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.**
- c) **A minimum sill height of 1.60 metres as determined from the internal floor level; or**
- d) **an alternative method of screening approved by the City of Nedlands.**

The required setbacks and/or screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

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

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

- 7. The parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004 prior to the occupation or use of the development.**
- 8. Waste management for the development shall comply with the approved Waste Management Plan to the satisfaction of the City of Nedlands. Any modification to the approved waste management plan will require further approval by the City.**
- 9. Bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or common property and constructed to the City's satisfaction.**
- 10. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
- 11. Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
- 12. Prior to the occupation of the development, all structures within the 1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City of Nedlands.**

- 13. Prior to occupation, each grouped dwelling is to have an adequate area set aside for clothes drying screened so as to not be highly visible from any adjacent public place in accordance with the requirements of the Residential Design Codes to the satisfaction of the City of Nedlands.**
- 14. All landscaping shall be installed and maintained in accordance with the approved landscaping plan dated 25 May 2021, or any modification approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**

8.2 Technical Services Report No TS11.21

Technical Services Report No TS11.21 to be dealt with at this point (copy attached blue cover sheet).

TS11.21 Requested Review of Street Tree Policy	
Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	Nil.
Confidential Attachments	Nil.

Moved – Councillor Bennett
 Seconded – Councillor Mangano

That Council Proceed to the next item of business.

CARRIED 8/3
(Against: Deputy Mayor McManus Crs. Hodsdon & Senathirajah)

Please note no recommendation was made by the Committee.

Recommendation to Committee

Council requests the Acting CEO to engage an external consultant to assist with the preparation of a detailed project plan that outlines the process to be followed and resourcing required to undertake the review.

8.3 Community Services & Development Report No CSD07.21

Community Services & Development Report No CSD07.21 to be dealt with at this point (copy attached orange cover sheet).

Please note this item was brought forward see page 23.

CSD07.21	Swanbourne Surf Life Saving Club - Clubroom Redevelopment Project
-----------------	--

Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the <i>Local Government Act 1995</i>	Nil.
Executive Manager	Patricia Panayotou – Executive Manager Community
Attachments	Nil.
Confidential Attachments	Nil.

8.4 Corporate & Strategy Report No's CPS12.21 to CPS13.21

Corporate & Strategy Report No's CPS12.21 to CPS13.21 to be dealt with at this point (copy attached green cover sheet).

CPS12.21 Variation	Nedlands Tennis Club – Liquor Licence
Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Corporate & Strategy
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – No decision made.

Moved – Councillor Youngman
Seconded – Deputy Mayor McManus

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

Lost 5/6
(Against: Crs. Smyth Bennett Mangano
Coghlan Senathirajah & Tyson)

Please note no recommendation was made by the Committee.

Recommendation to Committee

Council:

1. supports the Nedlands Tennis Club's application to vary the approved Liquor Licence trading hours and licensed area on the provisions detailed within this report; and
2. requests the CEO provide a letter of consent to Department of Racing Gaming and Liquor.

CPS13.21	RFT 2020-21.03 Provision of City Finance System
-----------------	--

Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Corporate & Strategy
Attachments	1. Enterprise Resource Planning System - Scope of Integrated Modules
Confidential Attachments	1. Tender Evaluation and Recommendation Report

Regulation 11(da) – The Council agreed that further information was required before a recommendation could be made and this information was going to be provided at a Council Member Briefing on Tuesday 15 June 2021.

Procedural Motion

Moved – Councillor Senathirajah

Seconded – Councillor Tyson

That Council proceed to the next item of business.

CARRIED UNANIMOUSLY 11/-

Please note no recommendation was made by the Committee.

Recommendation to Committee

Council:

1. approves the supplier, TechnologyOne, to be awarded the contract for RFT 2020-21.03 – Provision City Finance System (Enterprise Resource Planning System) for the initial term of 5 years, comprising the initial 3 years with two one-year extensions, to be awarded under Local Government (Functions & General) Regulations 1996 11(2);
2. agrees to enter a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil, with final contract subject to Chief Executive Officer approval; and

3. notes;
 - a. the adoption of the Integrated Enterprise Resource Planning approach for implementing Information Systems; and
 - b. the implementation of the TechnologyOne OneCouncil solution using the Cloud model called “Software as a Service”.

9 Reports by the Chief Executive Officer

9.1 Annual Review of the City of Nedlands Register of Delegations

Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Ed Herne, Acting Chief Executive Officer
Attachments	1. Register of Delegations – with track changes 2. Register of Delegated Authority – final version for adoption

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah
Seconded – Councillor Wetherall

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED BY ABSOLUTE MAJORITY 10/1
(Against: Cr. Bennett)**

Committee Recommendation / Recommendation to Committee

Council approves the delegations made to the Chief Executive Officer and Committees, as contained in the Register of Delegations, Attachment 2.

Voting Requirement

Absolute Majority.

Executive Summary

The City is required to review its Register of Delegations annually in accordance with section 5.46(2) of the Local Government Act 1995. This review has now been completed and is presented to Council for approval.

Discussion/Overview

Background

At least once every financial year, delegations from the Local Government Act 1995 and the City of Nedlands Local Planning Scheme No. 3 are to be reviewed by the delegator, either Council or the Chief Executive Officer.

The last review was undertaken at the Ordinary Council Meeting on 25 February 2020. The Annual review has now been completed by the Acting Chief Executive Officer and is presented with the recommended changes where explained,

Attachment 1 is the current Register of Delegations with track changes showing only one minor change on page 26 of the register the change being the removal of **Section 9.10 (1) and (2) – The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised.** This item is no longer required due to an update to the Local Government Act 1995 with a new 9.10 giving authority to the CEO to appoint persons or classes of person to be authorised without needing delegation from Council.

Attachment 2 is the final updated Register of Delegations with the changes incorporated.

Key Relevant Previous Council Decisions:

Ordinary Council Meeting – 23 February 2021 – Amendment
Ordinary Council Meeting – 23 June 2020 – Annual Review & Amendment
Ordinary Council Meeting – 26 May 2020 – Amendment
Ordinary Council Meeting – 25 February 2020 - Amendment
Ordinary Council Meeting – 17 December 2019 – Annual Review

Consultation

The Acting Chief Executive Officer reviewed the Register of Delegations in consultation with the Executive Officer, Directors, Executive Manager Community and Managers to ensure the register complied with the requirements under the Local Government Act 1995 and the City's day to day operations.

Budget/Financial Implications

Nil.

Conclusion

The Acting Chief Executive Officer has reviewed the Register of Delegations as required by the Local Government Act 1995 and is recommending the amendment as shown with track changes in the attached Register of Delegations be approved by Council.

Register of Delegations

As at 22 June 2021

Deleted: 23 February 2021

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Preamble

Introduction

The purpose of delegations is to assist with improving the time taken to make decisions, within the constraints allowed by the relevant legislation, which is consistent with the City's commitment to customer service.

- a) A Council may delegate to its Chief Executive Officer, some of its powers and duties provided for in the *Local Government Act 1995*. Any decision to delegate must be passed by an absolute majority and the delegation must be in writing.
- b) The only staff member to whom the Council may delegate any of its powers and duties under the *Local Government Act 1995* is the Chief Executive Officer but the Chief Executive Officer may give delegated authority to any staff member. The Chief Executive Officer is the only staff member with the power to delegate.
- c) A Council may also delegate some of its powers and duties to committees of Council by a decision passed by an absolute majority and recorded in writing.

Limits on Delegation to the Chief Executive Officer

There are some powers and duties that a Council cannot delegate. They are specified where applicable.

Delegations to Committees

- a) Council may delegate its powers and duties to committees comprising only of Council members except:
 - i. any power or duty that requires a decision of an absolute majority or a 75% majority of the local government and any other power or duty that is prescribed; or
 - ii. any other power or duty that is prescribed.
- b) Council may delegate to a committee comprising of elected members and employees, any of the local government's powers or duties that can be delegated to the Chief Executive Officer under division 4 of the *Local Government Act 1995*.

Register of Delegations

- c) Council may delegate to a committee comprising of staff members or members of the public any of the local government's powers and duties necessary or convenient for the proper management of:
 - i. the local government's property; or
 - ii. an event in which the local government is involved.
- d) No delegations may be made to committees on which there are no elected members or members of staff.

Period of Any Delegation

- a) A delegation of authority has effect for the period of time specified in the instrument of delegation or where no period of time is specified, indefinitely.
- b) Any delegation under the City of Nedlands Local Planning Scheme No. 3.
- b) Any decision by Council to revoke or amend a delegated authority must be passed by an absolute majority.

Recording Delegations

The CEO is to keep a register of the delegations made by Council to the CEO, Committees, and made by the CEO to other employees (this register).

Exercising Delegated Authority

- a) After any delegation has been exercised the following information must be recorded in writing:
 - i. how the person exercised the power or discharged the duty;
 - ii. when the person exercised the power or discharged the duty; and;
 - iii. the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Review

At least once every financial year, delegations from the *Local Government Act 1995* and the City of Nedlands Local Planning Scheme No. 3 are to be reviewed by the delegator, either Council or the Chief Executive Officer.

Council's Ability to Make Decisions is not Limited

Council may still exercise any of its powers or duties that have been delegated to the Chief Executive officer or to a committee. The CEO may still exercise any powers or duties that have been delegated to employees.

Acting Through

In addition to delegations, the *Local Government Act 1995* contains the concept of "acting through". Where a person is "acting through", they have no discretion in carrying out the function. This could be the City performing administrative functions on behalf of the Council, or implementing policies adopted by the Council. This differs to an authorised person who exercises the decision making function in his or her own right.

As per the *Local Government Act 1995* section 5.51, the CEO's functions are to:

- a) "advise the council in relation to the functions of a local government under this Act and other written laws; and
- b) ensure that advice and information is available to the council so that informed decisions can be made; and
- c) cause council decisions to be implemented; and
- d) manage the day to day operations of the local government; and
- e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- f) speak on behalf of the local government if the mayor or president agrees; and
- g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."

Register of Delegations

Any function in the *Local Government Act 1995* which the CEO would carry out administratively (based on the above) can be done so via “acting through”, the implementation of which may be directed by a Council Resolution or Policy.

Legislative Authority

- a) The following sections of the *Local Government Act 1995* provide for delegation of authority:
 - i. s.5.16 to s.5.18 (delegations to Committees)
 - ii. s.5.42 to s.5.46 (delegations to CEO and other employees).
- b) The *Local Government (Administration) Regulations* s. 18G and 19 expand upon s.5.43 and s.5.46(3) of the Act.
- c) Legislative powers to delegate relate only to the Act in which they are contained, or to which they stipulate are permissible. It is not possible to, for example, rely on section 5.42(1) of the *Local Government Act 1995* to delegate any of a local government’s powers under another Act. Any delegation by a local government of its powers under another Act can only be delegated by the delegation provisions of that Act.

Register of Delegations of Authority

1. Delegations under the Local Government Act 1995 to the Chief Executive Officer

Authority to delegate: Sections 5.16, 5.17, 5.42 and 5.44 of the *Local Government Act 1995*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Part 1 – Introductory Matters		
Nil items in Part 1		
Part 2 – Constitution of Local Government		
Nil items in Part 2		
Part 3 – Functions of Local Governments		
Division 1 - General		
Nil items in Division 1		
Subdivision 1 – Local Laws made under this Act		
All City of Nedlands Local Laws including but not limited to:	To administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the Local Government Act 1995.	Chief Executive Officer
Parking and Parking Facilities Local Law	The Chief Executive Officer is delegated the power to make decisions on behalf of the local government in relation to the City's local laws.	Excludes decision-making where the local law specifies the matter be determined by Council Resolution.
Standing Orders Local Law		In respect to the Parking and Parking Facilities Local Law, determination of parking stalls and parking stations.(Section 3.1):
Trading in Public Places Local Law		1. Where the local government makes a determination of resolution under this clause, it shall erect signs to give effect to the determination or resolution; and

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Site Erosion and Sand Drift Local Law Reserves, Foreshores and Beaches Local Law Health Local Law Council Halls Local Law Repeals Local Law 2016 Waste Local Law Dogs Local Law Council Property and Places Local Laws Signs Local Law Fencing Local Law		2. Delegation is to constitute, determine and vary and also indicate by signs, minor instances only of parking stalls and parking stations as described in clause 3.1 (1) of the Parking and Parking Facilities Local Law.

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
By – law Relating to New Street Alignment		
Division 3 – Executive functions of Local Governments		
Subdivision 1 – Performing executive functions		
Section 3.18 (1)	Do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act. Expend budgetted amounts.	Arts Committee subject to the Terms of Reference & Council's Resolution of 23 April 2019 as follows: That in the Arts Committee Terms of Reference the clause under the heading Delegated Authority be amended to read: The Committee has delegated authority to implement public artworks of not more than \$10,000 each to the value of up to, in all, the budget allocation approved by Council within the current financial year's budget. Artworks over \$10,000 shall be recommended to Council for approval.
Section 3.20 (1)	Things done by a local government in performing its executive functions may be done outside its own district but before it can do anything on land outside its own district that is not local government property of that local government it is required to have obtained the consent of — (a) the owner of the land; and	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	(b) if the land is occupied, the occupier of the land; and (c) if the land is under the control or	
Section 3.22(4)	A dispute about the amount of compensation is to be determined by arbitration in accordance with section 3.23.	Chief Executive Officer
Subdivision 2 – Certain provisions about land		
Section 3.25(1)	A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that - (a) is prescribed in Schedule 3.1, Division 1; or (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.	Chief Executive Officer
Section 3.26(2)	If the person who is given the notice (notice recipient) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.	Chief Executive Officer
Section 3.26(3)	The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.	Chief Executive Officer
Section 3.27(1)	A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.	Chief Executive Officer
Subdivision 3 – Power of entry		

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.31(2)	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry.	Chief Executive Officer
Section 3.34(1)	A local government may enter land in an emergency without notice or consent.	Chief Executive Officer
Section 3.34(3)	A local government may use reasonable force to exercise the power of entry given by subsection (1).	Chief Executive Officer
Section 3.34(4)	A local government may exercise the power of entry given by subsection (1) at any time while the emergency exists and for so long subsequently as is reasonably required.	Chief Executive Officer
Section 3.36(3)	A local government may make an opening in a fence to do works on a property subject to providing the owner or occupier with 3 days written notice.	Chief Executive Officer
Section 3.39	Local government may authorise an employee to remove and impound any goods.	Chief Executive Officer
Section 3.40(1)	Local government may authorise a person to remove and impound an abandoned vehicle wreck.	Chief Executive Officer
Section 3.40A(4)	Local government may declare that a vehicle is an abandoned wreck.	Chief Executive Officer
Section 3.47(1)	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.	Chief Executive Officer
Section 3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck.	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.47(2a)	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44.	Chief Executive Officer
Section 3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass.	Chief Executive Officer
Section 3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods.	Chief Executive Officer
Subdivision 5 – Certain provisions about thoroughfares		
Section 3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks.	Chief Executive Officer
Section 3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks.	Chief Executive Officer
Section 3.50(6)	An order to close a thoroughfare may be revoked by the local government.	Chief Executive Officer
Section 3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare.	Chief Executive Officer
Local Government (Functions and General) Regulations, Regulation 6(3)	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive.	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.51(3)	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	Chief Executive Officer
Subdivision 6 – Various executive functions		
Section 3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	Suitable for delegation, not currently delegated
Section 3.53(4)	An agreement or direction under subsection (3) has effect according to its terms.	Suitable for delegation, not currently delegated
Section 3.54(1)	A local government may do anything it could do under the <i>Parks and Reserves Act 1895</i> if it were a board appointed under that Act, to control and manage any land reserved under the <i>Land Act 1933</i> and vested in or placed under the control and management of the local government	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders.	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulations 18(4) and (5)	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender.	Chief Executive Officer Consideration of tender only. Excludes decision on which tender to accept. The CEO in consultation with the Mayor accept a tender to a maximum value of \$500,000 and may decline to accept any tender from the 27 th December to 31 January during the yearly Council recess period.

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Limited Government (Functions and General) Regulations - Regulation 20(2)	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer.	Chief Executive Officer Applies only where the next most appropriate tenderer has been considered by the local government.
Local Government (Functions and General) Regulations - Regulation 21(1)	A local government may seek expressions of interest before entering the tender process.	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 21A	If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless — (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).	Chief Executive Officer a. is authorised to approve a variation including extension to a contract, subject to satisfactory performance of the contractor, the contract specifying the provisions of an option to extend the term, the variation is necessary in order for the goods or services to be supplied and where the contract scope is not changed. b. is authorised to approve a variation to a contract subject to a maximum variation of 20% of the contract price or \$50,000 whichever is the lesser amount. c. shall report to Council at least six monthly on the exercise of this delegation.

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Local Government (Functions and General) Regulations - Regulation 23(3)	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services.	Chief Executive Officer Consideration of expressions of interest only. Excludes decision on which expression of interest to accept.
Local Government (Functions and General) Regulations, Regulation 24E(1)	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy.	Suitable for delegation to Chief Executive Officer
Local Government (Functions and General) Regulations - reg.24E(4)	A local government cannot adopt a regional price policy until the local government has considered submissions received.	Suitable for delegation to Chief Executive Officer
Section 3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender.	Chief Executive Officer
Section 3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3).	Suitable for delegation to Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 30(2)(a)(ii)	A disposition of land is exempt of disposition if the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.	Suitable for delegation to Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Division 4 – Regional Local Government		
Nil items in Division 4		
Part 4 – Elections and other polls		
Division 1 – Preliminary		
Nil items in Division 1		
Division 2 – Inaugural elections		
Nil items in Division 2		
Division 3 – Ordinary elections		
Nil items in Division 3		
Division 4 – Extraordinary elections		
Nil items in Division 4		
Division 5 – Other elections		
Nil items in Division 5		
Division 6 – Postponement and consolidation of elections		
Nil items in Division 6		
Division 7 – Provisions about electoral officers and the conduct of elections		
Nil items in Division 7		
Division 8 – Eligibility for enrolment		
Nil items in Division 8		
Division 9 – Electoral process		
Elections Regulations – Regulation 9(1)	The fees to be paid to an electoral officer for conducting an election are those agreed between the local government and the electoral officer.	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Division 10 – Validity of elections		
Nil items in Division 10		
Division 11 – Electoral offences		
Nil items in Division 11		
Division 12 – Polls and referendums		
Nil items in Division 12		
Part 5 – Administration		
Division 1 – Introduction		
Nil items in Division 1		
Division 2 – Council meetings, committees and their meetings and electors' meetings		
Subdivision 1 – Council meetings		
Nil items in Subdivision 1		
Subdivision 2 – Committees and their meetings		
Section 5.18	A local government must review all delegations made to a committee.	Suitable for delegation to Chief Executive Officer
Section 5.20 Decisions of councils and committees	(1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.	Council Committee Only in relation to: Only to determine Council's position on Joint Development Assessment Panel development applications.
Subdivision 3 – Matters affecting Council and committee meetings		
Division 3 – Acting for the mayor or president		
Section 5.35 - (1)(b)	(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,	Council Committee Appointment of a councillor to perform during that time the functions of mayor.

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.	Only in relation to representation and presentation to a Joint Development Assessment Panel on Council's position, where the Mayor and Deputy Mayor decide not to speak for Council.
Division 4 – Local government employees		
Section 5.27(2)	General meeting of electors to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.	Chief Executive Officer
Section 5.37(1)	A local government may designate any employee to be a senior employee.	Chief Executive Officer
Section 5.39C	<p>(1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —</p> <p>(a) the employment of a person in the position of CEO for a term not exceeding 1 year;</p> <p>(b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year. * Absolute majority required.</p> <p>(2) A local government may amend* the policy. * Absolute majority required.</p> <p>(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.</p> <p>(4) The CEO must publish an up-to-date version of the policy on the local government's official website.</p>	<p>Council delegates to the CEO, appointment of an internal employee higher duties Acting CEO subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The appointment is to be for a period of no more than 3 months; and 2. The person appointed is to be suitably qualified, experienced and knowledgeable for the Acting CEO role; and 3. The appointment not being due to a vacancy of the CEO's position. <p>The Chief Executive Officer must inform the elected members of all proposed Acting CEO arrangements.</p>

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
		<p>For CEO vacancy periods over 3 months the appointment of the Acting CEO shall be determined by Council.</p> <p>The CEO shall report to Council any proposal to fill an Acting CEO role over three months with as much advanced notice as possible. In this case the CEO may recommend a suitable internal candidate for higher duties and must also provide an alternative recommendation to Council, to convene a CEO Recruitment and Selection Committee to progress the Acting CEO recruitment.</p> <p>If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council.</p>
Local Government (Administration) Regulations – Regulation 18(c)	A local government is to approve a process for selection and appointment of the Chief Executive Officer.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) - CEO Recruitment & Selection Committee.
Local Government (Administration) Regulations - Regulation 18(D)	A local government is to consider, accept the review, with or without modification, or reject the review of the Chief Executive Officer.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
Section 5.50(1)	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local	Suitable for delegation to Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy.	
Section 5.50(2)	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given.	Suitable for delegation to Chief Executive Officer
Division 5 – Annual reports and planning		
Section 5.56	A local government is to prepare a Plan for the Future.	Suitable for delegation to Chief Executive Officer
Local Government (Administration) Regulations - Regulation 19C(4)	A local government is to review its current plan for the future every 2 years.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
Division 6 – Disclosure of financial interests		
Nil items in Division 6		
Division 7 – Access to information		
Nil items in Division 7		
Division 8 – Fees, expenses and allowances		
Section 5.101(2)	A local government may reimburse an employee for an expense that was incurred in relation to a matter affecting the local government.	Chief Executive Officer
Division 9 – Conduct of certain officials		
Section 5.102	A local government may make a cash advance to a person for an expense which can be reimbursed.	Chief Executive Officer
Section 5.103(1)	A local government must prepare or adopt a code of conduct to be observed by council members, committee members and employees.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 5.103(2)	A local government must review its code of conduct within 12 months of every ordinary election day.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
Part 6 – Financial Management		
Division 1 - Introduction		
Nil items in Division 1		
Division 2 – Annual budget		
Nil items in Division 2		
Division 3 – Reporting on activities and finance		
Note: Under Division 3 – Reporting on activities and finance, section 6.4 financial report applies		
Nil items in Division 3		
Division 4 – General financial provisions		
6.8 (1)(b)	(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure — (b) is authorised in advance by resolution*; or	Council Committee Expenditure within existing budget in relation to the need for professional support for preparation and representation to a Joint Development Assessment Panel. Expenditure from municipal fund up to \$10,000 annually.
Section 6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money that is owed to the local government, subject to section 6.12(2).	Chief Executive Officer
Section 6.12(1)(c)	A local government may write off any amount of money that is owed to the local government, subject to section 6.12(2).	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.12(3)	A local government may determine what conditions apply to the granting of a concession.	Suitable for delegation to Chief Executive Officer
Section 6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the <i>Trustees Act 1962</i> .	Chief Executive Officer, subject to Council Policy.
Local Government (Financial Management) Regulations 1996 Regulation 12	Payments from municipal fund or trust fund, restrictions on making (1) A payment may only be made from the municipal fund or the trust fund - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds	Chief Executive Officer
Division 5 – Financing local government activities		
Subdivision 1 – Introduction		
Nil items in subdivision 1		
Subdivision 2 – Fees and charges		
Nil items in subdivision 2		
Subdivision 3 – Borrowings		
Nil items in subdivision 3		
Division 6 – Rates and service charges		
Subdivision 1 – Introduction and the basis of rating		
Nil items in subdivision 1		
Subdivision 2 – Categories of rates and service charges		
Nil items in subdivision 2		
Subdivision 3 – Imposition or rates and service charges		
Section 6.40(3)	If rates are reduced, under section 6.40(1), a local government must refund the owner of the land on request or credit the amount for rates or service charges.	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.40(4)	If a service charge is reduced, under section 6.40(2), and the service charge had already been paid by the owner, the owner may request and then the local government must pay the overpaid amount to the owner or, alternatively, the overpaid portion is credited against any future amounts payable. If the service charge was paid by the occupier, the local government must pay the overcharged portion to the person who paid it.	Chief Executive Officer
Subdivision 4 – Payment of rates and service charges		
Section 6.49	A local government may make an agreement with a person to pay their rates and service charges.	Chief Executive Officer
Local Government (Financial Management) Regulations - Regulation 66(2)	If an instalment remains unpaid after the day on which the next instalment becomes due the local government may revoke the ratepayer's right to pay by instalments.	Chief Executive Officer
Section 6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction.	Chief Executive Officer
Section 6.60(2)	A local government may give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge.	Chief Executive Officer
Section 6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee.	Chief Executive Officer
Section 6.61(1)	A local government may request an occupier, an agent or the person who receives the rent of a property, to give the name and address of the owner to the local government.	Chief Executive Officer
Section 6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	a person having an estate or interest in the land, and may lease or sell the land or transfer it to the Crown or itself.	
Section 6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding.	
Section 6.69(2)	A local government may accept payment of any outstanding rates or service charges on such terms and conditions as are agreed between the parties, up to the time of actual sale of the relevant land but not more than 7 days prior to same.	Chief Executive Officer
Section 6.71(1)	If a local government is unable to sell land under Part 6 Division 6 within 12 months, it may transfer the land to the Crown or itself.	Suitable for delegation to Chief Executive Officer
Section 6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years.	Suitable for delegation to Chief Executive Officer
Local Government (Financial Management) Regulations – Regulation 7(3)	A local government must consider any objections it receives in relation to a revestment under regulation 77.	Suitable for delegation to Chief Executive Officer
Section 6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part.	Chief Executive Officer
Part 7 - Audit		
Division 1 - Introduction		
Nil items in Division 1		
Division 1A – Audit Committee		
Nil items in Division 1A		
Division 2 – Appointment of auditors		

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 7.6(2)(f)	A local government may terminate the appointment of an auditor by written notice.	Suitable for delegation to the Audit Committee (not currently delegated)
Division 3 – Conduct of audit		
Nil items in Division 3		
Division 4 – General		
Section 7.12A(2)	A local government must meet with its auditor at least once a year.	Delegated to the Audit and Risk Committee
Section 7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken.	Suitable for delegation to the Audit Committee (not currently delegated)
Section 7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister.	Suitable for delegation to the Audit Committee (not currently delegated)
Part 8 – Scrutiny of the Affairs of Local Governments		
Division 1 – Inquiries by the Minister or an authorised person		
Section 8.14(3)	A local government must give the Minister advice of what it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report.	Chief Executive Officer
Division 2A – Council may be preemptorily suspended or required to undertake remedial action		
Nil items in Division 2A		
Division 2 – Inquiries by Inquiry Panels		
Section 8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of	Chief Executive Officer

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	receiving the report, or give its comment on a recommendation to dismiss the Council.	
Division 3 – General provisions about suspension and dismissal of councils		
Nil items in Division 3		
Division 4 – Misapplication of funds and property		
Nil items in Division 4		
Part 9 – Miscellaneous Provisions		
Division 1 – Objections and review		
Nil items in Division 1		
Division 2 – Enforcement and legal proceedings		
Section 9.10(1) and (2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised.	Chief Executive Officer Remove – Update to Local Government Act 1995 with new 9.10 gives CEO authority to do so without needing delegation.
Division 3 – Documents		
Section 9.49A Execution of documents	(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.	Chief Executive Officer (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
Division 4 – Protection from liability		
Nil items in Division 4		
Division 5 – Associations of local government		

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Nil items in Division 5		
Division 6 – Regulations, directions and orders		
Section 9.63(1)	If a dispute has arisen between 2 or more local governments, a local government may refer the matter to the Minister to resolve.	Suitable for delegation to Chief Executive Officer
Division 7 – Other miscellaneous provisions		
Section 9.68(5)	A local government may recover accruing rates from a principal or agent who has failed to give a notice to the local government in accordance with section 9.68.	Chief Executive Officer
Division 8 – Amendments to 1960 Act and transitional provisions		
Nil items in Division 8		
Schedule 1		
Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts		
Clause 11(2)	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities.	Suitable for delegation to Chief Executive Officer
Schedule 2.2 – Provisions about names, wards and representation		
Clause 4(1)	A local government must consider any submissions made under clause 3.	Suitable for delegation to Chief Executive Officer
Clause 6	A local government must carry out a review of its ward boundaries and the number of councillors per ward every 8 years or as directed by the Advisory Board.	Suitable for delegation to Chief Executive Officer
Clause 8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards.	Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).
Clause 9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3).	Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by council		
Nil items in Schedule 2.3		
Schedule 2.4 – Provisions about Commissioners		
Nil items in Schedule 2.4		
Schedule 2.5 – Provisions about the Local Government Advisory Board		
Nil items in Schedule 2.5		
Schedule 3.1 – Powers under notices to owners or occupiers of land		
<i>Local Government (Uniform Local Provisions) Regulations 1996 – Regulation 7A</i>	A person who is the owner or occupier of land must, when requested by the Local Government to do so, remove any thing that – a. Has fallen from the land, or from anything on the land; and b. Is obstructing a public thoroughfare.	Chief Executive Officer
Schedule 3.2 – Particular things local governments can do on land even through it is not local government property		
Nil items in Schedule 3.2		
Schedule 4.1 – How to conduct votes and ascertain the result of an election		
Nil items in Schedule 4.1		
Schedule 5.1 – Provisions about standards panels		
Nil items in Schedule 5.1		
Schedule 6.1 – Provisions relating to the phasing in of valuations		
Nil items in Schedule 6.1		
Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid		
Clause 1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years.	Suitable for delegation to Chief Executive Officer

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Schedule 6.3 – Provisions relating to sale or transfer of land where rates or service charges unpaid		
Clause 1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more than 12 months from the service of the notice under clauses 1(1) or 1(2).	Suitable for delegation to Chief Executive Officer
Clause 4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple.	Chief Executive Officer subject to 5.43(d), up to an amount resolved by Council.
Clause 7(2)	If the land has not been sold within 12 months, the local government may begin the process again in accordance with this Schedule.	Chief Executive Officer
Nil Schedule 7		
Schedule 8.1 – Provisions about Inquiry Panels		
Nil items in Schedule 8.1		
Schedule 9.1 – Certain matter for which Governor may make regulations		
Nil items in Schedule 9.1		
Nil Schedule 9.2		
Schedule 9.3 – Transitional provisions		
Nil items in Schedule 9.3		

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2. Delegations under the *Local Government (Uniform Local Provisions) Regulations 1996*

Authority to delegate: Sections 5.42 and 5.44 of the *Local Government Act 1995*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 5(2)	Serve written notice on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: (a) prevent damage to the footpath; or (b) prevent inconvenience to the public or danger from falling materials.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(3)	Grant permission under this regulation to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare: (a) in writing; and (b) must specify the period for which it is granted; and (c) must specify each condition imposed under subregulation (4); and (d) may be renewed from time to time; and may be cancelled by giving written notice to the person to whom the permission was granted.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(4)	Impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following: (a) conditions relating to the erection of hoardings, fences, (b) walkways or other structures for the protection of the public thoroughfare or public safety (protective structures);	Chief Executive Officer

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(c) conditions about the placement of things in the public thoroughfare including conditions about the depositing of building materials or waste, or storage or other facilities in the public thoroughfare;</p> <p>(d) a condition imposing a charge for any damage to the public thoroughfare resulting from the placement of a thing on the public thoroughfare;</p> <p>a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the Chief Executive Officer of the local government to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.</p>	
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(6)	When renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(8)	Charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m ² of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.	Chief Executive Officer

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3. Delegations under the Food Act 2008

Authority to delegate: Section 118 of the *Food Act 2008*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Food Act 2008 Section 122 (1)	An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act.	Chief Executive Officer

4. Delegations under the Dog Act 1976

Authority to delegate: *Section 10AA of the Dog Act 1976*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Dog Act 1976	All powers under the <i>Dog Act 1976</i> .	Chief Executive Officer
Dog Act 1976 Section 10AA – Delegation of local government powers	(3) The delegation may expressly authorise the delegate to further delegate the power or duty.	Chief Executive Officer for the following: Section 26 Section 27 Section 44

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5. Delegations under the *Cat Act 2011*

Authority to delegate: Section 44 of the *Cat Act 2011*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Cat Act 2011	All powers under the <i>Cat Act 2011</i> .	Chief Executive Officer

6. Delegations under the Graffiti Vandalism Act 2016

Authority to delegate: Section 16 of the Graffiti Vandalism Act 2016

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Graffiti Vandalism Act 2016	All powers under the Graffiti Vandalism Act 2016.	Chief Executive Officer

7. Delegations under the Public Health Act 2016

Authority to delegate: Section 21 of the Public Health Act 2016

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Public Health Act 2016	All powers under the Public Health Act 2016	Chief Executive Officer

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8. Delegations under the Bush Fire Act 1954

Authority to delegate: Section 48 of the Bush Fire Act 1954

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Bush Fires Act 1954	All powers under the Bush Fire Act 1954	Chief Executive Officer

9. Delegations under the City of Nedlands Local Planning Scheme 3

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development (Local Planning Schemes) Regulations 2015, regulation 82. City of Nedlands Local Planning Scheme No 3 and the Planning and Development Act 2005	<p>The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.</p> <p>Determine applications for development approval under the City of Nedlands Local Planning Scheme No 3 and the Planning and Development Act 2005.</p> <p>Determination of applications under Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015)</p> <p>The Council may either generally, or in a particular case by resolution delegated to a Committee of the Council or an officer of the Council, the authority to deal with an application for planning approval made under this Scheme.</p>	<p>Chief Executive Officer</p> <p>Except for where the following applies:</p> <p>a) Change of Use applications which are classified IP, P, D or A and uses not listed where after advertising, submissions have been received which raise objections in relation to the matter at hand which are not able to be rectified by way of negotiation and/or amendment(s) being made to the proposal;</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015)		<ul style="list-style-type: none"> b) Grouped and/or Multiple Dwelling developments involving five (5) or more dwellings; and c) Refusal of applications where discretion exists for Council to approve the variations under the City's Local Planning Scheme no. 3, policies and/or the Residential Design Codes.
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Advertising of applications and proposals in accordance with Clause 66(1) and 77(3) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and subclause 30 (1) of the Metropolitan Region Scheme.</p> <p>Determining the requirement and extent of advertising of applications and proposals made under City of Nedlands Local Planning Scheme No.3 and Metropolitan Region Scheme.</p>	<p>Chief Executive Officer</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p>
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Amending or Cancelling a development approval, including waiving or varying a requirement in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61((1) (f) and 61 (2)(d) if Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	<p>Chief Executive Officer</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Determining accompanying material requirements</p> <p>For applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	Chief Executive Officer
City of Nedlands Local Planning Scheme No.3 and or Metropolitan Region Scheme	<p>Discretion and determining conditions</p> <p>Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Nedlands Local Planning Scheme No.3 and or Metropolitan Region Scheme.</p>	<p>Chief Executive Officer</p> <p>Where a Section 31 Reconsideration is sought through the State Administrative Appeals Tribunal and where the determination recommended is contrary to that of the original Council decision, the application must be referred back to Council for determination.</p>
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Rights of Entry and Inspection</p> <p>In accordance with Clause 82 and 83 of Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Entry and inspection of land within the Scheme Area for the purpose of assessment and monitoring, pursuant to Clause 79(1) and 2(a) and (b) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	<p>Chief Executive Officer</p> <p>Written or verbal notice being provided to the landowner wherever possible prior to entry.</p>

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10. Delegations under the Planning and Development Act 2005

Authority to delegate: Planning and Development Act 2005 – Part 10

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development Act 2005 – Part 10	Referrals to WAPC in respect of applications for subdivision (including amalgamations and boundary re-alignments) and/or strata subdivision approval is required to be determined by the Commission.	Chief Executive Officer
Planning and Development Act 2005 – Part 10	Clearance of conditions of subdivision (including amalgamations and boundary re-alignments), strata subdivision or amalgamation approval where the local government is identified as the responsible agency in the WAPC preliminary approval advice.	Chief Executive Officer
Planning and Development Act 2005 – Section 214(3)(4) and (5)	<p>Unauthorised Development – Directions The responsible authority may give written directions regarding unauthorised development.</p> <p>Issuance of written direction to stop unauthorise development Planning and Development Act 2005 s214(2)</p> <p>Issuance of written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&D s214(3)]</p> <p>Execute work to have unauthorised development brought into compliance [P&D s214(5)]</p>	Chief Executive Officer

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11. Delegations under the Heritage of Western Australia Act 2018

Authority to delegate: Heritage of Western Australia Act 2018 – Section 23(4)

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Heritage of Western Australia Act 2018 – Section 23(4)	Participation where appropriate with the Heritage Council, where it is to consider giving advice to the Minister for Heritage with respect to 'interim' and 'permanent' entry of a place on the State Register of Heritage Places'.	Chief Executive Officer with the exception of the following: Does not apply where a formal request is made for a response from council regarding proposals for the entry of a place or places onto the State register of Heritage Places on an interim or permanent basis.

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12. Delegations under the Metropolitan Region Scheme

Authority to delegate: Metropolitan Region Scheme – DEL 2011/02 – Government Gazette No. 248, 23 December 2011

WAPC Ref: RES 2015/01
DEL 2017/02

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Clause 29(3)	Forwarding an application to the Commission	Chief Executive Officer
Clause 30	Exercising powers under the Planning & Development Act 2005 delegated by the WAPC to: <ul style="list-style-type: none"> - Determine applications; - Revoke applications; and - Limit time of approval. 	Chief Executive Officer with the exception of: Does not apply where objections are received on planning grounds and those objections are not capable of being addressed by way of the recommendation of a planning condition imposed on the proposed development. And When the property is within an area subject to clause 32 of the Metropolitan Region Scheme.
Clause 30A	Provide recommendation and forward to the Commission.	Chief Executive Officer
Clause 31	Issue of decision in the form set out in Form 2 to this scheme: An application is deemed to be refused if a decision is not conveyed within 60 days of receipt of application.	Chief Executive Officer

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Metropolitan Region Scheme or the Planning and Development Act, 2005	Respond to the Western Australian Planning Commission, or authorities given delegation by the Minister for Planning, on applications made under the Metropolitan Region Scheme or the <i>Planning and Development Act, 2005</i>	Chief Executive Officer
Clause 32	Forward an application to the Commission and provide recommendation.	Chief Executive Officer

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13. Delegations under the *Strata Titles Act 1985*

Authority to delegate: DEL 2009/03, Government Gazette no. 98, 9 June 2009

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 24	The local government may make a preliminary determination that the plans and specifications are of sufficient standard to be brought under this Act as a building in a strata scheme.	Chief Executive Officer
Section 25 Clause 1 Schedule 1	<p>Power to determine applications for the issuing of a certificate of approval for a plan of subdivision, re-subdivision or consolidation, except those applications that:</p> <p>a) propose the creation of a vacant lot;</p> <p>b) propose vacant air stratas in multi-tiered strata scheme developments;</p> <p>c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to:</p> <p>i. a type of development; and/or</p> <p>land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p>	<p>Chief Executive Officer on the condition that:</p> <p>A local government that exercises the power referred to in clause 1 is to provide the WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</p>

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14. Delegations under the *Liquor Control Act 1988*

Authority to delegate: Part 3 – Section 40

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 40	Issue certificates as to whether the use of premises complies with local planning laws.	Chief Executive Officer

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15. Delegations to respond to external organisations

Authority to respond to external organisations

WAPC Ref: DEL2009/02

DEL2011/04

DEL2017/02

DEL2017/03

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
State Administrative Tribunal Act Section 31	Delegation to respond to external organisations	Chief Executive Officer
	Authority to respond to external organisations	Consideration of referrals under section 31 of the State Administrative Tribunal Act 2004 where Council has determined the application.
	Respond to the State Administrative Tribunal on applications for review of planning decisions including consideration of referrals under s31 the State Administrative Tribunal Act 2004;	
	Respond to the Swan River Trust on planning applications made under the Swan and Canning Rivers Management Act 2006	Chief Executive Officer
	Respond to requests from public agencies on issues requiring or inviting comment by the City with regard to local, metropolitan, regional and/or strategic planning matters.	Chief Executive Officer
Planning and Development (Development Assessment)	Respond to the Department of Planning Lands and Heritage on planning applications submitted in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011	Chief Executive Officer JDAP applications are to be referred to Council for their comment prior to the submission of the Responsible Authority Report (RAR)

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Panels Regulations 2011		
	Provide recommendation and to the Department of Planning Lands and Heritage on development applications submitted in accordance with the Shenton Park Improvement Scheme.	Chief Executive Officer
	Provide recommendation to the Department of Communities (Housing Authority) on development applications submitted to the City.	Chief Executive Officer
	Respond to the Department of Treasury and finance for development application referrals.	Chief Executive Officer

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16. Delegations under the Building Act 2011

Authority to delegate: Section 127 of the Building Act 2011

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 127	All powers under the Building Act 2011	Chief Executive Officer

17. Delegations under the Building Regulations 2012

Authority to delegate: Section 127 of the Building Act 2011

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Building Act 2011	All powers under the Building Regulations 2012	Chief Executive Officer

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18. Delegations from the Chief Executive Officer to other staff members

18.1 Local Government Act 1995 and Regulations

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.25(1)	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner	Director Planning & Development Director Technical Services
Section 3.50(1)	A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.	Director Technical Services
Section 3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of \$100,000 or more (Functions and General Regulation 11)	Director Planning & Development Director Technical Services Director Corporate & Strategy
Local Government (Functions and General) Regulations - Regulation 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders	Director Planning & Development Director Technical Services Director Corporate & Strategy
Local Government (Functions and General) Regulations, reg.21(1)	A local government may seek expressions of interest before entering the tender process	Director Planning & Development Director Technical Services Director Corporate & Strategy

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.12(1)(c)	A local government may write off any amount of money that is owed to the local government (subject to section 6.12(2))	Director Planning & Development Manager Health & Compliance Only delegated to: <ol style="list-style-type: none"> 1. Extend time for payment of a modified penalty or to withdraw an infringement notice; 2. In relation to parking infringements, withdraw an infringement in the event of: <ol style="list-style-type: none"> a. Medical emergency; b. Vehicle broken down; c. Eastern States registration; d. No records held by Police Department if unregistered vehicle; e. Stolen vehicle; f. Error made by issuing officer; g. Vehicle towed away; or h. Other compassionate grounds.
Section 6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the <i>Trustees Act 1962</i>	Director Corporate & Strategy
Section 6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	Director Corporate & Strategy
Section 6.60(2)	A local government may give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge	Director Corporate & Strategy

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	Director Corporate & Strategy
Section 6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	Director Corporate & Strategy

18.2 Food Act 2008

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 119	The CEO, after consultation with an enforcement agency (other than the CEO), may, in writing, impose conditions or limitations on the performance of functions under this Act by the enforcement agency	Director Planning & Development

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18.3 Freedom of Information Act 1992

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 13 Agency duties as to access applications	<p>(1) Subject to this Division, the agency has to deal with the access application as soon as is practicable (and, in any event, before the end of the permitted period) by —</p> <p>(a) considering the application and deciding —</p> <p>(i) whether to give or refuse access to the requested documents; and</p> <p>(ii) any charge payable for dealing with the application; and</p> <p>(b) giving the applicant written notice of the decision in the form required by section 30.</p> <p>(2) If the applicant does not receive notice under subsection (1)(b) within the permitted period the agency is taken to have refused, at the end of that period, to give access to the documents and the applicant is taken to have received written notice of that refusal on the day on which that period ended.</p> <p>(3) For the purposes of this section the permitted period is 45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the Commissioner under subsection (4) or (5).</p> <p>(4) On the application of the applicant, the Commissioner may reduce the time allowed to the agency to comply with subsection (1).</p> <p>(5) On the application of the agency, the Commissioner, on being satisfied that the agency has attempted to comply with subsection (1) within 45 days but that it is impracticable, in the circumstances, for it to comply</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>within that time, may allow the agency an extension of time to comply with subsection (1) on such conditions as the Commissioner thinks fit.</p> <p>(6) If an extension of time is allowed under subsection (5) the agency has to give written notice of the extension to the applicant as soon as is practicable, and within 45 days after receiving the access application.</p> <p>(7) If, under subsection (2), the agency is taken to have refused access, the Commissioner may, on the application of the applicant, allow the agency an extension of time to comply with subsection (1) on such conditions (for example, reduction or waiver of charges) as the Commissioner thinks fit.</p> <p>(8) If an extension of time is allowed under subsection (7), subsection (2) does not have effect unless, at the end of the extended time, the applicant still has not received notice under subsection (1)(b).</p> <p>(9) This Division has effect subject to Division 3.</p>	
<p>Section 15 Document held etc. by another agency, transferring application etc. in case of</p>	<p>(1) If the agency does not hold the requested documents but knows, or has reasonable grounds to believe, that the documents are held by another agency (other than an exempt agency), the agency has to transfer the access application to the other agency.</p> <p>(2) If the agency holds the requested documents but the documents originated with or were received from another agency (other than an exempt agency), and are more closely related to the functions of that other agency, the agency may transfer the access application to that other agency together with copies of the documents.</p> <p>(3) The transferring agency has to give the applicant written notice of the transfer without delay.</p> <p>(4) The notice has to clearly state the day on which, and the agency to which, the access application was transferred.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(5) The agency to which the access application is transferred, or partially transferred, is to be regarded as having received the application on the day on which it was received by the transferring agency.</p> <p>(6) The agency to which the access application is transferred under subsection (2) is required to make decisions as to access in respect of the documents of which it receives copies but not in respect of other documents that it holds which may fall within the scope of the documents requested in the original application.</p> <p>(7) If subsection (1) or (2) applies to one or more but not all of the requested documents the agency is authorised to make a partial transfer under this section as if a separate access application had been made in respect of the document or documents to which the relevant subsection applies.</p> <p>(8) If the agency holds the requested documents but the documents originated with or were received from an exempt agency, the agency has to notify the exempt agency that the access application has been made.</p>	
Section 17 Charge for access, applicant may request estimate of etc.	<p>(1) When making the access application the applicant may request an estimate of the charges that might be payable for dealing with the application.</p> <p>(2) If a request is made under subsection (1) the agency has to notify the applicant of its estimate, and the basis on which its estimate is made, as soon as is practicable.</p> <p>(3) If the agency estimates that the charges for dealing with the access application might exceed \$25, or such greater amount as is prescribed, then, whether or not a request has been made under subsection (1), the agency has to notify the applicant of its estimate, and the basis on</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	which its estimate is made, and inquire whether the applicant wishes to proceed with the application and notify the applicant of the requirement of section 19(1)(b).	
Section 18 Deposit for charges, agency may require etc.	<p>(1) The agency may, in a notice given to an applicant under section 17(3), require the applicant to pay a deposit of a prescribed amount or at a prescribed rate on account of the charges for dealing with the application.</p> <p>(2) If the agency has required an applicant to pay a deposit on account of the charges, the agency has to, at the request of the applicant, discuss with the applicant practicable alternatives for changing the application or reducing the anticipated charges, including reduction of the charges if the applicant waives, either conditionally or unconditionally, the need for compliance by the agency with the time limit imposed by section 13(1).</p> <p>(3) A notice under subsection (1) requiring an applicant to pay a deposit has to give details of —</p> <ul style="list-style-type: none"> (a) the name and designation of the person who calculated the charge; and (b) the rights of review under this Act and the procedure to be followed to exercise those rights; and (c) the requirements of section 19(2)(b). <p>(4) Further advance deposits may be required by the agency by written notice if the agency considers they are necessary to meet the charges for dealing with the application.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 20 Agency may refuse to deal with application in certain cases	<p>(1) If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.</p> <p>(2) If after help has been given to change the access application the agency still considers that the work involved in dealing with the application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.</p> <p>(3) If, under subsection (2), the agency refuses to deal with the access application, it has to give the applicant written notice of the refusal without delay.</p> <p>(4) The notice has to give details of —</p> <p>(a) the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings are based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
Section 23 Refusing access, grounds for	<p>(1) Subject to section 24 the agency may refuse access to a document if —</p> <p>(a) the document is an exempt document; or</p> <p>(b) the document is not a document of the agency; or</p> <p>(c) giving access to the document would contravene a limitation referred to in section 7.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(2) The agency may refuse access to the requested documents without having identified any or all of them and without specifying the reason why matter in any particular document is claimed to be exempt matter if —</p> <p>(a) it is apparent, from the nature of the documents as described in the access application, that all of the documents are exempt documents; and</p> <p>(b) there is no obligation under section 24 to give access to an edited copy of any of the documents.</p> <p>(3) Subject to section 24 the agency has to refuse access to a document that is the subject of an exemption certificate.</p> <p>(4) If a document contains personal information and the applicant, or the person to whom the information relates, is a child who has not turned 16, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the child and that the child does not have the capacity to appreciate the circumstances and make a mature judgment as to what might be in his or her best interests.</p> <p>(5) If a document contains personal information and the applicant, or the person to whom the information relates, is an intellectually handicapped person, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the person.</p>	
Section 24 Exempt matter, deleting before access given	<p>If —</p> <p>(a) the access application requests access to a document containing exempt matter; and</p> <p>(b) it is practicable for the agency to give access to a copy of the document from which the exempt matter has been deleted; and</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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	(c) the agency considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to an edited copy, the agency has to give access to an edited copy even if the document is the subject of an exemption certificate.	
Section 25 Deferring access, grounds for	(1) The agency may defer giving access to a document for a reasonable period if the document — (a) is required by law to be published but is yet to be published; or (b) has been prepared for presentation to Parliament or submission to a particular person or body but is yet to be presented or submitted. (2) The applicant has to be notified under section 30(d) of the likely period for which access is to be deferred.	To make decisions and coordinate applications. Manager Health & Compliance Manager Business Systems
Section 26 Documents that cannot be found or do not exist, notice of	(1) The agency may advise the applicant, by written notice, that it is not possible to give access to a document if — (a) all reasonable steps have been taken to find the document; and (b) the agency is satisfied that the document — (i) is in the agency's possession but cannot be found; or (ii) does not exist. (2) For the purposes of this Act the sending of a notice under subsection (1) in relation to a document is to be regarded as a decision to refuse access to the document, and on a review or appeal under Part 4 the agency may be required to conduct further searches for the document.	To make decisions and coordinate applications. Manager Health & Compliance Manager Business Systems
Section 27	(1) Access to a document may be given to the applicant in one or more of the following ways — (a) by giving a reasonable opportunity to inspect the document; or (b) by giving a copy of the document; or	To make decisions and coordinate applications. Manager Health & Compliance

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Ways in which access can be given	<p>(c) in the case of a document from which sounds or visual images can be reproduced, whether or not with the aid of some other article or device — by making arrangements for the sounds or visual images to be heard or viewed; or</p> <p>(d) in the case of a document from which words can be reproduced in the form of sound — by giving a written transcript of the words recorded in the document; or</p> <p>(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form — by giving a written transcript of the words contained in the document; or</p> <p>(f) in the case of a document from which words can be reproduced in the form of a written document — by giving a written document so reproduced; or</p> <p>(g) in the case of electronically, mechanically or magnetically stored information — by giving a written expression of the information in the form in which it is commonly available in the agency, or if there is no such common form, then in a form no less comprehensible than could be made available to the persons in the agency.</p> <p>(2) If the applicant has requested that access to a document be given in a particular way the agency has to comply with the request unless giving access in that way —</p> <p>(a) would interfere unreasonably with the agency's other operations; or</p> <p>(b) would damage or harm the document or would be inappropriate because of the physical nature of the document; or</p>	Manager Business Systems

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	<p>(c) would involve an infringement of copyright belonging to a person other than the State, in which case access may be given in some other way.</p> <p>(3) If the applicant has requested that access to a document be given in a particular way and access is given in some other way, the applicant is not required to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay if access had been given in the way that was requested.</p> <p>(4) This section does not prevent the agency from giving access to a document in any way agreed on between the agency and the applicant.</p>	
Section 28 Medical and psychiatric information about applicant, giving access to	<p>If —</p> <p>(a) a document to which the agency has decided to give access contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>(b) the principal officer of the agency is of the opinion that disclosure of the information to the applicant may have a substantial adverse effect on the physical or mental health of the applicant,</p> <p>it is sufficient compliance with this Act if access to the document is given to a suitably qualified person nominated in writing by the applicant and the agency may withhold access until a person who is, in the opinion of the agency, suitably qualified is nominated.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
Section 30 Notice under s. 13(1)(b) of	<p>The notice that the agency gives the applicant under section 13(1)(b) has to give details, in relation to each decision, of —</p> <p>(a) the day on which the decision was made; and</p> <p>(b) the name and designation of the officer who made the decision; and</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
decision, form etc. of	<ul style="list-style-type: none"> (c) if the decision is that a document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted under section 24 — <ul style="list-style-type: none"> (i) the fact that access is to be given to an edited copy; and (ii) the reasons for classifying the matter as exempt matter and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and (d) if the decision is that access to a document is to be deferred — the reasons for the deferral and, if applicable, the period for which access is likely to be deferred; and (e) if the decision is to give access to a document in the manner referred to in section 28 — the arrangements to be made for giving access to the document; and (f) if the decision is to refuse access to a document — the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and (g) if the decision is that the applicant is liable to pay a charge to the agency — the amount of the charge and the basis on which the amount was calculated; and (h) the rights of review and appeal (if any) under this Act and the procedure to be followed to exercise those rights. 	
Section 31 Certain exempt matter (Sch. 1 cl.	(1) Nothing in this Act requires the agency to give information as to the existence or non-existence of a document containing matter that would be exempt matter under clause 1, 2 or 5 of Schedule 1.	To make decisions and coordinate applications. Manager Health & Compliance

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1, 2 or 5), giving information about existence etc. of	(2) If the access application relates to a document that includes, or would if it existed include, exempt matter of a kind referred to in subsection (1), the agency may give written notice to the applicant that the agency neither confirms nor denies the existence, as a document of the agency, of such a document but that, assuming the existence of such a document, it would be an exempt document and, where such a notice is given — (a) section 30 applies as if the decision to give such a notice were a decision referred to in that section; and (b) for the purposes of this Act, the decision is to be regarded as a refusal of access to the document because the document would, if it existed, be an exempt document.	Manager Business Systems
Section 41 Who is to deal with application for review	An application for review of a decision is not to be dealt with by the person who made that decision or by a person who is subordinate to that person.	To make decisions and coordinate applications. Manager Health & Compliance Manager Business Systems
Section 47 Document held etc. by another agency, transferring application in case of	(1) If the agency does not hold the document containing the information but knows that the document is held by another agency, the agency may transfer the application for amendment to the other agency. (2) If the agency holds the document containing the information but the document originated with or was received from another agency, and is more closely related to the functions of that other agency, the agency may transfer the application for amendment to that other agency together with a copy of the document. (3) The transferring agency is to give the person written notice of the transfer without delay.	To make decisions and coordinate applications. Manager Health & Compliance Manager Business Systems

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	<p>(4) The notice is to clearly state the day on which, and the agency to which, the application was transferred.</p> <p>(5) The agency to which the application is transferred is to be regarded as having received the application on the day on which it was received by the transferring agency.</p>	
<p>Section 48 Amending information, ways of</p>	<p>(1) If the agency decides to amend the information it may make the amendment by —</p> <ul style="list-style-type: none"> (a) altering information; or (b) striking out or deleting information; or (c) inserting information; or (d) inserting a note in relation to information, or in 2 or more of those ways. <p>(2) If the agency inserts a note in relation to information the note has to —</p> <ul style="list-style-type: none"> (a) give details of the matters in relation to which the information is inaccurate, incomplete, out of date or misleading; and (b) if the information is incomplete or out of date — set out whatever information is needed to complete the information or bring it up to date. <p>(3) The agency is not to amend information under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> (a) obliterates or removes the information; or (b) results in the destruction of a document containing the information, <p>unless the Commissioner has certified in writing that it is impracticable to retain the information or that, in the opinion of the Commissioner, the prejudice or disadvantage that the continued existence of the information would cause to the person outweighs the public interest in maintaining a complete record of information.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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	<p>(4) Before information is amended under subsection (1) in a manner that —</p> <p>(a) obliterates or removes the information; or</p> <p>(b) results in the destruction of a document containing the information, and that contravenes the <i>State Records Act 2000</i>, a record keeping plan made under that Act or the archives keeping plan made under that Act, the Commissioner shall provide the State Records Commission with a copy of the certificate issued by the Commissioner under subsection (3).</p>	
<p>Section 50 If application for amendment refused, applicant may request notation etc. disputing accuracy of information etc.</p>	<p>(1) If the agency decides not to amend the information in accordance with the application the person may, in writing, request the agency to make a notation or attachment to the information —</p> <p>(a) giving details of the matters in relation to which the person claims the information is inaccurate, incomplete, out of date or misleading; and</p> <p>(b) if the person claims the information is incomplete or out of date — setting out the information that the person claims is needed to complete the information or bring it up to date.</p> <p>(2) A request may be made under this section whether or not the person has taken steps to have the agency's decision reviewed under Part 4.</p> <p>(3) The agency has to comply with the request unless it considers that the notation or attachment that the person has requested to be made to the information is defamatory or unnecessarily voluminous.</p> <p>(4) If the agency decides not to comply with the request it has to give the person written notice of its decision giving details of —</p> <p>(a) the reasons for the decision and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

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	<p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p> <p>(5) This section does not prevent the agency from making the requested notation or attachment in an edited or abbreviated form, but the making of an edited or abbreviated notation or attachment does not constitute compliance with the request for the purposes of subsection (4).</p>	
Section 54 Review of decision under Div. 1, right to etc.	<p>(1) If under Division 1 an agency decides —</p> <p>(a) not to amend information in accordance with an application for amendment; or</p> <p>(b) not to comply with a request to make a notation or attachment to information,</p> <p>the applicant for amendment has a right to have the decision reviewed by the agency.</p> <p>(2) Sections 39(3), 40, 41, 43 and 44 apply with any necessary modifications to an application for review under this Division.</p> <p>(3) An application for review is to be dealt with as if it were an application for amendment or a request for a notation or attachment to be made to information, as the case may require, and the provisions of Division 1 apply accordingly.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
Section 20 Agency may refuse to deal with application in certain cases	<p>(1) If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.</p> <p>(2) If after help has been given to change the access application the agency still considers that the work involved in dealing with the</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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	<p>application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.</p> <p>(3) If, under subsection (2), the agency refuses to deal with the access application, it has to give the applicant written notice of the refusal without delay.</p> <p>(4) The notice has to give details of —</p> <p>(a) the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings are based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p>	
Section 23 Refusing access, grounds for	<p>(1) Subject to section 24 the agency may refuse access to a document if —</p> <p>(a) the document is an exempt document; or</p> <p>(b) the document is not a document of the agency; or</p> <p>(c) giving access to the document would contravene a limitation referred to in section 7.</p> <p>(2) The agency may refuse access to the requested documents without having identified any or all of them and without specifying the reason why matter in any particular document is claimed to be exempt matter if —</p> <p>(a) it is apparent, from the nature of the documents as described in the access application, that all of the documents are exempt documents; and</p> <p>(b) there is no obligation under section 24 to give access to an edited copy of any of the documents.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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	<p>(3) Subject to section 24 the agency has to refuse access to a document that is the subject of an exemption certificate.</p> <p>(4) If a document contains personal information and the applicant, or the person to whom the information relates, is a child who has not turned 16, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the child and that the child does not have the capacity to appreciate the circumstances and make a mature judgment as to what might be in his or her best interests.</p> <p>(5) If a document contains personal information and the applicant, or the person to whom the information relates, is an intellectually handicapped person, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the person.</p>	
Section 24 Exempt matter, deleting before access given	<p>If —</p> <p>(a) the access application requests access to a document containing exempt matter; and</p> <p>(b) it is practicable for the agency to give access to a copy of the document from which the exempt matter has been deleted; and</p> <p>(c) the agency considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to an edited copy, the agency has to give access to an edited copy even if the document is the subject of an exemption certificate.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>
Section 25 Deferring access, grounds for	<p>(1) The agency may defer giving access to a document for a reasonable period if the document —</p> <p>(a) is required by law to be published but is yet to be published; or</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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	<p>(b) has been prepared for presentation to Parliament or submission to a particular person or body but is yet to be presented or submitted.</p> <p>(2) The applicant has to be notified under section 30(d) of the likely period for which access is to be deferred.</p>	
Section 30 Notice under s. 13(1)(b) of decision, form etc. of	<p>The notice that the agency gives the applicant under section 13(1)(b) has to give details, in relation to each decision, of —</p> <p>(a) the day on which the decision was made; and</p> <p>(b) the name and designation of the officer who made the decision; and</p> <p>(c) if the decision is that a document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted under section 24 —</p> <p>(i) the fact that access is to be given to an edited copy; and</p> <p>(ii) the reasons for classifying the matter as exempt matter and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(d) if the decision is that access to a document is to be deferred — the reasons for the deferral and, if applicable, the period for which access is likely to be deferred; and</p> <p>(e) if the decision is to give access to a document in the manner referred to in section 28 — the arrangements to be made for giving access to the document; and</p> <p>(f) if the decision is to refuse access to a document — the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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	<p>(g) if the decision is that the applicant is liable to pay a charge to the agency — the amount of the charge and the basis on which the amount was calculated; and</p> <p>(h) the rights of review and appeal (if any) under this Act and the procedure to be followed to exercise those rights.</p>	
<p>Section 31 Certain exempt matter (Sch. 1 cl. 1, 2 or 5), giving information about existence etc. of</p>	<p>(1) Nothing in this Act requires the agency to give information as to the existence or non-existence of a document containing matter that would be exempt matter under clause 1, 2 or 5 of Schedule 1.</p> <p>(2) If the access application relates to a document that includes, or would if it existed include, exempt matter of a kind referred to in subsection (1), the agency may give written notice to the applicant that the agency neither confirms nor denies the existence, as a document of the agency, of such a document but that, assuming the existence of such a document, it would be an exempt document and, where such a notice is given —</p> <p>(a) section 30 applies as if the decision to give such a notice were a decision referred to in that section; and</p> <p>(b) for the purposes of this Act, the decision is to be regarded as a refusal of access to the document because the document would, if it existed, be an exempt document.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>
<p>Section 41 Who is to deal with application for review</p>	<p>An application for review of a decision is not to be dealt with by the person who made that decision or by a person who is subordinate to that person.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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Section 43 Decision can be confirmed, varied or reversed on review	<p>(1) On an application for review the agency may decide to confirm, vary or reverse the decision under review.</p> <p>(2) If the agency fails to give notice of its decision on the application for review within 15 days after it is lodged, or such longer period as is agreed between the agency and the access applicant, the agency is to be taken to have decided to confirm the decision under review.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>
Section 48 Amending information, ways of	<p>(1) If the agency decides to amend the information it may make the amendment by —</p> <p>(a) altering information; or</p> <p>(b) striking out or deleting information; or</p> <p>(c) inserting information; or</p> <p>(d) inserting a note in relation to information, or in 2 or more of those ways.</p> <p>(2) If the agency inserts a note in relation to information the note has to —</p> <p>(a) give details of the matters in relation to which the information is inaccurate, incomplete, out of date or misleading; and</p> <p>(b) if the information is incomplete or out of date — set out whatever information is needed to complete the information or bring it up to date.</p> <p>(3) The agency is not to amend information under subsection (1) in a manner that —</p> <p>(a) obliterates or removes the information; or</p> <p>(b) results in the destruction of a document containing the information, unless the Commissioner has certified in writing that it is impracticable to retain the information or that, in the opinion of the Commissioner, the prejudice or disadvantage that the continued existence of the information would cause to the</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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	<p>person outweighs the public interest in maintaining a complete record of information.</p> <p>(4) Before information is amended under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> (a) obliterates or removes the information; or (b) results in the destruction of a document containing the information, <p>and that contravenes the <i>State Records Act 2000</i>, a record keeping plan made under that Act or the archives keeping plan made under that Act, the Commissioner shall provide the State Records Commission with a copy of the certificate issued by the Commissioner under subsection (3).</p>	
<p>Section 50 If application for amendment refused, applicant may request notation etc. disputing accuracy of information etc.</p>	<p>(1) If the agency decides not to amend the information in accordance with the application the person may, in writing, request the agency to make a notation or attachment to the information —</p> <ul style="list-style-type: none"> (a) giving details of the matters in relation to which the person claims the information is inaccurate, incomplete, out of date or misleading; and (b) if the person claims the information is incomplete or out of date — setting out the information that the person claims is needed to complete the information or bring it up to date. <p>(2) A request may be made under this section whether or not the person has taken steps to have the agency's decision reviewed under Part 4.</p> <p>(3) The agency has to comply with the request unless it considers that the notation or attachment that the person has requested to be made to the information is defamatory or unnecessarily voluminous.</p> <p>(4) If the agency decides not to comply with the request it has to give the person written notice of its decision giving details of —</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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	<p>(a) the reasons for the decision and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p> <p>(5) This section does not prevent the agency from making the requested notation or attachment in an edited or abbreviated form, but the making of an edited or abbreviated notation or attachment does not constitute compliance with the request for the purposes of subsection (4).</p>	
Section 54 Review of decision under Div. 1, right to etc.	<p>(1) If under Division 1 an agency decides —</p> <p>(a) not to amend information in accordance with an application for amendment; or</p> <p>(b) not to comply with a request to make a notation or attachment to information,</p> <p>the applicant for amendment has a right to have the decision reviewed by the agency.</p> <p>(2) Sections 39(3), 40, 41, 43 and 44 apply with any necessary modifications to an application for review under this Division.</p> <p>(3) An application for review is to be dealt with as if it were an application for amendment or a request for a notation or attachment to be made to information, as the case may require, and the provisions of Division 1 apply accordingly.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

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18.4 Planning and Building Acts and Regulations

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Building Acts and Regulations	Where delegation to the CEO exists under the: <ul style="list-style-type: none"> - Local Planning Scheme No. 3; - Planning and Development Act 2005; - Planning and Development (Local Planning Schemes) Regulations 2015; - Heritage of Western Australia Act 2018; - Metropolitan Region Scheme; - Strata Titles Act 1985; - Liquor Control Act 1988; and - Responding to external organisations. 	Director Planning and Development Manager Urban Planning Principal Planner (Urban Planning) Senior Urban Planner (Statutory)
Planning and Building Acts and Regulations	Where delegation to the CEO exists under the: <ul style="list-style-type: none"> - Building Act 2011; and - Building Regulations 2012. 	Manager Building Services Senior Building Surveyor

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18.5 Dog Act 1976

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Dog Act 1976 Section 26 Limitation as to numbers	<p>(1) A local government may, by a local law under this Act —</p> <ul style="list-style-type: none"> (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district. <p>(2) A local law mentioned in subsection (1) —</p> <ul style="list-style-type: none"> (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed). <p>(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —</p> <ul style="list-style-type: none"> (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and 	Director Planning & Development

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(b) cannot authorise the keeping in or at those premises of —</p> <ul style="list-style-type: none"> (i) more than 6 dogs that have reached 3 months of age; or (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; <p>and</p> <p>(c) may be revoked or varied at any time.</p> <p>(4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —</p> <ul style="list-style-type: none"> (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under — <ul style="list-style-type: none"> (i) a local law mentioned in subsection (1); or (ii) an exemption granted under subsection (3); <p>or</p> <ul style="list-style-type: none"> (b) more than — <ul style="list-style-type: none"> (i) 2 dangerous dogs (declared); or (ii) 2 dangerous dogs (restricted breed); or (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age. <p>Penalty:</p> <ul style="list-style-type: none"> (a) for an offence relating to a dangerous dog — <ul style="list-style-type: none"> (i) a fine of \$10 000, but the minimum penalty is a fine of \$500; 	

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Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$500;</p> <p>(b) for an offence relating to a dog other than a dangerous dog —</p> <p>(i) a fine of \$5 000;</p> <p>(ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p> <p>(5) Any person who is aggrieved —</p> <p>(a) by the conditions imposed in relation to any exemption under subsection (3); or</p> <p>(b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,</p> <p>may apply to the State Administrative Tribunal for a review of the decision.</p> <p>(6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.</p>	
Dog Act 1976 Section 27 Licensing of approved kennel establishments	(1) Where, under section 26(1)(a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government's district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.	Director Planning & Development

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(2) A person who keeps, or permits or suffers to be kept, any dog over the age of 3 months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.</p> <p>Penalty:</p> <p>(a) a fine of \$5 000;</p> <p>(b) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p> <p>(3) Local laws made under this Act may require that dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question and having specifications of a standard not less than that prescribed, sited and maintained in accordance with the requirements of public health, and sufficiently secured.</p> <p>(4) A licence to keep an approved kennel establishment may be granted by a local government on an application made in the prescribed manner and form, which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given the local government shall have regard to any objections raised.</p> <p>(5) A licence under this section has effect for a period of 12 months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the local government if the local government is dissatisfied with the conduct of the establishment.</p>	

Register of Delegated Authority

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months.</p> <p>(7) Where —</p> <p>(a) the local government refuses the grant of a licence under this section; or</p> <p>(b) notice of the cancellation of a licence under this section is given, the applicant or the licensee as the case may be may apply to the State Administrative Tribunal for a review of the decision.</p>	
Dog Act 1976 Section 44 Enforcement proceedings	<p>(2) Any proceedings under this Act, whether civil or penal, may be taken —</p> <p>(b) by any employee of a local government authorised in that behalf by the local government, in the name of the local government; or</p>	Director Planning & Development

Register of Delegated Authority

18.6 Delegations from the Chief Executive Officer to other staff members in acting positions

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
All subdelegations	All subdelegations apply to all acting positions for periods of appointment in the acting position.	Director Planning & Development Director Corporate & Strategy Director Technical Services Manager Urban Planning Principal Planner (Urban Planning) Senior Urban Planner (Statutory) Manager Building Services Senior Building Surveyor Manager Health & Compliance

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2020 - 03	Amendment	26 May 2020
2020 - 02	Amendment	25 February 2020

Register of Delegated Authority

2019 - 01	Annual Review	17 December 2019
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Register of Delegations

As at 22 June 2021

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Preamble

Introduction

The purpose of delegations is to assist with improving the time taken to make decisions, within the constraints allowed by the relevant legislation, which is consistent with the City's commitment to customer service.

- a) A Council may delegate to its Chief Executive Officer, some of its powers and duties provided for in the *Local Government Act 1995*. Any decision to delegate must be passed by an absolute majority and the delegation must be in writing.
- b) The only staff member to whom the Council may delegate any of its powers and duties under the *Local Government Act 1995* is the Chief Executive Officer but the Chief Executive Officer may give delegated authority to any staff member. The Chief Executive Officer is the only staff member with the power to delegate.
- c) A Council may also delegate some of its powers and duties to committees of Council by a decision passed by an absolute majority and recorded in writing.

Limits on Delegation to the Chief Executive Officer

There are some powers and duties that a Council cannot delegate. They are specified where applicable.

Delegations to Committees

- a) Council may delegate its powers and duties to committees comprising only of Council members except:
 - i. any power or duty that requires a decision of an absolute majority or a 75% majority of the local government and any other power or duty that is prescribed; or
 - ii. any other power or duty that is prescribed.
- b) Council may delegate to a committee comprising of elected members and employees, any of the local government's powers or duties that can be delegated to the Chief Executive Officer under division 4 of the *Local Government Act 1995*.

- c) Council may delegate to a committee comprising of staff members or members of the public any of the local government's powers and duties necessary or convenient for the proper management of:
 - i. the local government's property; or
 - ii. an event in which the local government is involved.
- d) No delegations may be made to committees on which there are no elected members or members of staff.

Period of Any Delegation

- a) A delegation of authority has effect for the period of time specified in the instrument of delegation or where no period of time is specified, indefinitely.
- b) Any delegation under the City of Nedlands Local Planning Scheme No. 3.
- b) Any decision by Council to revoke or amend a delegated authority must be passed by an absolute majority.

Recording Delegations

The CEO is to keep a register of the delegations made by Council to the CEO, Committees, and made by the CEO to other employees (this register).

Exercising Delegated Authority

- a) After any delegation has been exercised the following information must be recorded in writing:
 - i. how the person exercised the power or discharged the duty;
 - ii. when the person exercised the power or discharged the duty; and;
 - iii. the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Review

At least once every financial year, delegations from the *Local Government Act 1995* and the City of Nedlands Local Planning Scheme No. 3 are to be reviewed by the delegator, either Council or the Chief Executive Officer.

Council's Ability to Make Decisions is not Limited

Council may still exercise any of its powers or duties that have been delegated to the Chief Executive officer or to a committee. The CEO may still exercise any powers or duties that have been delegated to employees.

Acting Through

In addition to delegations, the *Local Government Act 1995* contains the concept of "acting through". Where a person is "acting through", they have no discretion in carrying out the function. This could be the City performing administrative functions on behalf of the Council, or implementing policies adopted by the Council. This differs to an authorised person who exercises the decision making function in his or her own right.

As per the *Local Government Act 1995* section 5.51, the CEO's functions are to:

- a) "advise the council in relation to the functions of a local government under this Act and other written laws; and
- b) ensure that advice and information is available to the council so that informed decisions can be made; and
- c) cause council decisions to be implemented; and
- d) manage the day to day operations of the local government; and
- e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- f) speak on behalf of the local government if the mayor or president agrees; and
- g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."

Any function in the *Local Government Act 1995* which the CEO would carry out administratively (based on the above) can be done so via “acting through”, the implementation of which may be directed by a Council Resolution or Policy.

Legislative Authority

- a) The following sections of the *Local Government Act 1995* provide for delegation of authority:
 - i. s.5.16 to s.5.18 (delegations to Committees)
 - ii. s.5.42 to s.5.46 (delegations to CEO and other employees).
- b) The *Local Government (Administration) Regulations* s. 18G and 19 expand upon s.5.43 and s.5.46(3) of the Act.
- c) Legislative powers to delegate relate only to the Act in which they are contained, or to which they stipulate are permissible. It is not possible to, for example, rely on section 5.42(1) of the *Local Government Act 1995* to delegate any of a local government’s powers under another Act. Any delegation by a local government of its powers under another Act can only be delegated by the delegation provisions of that Act.

1. Delegations under the Local Government Act 1995 to the Chief Executive Officer

Authority to delegate: Sections 5.16, 5.17, 5.42 and 5.44 of the *Local Government Act 1995*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Part 1 – Introductory Matters		
Nil items in Part 1		
Part 2 – Constitution of Local Government		
Nil items in Part 2		
Part 3 – Functions of Local Governments		
Division 1 - General		
Nil items in Division 1		
Subdivision 1 – Local Laws made under this Act		
All City of Nedlands Local Laws including but not limited to:	To administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the Local Government Act 1995.	Chief Executive Officer
Parking and Parking Facilities Local Law	The Chief Executive Officer is delegated the power to make decisions on behalf of the local government in relation to the City's local laws.	Excludes decision-making where the local law specifies the matter be determined by Council Resolution.
Standing Orders Local Law		In respect to the Parking and Parking Facilities Local Law, determination of parking stalls and parking stations.(Section 3.1):
Trading in Public Places Local Law		1. Where the local government makes a determination of resolution under this clause, it shall erect signs to give effect to the determination or resolution; and

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Site Erosion and Sand Drift Local Law Reserves, Foreshores and Beaches Local Law Health Local Law Council Halls Local Law Repeals Local Law 2016 Waste Local Law Dogs Local Law Council Property and Places Local Laws Signs Local Law Fencing Local Law		2. Delegation is to constitute, determine and vary and also indicate by signs, minor instances only of parking stalls and parking stations as described in clause 3.1 (1) of the Parking and Parking Facilities Local Law.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
By – law Relating to New Street Alignment		
Division 3 – Executive functions of Local Governments		
Subdivision 1 – Performing executive functions		
Section 3.18 (1)	Do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act. Expend budgetted amounts.	<p>Arts Committee subject to the Terms of Reference & Council’s Resolution of 23 April 2019 as follows:</p> <p>That in the Arts Committee Terms of Reference the clause under the heading Delegated Authority be amended to read:</p> <p>The Committee has delegated authority to implement public artworks of not more than \$10,000 each to the value of up to, in all, the budget allocation approved by Council within the current financial year’s budget. Artworks over \$10,000 shall be recommended to Council for approval.</p>
Section 3.20 (1)	Things done by a local government in performing its executive functions may be done outside its own district but before it can do anything on land outside its own district that is not local government property of that local government it is required to have obtained the consent of — (a) the owner of the land; and	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	(b) if the land is occupied, the occupier of the land; and (c) if the land is under the control or	
Section 3.22(4)	A dispute about the amount of compensation is to be determined by arbitration in accordance with section 3.23.	Chief Executive Officer
Subdivision 2 – Certain provisions about land		
Section 3.25(1)	A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that - (a) is prescribed in Schedule 3.1, Division 1; or (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.	Chief Executive Officer
Section 3.26(2)	If the person who is given the notice (notice recipient) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.	Chief Executive Officer
Section 3.26(3)	The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.	Chief Executive Officer
Section 3.27(1)	A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.	Chief Executive Officer
Subdivision 3 – Power of entry		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.31(2)	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry.	Chief Executive Officer
Section 3.34(1)	A local government may enter land in an emergency without notice or consent.	Chief Executive Officer
Section 3.34(3)	A local government may use reasonable force to exercise the power of entry given by subsection (1).	Chief Executive Officer
Section 3.34(4)	A local government may exercise the power of entry given by subsection (1) at any time while the emergency exists and for so long subsequently as is reasonably required.	Chief Executive Officer
Section 3.36(3)	A local government may make an opening in a fence to do works on a property subject to providing the owner or occupier with 3 days written notice.	Chief Executive Officer
Section 3.39	Local government may authorise an employee to remove and impound any goods.	Chief Executive Officer
Section 3.40(1)	Local government may authorise a person to remove and impound an abandoned vehicle wreck.	Chief Executive Officer
Section 3.40A(4)	Local government may declare that a vehicle is an abandoned wreck.	Chief Executive Officer
Section 3.47(1)	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.	Chief Executive Officer
Section 3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.47(2a)	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44.	Chief Executive Officer
Section 3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass.	Chief Executive Officer
Section 3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods.	Chief Executive Officer
Subdivision 5 – Certain provisions about thoroughfares		
Section 3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks.	Chief Executive Officer
Section 3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks.	Chief Executive Officer
Section 3.50(6)	An order to close a thoroughfare may be revoked by the local government.	Chief Executive Officer
Section 3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare.	Chief Executive Officer
Local Government (Functions and General) Regulations, Regulation 6(3)	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.51(3)	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	Chief Executive Officer
Subdivision 6 – Various executive functions		
Section 3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	Suitable for delegation, not currently delegated
Section 3.53(4)	An agreement or direction under subsection (3) has effect according to its terms.	Suitable for delegation, not currently delegated
Section 3.54(1)	A local government may do anything it could do under the <i>Parks and Reserves Act 1895</i> if it were a board appointed under that Act, to control and manage any land reserved under the <i>Land Act 1933</i> and vested in or placed under the control and management of the local government	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders.	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulations 18(4) and (5)	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender.	<p>Chief Executive Officer</p> <p>Consideration of tender only. Excludes decision on which tender to accept.</p> <p>The CEO in consultation with the Mayor accept a tender to a maximum value of \$500,000 and may decline to accept any tender from the 27th December to 31 January during the yearly Council recess period.</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Limited Government (Functions and General) Regulations - Regulation 20(2)	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer.	Chief Executive Officer Applies only where the next most appropriate tenderer has been considered by the local government.
Local Government (Functions and General) Regulations - Regulation 21(1)	A local government may seek expressions of interest before entering the tender process.	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 21A	If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless — (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).	Chief Executive Officer a. is authorised to approve a variation including extension to a contract, subject to satisfactory performance of the contractor, the contract specifying the provisions of an option to extend the term, the variation is necessary in order for the goods or services to be supplied and where the contract scope is not changed. b. is authorised to approve a variation to a contract subject to a maximum variation of 20% of the contract price or \$50,000 whichever is the lesser amount. c. shall report to Council at least six monthly on the exercise of this delegation.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Local Government (Functions and General) Regulations - Regulation 23(3)	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services.	Chief Executive Officer Consideration of expressions of interest only. Excludes decision on which expression of interest to accept.
Local Government (Functions and General) Regulations, Regulation 24E(1)	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy.	Suitable for delegation to Chief Executive Officer
Local Government (Functions and General) Regulations - reg.24E(4)	A local government cannot adopt a regional price policy until the local government has considered submissions received.	Suitable for delegation to Chief Executive Officer
Section 3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender.	Chief Executive Officer
Section 3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3).	Suitable for delegation to Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 30(2)(a)(ii)	A disposition of land is exempt of disposition if the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.	Suitable for delegation to Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Division 4 – Regional Local Government		
Nil items in Division 4		
Part 4 – Elections and other polls		
Division 1 – Preliminary		
Nil items in Division 1		
Division 2 – Inaugural elections		
Nil items in Division 2		
Division 3 – Ordinary elections		
Nil items in Division 3		
Division 4 – Extraordinary elections		
Nil items in Division 4		
Division 5 – Other elections		
Nil items in Division 5		
Division 6 – Postponement and consolidation of elections		
Nil items in Division 6		
Division 7 – Provisions about electoral officers and the conduct of elections		
Nil items in Division 7		
Division 8 – Eligibility for enrolment		
Nil items in Division 8		
Division 9 – Electoral process		
Elections Regulations – Regulation 9(1)	The fees to be paid to an electoral officer for conducting an election are those agreed between the local government and the electoral officer.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Division 10 – Validity of elections		
Nil items in Division 10		
Division 11 – Electoral offences		
Nil items in Division 11		
Division 12 – Polls and referendums		
Nil items in Division 12		
Part 5 – Administration		
Division 1 – Introduction		
Nil items in Division 1		
Division 2 – Council meetings, committees and their meetings and electors’ meetings		
Subdivision 1 – Council meetings		
Nil items in Subdivision 1		
Subdivision 2 – Committees and their meetings		
Section 5.18	A local government must review all delegations made to a committee.	Suitable for delegation to Chief Executive Officer
Section 5.20 Decisions of councils and committees	(1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.	Council Committee Only in relation to: Only to determine Council’s position on Joint Development Assessment Panel development applications.
Subdivision 3 – Matters affecting Council and committee meetings		
Division 3 – Acting for the mayor or president		
Section 5.35 - (1)(b)	(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,	Council Committee Appointment of a councillor to perform during that time the functions of mayor.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.	Only in relation to representation and presentation to a Joint Development Assessment Panel on Council's position, where the Mayor and Deputy Mayor decide not to speak for Council.
Division 4 – Local government employees		
Section 5.27(2)	General meeting of electors to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.	Chief Executive Officer
Section 5.37(1)	A local government may designate any employee to be a senior employee.	Chief Executive Officer
Section 5.39C	<p>(1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —</p> <p>(a) the employment of a person in the position of CEO for a term not exceeding 1 year;</p> <p>(b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.</p> <p style="padding-left: 100px;">* Absolute majority required.</p> <p>(2) A local government may amend* the policy.</p> <p style="padding-left: 100px;">* Absolute majority required.</p> <p>(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.</p> <p>(4) The CEO must publish an up-to-date version of the policy on the local government's official website.</p>	<p>Council delegates to the CEO, appointment of an internal employee higher duties Acting CEO subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The appointment is to be for a period of no more than 3 months; and 2. The person appointed is to be suitably qualified, experienced and knowledgeable for the Acting CEO role; and 3. The appointment not being due to a vacancy of the CEO's position. <p>The Chief Executive Officer must inform the elected members of all proposed Acting CEO arrangements.</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
		<p>For CEO vacancy periods over 3 months the appointment of the Acting CEO shall be determined by Council.</p> <p>The CEO shall report to Council any proposal to fill an Acting CEO role over three months with as much advanced notice as possible. In this case the CEO may recommend a suitable internal candidate for higher duties and must also provide an alternative recommendation to Council, to convene a CEO Recruitment and Selection Committee to progress the Acting CEO recruitment.</p> <p>If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council.</p>
Local Government (Administration) Regulations – Regulation 18(c)	A local government is to approve a process for selection and appointment of the Chief Executive Officer.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) - CEO Recruitment & Selection Committee.
Local Government (Administration) Regulations - Regulation 18(D)	A local government is to consider, accept the review, with or without modification, or reject the review of the Chief Executive Officer.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
Section 5.50(1)	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local	Suitable for delegation to Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy.	
Section 5.50(2)	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given.	Suitable for delegation to Chief Executive Officer
Division 5 – Annual reports and planning		
Section 5.56	A local government is to prepare a Plan for the Future.	Suitable for delegation to Chief Executive Officer
Local Government (Administration) Regulations - Regulation 19C(4)	A local government is to review its current plan for the future every 2 years.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
Division 6 – Disclosure of financial interests		
Nil items in Division 6		
Division 7 – Access to information		
Nil items in Division 7		
Division 8 – Fees, expenses and allowances		
Section 5.101(2)	A local government may reimburse an employee for an expense that was incurred in relation to a matter affecting the local government.	Chief Executive Officer
Division 9 – Conduct of certain officials		
Section 5.102	A local government may make a cash advance to a person for an expense which can be reimbursed.	Chief Executive Officer
Section 5.103(1)	A local government must prepare or adopt a code of conduct to be observed by council members, committee members and employees.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 5.103(2)	A local government must review its code of conduct within 12 months of every ordinary election day.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
Part 6 – Financial Management		
Division 1 - Introduction		
Nil items in Division 1		
Division 2 – Annual budget		
Nil items in Division 2		
Division 3 – Reporting on activities and finance		
Note: Under Division 3 – Reporting on activities and finance, section 6.4 financial report applies		
Nil items in Division 3		
Division 4 – General financial provisions		
6.8 (1)(b)	(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure — (b) is authorised in advance by resolution*; or	Council Committee Expenditure within existing budget in relation to the need for professional support for preparation and representation to a Joint Development Assessment Panel. Expenditure from municipal fund up to \$10,000 annually.
Section 6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money that is owed to the local government, subject to section 6.12(2).	Chief Executive Officer
Section 6.12(1)(c)	A local government may write off any amount of money that is owed to the local government, subject to section 6.12(2).	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.12(3)	A local government may determine what conditions apply to the granting of a concession.	Suitable for delegation to Chief Executive Officer
Section 6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the <i>Trustees Act 1962</i> .	Chief Executive Officer, subject to Council Policy.
Local Government (Financial Management) Regulations 1996 Regulation 12	Payments from municipal fund or trust fund, restrictions on making (1) A payment may only be made from the municipal fund or the trust fund - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds	Chief Executive Officer
Division 5 – Financing local government activities		
Subdivision 1 – Introduction		
Nil items in subdivision 1		
Subdivision 2 – Fees and charges		
Nil items in subdivision 2		
Subdivision 3 – Borrowings		
Nil items in subdivision 3		
Division 6 – Rates and service charges		
Subdivision 1 – Introduction and the basis of rating		
Nil items in subdivision 1		
Subdivision 2 – Categories of rates and service charges		
Nil items in subdivision 2		
Subdivision 3 – Imposition or rates and service charges		
Section 6.40(3)	If rates are reduced, under section 6.40(1), a local government must refund the owner of the land on request or credit the amount for rates or service charges.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.40(4)	If a service charge is reduced, under section 6.40(2), and the service charge had already been paid by the owner, the owner may request and then the local government must pay the overpaid amount to the owner or, alternatively, the overpaid portion is credited against any future amounts payable. If the service charge was paid by the occupier, the local government must pay the overcharged portion to the person who paid it.	Chief Executive Officer
Subdivision 4 – Payment of rates and service charges		
Section 6.49	A local government may make an agreement with a person to pay their rates and service charges.	Chief Executive Officer
Local Government (Financial Management) Regulations - Regulation 66(2)	If an instalment remains unpaid after the day on which the next instalment becomes due the local government may revoke the ratepayer's right to pay by instalments.	Chief Executive Officer
Section 6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction.	Chief Executive Officer
Section 6.60(2)	A local government may give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge.	Chief Executive Officer
Section 6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee.	Chief Executive Officer
Section 6.61(1)	A local government may request an occupier, an agent or the person who receives the rent of a property, to give the name and address of the owner to the local government.	Chief Executive Officer
Section 6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	a person having an estate or interest in the land, and may lease or sell the land or transfer it to the Crown or itself.	
Section 6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding.	
Section 6.69(2)	A local government may accept payment of any outstanding rates or service charges on such terms and conditions as are agreed between the parties, up to the time of actual sale of the relevant land but not more than 7 days prior to same.	Chief Executive Officer
Section 6.71(1)	If a local government is unable to sell land under Part 6 Division 6 within 12 months, it may transfer the land to the Crown or itself.	Suitable for delegation to Chief Executive Officer
Section 6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years.	Suitable for delegation to Chief Executive Officer
Local Government (Financial Management) Regulations – Regulation 7(3)	A local government must consider any objections it receives in relation to a revestment under regulation 77.	Suitable for delegation to Chief Executive Officer
Section 6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part.	Chief Executive Officer
Part 7 - Audit		
Division 1 - Introduction		
Nil items in Division 1		
Division 1A – Audit Committee		
Nil items in Division 1A		
Division 2 – Appointment of auditors		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 7.6(2)(f)	A local government may terminate the appointment of an auditor by written notice.	Suitable for delegation to the Audit Committee (not currently delegated)
Division 3 – Conduct of audit		
Nil items in Division 3		
Division 4 – General		
Section 7.12A(2)	A local government must meet with its auditor at least once a year.	Delegated to the Audit and Risk Committee
Section 7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken.	Suitable for delegation to the Audit Committee (not currently delegated)
Section 7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister.	Suitable for delegation to the Audit Committee (not currently delegated)
Part 8 – Scrutiny of the Affairs of Local Governments		
Division 1 – Inquiries by the Minister or an authorised person		
Section 8.14(3)	A local government must give the Minister advice of what it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report.	Chief Executive Officer
Division 2A – Council may be peremptorily suspended or required to undertake remedial action		
Nil items in Division 2A		
Division 2 – Inquiries by Inquiry Panels		
Section 8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	receiving the report, or give its comment on a recommendation to dismiss the Council.	
Division 3 – General provisions about suspension and dismissal of councils		
Nil items in Division 3		
Division 4 – Misapplication of funds and property		
Nil items in Division 4		
Part 9 – Miscellaneous Provisions		
Division 1 – Objections and review		
Nil items in Division 1		
Division 2 – Enforcement and legal proceedings		
Nil items in Division 2		
Division 3 – Documents		
Section 9.49A Execution of documents	(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.	Chief Executive Officer (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
Division 4 – Protection from liability		
Nil items in Division 4		
Division 5 – Associations of local government		
Nil items in Division 5		
Division 6 – Regulations, directions and orders		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 9.63(1)	If a dispute has arisen between 2 or more local governments, a local government may refer the matter to the Minister to resolve.	Suitable for delegation to Chief Executive Officer
Division 7 – Other miscellaneous provisions		
Section 9.68(5)	A local government may recover accruing rates from a principal or agent who has failed to give a notice to the local government in accordance with section 9.68.	Chief Executive Officer
Division 8 – Amendments to 1960 Act and transitional provisions		
Nil items in Division 8		
Nil Schedule 1		
Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts		
Clause 11(2)	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities.	Suitable for delegation to Chief Executive Officer
Schedule 2.2 – Provisions about names, wards and representation		
Clause 4(1)	A local government must consider any submissions made under clause 3.	Suitable for delegation to Chief Executive Officer
Clause 6	A local government must carry out a review of its ward boundaries and the number of councillors per ward every 8 years or as directed by the Advisory Board.	Suitable for delegation to Chief Executive Officer
Clause 8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards.	Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).
Clause 9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3).	Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).
Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by council		
Nil items in Schedule 2.3		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Schedule 2.4 – Provisions about Commissioners		
Nil items in Schedule 2.4		
Schedule 2.5 – Provisions about the Local Government Advisory Board		
Nil items in Schedule 2.5		
Schedule 3.1 – Powers under notices to owners or occupiers of land		
<i>Local Government (Uniform Local Provisions) Regulations 1996 – Regulation 7A</i>	A person who is the owner or occupier of land must, when requested by the Local Government to do so, remove any thing that – a. Has fallen from the land, or from anything on the land; and b. Is obstructing a public thoroughfare.	Chief Executive Officer
Schedule 3.2 – Particular things local governments can do on land even through it is not local government property		
Nil items in Schedule 3.2		
Schedule 4.1 – How to conduct votes and ascertain the result of an election		
Nil items in Schedule 4.1		
Schedule 5.1 – Provisions about standards panels		
Nil items in Schedule 5.1		
Schedule 6.1 – Provisions relating to the phasing in of valuations		
Nil items in Schedule 6.1		
Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid		
Clause 1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years.	Suitable for delegation to Chief Executive Officer
Schedule 6.3 – Provisions relating to sale or transfer of land where rates or service charges unpaid		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Clause 1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more than 12 months from the service of the notice under clauses 1(1) or 1(2).	Suitable for delegation to Chief Executive Officer
Clause 4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple.	Chief Executive Officer subject to 5.43(d), up to an amount resolved by Council.
Clause 7(2)	If the land has not been sold within 12 months, the local government may begin the process again in accordance with this Schedule.	Chief Executive Officer
Nil Schedule 7		
Schedule 8.1 – Provisions about Inquiry Panels		
Nil items in Schedule 8.1		
Schedule 9.1 – Certain matter for which Governor may make regulations		
Nil items in Schedule 9.1		
Nil Schedule 9.2		
Schedule 9.3 – Transitional provisions		
Nil items in Schedule 9.3		

2. Delegations under the *Local Government (Uniform Local Provisions) Regulations 1996*

Authority to delegate: Sections 5.42 and 5.44 of the *Local Government Act 1995*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 5(2)	Serve written notice on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: (a) prevent damage to the footpath; or (b) prevent inconvenience to the public or danger from falling materials.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(3)	Grant permission under this regulation to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare: (a) in writing; and (b) must specify the period for which it is granted; and (c) must specify each condition imposed under subregulation (4); and (d) may be renewed from time to time; and may be cancelled by giving written notice to the person to whom the permission was granted.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(4)	Impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following: (a) conditions relating to the erection of hoardings, fences, (b) walkways or other structures for the protection of the public thoroughfare or public safety (protective structures);	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(c) conditions about the placement of things in the public thoroughfare including conditions about the depositing of building materials or waste, or storage or other facilities in the public thoroughfare;</p> <p>(d) a condition imposing a charge for any damage to the public thoroughfare resulting from the placement of a thing on the public thoroughfare;</p> <p>a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the Chief Executive Officer of the local government to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.</p>	
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(6)	When renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(8)	Charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m ² of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.	Chief Executive Officer

3. Delegations under the Food Act 2008

Authority to delegate: Section 118 of the *Food Act 2008*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Food Act 2008 Section 122 (1)	An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act.	Chief Executive Officer

4. Delegations under the Dog Act 1976

Authority to delegate: *Section 10AA of the Dog Act 1976*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Dog Act 1976	All powers under the <i>Dog Act 1976</i> .	Chief Executive Officer
Dog Act 1976 Section 10AA – Delegation of local government powers	(3) The delegation may expressly authorise the delegate to further delegate the power or duty.	Chief Executive Officer for the following: Section 26 Section 27 Section 44

5. Delegations under the *Cat Act 2011*

Authority to delegate: Section 44 of the *Cat Act 2011*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Cat Act 2011	All powers under the <i>Cat Act 2011</i> .	Chief Executive Officer

6. Delegations under the *Graffiti Vandalism Act 2016*

Authority to delegate: Section 16 of the *Graffiti Vandalism Act 2016*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Graffiti Vandalism Act 2016	All powers under the <i>Graffiti Vandalism Act 2016</i> .	Chief Executive Officer

7. Delegations under the *Public Health Act 2016*

Authority to delegate: Section 21 of the *Public Health Act 2016*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Public Health Act 2016	All powers under the <i>Public Health Act 2016</i>	Chief Executive Officer

8. Delegations under the Bush Fire Act 1954

Authority to delegate: Section 48 of the Bush Fire Act 1954

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Bush Fires Act 1954	All powers under the Bush Fire Act 1954	Chief Executive Officer

9. Delegations under the City of Nedlands Local Planning Scheme 3

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development (Local Planning Schemes) Regulations 2015, regulation 82. City of Nedlands Local Planning Scheme No 3 and the Planning and Development Act 2005	<p>The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.</p> <p>Determine applications for development approval under the City of Nedlands Local Planning Scheme No 3 and the Planning and Development Act 2005.</p> <p>Determination of applications under Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015)</p> <p>The Council may either generally, or in a particular case by resolution delegated to a Committee of the Council or an officer of the Council, the authority to deal with an application for planning approval made under this Scheme.</p>	<p>Chief Executive Officer</p> <p>Except for where the following applies:</p> <p>a) Change of Use applications which are classified IP, P, D or A and uses not listed where after advertising, submissions have been received which raise objections in relation to the matter at hand which are not able to be rectified by way of negotiation and/or amendment(s) being made to the proposal;</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015)		<ul style="list-style-type: none"> b) Grouped and/or Multiple Dwelling developments involving five (5) or more dwellings; and c) Refusal of applications where discretion exists for Council to approve the variations under the City's Local Planning Scheme no. 3, policies and/or the Residential Design Codes.
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Advertising of applications and proposals in accordance with Clause 66(1) and 77(3) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and subclause 30 (1) of the Metropolitan Region Scheme.</p> <p>Determining the requirement and extent of advertising of applications and proposals made under City of Nedlands Local Planning Scheme No.3 and Metropolitan Region Scheme.</p>	<p>Chief Executive Officer</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p>
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Amending or Cancelling a development approval, including waiving or varying a requirement in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61((1) (f) and 61 (2)(d) if Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	<p>Chief Executive Officer</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Determining accompanying material requirements</p> <p>For applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	Chief Executive Officer
City of Nedlands Local Planning Scheme No.3 and or Metropolitan Region Scheme	<p>Discretion and determining conditions</p> <p>Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Nedlands Local Planning Scheme No.3 and or Metropolitan Region Scheme.</p>	Chief Executive Officer Where a Section 31 Reconsideration is sought through the State Administrative Appeals Tribunal and where the determination recommended is contrary to that of the original Council decision, the application must be referred back to Council for determination.
Planning and Development (Local Planning Schemes) Regulations 2015	<p>Rights of Entry and Inspection</p> <p>In accordance with Clause 82 and 83 of Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Entry and inspection of land within the Scheme Area for the purpose of assessment and monitoring, pursuant to Clause 79(1) and 2(a) and (b) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	Chief Executive Officer Written or verbal notice being provided to the landowner wherever possible prior to entry.

10. Delegations under the Planning and Development Act 2005

Authority to delegate: Planning and Development Act 2005 – Part 10

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development Act 2005 – Part 10	Referrals to WAPC in respect of applications for subdivision (including amalgamations and boundary re-alignments) and/or strata subdivision approval is required to be determined by the Commission.	Chief Executive Officer
Planning and Development Act 2005 – Part 10	Clearance of conditions of subdivision (including amalgamations and boundary re-alignments), strata subdivision or amalgamation approval where the local government is identified as the responsible agency in the WAPC preliminary approval advice.	Chief Executive Officer
Planning and Development Act 2005 – Section 214(3)(4) and (5)	<p>Unauthorised Development – Directions The responsible authority may give written directions regarding unauthorised development.</p> <p>Issuance of written direction to stop unauthorise development Planning and Development Act 2005 s214(2)</p> <p>Issuance of written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&D s214(3)]</p> <p>Execute work to have unauthorised development brought into compliance [P&D s214(5)]</p>	Chief Executive Officer

11. Delegations under the Heritage of Western Australia Act 2018

Authority to delegate: Heritage of Western Australia Act 2018 – Section 23(4)

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Heritage of Western Australia Act 2018 – Section 23(4)	Participation where appropriate with the Heritage Council, where it is to consider giving advice to the Minister for Heritage with respect to 'interim' and 'permanent' entry of a place on the State Register of Heritage Places'.	Chief Executive Officer with the exception of the following: Does not apply where a formal request is made for a response from council regarding proposals for the entry of a place or places onto the State register of Heritage Places on an interim or permanent basis.

12. Delegations under the Metropolitan Region Scheme

Authority to delegate: Metropolitan Region Scheme – DEL 2011/02 – Government Gazette No. 248, 23 December 2011

WAPC Ref: RES 2015/01
DEL 2017/02

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Clause 29(3)	Forwarding an application to the Commission	Chief Executive Officer
Clause 30	Exercising powers under the Planning & Development Act 2005 delegated by the WAPC to: <ul style="list-style-type: none"> - Determine applications; - Revoke applications; and - Limit time of approval. 	Chief Executive Officer with the exception of: Does not apply where objections are received on planning grounds and those objections are not capable of being addressed by way of the recommendation of a planning condition imposed on the proposed development. And When the property is within an area subject to clause 32 of the Metropolitan Region Scheme.
Clause 30A	Provide recommendation and forward to the Commission.	Chief Executive Officer
Clause 31	Issue of decision in the form set out in Form 2 to this scheme: An application is deemed to be refused if a decision is not conveyed within 60 days of receipt of application.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Metropolitan Region Scheme or the Planning and Development Act, 2005	Respond to the Western Australian Planning Commission, or authorities given delegation by the Minister for Planning, on applications made under the Metropolitan Region Scheme or the <i>Planning and Development Act, 2005</i>	Chief Executive Officer
Clause 32	Forward an application to the Commission and provide recommendation.	Chief Executive Officer

13. Delegations under the *Strata Titles Act 1985*

Authority to delegate: DEL 2009/03, Government Gazette no. 98, 9 June 2009

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 24	The local government may make a preliminary determination that the plans and specifications are of sufficient standard to be brought under this Act as a building in a strata scheme.	Chief Executive Officer
Section 25 Clause 1 Schedule 1	<p>Power to determine applications for the issuing of a certificate of approval for a plan of subdivision, re-subdivision or consolidation, except those applications that:</p> <ul style="list-style-type: none"> a) propose the creation of a vacant lot; b) propose vacant air stratas in multi-tiered strata scheme developments; c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to: <ul style="list-style-type: none"> i. a type of development; and/or <p>land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p>	<p>Chief Executive Officer on the condition that:</p> <p>A local government that exercises the power referred to in clause 1 is to provide the WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</p>

14. Delegations under the *Liquor Control Act 1988*

Authority to delegate: Part 3 – Section 40

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 40	Issue certificates as to whether the use of premises complies with local planning laws.	Chief Executive Officer

15. Delegations to respond to external organisations

Authority to respond to external organisations

WAPC Ref: DEL2009/02

DEL2011/04

DEL2017/02

DEL2017/03

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
State Administrative Tribunal Act Section 31	Delegation to respond to external organisations Authority to respond to external organisations Respond to the State Administrative Tribunal on applications for review of planning decisions including consideration of referrals under s31 the State Administrative Tribunal Act 2004;	Chief Executive Officer Consideration of referrals under section 31 of the State Administrative Tribunal Act 2004 where Council has determined the application.
	Respond to the Swan River Trust on planning applications made under the Swan and Canning Rivers Management Act 2006	Chief Executive Officer
	Respond to requests from public agencies on issues requiring or inviting comment by the City with regard to local, metropolitan, regional and/or strategic planning matters.	Chief Executive Officer
Planning and Development (Development Assessment) Regulations 2011	Respond to the Department of Planning Lands and Heritage on planning applications submitted in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011	Chief Executive Officer JDAP applications are to be referred to Council for their comment prior to the submission of the Responsible Authority Report (RAR)

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Panels Regulations 2011		
	Provide recommendation and to the Department of Planning Lands and Heritage on development applications submitted in accordance with the Shenton Park Improvement Scheme.	Chief Executive Officer
	Provide recommendation to the Department of Communities (Housing Authority) on development applications submitted to the City.	Chief Executive Officer
	Respond to the Department of Treasury and finance for development application referrals.	Chief Executive Officer

16. Delegations under the Building Act 2011

Authority to delegate: Section 127 of the Building Act 2011

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 127	All powers under the Building Act 2011	Chief Executive Officer

17. Delegations under the Building Regulations 2012

Authority to delegate: Section 127 of the Building Act 2011

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Building Act 2011	All powers under the Building Regulations 2012	Chief Executive Officer

18. Delegations from the Chief Executive Officer to other staff members

18.1 Local Government Act 1995 and Regulations

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.25(1)	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner	Director Planning & Development Director Technical Services
Section 3.50(1)	A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.	Director Technical Services
Section 3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of \$100,000 or more (Functions and General Regulation 11)	Director Planning & Development Director Technical Services Director Corporate & Strategy
Local Government (Functions and General) Regulations - Regulation 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders	Director Planning & Development Director Technical Services Director Corporate & Strategy
Local Government (Functions and General) Regulations, reg.21(1)	A local government may seek expressions of interest before entering the tender process	Director Planning & Development Director Technical Services Director Corporate & Strategy

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.12(1)(c)	A local government may write off any amount of money that is owed to the local government (subject to section 6.12(2))	Director Planning & Development Manager Health & Compliance Only delegated to: <ol style="list-style-type: none"> 1. Extend time for payment of a modified penalty or to withdraw an infringement notice; 2. In relation to parking infringements, withdraw an infringement in the event of: <ol style="list-style-type: none"> a. Medical emergency; b. Vehicle broken down; c. Eastern States registration; d. No records held by Police Department if unregistered vehicle; e. Stolen vehicle; f. Error made by issuing officer; g. Vehicle towed away; or h. Other compassionate grounds.
Section 6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the <i>Trustees Act 1962</i>	Director Corporate & Strategy
Section 6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	Director Corporate & Strategy
Section 6.60(2)	A local government may give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge	Director Corporate & Strategy

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	Director Corporate & Strategy
Section 6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	Director Corporate & Strategy

18.2 Food Act 2008

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 119	The CEO, after consultation with an enforcement agency (other than the CEO), may, in writing, impose conditions or limitations on the performance of functions under this Act by the enforcement agency	Director Planning & Development

18.3 Freedom of Information Act 1992

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 13 Agency duties as to access applications	<p>(1) Subject to this Division, the agency has to deal with the access application as soon as is practicable (and, in any event, before the end of the permitted period) by —</p> <p>(a) considering the application and deciding —</p> <p>(i) whether to give or refuse access to the requested documents; and</p> <p>(ii) any charge payable for dealing with the application; and</p> <p>(b) giving the applicant written notice of the decision in the form required by section 30.</p> <p>(2) If the applicant does not receive notice under subsection (1)(b) within the permitted period the agency is taken to have refused, at the end of that period, to give access to the documents and the applicant is taken to have received written notice of that refusal on the day on which that period ended.</p> <p>(3) For the purposes of this section the permitted period is 45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the Commissioner under subsection (4) or (5).</p> <p>(4) On the application of the applicant, the Commissioner may reduce the time allowed to the agency to comply with subsection (1).</p> <p>(5) On the application of the agency, the Commissioner, on being satisfied that the agency has attempted to comply with subsection (1) within 45 days but that it is impracticable, in the circumstances, for it to comply</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>within that time, may allow the agency an extension of time to comply with subsection (1) on such conditions as the Commissioner thinks fit.</p> <p>(6) If an extension of time is allowed under subsection (5) the agency has to give written notice of the extension to the applicant as soon as is practicable, and within 45 days after receiving the access application.</p> <p>(7) If, under subsection (2), the agency is taken to have refused access, the Commissioner may, on the application of the applicant, allow the agency an extension of time to comply with subsection (1) on such conditions (for example, reduction or waiver of charges) as the Commissioner thinks fit.</p> <p>(8) If an extension of time is allowed under subsection (7), subsection (2) does not have effect unless, at the end of the extended time, the applicant still has not received notice under subsection (1)(b).</p> <p>(9) This Division has effect subject to Division 3.</p>	
Section 15 Document held etc. by another agency, transferring application etc. in case of	<p>(1) If the agency does not hold the requested documents but knows, or has reasonable grounds to believe, that the documents are held by another agency (other than an exempt agency), the agency has to transfer the access application to the other agency.</p> <p>(2) If the agency holds the requested documents but the documents originated with or were received from another agency (other than an exempt agency), and are more closely related to the functions of that other agency, the agency may transfer the access application to that other agency together with copies of the documents.</p> <p>(3) The transferring agency has to give the applicant written notice of the transfer without delay.</p> <p>(4) The notice has to clearly state the day on which, and the agency to which, the access application was transferred.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(5) The agency to which the access application is transferred, or partially transferred, is to be regarded as having received the application on the day on which it was received by the transferring agency.</p> <p>(6) The agency to which the access application is transferred under subsection (2) is required to make decisions as to access in respect of the documents of which it receives copies but not in respect of other documents that it holds which may fall within the scope of the documents requested in the original application.</p> <p>(7) If subsection (1) or (2) applies to one or more but not all of the requested documents the agency is authorised to make a partial transfer under this section as if a separate access application had been made in respect of the document or documents to which the relevant subsection applies.</p> <p>(8) If the agency holds the requested documents but the documents originated with or were received from an exempt agency, the agency has to notify the exempt agency that the access application has been made.</p>	
Section 17 Charge for access, applicant may request estimate of etc.	<p>(1) When making the access application the applicant may request an estimate of the charges that might be payable for dealing with the application.</p> <p>(2) If a request is made under subsection (1) the agency has to notify the applicant of its estimate, and the basis on which its estimate is made, as soon as is practicable.</p> <p>(3) If the agency estimates that the charges for dealing with the access application might exceed \$25, or such greater amount as is prescribed, then, whether or not a request has been made under subsection (1), the agency has to notify the applicant of its estimate, and the basis on</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>which its estimate is made, and inquire whether the applicant wishes to proceed with the application and notify the applicant of the requirement of section 19(1)(b).</p>	
<p>Section 18 Deposit for charges, agency may require etc.</p>	<p>(1) The agency may, in a notice given to an applicant under section 17(3), require the applicant to pay a deposit of a prescribed amount or at a prescribed rate on account of the charges for dealing with the application.</p> <p>(2) If the agency has required an applicant to pay a deposit on account of the charges, the agency has to, at the request of the applicant, discuss with the applicant practicable alternatives for changing the application or reducing the anticipated charges, including reduction of the charges if the applicant waives, either conditionally or unconditionally, the need for compliance by the agency with the time limit imposed by section 13(1).</p> <p>(3) A notice under subsection (1) requiring an applicant to pay a deposit has to give details of —</p> <ul style="list-style-type: none"> (a) the name and designation of the person who calculated the charge; and (b) the rights of review under this Act and the procedure to be followed to exercise those rights; and (c) the requirements of section 19(2)(b). <p>(4) Further advance deposits may be required by the agency by written notice if the agency considers they are necessary to meet the charges for dealing with the application.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
<p>Section 20 Agency may refuse to deal with application in certain cases</p>	<p>(1) If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.</p> <p>(2) If after help has been given to change the access application the agency still considers that the work involved in dealing with the application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.</p> <p>(3) If, under subsection (2), the agency refuses to deal with the access application, it has to give the applicant written notice of the refusal without delay.</p> <p>(4) The notice has to give details of —</p> <p>(a) the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings are based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
<p>Section 23 Refusing access, grounds for</p>	<p>(1) Subject to section 24 the agency may refuse access to a document if —</p> <p>(a) the document is an exempt document; or</p> <p>(b) the document is not a document of the agency; or</p> <p>(c) giving access to the document would contravene a limitation referred to in section 7.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(2) The agency may refuse access to the requested documents without having identified any or all of them and without specifying the reason why matter in any particular document is claimed to be exempt matter if —</p> <p>(a) it is apparent, from the nature of the documents as described in the access application, that all of the documents are exempt documents; and</p> <p>(b) there is no obligation under section 24 to give access to an edited copy of any of the documents.</p> <p>(3) Subject to section 24 the agency has to refuse access to a document that is the subject of an exemption certificate.</p> <p>(4) If a document contains personal information and the applicant, or the person to whom the information relates, is a child who has not turned 16, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the child and that the child does not have the capacity to appreciate the circumstances and make a mature judgment as to what might be in his or her best interests.</p> <p>(5) If a document contains personal information and the applicant, or the person to whom the information relates, is an intellectually handicapped person, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the person.</p>	
Section 24 Exempt matter, deleting before access given	<p>If —</p> <p>(a) the access application requests access to a document containing exempt matter; and</p> <p>(b) it is practicable for the agency to give access to a copy of the document from which the exempt matter has been deleted; and</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(c) the agency considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to an edited copy, the agency has to give access to an edited copy even if the document is the subject of an exemption certificate.</p>	
Section 25 Deferring access, grounds for	<p>(1) The agency may defer giving access to a document for a reasonable period if the document —</p> <p>(a) is required by law to be published but is yet to be published; or</p> <p>(b) has been prepared for presentation to Parliament or submission to a particular person or body but is yet to be presented or submitted.</p> <p>(2) The applicant has to be notified under section 30(d) of the likely period for which access is to be deferred.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
Section 26 Documents that cannot be found or do not exist, notice of	<p>(1) The agency may advise the applicant, by written notice, that it is not possible to give access to a document if —</p> <p>(a) all reasonable steps have been taken to find the document; and</p> <p>(b) the agency is satisfied that the document —</p> <p>(i) is in the agency's possession but cannot be found; or</p> <p>(ii) does not exist.</p> <p>(2) For the purposes of this Act the sending of a notice under subsection (1) in relation to a document is to be regarded as a decision to refuse access to the document, and on a review or appeal under Part 4 the agency may be required to conduct further searches for the document.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
Section 27	<p>(1) Access to a document may be given to the applicant in one or more of the following ways —</p> <p>(a) by giving a reasonable opportunity to inspect the document; or</p> <p>(b) by giving a copy of the document; or</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Ways in which access can be given	<p>(c) in the case of a document from which sounds or visual images can be reproduced, whether or not with the aid of some other article or device — by making arrangements for the sounds or visual images to be heard or viewed; or</p> <p>(d) in the case of a document from which words can be reproduced in the form of sound — by giving a written transcript of the words recorded in the document; or</p> <p>(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form —by giving a written transcript of the words contained in the document; or</p> <p>(f) in the case of a document from which words can be reproduced in the form of a written document — by giving a written document so reproduced; or</p> <p>(g) in the case of electronically, mechanically or magnetically stored information — by giving a written expression of the information in the form in which it is commonly available in the agency, or if there is no such common form, then in a form no less comprehensible than could be made available to the persons in the agency.</p> <p>(2) If the applicant has requested that access to a document be given in a particular way the agency has to comply with the request unless giving access in that way —</p> <p>(a) would interfere unreasonably with the agency's other operations; or</p> <p>(b) would damage or harm the document or would be inappropriate because of the physical nature of the document; or</p>	Manager Business Systems

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(c) would involve an infringement of copyright belonging to a person other than the State, in which case access may be given in some other way.</p> <p>(3) If the applicant has requested that access to a document be given in a particular way and access is given in some other way, the applicant is not required to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay if access had been given in the way that was requested.</p> <p>(4) This section does not prevent the agency from giving access to a document in any way agreed on between the agency and the applicant.</p>	
Section 28 Medical and psychiatric information about applicant, giving access to	<p>If —</p> <p>(a) a document to which the agency has decided to give access contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>(b) the principal officer of the agency is of the opinion that disclosure of the information to the applicant may have a substantial adverse effect on the physical or mental health of the applicant,</p> <p>it is sufficient compliance with this Act if access to the document is given to a suitably qualified person nominated in writing by the applicant and the agency may withhold access until a person who is, in the opinion of the agency, suitably qualified is nominated.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
Section 30 Notice under s. 13(1)(b) of	<p>The notice that the agency gives the applicant under section 13(1)(b) has to give details, in relation to each decision, of —</p> <p>(a) the day on which the decision was made; and</p> <p>(b) the name and designation of the officer who made the decision; and</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
decision, form etc. of	<p>(c) if the decision is that a document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted under section 24 —</p> <p>(i) the fact that access is to be given to an edited copy; and</p> <p>(ii) the reasons for classifying the matter as exempt matter and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(d) if the decision is that access to a document is to be deferred — the reasons for the deferral and, if applicable, the period for which access is likely to be deferred; and</p> <p>(e) if the decision is to give access to a document in the manner referred to in section 28 — the arrangements to be made for giving access to the document; and</p> <p>(f) if the decision is to refuse access to a document — the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(g) if the decision is that the applicant is liable to pay a charge to the agency — the amount of the charge and the basis on which the amount was calculated; and</p> <p>(h) the rights of review and appeal (if any) under this Act and the procedure to be followed to exercise those rights.</p>	
Section 31 Certain exempt matter (Sch. 1 cl.	(1) Nothing in this Act requires the agency to give information as to the existence or non-existence of a document containing matter that would be exempt matter under clause 1, 2 or 5 of Schedule 1.	To make decisions and coordinate applications. Manager Health & Compliance

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
1, 2 or 5), giving information about existence etc. of	<p>(2) If the access application relates to a document that includes, or would if it existed include, exempt matter of a kind referred to in subsection (1), the agency may give written notice to the applicant that the agency neither confirms nor denies the existence, as a document of the agency, of such a document but that, assuming the existence of such a document, it would be an exempt document and, where such a notice is given —</p> <p>(a) section 30 applies as if the decision to give such a notice were a decision referred to in that section; and</p> <p>(b) for the purposes of this Act, the decision is to be regarded as a refusal of access to the document because the document would, if it existed, be an exempt document.</p>	Manager Business Systems
Section 41 Who is to deal with application for review	An application for review of a decision is not to be dealt with by the person who made that decision or by a person who is subordinate to that person.	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
Section 47 Document held etc. by another agency, transferring application in case of	<p>(1) If the agency does not hold the document containing the information but knows that the document is held by another agency, the agency may transfer the application for amendment to the other agency.</p> <p>(2) If the agency holds the document containing the information but the document originated with or was received from another agency, and is more closely related to the functions of that other agency, the agency may transfer the application for amendment to that other agency together with a copy of the document.</p> <p>(3) The transferring agency is to give the person written notice of the transfer without delay.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(4) The notice is to clearly state the day on which, and the agency to which, the application was transferred.</p> <p>(5) The agency to which the application is transferred is to be regarded as having received the application on the day on which it was received by the transferring agency.</p>	
Section 48 Amending information, ways of	<p>(1) If the agency decides to amend the information it may make the amendment by —</p> <ul style="list-style-type: none"> (a) altering information; or (b) striking out or deleting information; or (c) inserting information; or (d) inserting a note in relation to information, or in 2 or more of those ways. <p>(2) If the agency inserts a note in relation to information the note has to —</p> <ul style="list-style-type: none"> (a) give details of the matters in relation to which the information is inaccurate, incomplete, out of date or misleading; and (b) if the information is incomplete or out of date — set out whatever information is needed to complete the information or bring it up to date. <p>(3) The agency is not to amend information under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> (a) obliterates or removes the information; or (b) results in the destruction of a document containing the information, <p>unless the Commissioner has certified in writing that it is impracticable to retain the information or that, in the opinion of the Commissioner, the prejudice or disadvantage that the continued existence of the information would cause to the person outweighs the public interest in maintaining a complete record of information.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(4) Before information is amended under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> (a) obliterates or removes the information; or (b) results in the destruction of a document containing the information, <p>and that contravenes the <i>State Records Act 2000</i>, a record keeping plan made under that Act or the archives keeping plan made under that Act, the Commissioner shall provide the State Records Commission with a copy of the certificate issued by the Commissioner under subsection (3).</p>	
<p>Section 50 If application for amendment refused, applicant may request notation etc. disputing accuracy of information etc.</p>	<p>(1) If the agency decides not to amend the information in accordance with the application the person may, in writing, request the agency to make a notation or attachment to the information —</p> <ul style="list-style-type: none"> (a) giving details of the matters in relation to which the person claims the information is inaccurate, incomplete, out of date or misleading; and (b) if the person claims the information is incomplete or out of date — setting out the information that the person claims is needed to complete the information or bring it up to date. <p>(2) A request may be made under this section whether or not the person has taken steps to have the agency's decision reviewed under Part 4.</p> <p>(3) The agency has to comply with the request unless it considers that the notation or attachment that the person has requested to be made to the information is defamatory or unnecessarily voluminous.</p> <p>(4) If the agency decides not to comply with the request it has to give the person written notice of its decision giving details of —</p> <ul style="list-style-type: none"> (a) the reasons for the decision and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and 	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p> <p>(5) This section does not prevent the agency from making the requested notation or attachment in an edited or abbreviated form, but the making of an edited or abbreviated notation or attachment does not constitute compliance with the request for the purposes of subsection (4).</p>	
<p>Section 54 Review of decision under Div. 1, right to etc.</p>	<p>(1) If under Division 1 an agency decides —</p> <p>(a) not to amend information in accordance with an application for amendment; or</p> <p>(b) not to comply with a request to make a notation or attachment to information,</p> <p>the applicant for amendment has a right to have the decision reviewed by the agency.</p> <p>(2) Sections 39(3), 40, 41, 43 and 44 apply with any necessary modifications to an application for review under this Division.</p> <p>(3) An application for review is to be dealt with as if it were an application for amendment or a request for a notation or attachment to be made to information, as the case may require, and the provisions of Division 1 apply accordingly.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health & Compliance Manager Business Systems</p>
<p>Section 20 Agency may refuse to deal with application in certain cases</p>	<p>(1) If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.</p> <p>(2) If after help has been given to change the access application the agency still considers that the work involved in dealing with the</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.</p> <p>(3) If, under subsection (2), the agency refuses to deal with the access application, it has to give the applicant written notice of the refusal without delay.</p> <p>(4) The notice has to give details of —</p> <p>(a) the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings are based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p>	
Section 23 Refusing access, grounds for	<p>(1) Subject to section 24 the agency may refuse access to a document if —</p> <p>(a) the document is an exempt document; or</p> <p>(b) the document is not a document of the agency; or</p> <p>(c) giving access to the document would contravene a limitation referred to in section 7.</p> <p>(2) The agency may refuse access to the requested documents without having identified any or all of them and without specifying the reason why matter in any particular document is claimed to be exempt matter if —</p> <p>(a) it is apparent, from the nature of the documents as described in the access application, that all of the documents are exempt documents; and</p> <p>(b) there is no obligation under section 24 to give access to an edited copy of any of the documents.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(3) Subject to section 24 the agency has to refuse access to a document that is the subject of an exemption certificate.</p> <p>(4) If a document contains personal information and the applicant, or the person to whom the information relates, is a child who has not turned 16, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the child and that the child does not have the capacity to appreciate the circumstances and make a mature judgment as to what might be in his or her best interests.</p> <p>(5) If a document contains personal information and the applicant, or the person to whom the information relates, is an intellectually handicapped person, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the person.</p>	
Section 24 Exempt matter, deleting before access given	<p>If —</p> <p>(a) the access application requests access to a document containing exempt matter; and</p> <p>(b) it is practicable for the agency to give access to a copy of the document from which the exempt matter has been deleted; and</p> <p>(c) the agency considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to an edited copy, the agency has to give access to an edited copy even if the document is the subject of an exemption certificate.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>
Section 25 Deferring access, grounds for	<p>(1) The agency may defer giving access to a document for a reasonable period if the document —</p> <p>(a) is required by law to be published but is yet to be published; or</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(b) has been prepared for presentation to Parliament or submission to a particular person or body but is yet to be presented or submitted.</p> <p>(2) The applicant has to be notified under section 30(d) of the likely period for which access is to be deferred.</p>	
Section 30 Notice under s. 13(1)(b) of decision, form etc. of	<p>The notice that the agency gives the applicant under section 13(1)(b) has to give details, in relation to each decision, of —</p> <p>(a) the day on which the decision was made; and</p> <p>(b) the name and designation of the officer who made the decision; and</p> <p>(c) if the decision is that a document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted under section 24 —</p> <p>(i) the fact that access is to be given to an edited copy; and</p> <p>(ii) the reasons for classifying the matter as exempt matter and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(d) if the decision is that access to a document is to be deferred — the reasons for the deferral and, if applicable, the period for which access is likely to be deferred; and</p> <p>(e) if the decision is to give access to a document in the manner referred to in section 28 — the arrangements to be made for giving access to the document; and</p> <p>(f) if the decision is to refuse access to a document — the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(g) if the decision is that the applicant is liable to pay a charge to the agency — the amount of the charge and the basis on which the amount was calculated; and</p> <p>(h) the rights of review and appeal (if any) under this Act and the procedure to be followed to exercise those rights.</p>	
Section 31 Certain exempt matter (Sch. 1 cl. 1, 2 or 5), giving information about existence etc. of	<p>(1) Nothing in this Act requires the agency to give information as to the existence or non-existence of a document containing matter that would be exempt matter under clause 1, 2 or 5 of Schedule 1.</p> <p>(2) If the access application relates to a document that includes, or would if it existed include, exempt matter of a kind referred to in subsection (1), the agency may give written notice to the applicant that the agency neither confirms nor denies the existence, as a document of the agency, of such a document but that, assuming the existence of such a document, it would be an exempt document and, where such a notice is given —</p> <p>(a) section 30 applies as if the decision to give such a notice were a decision referred to in that section; and</p> <p>(b) for the purposes of this Act, the decision is to be regarded as a refusal of access to the document because the document would, if it existed, be an exempt document.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>
Section 41 Who is to deal with application for review	An application for review of a decision is not to be dealt with by the person who made that decision or by a person who is subordinate to that person.	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 43 Decision can be confirmed, varied or reversed on review	<p>(1) On an application for review the agency may decide to confirm, vary or reverse the decision under review.</p> <p>(2) If the agency fails to give notice of its decision on the application for review within 15 days after it is lodged, or such longer period as is agreed between the agency and the access applicant, the agency is to be taken to have decided to confirm the decision under review.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>
Section 48 Amending information, ways of	<p>(1) If the agency decides to amend the information it may make the amendment by —</p> <ul style="list-style-type: none"> (a) altering information; or (b) striking out or deleting information; or (c) inserting information; or (d) inserting a note in relation to information, or in 2 or more of those ways. <p>(2) If the agency inserts a note in relation to information the note has to —</p> <ul style="list-style-type: none"> (a) give details of the matters in relation to which the information is inaccurate, incomplete, out of date or misleading; and (b) if the information is incomplete or out of date — set out whatever information is needed to complete the information or bring it up to date. <p>(3) The agency is not to amend information under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> (a) obliterates or removes the information; or (b) results in the destruction of a document containing the information, <p>unless the Commissioner has certified in writing that it is impracticable to retain the information or that, in the opinion of the Commissioner, the prejudice or disadvantage that the continued existence of the information would cause to the</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>person outweighs the public interest in maintaining a complete record of information.</p> <p>(4) Before information is amended under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> (a) obliterates or removes the information; or (b) results in the destruction of a document containing the information, <p>and that contravenes the <i>State Records Act 2000</i>, a record keeping plan made under that Act or the archives keeping plan made under that Act, the Commissioner shall provide the State Records Commission with a copy of the certificate issued by the Commissioner under subsection (3).</p>	
<p>Section 50 If application for amendment refused, applicant may request notation etc. disputing accuracy of information etc.</p>	<p>(1) If the agency decides not to amend the information in accordance with the application the person may, in writing, request the agency to make a notation or attachment to the information —</p> <ul style="list-style-type: none"> (a) giving details of the matters in relation to which the person claims the information is inaccurate, incomplete, out of date or misleading; and (b) if the person claims the information is incomplete or out of date — setting out the information that the person claims is needed to complete the information or bring it up to date. <p>(2) A request may be made under this section whether or not the person has taken steps to have the agency's decision reviewed under Part 4.</p> <p>(3) The agency has to comply with the request unless it considers that the notation or attachment that the person has requested to be made to the information is defamatory or unnecessarily voluminous.</p> <p>(4) If the agency decides not to comply with the request it has to give the person written notice of its decision giving details of —</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(a) the reasons for the decision and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p> <p>(5) This section does not prevent the agency from making the requested notation or attachment in an edited or abbreviated form, but the making of an edited or abbreviated notation or attachment does not constitute compliance with the request for the purposes of subsection (4).</p>	
Section 54 Review of decision under Div. 1, right to etc.	<p>(1) If under Division 1 an agency decides —</p> <p>(a) not to amend information in accordance with an application for amendment; or</p> <p>(b) not to comply with a request to make a notation or attachment to information,</p> <p>the applicant for amendment has a right to have the decision reviewed by the agency.</p> <p>(2) Sections 39(3), 40, 41, 43 and 44 apply with any necessary modifications to an application for review under this Division.</p> <p>(3) An application for review is to be dealt with as if it were an application for amendment or a request for a notation or attachment to be made to information, as the case may require, and the provisions of Division 1 apply accordingly.</p>	<p>To make decisions.</p> <p>Director Corporate & Strategy Director Technical Services Director Planning & Development</p>

18.4 Planning and Building Acts and Regulations

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Building Acts and Regulations	Where delegation to the CEO exists under the: <ul style="list-style-type: none"> - Local Planning Scheme No. 3; - Planning and Development Act 2005; - Planning and Development (Local Planning Schemes) Regulations 2015; - Heritage of Western Australia Act 2018; - Metropolitan Region Scheme; - Strata Titles Act 1985; - Liquor Control Act 1988; and - Responding to external organisations. 	Director Planning and Development Manager Urban Planning Principal Planner (Urban Planning) Senior Urban Planner (Statutory)
Planning and Building Acts and Regulations	Where delegation to the CEO exists under the: <ul style="list-style-type: none"> - Building Act 2011; and - Building Regulations 2012. 	Manager Building Services Senior Building Surveyor

18.5 Dog Act 1976

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Dog Act 1976 Section 26 Limitation as to numbers	<p>(1) A local government may, by a local law under this Act —</p> <ul style="list-style-type: none"> (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district. <p>(2) A local law mentioned in subsection (1) —</p> <ul style="list-style-type: none"> (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed). <p>(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —</p> <ul style="list-style-type: none"> (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and 	Director Planning & Development

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(b) cannot authorise the keeping in or at those premises of —</p> <ul style="list-style-type: none"> (i) more than 6 dogs that have reached 3 months of age; or (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; <p>and</p> <p>(c) may be revoked or varied at any time.</p> <p>(4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —</p> <ul style="list-style-type: none"> (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under — <ul style="list-style-type: none"> (i) a local law mentioned in subsection (1); or (ii) an exemption granted under subsection (3); <p>or</p> <ul style="list-style-type: none"> (b) more than — <ul style="list-style-type: none"> (i) 2 dangerous dogs (declared); or (ii) 2 dangerous dogs (restricted breed); or (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age. <p>Penalty:</p> <ul style="list-style-type: none"> (a) for an offence relating to a dangerous dog — <ul style="list-style-type: none"> (i) a fine of \$10 000, but the minimum penalty is a fine of \$500; 	

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$500;</p> <p>(b) for an offence relating to a dog other than a dangerous dog —</p> <p>(i) a fine of \$5 000;</p> <p>(ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p> <p>(5) Any person who is aggrieved —</p> <p>(a) by the conditions imposed in relation to any exemption under subsection (3); or</p> <p>(b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,</p> <p>may apply to the State Administrative Tribunal for a review of the decision.</p> <p>(6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.</p>	
Dog Act 1976 Section 27 Licensing of approved kennel establishments	(1) Where, under section 26(1)(a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government's district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.	Director Planning & Development

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(2) A person who keeps, or permits or suffers to be kept, any dog over the age of 3 months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.</p> <p>Penalty:</p> <p>(a) a fine of \$5 000;</p> <p>(b) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p> <p>(3) Local laws made under this Act may require that dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question and having specifications of a standard not less than that prescribed, sited and maintained in accordance with the requirements of public health, and sufficiently secured.</p> <p>(4) A licence to keep an approved kennel establishment may be granted by a local government on an application made in the prescribed manner and form, which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given the local government shall have regard to any objections raised.</p> <p>(5) A licence under this section has effect for a period of 12 months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the local government if the local government is dissatisfied with the conduct of the establishment.</p>	

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months.</p> <p>(7) Where —</p> <p>(a) the local government refuses the grant of a licence under this section; or</p> <p>(b) notice of the cancellation of a licence under this section is given, the applicant or the licensee as the case may be may apply to the State Administrative Tribunal for a review of the decision.</p>	
Dog Act 1976 Section 44 Enforcement proceedings	<p>(2) Any proceedings under this Act, whether civil or penal, may be taken —</p> <p>(b) by any employee of a local government authorised in that behalf by the local government, in the name of the local government; or</p>	Director Planning & Development

18.6 Delegations from the Chief Executive Officer to other staff members in acting positions

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
All subdelegations	All subdelegations apply to all acting positions for periods of appointment in the acting position.	Director Planning & Development Director Corporate & Strategy Director Technical Services Manager Urban Planning Principal Planner (Urban Planning) Senior Urban Planner (Statutory) Manager Building Services Senior Building Surveyor Manager Health & Compliance

Document Version Control		
Responsible Department	Office of the Chief Executive Officer	
Responsible Officer	Chief Executive Officer	
Document Control		
Document Status Date	Adopted by Council 25 February 2020	
Distribution	Public Document	
Review History		
Version	Version Description	Date of Resolution
2021 - 06	Annual Review with minor amendment removal of removal of 9.10 update of LG Act gives CEO authority to do so without needing delegation.	22 June 2021
2021 - 05	Amendment – Addition of 5.39C	23 February 2021
2020 - 04	CEO Amendment to Subdelegations for Building Act – Remove all exceptions	23 June 2020
2020 - 03	Amendment	26 May 2020
2020 - 02	Amendment	25 February 2020
2019 - 01	Annual Review	17 December 2019

9.2 City of Nedlands Vexatious Complainants Policy

Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Ed Herne, Executive Officer
Attachments	1. City of Nedlands Vexatious Complainants Policy
Confidential Attachments	Nil.

Regulation 11(da) – The Council agreed that this policy was not needed that rude, abusive, inappropriate or aggressive/intimidating behaviours could be addressed and included in a complaints policy which was being drafted.

Moved – Councillor Mangano
Seconded – Councillor Bennett

Committee Recommendation

That Council does not adopt the City of Nedlands Vexatious Complainants Policy.

CARRIED UNANIMOUSLY 11/-

Recommendation to Committee

That Council, by simple majority, adopt the City of Nedlands Vexatious Complainants Policy, as attached.

Executive Summary

This Policy establishes an approach for the CEO to deal with vexatious or unreasonable persistence complaints and customers.

The Policy sets out how the Council Members and City administration will deal with customers who:

- Cannot be satisfied,
- Make unreasonable demands,
- Constantly raise the same issue with different employees; and/or
- Are rude, abusive, inappropriate or aggressive/intimidating.

The Policy will apply to all complaints received from customers in relation to:

- A City policy, product, service, event, or facility.
- The service provided by a City Council Member, employee, or a contractor.
- A third party who is under the jurisdiction of the City – includes contractors, consultants, volunteers and work experience or placement employees.

It is intended to also apply to complaints made under Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates for election, where a complainant is unwilling to accept a decision in relation to a complaint, and persists in making the same, or similar complaints.

The Policy proposes several “difficult people” categories including:

- A person who cannot be satisfied
- A person who makes unreasonable demands
- A Person who constantly raises the same issue with different employees
- A Person who is Rude, Inappropriate, Intimidating, Angry, Threatening or Harassing.

The Policy proposes that the CEO make the determination, and although no right of appeal to Council is contemplated by the draft Policy, it is open for Council to direct that such a provision be made in the policy.

Discussion/Overview

Background

Some local governments have experienced significant issues with people who will not accept a decision from the local government and persist with the complaint or request, often in the same, or similar terms, and sometimes to different Council Members or employees.

In the absence of a policy framework describing types of complaints and the thresholds and options available for dealing with vexatious complainants, it is difficult for the City to deal with such.

The draft policy draws on Guidelines on Complaint Handling (Ombudsman Western Australia Jan 2017).

Key Relevant Previous Council Decisions:

Nil.

Consultation

Consideration was given to approaches taken by other local governments in guiding drafting of proposed Policy and also to Guidelines on Complaint Handling (Ombudsman Western Australia January 2017).

At a Code of Conduct Council Member Workshop on 30 March 2021 the need for this policy was discussed. A draft policy was circulated to Council Members via email on Friday 23 April 2021 requesting feedback by Wednesday 7 May 2021. No feedback was received, and the draft policy is now presented for consideration and recommended for adoption.

Strategic Implications

How well does it fit with our strategic direction?

N/A.

Who benefits?

Council Members and administration by a significant reduction in vexatious complaints.

Do we have the information we need?

Yes, this aligns with local government best practice.

Does this affect any CEO Key Result Areas?

Nil.

Budget/Financial Implications

No specific financial implications arise from the adoption of this Policy.

Conclusion

It is timely for the City to consider and adopt a Policy which allows Administration to address and deal with vexatious complainants, in a considered and consistent manner and is therefore, recommended for adoption.

Vexatious or unreasonable persistence complaints and customers

Status	Council
Responsible Division	Office of the Chief Executive Officer
Objective	To provide a framework for dealing with vexatious or unreasonable persistent complaints
Context	To assist Council Members and employees in their engagement with members of the public, ratepayers, and stakeholders.

Statement

Principles underlying this Policy are:

- Commitment to providing quality services to the City's ratepayers, residents, and stakeholders
- Compliance with the local government legislative framework
- Respect and sensitivity towards the needs of the City's ratepayers, residents, and stakeholders
- Transparency and accountability in the delivery of services; and
- Maintenance of confidentiality and respect for natural justice principles

Customer satisfaction is one of the City's values however, at times, a customer's demands or expectations may exceed the City's ability to deliver.

This Policy sets out how the City will deal with customers who:

- Cannot be satisfied,
- Make unreasonable demands,
- Constantly raise the same issue with different employees; and/or
- Are rude, abusive, inappropriate or aggressive/intimidating.

The intent is to ensure City services are available to all and that resources are being used efficiently and effectively when interacting with ratepayers, residents, and community members.

Council Members and employees will:

- Treat each person as a valued customer,
- Provide a safe, accessible, and inclusive environment for all members of the community,
- Provide customers with as much relevant information as possible, ensuring it is accurate and timely,
- Acknowledge and apologise for mistakes that have been made or excessive time that has been taken in responding to a customer enquiry,



- Always express appropriate concern and empathy for a customer's problem or situation,
- Understand and empathise with the customer's position and try to see the situation from their perspective,
- Explain the rationale of any Council Policy, Protocol or Procedure that guides the actions the City must adhere to; and,
- Where possible, identify and offer alternative options/solutions

Application

This Policy applies to all complaints received from customers in relation to:

- A City policy, product, service, event, or facility.
- The service provided by a City council member, City employee, or a contractor.
- A third party who is under the jurisdiction of the City – includes contractors, consultants, volunteers and work experience or placement employees.

This policy and the principles within it, apply to all council members, City employees and contractors of the City that receive and manage complaints.

This policy does not apply to compliments or suggestions, or the following matters:

- Complaints about public statements or positions of council members or interaction with residents, ratepayers, or stakeholders unless the matters relate to the City's Code of Conduct
- Complaints made by City employees that are employment related
- Feedback obtained during stakeholder and community engagement processes
- Enquiries and requests for specific information
- A request for service or action by the City (unless there was inaction or an unsatisfactory response to the initial request for service)
- Reports concerning neighbours or neighbouring properties
- Matters currently being dealt with or have previously been dealt with by a court, tribunal or external complaints agency
- Matters that have already been subjected to an internal review and an outcome has been determined
- Report of any suspected minor or serious breach/misconduct by an individual council member or employee (which may fall within the jurisdiction of CCC or PSC, and for which the CEO is the principal officer of the City and therefore the notifying authority for the purposes of Section 28 of the Corruption and Crime Act 2003).

Policy Threshold Considerations

Prior to enacting this Policy, Council Members and employees must ensure they have complied with the provisions of the Council Policies listed below:

- Code of Conduct for Council Members, Committee Members, and candidates for Election – for Council Members,
- Code of Conduct for Employees – for employees,
- Customer Service Charter – Organisation minimum expectations in relation to customer service,
- City Record Keeping Policy and related procedures – all interactions being recorded.

Other matters that must be considered prior to provisions of this Policy being implemented include:

- Has the complaints policy been correctly implemented, and no material element of the complaint overlooked or inadequately addressed?
- Has the behaviour of the person become so habitual, obsessive, or intimidating that it constitutes an unreasonable demand on City resources?
- Have employees and/or members of the public been made to feel threatened or uncomfortable by behaviours exhibited requiring an immediate response?

Where an employee feels threatened or intimidated, the employee must remove themselves from the situation in the safest way possible and immediately report their experience to their Supervisor.

It is not appropriate to limit access to services purely due to a complaint being made about Council, City employees or City services. An investigation is required to determine the veracity of the complaint and any subsequent actions.

Internal Review or appeal procedures must be exhausted before service or access restrictions are placed on the person/s (for an ongoing occurrence). The potential cessation or restriction of a service must be recorded, and a full report provided to the CEO for approval.

Difficult People Categories

1. A person who cannot be satisfied

Despite the best efforts of Council and/or City employees, some members of the public may not be satisfied with the action taken or the service provided by the City in the resolution of a complaint or service request.

If, in the opinion of the CEO, a member of the public cannot be satisfied where all appropriate avenues of internal review or appeal have been exhausted and the person continues to write, telephone and/or visit the City, the following actions may be taken:

The CEO will notify the person in writing advising that if the person continues to contact the City regarding the matter, the City may:

- Not accept any further calls from the person,
- Not grant any further interviews,
- Require all further communication to be put in writing; and
- Continue to receive, read, and file correspondence but only acknowledge or otherwise respond to it, if:
 - The person provides significant new information relating to their complaint or concern; or
 - The person raises new issues which, in the CEO opinion, warrant fresh action.

It is recognised that some people will not or cannot accept that Council or the CEO is unable to assist them further, having considered their complaint and made appropriate and considered recommendations and decisions.

Some complainants may persist in disagreeing with the action or decision taken in relation to their complaint or they may contact Council or the Chief Executive Officer persistently about the same issue.

Where a complaint has been considered by the CEO, but the complainant refuses to accept the decisions and actions, as outcomes of the complaint, the CEO may advise the complainant, in writing that no further consideration will be given to complaints of any kind, that is the same, or substantially the same, and raises no new matters for consideration, when compared with previous communications.

This procedure may be applied in relation to complaints to the City's Complaints Officer, pursuant to Division 3 of the City's Code of Conduct for Council Members, Committee Members and Candidates for Election.

2. A person who makes unreasonable demands

Demands or levels of contact are deemed to be unreasonable when the matter begins to impact excessively on the work of employees and Council Members or the time dealing with the issue impacts on service levels available to other customers.

This can be due to:

- The quantity of information the customer is requesting,
- The nature and scale of service the customer is seeking; or
- The Number of approaches the customer makes.

If a customer is seen to be making unreasonable demands the CEO will notify the person in writing advising them of the City's concerns and ask that they limit and focus their requests. If the customer continues to place unreasonable demands on the organisation, the City may:

- Not respond to any future correspondence and only act where, in the opinion of the CEO the correspondence raises specific, substantial, and serious issues; or
- Only respond to a certain number of requests in a given period.

3. A Person who constantly raises the same issue with different employees

A person who is dissatisfied with the action taken or service provided and continues to raise the same issue with different employees.

If, in the opinion of the CEO, a person is continually raising the same issue with different employees, the following actions may be taken:

The CEO will notify the person in writing that:

- Only a nominated person will discuss their concerns in the future,
- An appointment must be made with the nominated person if they wish to discuss their matter; and
- All future contact with the City must be in writing.

4. A Person who is Rude, Inappropriate, Intimidating, Angry, Threatening or Harassing

For a range of reasons, a person may display inappropriate, rude, angry, harassing, or intimidating behaviour whilst using City facilities, attending a City activity, or during other interactions with Council Members, City employees, customers and/ or clients.

City employees may take the following actions when subjected to a person who displays the above behaviour during their duties:

- Ask the person to stop their current behaviour and warn the person that if the behaviour continues the conversation, interview or access to the facility/activity will be terminated,
- Cease the conversation or interview if the rude, angry, or harassing behaviour continues after a warning has been given,
- Where this behaviour continues to occur at a City facility/activity, the person will be asked to leave, and,
- Call the Police should the situation require.

Where a conversation or interaction is terminated, or a person is asked to leave a facility, in accordance with this Policy, the employee must notify the relevant Director/Manager as soon as practicable with a report on the matter. It is the responsibility of the relevant Director/Manager to notify the CEO of any reported incident.

Where a person or persons have been asked to leave a City facility or activity, the CEO may notify the person in writing, advising them of Council's concerns and that they could be banned from City facilities and future functions if the behaviour continues to occur.

If, in the opinion of the CEO, correspondence received by the City contains personal abuse, inflammatory comments or material clearly intended to intimidate, this correspondence will be returned to the sender and not otherwise acted upon.

General Management of Policy

If the CEO determines that service or access restrictions are necessary in line with this policy, the customer must be notified accordingly and given an opportunity to make representations about the proposed course of action to the CEO and, if applicable, the Director of the appropriate Directorate.

The CEO must advise the Council as soon as practicable of the relevant circumstances and action taken if a decision is made to withdraw service or limit/refuse access in accordance with this policy.

The duration of any service or access restrictions will be at the discretion of the CEO

In considering application of these processes the CEO must have regard for Guidelines on Complaint Handling (Ombudsman Western Australia Jan 2017).

Any person directly affected by such a decision of the CEO may appeal in writing to the Council which may confirm, vary, or overturn the CEO's decision.

Related Documentation

- City of Nedlands Code of Conduct for Council Members, Committee Members and Candidates for Election.
- City of Nedlands Code of Conduct for Employees.
- City of Nedlands Records Management Procedure
- Guidelines on Complaint Handling (Ombudsman Western Australia Jan 2017).

Related Local Law / Legislation

Nil.

Related Delegation

Nil.



Review History

Adopted by Council xxx

9.3 CEO Recruitment & Selection Committee Independent Member Appointment

Committee	8 June 2021
Council	22 June 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Manager	Shelley Mettam, Manager Human Resources
CEO	Ed Herne, Acting Chief Executive Officer
Attachments	1. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination
Confidential Attachment	1. Independent Member Application 1 2. Independent Member Application 2 3. Independent Member Application 3 4. Independent Member Application 4 5. Independent Member Application 5

Closure of Meeting to the Public

Moved – Councillor Smyth
Seconded - Councillor Tyson

That the meeting be closed to the public in accordance with Section 5.23 (b) of the Local Government Act 1995 to allow confidential discussion on the following Items.

CARRIED 9/2
(Against: Deputy Mayor McManus & Cr. Senathirajah)

The meeting was closed to the public at 9.27 pm.

Moved – Councillor Mangano
Seconded - Councillor Tyson

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 11/-

The meeting was reopened to members of the public and the press at 9.34 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Committee whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Local Government Act 1995.

Regulation 11(da) – Not Applicable Recommendation Adopted

Moved – Councillor Mangano
Seconded – Councillor Coghlan

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

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Committee endorses the following recommendation that Mr Andrew Edwards be appointed to the CEO Recruitment & Selection Committee as the independent member until a Long-term Chief Executive Officer has been appointed.

Executive Summary

Long Term CEO Recruitment – Independent Committee Member

The Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination of a CEO require the inclusion of a suitable person to be an Independent Member of the CEO Recruitment & Selection Committee when recruiting a substantive CEO (Attachment 1).

An advertising process inviting applications from ratepayers, residents or electors to perform the role of Independent Member of the CEO Recruitment and Selection Committee to recruit the Long-Term CEO, closed to applications on 7 May 2021.

Five applications were received and were presented to the CEO Recruitment & Selection Committee for review and consideration. Following the CEO Recruitment & Selection Committee's review of the applications the Committee has recommended Mr Andrew Edwards be appointed as the Independent Member of the CEO Recruitment & Selection Committee to assist the Committee in the recruitment of a Long-Term CEO.

Background

CEO Recruitment & Selection Committee Independent Member

In accordance with Local Government CEO Recruitment and Selection Guidelines, there is a requirement for an Independent Member to be on the CEO Recruitment and Selection Committee for recruitment of the substantive CEO.

The guidelines state that the independent person cannot be a current elected member, human resources consultant or staff member of the local government. Examples of who the independent person could be include as follows:

- Former elected members or former staff members;
- Former elected members or former staff members of another local government;
- A prominent or highly regarded member of the community; or
- A person with experience in the recruitment of CEOs and senior executives.

An advertisement inviting suitable applications was placed in the Post Newspaper, on the City's website, administration notice board, library notice boards and on YourVoice. The application period closed on 7 May 2021.

Five people applied for the role of Independent Member and their confidential applications are attached (Confidential Attachments 1-5).

Key Relevant Previous Council Decisions:

Extract Special Council Meeting Minutes - 8 April 2021

- "2. instructs the Acting CEO to advertise via the Post Newspaper and Your Voice inviting a ratepayer, resident or elector to apply for the position of Independent Committee Member on the CEO Recruitment & Selection Committee. Participation in the CEO Recruitment & Selection Committee is an honorary role to assist the City in selecting the Long-Term CEO role at the City of Nedlands; and"

Consultation

N/A

Strategic Implications

Ensures appropriate governance and compliance with Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.

Budget/Financial Implications

Nil.

Conclusion

The Committee was provided with information regarding applicants for the role of Independent Member of the CEO Recruitment & Selection Committee to assist in the recruitment of a Long-Term CEO.

The CEO Recruitment & Selection Committee are responsible for assessing these applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent member is to bring an impartial perspective to the process and reduce any perception of bias.

Therefore, the Committee following assessment of the five applications received recommend that Mr Andrew Edwards as the preferred candidate to be appointed as the Independent Member of the CEO Recruitment & Selection Committee until a Long-Term Chief Executive Officer has been appointed.



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

***Local Government (Administration) Amendment
Regulations 2021***

February 2021

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Preface

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department), in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these guidelines does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the *Local Government Act 1995* (Act) lists a number of general principles of employment that apply to local governments.

Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

Recruitment and Selection Standard cont.

- S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9** The council has endorsed by absolute majority the final appointment.
- S1.10** The council has approved the employment contract by absolute majority.
- S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

Guidelines

Recruitment and selection process

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the community and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been established, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

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Advertising

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented. Associated records must be kept in a manner consistent with the *State Records Act 2000* (WA).

It is a requirement that a local government is to give Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- details of the remuneration and benefits offered;
- details of the place where applications are to be submitted;
- the date and time applications close;
- the duration of the proposed contract;
- a web address where the JDF can be accessed;
- contact details for a person who can provide further information; and
- any other relevant information.

In order to attract the best possible pool of applicants for the position of CEO, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search.

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

Selection panel and independent person

Local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the council) and must include at least one independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former or current elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment of CEOs and senior executives.

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The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of the *Local Government (Administration) Amendment Regulations (No.2) 2020*. A policy should include important information that outlines:

- The primary functions of the panel;
- Roles and responsibilities panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

Independent human resources consultant

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government must not be involved in the recruitment of a new CEO.

The consultant should not be associated with the local government or any of its council members. The consultant can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process, or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF;
- development of selection criteria;
- development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- shortlisting;
- drafting questions for interview;
- coordinating interviews;
- preparing the selection summary assessment and recommendation;

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- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not a requirement.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, they will require an employment agent licence under the *Employment Agents Act 1976* (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on a human resources consultant.

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

Council's responsibilities

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews: This should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

Creating Diversity

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview

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questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can help to provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- "Similar-to-me" effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- "Halo" effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

Due Diligence

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training certificates;
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report, or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee,

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such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

Selection

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant is asked the same interview questions which are related to the selection criteria and each are provided with the same information and undertake the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

Employment contract

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:
 - the value of one year's remuneration under the contract; or
 - the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

Appointment

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

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The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

Confidentiality

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

CEO induction

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LG Pro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets their needs.

The program provides the CEO with an opportunity (through meetings and on-going correspondence) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

Part 2 – Performance Review

Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the

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performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

Performance Criteria

Setting the performance criteria is an important step. One of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, and so it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the performance criteria and goals, the council will need to determine how to measure the outcomes of each criteria. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the

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achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

Independent consultant

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance criteria;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

Assessing performance

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the

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council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

Addressing performance issues

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason,

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performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO in regard to their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

Confidentiality

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

Part 3 – Termination

Principles

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

Guidelines

Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

Item 5.1 - Attachment 1

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaves unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

Opportunity to improve and mediation

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform their duties) and the subsequent termination of the CEO's employment.

Termination report

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

Confidentiality

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in writing of the termination.

Disclaimer

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at www.fwc.gov.au, the Fair Work Ombudsman at www.fairwork.gov.au and the Western Australian Industrial Relations Commission at www.wairc.wa.gov.au.

Please note this item was brought forward see page 10.

9.4 Responsible Authority Report for 10 Multiple Dwellings – 24 Clark Street, Nedlands

Committee	8 June 2021
Applicant	Tuscom Subdivision Consultants Pty Ltd
Landowner	Sincerity Holding Pty Ltd
Director	Tony Free, Interim Director Planning and Development Services
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.
Report Type Information Purposes	Items provided to Council for information purposes.
Reference	DA20-56042 (DA/20/01889)
Previous Item	Nil
Delegation	Nil
Attachments	2. Responsible Authority Report and Attachments
Confidential Attachments	Nil

10 Urgent Business Approved By the Presiding Member or By Decision

Nil.

11 Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.35pm.