



City of Nedlands

Minutes

Council Meeting

27 October 2020

Attention

These Minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

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City of Nedlands

Minutes of an Ordinary Meeting of Council held online via Teams and livestreamed for the public and onsite in the Ellis Room at the Bendat Basketball Centre, 201 Underwood Avenue, Floreat on Tuesday 27 October 2020 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	Her Worship the Mayor, C M de Lacy	(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
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Ms M Granich	Acting Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 30 members of the public present and 12 online.

Press Nil.

Leave of Absence Nil.
(Previously Approved)

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.

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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.

1.1 Mr Benjamin Lane, 28 Stanley Street, Nedlands

Question 1

Why were residents of Stanley Street not explicitly notified of this meeting?

Answer 1

Presumably this refers to the recent meeting of Council which dealt with the Woolworths development. All meeting agendas of Council are available on the website and the City doesn't typically separately notify every household. The City was aware that councillors were in contact with the community on this matter.

Question 2

Why was the city prepared to increase traffic by such magnitude when there is a school and kindergarten two blocks down the street as well as the new, safe active street?

Answer 2

The City is responding to a development application, which will generate significant traffic. The application is now with the State Administrative Tribunal and the matter will be determined. The City has to seek a solution that deals with competing issues including the additional traffic, safe access and egress to the site and Stirling Hwy and the desire for a community space in Florence Road.

Question 3

With a school as such an important stakeholder, why was the meeting set in school holidays?

Answer 3

The timeline is not to the City's choosing. It is being driven by the State Administrative Tribunal.

Question 4

Why were Stanley Street residents signalled out to bear the brunt of this development?

Answer 4

Refer to Answer 2.

Question 5

Why was a concerned resident denied the right to speak on behalf of his home when it was the city's communication that had failed to provide adequate warning?

Answer 5

Residents wishing to speak at a Council meeting are required to complete an intention to address form with sufficient advance notice under the City's Standing Orders Local Law. There were many who did.

Question 6

Why, out of 10 scenarios, did not a single one include the mitigation of southbound Stanley street traffic?

Answer 6

This was considered. The trade-off is the viability of the community space in Florence Road, which was Council's position. Restricting southbound traffic on Stanley Street will likely mean loss of the Florence road plaza. Council may accept this outcome.

Question 7

Why, given his willingness to sacrifice the rights of the Stanley Street residents, should the CEO be trusted to represent the city on this matter going forward?

Answer 7

It is the Council that represents the ratepayers. The CEO presents the options.

1.2 Mr Jim Hancock, 66 Kingsway, Nedlands

Question 1

In the past 2 years, have there been any code of conduct issues with any City of Nedlands employees?

Answer 1

Employee performance is managed against the City's policies and procedures through a performance management system. Reference to the Code of Conduct is made from time to time in performance management. The Code of Conduct contains broad statements regarding appropriate behaviour.

Additionally, it specifically considers organisational arrangements and decision making (at meetings), use of local government property, public relations and communications, conflict of interest, gaining personal benefits and dealing with gifts. The CEO has not had any alleged Code of Conduct breaches reported to him against an Employee under item 13, reporting and dealing with Code of Conduct breaches, in the past two years.

Question 2

If so, how many in total?

Answer 2

Nil.

Question 3

If so, the maximum number associated with any one employee?

Answer 3

Nil.

Question 4

Has any code of conduct issue arisen associated with use of social media?

Answer 4

Not in the past two years.

Question 5

If so, how many?

Answer 5

Nil.

1.3 Mrs Robyn Hancock, 66 Kingsway, Nedlands

Question

On the 20th October special meeting I sent in a question about whether or not the community of Nedlands had been wasting it's time trying to save our suburb. I don't believe the actual question was answered. A simple yes or no is all I am after.

Answer

The answer provided on the 20th October 2020 at the Special Council Meeting stands. Community members would need to make their own estimation as to the value of their time on this matter.

1.4 Ms Denise Murray, 6 Sayer Street, Swanbourne

Regarding community engagement that was conducted by Council on the Your Voice website, relating to the proposal to construct a Children's Hospice within Allen Park, Swanbourne, the summary given in the 27/10/20 Agenda Item 13.7 is confusing. Would the CEO please confirm that:

- Of the 114 respondents overall, only 38 were from the City of Nedlands?
- Of those 38, 24 lived in Swanbourne (City of Nedlands)?
- 92% of those residents did not support the project being built in Allen Park (yet support the concept in principle of a Children's Hospice being built somewhere)?

Answers

The answers to these questions are in item 13.7 of this agenda.

2. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

Moved – Councillor Bennett
Seconded – Councillor Youngman

That the order in which the below addresses are given are rearranged to allow those speakers who can't stay for an extended period be allowed to speak first.

**CARRIED 12/1
(Against: Cr. Poliwka)**

Ms Fiona Argyle, 39 Kinninmont Avenue, Nedlands PD47.20
(spoke in opposition to the recommendation)

Mrs Elizabeth Gibson, 41 Louise Street, Nedlands PD47.20
(spoke in opposition to the recommendation)

Mr Benjamin Lane, 28 Stanley Street, Nedlands
(spoke in relation to Nedlands Town Centre)

Mr Robert Adam, 14 Stanley Street, Nedlands
(spoke in relation to Florence Road Access Options)

Mr Warrick Turton, 3 Elizabeth Street, Nedlands
(spoke in relation to Safe Active Street concern - Elizabeth Street between Kingsway and Viewway)

Mr Andrew James, 60 Philip Road, Dalkeith PD46.20
(spoke in support of the recommendation)

Mr Steven Kerr, 39 Strickland Street, Mt Claremont PD52.20
(spoke in opposition to the recommendation)

Mr Stuart Brown, 38 Strickland Street, Mt Claremont PD52.20
(spoke in opposition to the recommendation)

Mr David Joseph, 37 Strickland Street, Mt Claremont PD52.20
(spoke in support of the recommendation)

Ms Emma Tomkinson, 2 Scott Street, Claremont CPS27.20
(spoke in support of the recommendation)

Mr Ian Long, 28 Quintilian Road, Nedlands TS16.20
(spoke in support of the recommendation)

Ms Susan Stevens, 65 Melvista Avenue, Nedlands 13.9
(spoke in opposition to the recommendation)

Mr Petar Mrdja, Urbanista Planning, 231 Bulwer Street, Perth 13.10
(spoke in support of the recommendation)

The Mayor suspended standing orders to allow Councillors to ask questions of Mr Mrdja as this item did not go before the Committee where questions are permitted.

Councillor Wetherall left the meeting at 8.03 pm and returned at 8.04 pm.

Ms Helen Beech, 44 Waroonga Road, Nedlands 14.2
(spoke in support of the recommendation)

3. Requests for Leave of Absence

Any requests from Councillors for leave of absence to be made at this point.

Moved – Councillor Youngman
Seconded – Councillor Bennett

That Councillor Horley be granted leave of absence from 1 March to 30 April 2021.

CARRIED UNANIMOUSLY 13/-

4. Petitions

Petitions to be tabled at this point.

4.1 37 Strickland Street, Mt Claremont – Short Term Accommodation

Mark Goodlet, Chief Executive Officer tabled a petition on behalf Stuart Brown and 31 others requesting Council refuse the application by the resident of 37 Strickland Street, Mt Claremont to use their residence for short term accommodation.

Moved – Councillor Coghlan
Seconded – Councillor Wetherall

That the petition be received.

CARRIED UNANIMOUSLY 13/-

4.2 Petition – Fast Food Outlets

Mark Goodlet, Chief Executive Officer tabled a petition on behalf of Ms Elizabeth Gibson and 232 others requesting Council amends clause 17 of the Local Planning Scheme No. 3 (Zoning Table) to specify Fast Food Outlets as and “X” (not permitted) use in all zones.

Moved – Councillor Coghlan
Seconded – Councillor Youngman

That Council receive the petition.

CARRIED UNANIMOUSLY 13/-

5. Disclosures of Financial / Proximity Interest

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

There were no disclosures of financial interest.

6. Disclosures of Interests Affecting Impartiality

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

6.1 Councillor Smyth – 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

Councillor Smyth disclosed an impartiality interest in Item 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office. 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 2nd November 2020. 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 declared she would not stay in the room and debate the item, or vote on the matter.

6.2 Councillor Bennett – 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

Councillor Bennett disclosed an impartiality interest in Item 13.13 - Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office. 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 2nd November 2020. 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 declared he would not stay in the room and debate the item, or vote on the matter.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council Meeting 22 September 2020

Moved – Councillor Hodsdon
Seconded – Councillor Hay

The Minutes of the Ordinary Council Meeting held 22 September 2020 be confirmed.

**CARRIED 11/2
(Against: Crs. Bennett & Coghlan)**

8.2 Special Council Meeting 20 October 2020

Moved – Councillor Hodsdon
Seconded – Councillor McManus

The Minutes of the Special Council Meeting held 20 October 2020 be confirmed.

**CARRIED 12/1
(Against: Cr. Hay)**

9. Announcements of the Presiding Member without discussion

This morning at 9.30am the CEO and I finally met with the Hon Roger Cook and his senior policy advisor about the Children's hospice project.

I found the meeting quite insightful as to the Minister's understanding of how he believed the project had been progressing since February. Key relationships he thought were well and truly established were unfortunately not, for various reasons. There is much water under the bridge now as to how the process has unfolded however, it has caused me more angst than anything else has in the 4 years since I became involved in local politics as a community group leader and now on Council.

That's because the only reason I became involved in local politics is because I care.

I care about people.

I care about the environment.

I care about the future.

To read in public submissions that "Cilla de Lacy needs to stop wasting time, money and grow a heart" and "I also resent the Mayor's negative attitude to this important project. It is very short sighted and petty politics" is heartbreaking. This is only an example of the communications I have received with others similarly coming via email and through phone calls. As a parent of two boys who sat on Hollywood Primary School Board and worked with Ronald McDonald House, who has coached junior sport, and who put parenting above career this is very hard to take.

Councillor Mangano left the meeting at 8.20 pm.

Unfortunately, I feel very alone in this. I feel unsupported.

I have done my best to find the middle ground on every issue that comes before this Council. It is exhausting. I have faced challenges before in my life, as we all do, but nothing as unrelenting as this. I really need the support and help of Councillors around this table. I have spent the last three weeks on stress leave.

I am very concerned not just about our Council but about local government in general. Nothing short of an inquiry into the entire sector is going to address the systemic problems that persist and grow every day. We need clarity about local government's role. Do we really have a political voice on issues that face local communities or are we just service providers in charge of relatively large asset portfolios? Because at the moment we are painfully caught somewhere in between and at the mercy of trying in vain to help people who feel increasingly disempowered when it comes to having a say about the future and what matters to them.

Councillor Mangano returned to the meeting at 8.22 pm.

10. Members announcements without discussion

Written announcements by Councillors were tabled at this point.

10.1 Councillor Coghlan

Councillor Coghlan advised that on Friday 23 October 2020 the new Public Art acquisition by the City of Nedlands and the Annie Dorrington Park was officially opened by the Deputy Lord Mayor McManus.

Councillors from Coastal Ward, the Mayor and other councillors also attended. We were all extremely proud of the sculpture in this beautiful location in Annie Dorrington Park. The artist Tony Pankiw proudly told us all about his sculpture and how it both reflects and incorporates the talents of Annie Dorrington. The large sculptures light up at night bringing a different perspective to the daytime experience. The 40 guests who were present were able to hear a little of the history of Annie Dorrington after whom the park is named. Cr Kerry Smyth was pivotal in orchestrating the naming of the Park. Also, some of Annie Dorrington's relatives who were present would have really appreciated her being honoured in this way. It was a warm, late afternoon. I recommend a visit to view the artworks and to enjoy the park.

The park is next to the restored Montgomery Hall (heritage listed). Both the sculpture and the older building complement each other. This is particularly relevant because Annie had some experience staying there. She suffered from depression which required treatment during her stay in this facility.

If you would like to read more about this remarkable lady and her achievements, please go to Your Voice news feed. Annie is also one of the artists who contributed to the Australian flag.

https://yourvoice.nedlands.wa.gov.au/st-johns-wood-boulevard-a-new-park-being-planned-for-the-area/news_feed/park-name-chosen

Later that evening I and Councillors Bennett and Youngman attended the Tresillian Art Exhibition "for the asking". it was presented by the very talented Judy Rogers who is also one of the art teachers at the centre.

Her exhibition provoked the observer to question their interpretation of the relationship between food and art. This exhibition is still on until 13 November 2020. The paintings are very dynamic, and Rogers is to be congratulated for her insight into "joy and awareness by attending the minor and seemingly insignificant- colours patterns and textures".

On Sunday I attended the City of Bunbury Regional Art Gallery, formerly a convent of the Mercy Group. There were many exhibitions running concurrently within the various gallery spaces. The Iluka Visions 2020 exhibition is a professionally run display celebrated the creativity of artists in South West High Schools. I walked through the many displays including short films. I was very impressed with the diversity of art displayed, and the maturity of creative expression demonstrated by many of the students artists.

Interestingly, the winner of the Education Support award, artist Gabi Magno painted a watercolour appreciation for Sidney Nolan.

None of the student art was for purchase however, once they make it back to the artists or their families they will proudly reflect on their entries.

I also had the privilege of viewing the art purchased by the City of Bunbury for their own art collection. I particularly noticed the Sidney Nolan paintings and the Wim Boissevian (O.B.E) paintings that the City has had the foresight to purchase .The more local indigenous, Collie artist Paul Hansen (a Vietnam Veteran) had several colourful artworks purchased by the City on display.

10.2 Councillor Youngman

Councillor Youngman gave the following apology at the meeting:

"I wish to sincerely apologise to the City of Nedlands planners if I used wording that they interpreted as my thinking their work is unprofessional. I do not recall uses the words suggested but during my presentation to MINJDAP I lost some of my objectivity when I believed one of the panel members was ignoring what I was saying.

The City of Nedlands planners are doing a commendable job in the difficult circumstances that we find ourselves in since the introduction of LPS3 and have my full support."

10.3 Councillor Smyth

List of events and meeting attended by Cr Kerry Smyth during September & October 2020

Opening Celebration for Annie Dorrington Park and 'Windows into the Past' launch of public art installation - 23 October 2020

Metro Inner North JDAP meeting #46 – 27 October 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Cr Bennett.

Lot 685 & 686 (137 & 139) Broadway, Nedlands

Six Storey Multiple Dwelling development

The RAR recommendation for approval with modifications was moved and CARRIED 3/2

And

Lot 15368 (37) Lemnos Street, Shenton Park

Expansion of existing data storage facility

The RAR recommendation for approval with modifications was moved and CARRIED 5/-

Metro Inner North JDAP meeting #44 – 20 October 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Cr Bennett.

Lot 565 (101) Monash Ave, Nedlands

Addition (car park) to Hospital

The RAR recommendation for approval with modifications was moved and CARRIED 4/1

Metro Inner North JDAP meeting #38 – 29 September 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Mayor de Lacy.

Lot 689 (5) Hillway, Nedlands

10 Multiple Dwellings

SAT Reconsideration of previously JDAP refused DA.

The RAR recommendation for approval with modifications was moved and CARRIED 3/2

Metro Inner North JDAP meeting #36 – 23 September 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Mayor de Lacy.

Lot 142 & 141 (21-23) Louise St, Nedlands

Residential Development consisting of 7 two storey grouped dwellings, 6 apartments over three storeys and basement car parking.

The RAR recommendation for deferral was moved and CARRIED 3/2

JDAP SUMMARY (since November 2019)

RARs = 24

RAR Approval = 12 (JDAP then approved 12)

RAR Refusal = 11 (JDAP then approved 3, refused 3, deferred 5)

RAR Deferral = 1 (JDAP then deferred 1)

JDAP = 24

JDAP Approval = 15

JDAP Refusal = 3

JDAP Deferral = 6 (3 deferrals subsequently became approvals, 3 are still in play)

10.4 Councillor McManus

Councillor McManus advised that on 23rd October he conducted the opening of Annie Dorrington Park in Mt Claremont and the commissioning of the artwork Windows into the Past by Tony Pankiw at the park. An enthusiastic crowd attended, and Councillor McManus thanked the Council's Public Art Committee and Chairman Ben Hodsdon for all their good work.

Councillor McManus also mentioned that he had heard that Director Lorraine Driscoll was leaving the Council, but by a head nod from the CEO, that she will be returning from leave and attending a Council meeting before she leaves or he would say some words of thanks to Lorraine now. A head nod was received.

10.5 Councillor Hodsdon

Councillor Hodsdon thanked the City of Nedlands Administration for facilitating and installing the artwork at Annie Dorrington Park in Mount Claremont. A well organised event saw Deputy Mayor McManus commissioning the artwork Windows into the Past by Tony Pankiw. Many thanks to the Public Art Committee and administration for the success of this work. The artwork, like all good artwork, respects its context but challenges both the location and viewing public. Another fantastic addition to the rich public artwork tapestry of Nedlands.

11. Matters for Which the Meeting May Be Closed

Council, in accordance with Standing Orders and for the convenience of the public, 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.

Nil.

12. Divisional reports and minutes of Council committees and administrative liaison working groups

12.1 Minutes of Council Committees

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

Moved – Councillor Hodsdon
Seconded – Councillor Senathirajah

The Minutes of the following Committee Meetings (in date order) be received:

Audit & Risk Committee	5 October 2020
Circulated to Councillors on 9 October 2020	
Public Art Committee	12 October 2020
Circulated to Councillors on 20 October 2020	
Council Committee	13 October 2020
Circulated to Councillors on 23 October 2020	

CARRIED 11/2
(Against: Crs. Bennett & Coghlan)

Note: As far as possible all the following reports under items 12.2, 12.3, 12.4, 12.5 and 13.1 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.

En Bloc

Moved - Councillor Mangano
Seconded – Councillor Youngman

That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4, 12.5 and 13.1 with the exception of Report Nos. PD46.20, PD47.20, PD48.20, PD49.20 PD50.20 PD51.20, PD52.20, TS16.20 CM08.20, CPS23.20, CPS24.20, CPS25.20, CPS26.20 CPS28.20 and 13.1 are adopted en bloc.

CARRIED 10/3
(Against: Crs. Bennett Youngman & Poliwka)

12.2 Planning & Development Report No's PD46.20 to PD52.20 (copy attached)

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.

PD46.20	No. 60 Philip Road, Dalkeith – Residential - Single House and Ancillary Dwelling
Committee	13 October 2020
Council	27 October 2020
Applicant	Andrew James
Landowner	Sarah James
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
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	DA20-48864
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the City's Administration recommending refusal for this application.
Attachments	1. Applicant Justification Letter
Confidential Attachments	1. Plans 2. Submissions 3. Assessment Sheet 4. Average Setback of Dwellings Map

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman
Seconded – Councillor Hodsdon

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

CARRIED 7/6
(Against: Crs. Horley Bennett Mangano Poliwka Coghlan & Hay)

Council Resolution / Committee Recommendation

That Council resolves to:

Approves the development application dated 4 June 2020 for a Single House and Ancillary Dwelling at Lot 312 (No. 60) Philip Road, Dalkeith with the standard planning conditions to be provided by Administration.

Recommendation to Committee

Council resolves to:

Refuse the development application dated 4 June 2020 for a Single House and Ancillary Dwelling at Lot 312 (No. 60) Philip Road, Dalkeith for the following reasons:

1. The proposed development does not comply with Clause 26 (a) of the Scheme whereby Clause 5.1.2 (Street Setback) of the R Codes is modified by replacing deemed to comply requirement C2.1 I with (i) a minimum of 9 metres.
2. The proposed development does not comply with the City of Nedlands Local Planning Policy – Residential Development: Single and Grouped Dwellings as it seeks to vary the primary street setback requirement for dwellings and garages on properties zoned under R15. This does not satisfy the objectives of this policy and would be inconsistent with the established street setbacks along Philip Road. (refer to Advice Note a))
3. The development does not satisfy Clause 9(a) and (b) – Aims of Scheme under the Local Planning Scheme No. 3 as the reduced setback of less than 9.0m proposed for the dwelling and garage will not protect and enhance the local character and amenity of the area nor protect the established streetscape of Philip Road which is characterised by properties with generous primary street setbacks .
4. The development does not satisfy the Residential Zone objectives to protect and maintain the desired and established character and streetscape of residential areas in accordance with Clause 16(b) and (d) – Residential Zone Objectives.

Advice Note:

- a. In regard to Point 2, there does not appear to be any reasonable impediment to the achievement of a compliant 9.0m primary street setback. However, that notwithstanding, the applicant has chosen to provide a 7.5m primary street setback for the dwelling and 8.28m setback for the garage.

PD47.20	Scheme Amendment No. 4 – Fast Food Outlets
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Committee	13 October 2020
Council	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	PD24.20 – OCM 26 May2020
Attachments	1. Justification Report – Scheme Amendment No. 4 2. Summary of Submissions
Confidential Attachments	1. Full Submissions 2. Community Petition

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman

Seconded – Councillor Bennett

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 9/4

(Against: Mayor de Lacy Crs. Horley Poliwka & Wetherall)

Council Resolution / Committee Recommendation

Council:

1. in accordance with Section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 4 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:
 - a) The amendment proposes inconsistencies within LPS3 between Table 3 – Zoning Table and the Scheme text. This inconsistency weakens the position of LPS3 and undermines its status in a judicial setting.
2. in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment 4 to the West Australian Planning Commission; and

- 3. instruct the CEO to prepare a new Scheme Amendment that prohibits (“X” use) Fast Food Outlets in all zones within the City except the Urban Development Zone.**

Recommendation to Committee

Council:

1. in accordance with Section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 4 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:
 - a) The amendment proposes inconsistencies within LPS3 between Table 3 – Zoning Table and the Scheme text. This inconsistency weakens the position of LPS3 and undermines its status in a judicial setting.
2. in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment 4 to the West Australian Planning Commission.
3. instruct the CEO to prepare a new Scheme Amendment that incorporates the following:
 - a) Prohibit (‘X’ use) Fast Food Outlets in the Mixed-Use Zone within Table 3 – Zoning table of LPS3; and
 - b) Create an Additional Use (A10) in Table 4 – Specified additional uses for zoned land in Scheme area of LPS3 and specify particular sites on Stirling Highway where ‘Fast Food Outlet’ shall be included as an Additional Use.
4. instruct the CEO to prepare a Local Planning Policy - Fast Food Outlets to provide guidance for development on those sites applicable under the proposed A10 provisions, with respect to built form and general amenity.

PD48.20	Scheme Amendment No. 9 – Deep Soil Planting Requirements for Single and Grouped Dwellings
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Committee	13 October 2020
Council	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	PD05.20 – OCM March 2020 NOM 14.2 – OCM May 2020
Attachments	1. Scheme Amendment No. 9 Justification Report 2. Scheme Amendment No. 9 Schedule of Submissions
Confidential Attachments	1. Scheme Amendment No. 9 Full Submissions

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Bennett

Seconded – Councillor Hay

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 12/1
(Against: Cr. Wetherall)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports without modification Scheme Amendment No. 9 to amend Local Planning Scheme No. 3 as follows:
 - a) As detailed in Attachment 1 – Scheme Amendment No. 9 Justification Report
2. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment No. 9 to the West Australian Planning Commission.

PD49.20	Local Planning Scheme 3 – Amendments to Local Planning Policy Short Term Accommodation – Final Adoption
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Committee	13 October 2020
Council	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	PD30.20 – OCM 23 June 2020
Attachments	1. Draft amended version - Short Term Accommodation LPP 2. Summary of Submissions
Confidential Attachments	1. Full Submissions

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 9/4

(Against: Crs. Horley Bennett Mangano & Coghlan)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council proceeds to adopt the amendments to the Short Term Accommodation - Local Planning Policy, with modifications as set out in Attachment 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(ii).

PD50.20	Local Planning Scheme 3 – Draft Local Planning Policy - Melvista East Transition Zone
Committee Date	13 October 2020
Council Date	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	1. Draft LPP – Melvista East Transition Zone

Regulation 11(da) – Council wished to further consider this matter before advertising with particular reference to the proposal to allow addition building heights in the area where a higher R – Code property e.g. R160 abuts a lower R Code e.g. R 60.

Moved – Councillor Senathirajah
Seconded – Councillor Hay

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

Lost 6/7
(Against: Crs. Horley Bennett Mangano Youngman
Hodsdon Poliwka & Coghlan)

Moved – Councillor Coghlan
Seconded – Councillor Bennett

That Council resolves to:

- 1. not advertise the draft Melvista East Transition Zone Local Planning Policy;**
- 2. instruct the CEO to carry out actions as necessary to reconsider going to advertising before Council has further information about the LPP with particular reference to the proposal to allow addition building heights in the area where a higher R – Code property e.g. R160 abuts a lower R Code e.g. R 60; and**
- 3. instruct the CEO to undertake a comprehensive review, with direct Council and community involvement, of the proposal for transition zone local planning policies. The LPP should go back to a briefing on the 3 November 2020 and be further discussed by Council and sent to the city-wide Community Working Group for their input.**

Amendment

Moved – Mayor de Lacy

Seconded - Councillor Senathirajah

That the first sentence in clause 3 be removed.

The AMENDMENT was PUT and was

CARRIED 7/6

(Against: Crs. Smyth Bennett Mangano Youngman Poliwka & Coghlan)

The Substantive Motion was PUT and was

CARRIED 12/1

(Against: Cr. Wetherall)

Council Resolution

That Council resolves to:

- 1. not advertise the draft Melvista East Transition Zone Local Planning Policy;**
- 2. instruct the CEO to carry out actions as necessary to reconsider going to advertising before Council has further information about the LPP with particular reference to the proposal to allow addition building heights in the area where a higher R – Code property e.g. R160 abuts a lower R Code e.g. R 60; and**
- 3. refers the LPP go back to a briefing on the 3 November 2020 and be further discussed by Council and sent to the city wide Community Working Group for their input.**

Committee Recommendation / Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4, Local Planning Policy – Melvista East Transition Zone.

PD51.20	Local Planning Scheme 3 – Local Planning Policy Community Engagement on Planning Proposals
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Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Peter Mickleson – Director Planning & Development
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Draft Local Planning Policy – Community Engagement on Planning Proposals 2. Local Planning Policy – Consultation of Planning Proposals with tracked changes 3. Summary of other amendments to the Local Planning Policy – Consultation of Planning Proposals

Councillor Hay left the meeting at 9.18 pm.

Regulation 11(da) – Council wished to further consider this matter at a briefing session.

Moved – Councillor Coghlan
Seconded – Councillor Bennett

Council Resolution

That Council delays proceeding further with the draft modified Local Planning Policy Community Engagement on Planning Proposals and does not proceed with advertising. Instead, Council further consider the proposed, comprehensive changes at a Council briefing.

Councillor Hay returned to the meeting at 9.20 pm.

**CARRIED 9/4
(Against: Crs. Smyth Hodsdon Poliwka & Wetherall)**

Committee Recommendation / Recommendation to Committee

Council proceeds with the draft modified Local Planning Policy – Community Engagement on Planning Proposals, Attachment 1, and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(2).

PD52.20	No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)
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Committee	13 October 2020
Council	27 October 2020
Applicant	David Joseph
Landowner	David Joseph and Christine Joseph
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
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	DA20/48595
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant's Justification Report
Confidential Attachments	1. Plans 2. Management Plan 3. Submissions 4. Assessment

Regulation 11(da) – Council did not approve this application due to the number and type of complaints received.

Moved – Councillor Wetherall

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

Lost 6/7
(Against: Mayor de Lacy Crs. Horley Smyth Bennett
Mangano Coghlan & Hay)

Committee Recommendation

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information, and conditions of approval. It does not relate to any other development on the lot.
2. The approval period for the Holiday House is limited to 6 months from the date of this decision letter, after which time the matter will be brought back to council for review.
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. The proposed use complying with the Holiday House definition stipulated under the City's Local Planning Scheme No. 3 (refer to advice note 1).
5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.
6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)
8. The Management Plan forms part of this approval and is to be complied with at all times to the City's satisfaction.
9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.

Advice Notes specific to this proposal:

1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:

'Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.

2. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City's Planning Department for assessment prior to the completion of the 6 month temporary approval period. The applicant is advised to contact the City's Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application after which time the matter will be brought back to council for review.
3. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
4. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
5. This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
7. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).
8. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
9. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.
10. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).
11. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.

12. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
13. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will require reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.
14. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.

Recommendation to Committee

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
2. The approval period for the Holiday House is limited to 12 months (1 year) from the date of this decision letter.
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. The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).
5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.
6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)
8. The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.
9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.

Advice Notes specific to this proposal:

1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:

‘Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast’.

2. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City’s Planning Department for assessment prior to the completion of the 12 month temporary approval period. The applicant is advised to contact the City’s Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.
3. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
4. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
5. This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
7. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).
8. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
9. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.

10. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbors (in accordance with City requirements).
11. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.
12. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
13. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.
14. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.

12.3 Technical Services Report No's TS16.20 to TS17.20 (copy attached)

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.

TS16.20	Quintilian Road Traffic Calming, Parking and Shared Path
Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Concept Design - Option 1 2. Concept Design - Option 2 3. Concept Design - Option 3
Confidential Attachments	Nil.

Councillor McManus left the meeting at 9.26 pm.

Moved – Councillor Smyth
Seconded – Councillor Mangano

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

Councillor McManus returned to the meeting at 9.28 pm.

Councillor Youngman left the room at 9.28 pm and returned at 9.32 pm.

Lost 5/8

(Against: Mayor de Lacy Crs. Hodsdon Poliwka McManus Youngman
Wetherall Hay & Senathirajah)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Hay

Council:

- 1. approves to undertake community consultation on Option 1;**
- 2. approves, following a successful outcome of the public consultation process, to implement interim traffic calming measures on Quintilian Road in line with the available 2020/21 budget;**
- 3. approves to include the outstanding work from Option 1 in the Five-Year Capital Works Program prioritisation review in February 2021; and**
- 4. approves, following the Five-Year Capital Works Program prioritisation review in February 2021, to seek WA Bicycle Network grant approval from the Department of Transport.**

Amendment

Moved - Councillor Smyth

Seconded - Councillor Coghlan

That an additional clause 5 be added as follows:

5. the consultation area be extended to Mt Claremont.

Dissent motion

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the ruling of the Presiding Member that the amendment is in order is disagreed with.

Lost 6/7

(Against: Mayor de Lacy Crs. Horley Smyth Bennett
Youngman Hodsdon & Coghlan)

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. McManus Hodsdon Poliwka
Wetherall Hay & Senathirajah)

The Mayor granted a recess for the purposes of a refreshment break.

The meeting adjourned at 10.00 pm and reconvened at 10.15 pm with the following people in attendance:

Councillors	Her Worship the Mayor, C M de Lacy	(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
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Ms M Granich	Acting Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 11 members of the public present.

The Substantive Motion was PUT and was

CARRIED 8/5
(Against: Crs. Horley Smyth Bennett Mangano & Coghlan)

Council Resolution

Council:

- 1. approves to undertake community consultation on Option 1;**
- 2. approves, following a successful outcome of the public consultation process, to implement interim traffic calming measures on Quintilian Road in line with the available 2020/21 budget;**
- 3. approves to include the outstanding work from Option 1 in the Five-Year Capital Works Program prioritisation review in February 2021; and**
- 4. approves, following the Five-Year Capital Works Program prioritisation review in February 2021, to seek WA Bicycle Network grant approval from the Department of Transport.**

Committee Recommendation

Council:

1. approves to undertake community consultation on Option 1;
2. following the public consultation process, a further report be provided to Council noting the outcomes prior to implementation; and
3. the consultation area be extended to Mt Claremont.

Recommendation to Committee

Council:

1. approves to undertake community consultation on Option 1;
2. approves, following a successful outcome of the public consultation process, to implement interim traffic calming measures on Quintilian Road in line with the available 2020/21 budget;
3. approves to include the outstanding work from Option 1 in the Five-Year Capital Works Program prioritisation review in February 2021; and
4. approves, following the Five-Year Capital Works Program prioritisation review in February 2021, to seek WA Bicycle Network grant approval from the Department of Transport.

TS17.20	Hampden Road Project – Budget Variation
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Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED EN BLOC 10/3
(Against: Crs. Bennett Youngman & Poliwka)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council approves the reallocation of \$114,377 of the \$145,726 budget for the Alfred Road (Narla to West Coast Highway) project to the Hampden Road project and directs the surplus to general revenue.

12.4 Community & Organisational Development Report No's CM07.20 to CM08.20 (copy attached)

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.

CM07.20	Swanbourne Tigers Junior Football Club – Floodlight Upgrade Allen Park Lower Oval
----------------	--

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	1. Letter from Swanbourne Tigers Junior Football Club
Confidential Attachments	Nil

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED EN BLOC 10/3
(Against: Crs. Mangano Youngman & Poliwka)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. agrees to repayment plan for Swanbourne Tigers Junior Football Club (STJFC) as an extension of credit terms to facilitate the Clubs cashflow for installed floodlighting as follows:
 - \$40,000 – 2020
 - \$20,000 – 2021
 - \$20,000 – 2022;

- 2. notes the upgrade of lights to game standard 100 lux, as recommended in Allen Park Master Plan;**
- 3. agrees to manage the procurement and installation of game standard lighting, providing STJFC accepts 100% of project costs and payment is made to the City on completion of project;**
- 4. approves the request to allow the Club to install a plaque acknowledging project donors on a floodlight pole, providing any necessary statutory approvals are obtained by STJFC.**

CM08.20	Draft Strategic Recreation Plan 2020-2030
----------------	--

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	1. Draft Strategic Recreation Plan 2020-2030
Confidential Attachments	Nil

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano
 Seconded – Councillor Bennett

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

CARRIED 12/1
(Against: Mayor de Lacy)

Council Resolution / Committee Recommendation

That the item be deferred to a Councillor Briefing.

Recommendation to Committee

Council endorses the draft Strategic Recreation Plan 2020 - 2030 to be released for public comment.

12.5 Corporate & Strategy Report No's CPS22.20 to CPS29.20 (copy attached)

CPS22.20 List of Accounts Paid – August 2020	
Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing – August 2020; and 2. Credit Card and Purchasing Card payments – August 2020 (28 Jul – 27 Aug).
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED EN BLOC 10/3
(Against: Crs. Bennett Youngman & Poliwka)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of August 2020 as per attachments.

CPS23.20	UPDATE – Implications of COVID-19 on the City's Tenancy Portfolio
-----------------	--

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Proposed Amendments – Hardship Provisions Policy.
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 11/2
(Against: Crs. Horley & Smyth)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

- 1. authorises Administration to:**
 - a. recommence 'normal' pre-COVID-19 Hardship Provisions management of the City's Tenancy Portfolio in line with obligations under each agreement, including charging rent as of 1 July 2020; and**
 - b. amend Clauses 3, 5(c) and 5(d) of the Hardship Provisions Policy to reflect this decision; and**
- 2. requests a further item be presented to Council, should the State suffer the effects of a 'second-wave' of infection and government restrictions on human movement and interaction are re-tightened to Phase 3, 2 or 1.**

CPS24.20	Future of Nedlands Child Health Clinic – 152 Melvista Avenue, Nedlands
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Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Draft Management Licence – Department of Health 2. Building Maintenance Inspection – May 2020 3. Asset Management Inspection – May 2020
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano
Seconded – Councillor Bennett

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

CARRIED 10/3
(Against: Mayor de Lacy Crs. Poliwka & Wetherall)

Council Resolution / Committee Recommendation

That this item be deferred to a Councillor Briefing.

Recommendation to Committee

Council:

1. a) endorses the draft Management Licence Agreement as contained in Attachment 1, and accepts the variances requested by the Department of Health, with the exclusion of the request to reduce the Licence Fee to \$5,000 per annum; and
- b) instructs the CEO to advise the Department of Health that the City's final offer for a Licence Fee will remain at \$10,000 per annum.

- c) should the Department of Health accept the City's terms, approves the Mayor and CEO to execute the agreement and apply the City's common seal.
- d) should the Department of Health decline to accept the City's terms, instruct the CEO to request the Department vacate the premises, giving 3 months' notice and request Administration investigate possible cost-neutral or revenue generating options for the facility, including detail and cost implications surrounding demolition of the facility and provide a further report to Council.

OR

- 2. a) endorses the draft Management Licence Agreement as contained in Attachment 1, and accepts the variances requested by the Department of Health, including the request to reduce the Licence Fee to \$5,000 per annum; and
- 2. b) Approves the Mayor and CEO to execute the agreement and apply the City's common seal.

OR

- 3. a) Instructs the CEO to request the Department vacate the premises, giving 3 months' notice; and
- b) Requests Administration investigate possible cost-neutral or revenue generating options for the facility, including detail and cost implications surrounding demolition of the facility and provide a further report to Council.

CPS25.20	Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont
-----------------	---

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Council wished to see a broader investigation on the future use of Haldane House.

Moved – Councillor McManus

Seconded – Councillor Smyth

Council Resolution

That Council:

- 1. notes that Haldane House is currently vacant;**
- 2. instructs the CEO to commence an investigation into the future use of Haldane House; and**
- 3. requests a further report to Council outlining the results of the investigation.**

CARRIED UNANIMOUSLY 13/-

Committee Recommendation / Recommendation to Committee

Council:

1. notes that Haldane House is currently vacant.
2. instructs the CEO to commence an investigation into the feasibility of moving the operations of the Nedlands Community Care Service to Haldane House.

3. requests a further report to Council outlining the results of the investigation and a recommendation on whether the movement of the Nedlands Community Care Service is viable.

CPS26.20 Land Investment Strategy and Policy

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Schedule of City Freehold Land Portfolio; 2. Current 'Disposal and Acquisition of Land' Policy 3. Current 'Disposal and Acquisition of Land' Policy with Track Changes 4. Proposed Updated 'Retention, Acquisition, Improvement and Disposal of Land' Policy; 5. 12x Identified Projects for Possible Investigation; and 6. Anticipated Timeline.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 7/6**(Against: Crs. Horley Bennett Mangano Youngman Coghlan & Hay)****Council Resolution / Committee Recommendation****Council:**

1. adopts the proposed changes to the City's 'Disposal of Land' Policy including the additional words 'environmental value' after each of 3 occurrence of the words 'financial value' and 'social value' in the policy, with the policy to be known as the 'Retention, Acquisition, Improvement and Disposal of Land' Policy for the purpose of public comment; and
- 2a. authorises administration to commence the undertaking of a formal 'Land Investment Strategy', to be presented to Council by June 2021, with the strategy to include detail surrounding the identification of potential projects and the due process for investigation and consultation with the community and Council; and

- 2b. acknowledges there will be costs associated with the preparations of the Land Investment Strategy and agrees to allocate funds in the forthcoming budget review to facilitate the Land Investment Strategy following a briefing to Council to be held prior to the forthcoming midyear budget review in December 2020;**
- 3a. approves the \$40,000 currently budgeted to prepare a business case detailing the options considered and whole-of-life cost/benefit analysis for relocation of Broome Street Depot be reallocated to the 'Land Investment Strategy' as part of a holistic approach to land investment; and**
- 3b. notes that the business case into the potential relocation of the Broome Street Depot is to be re-captured at a later date in line with the prioritisation of the potential 'Land Investment Strategy' projects;**
- 4. approves the CEO to commence the 56 Dalkeith Road Sump Project and in particular project investigation into the 'best and highest use' of the site, undertake community and stakeholder consultation and provide a report to Council for consideration; and**
- 5. notes that these recommendations are consistent with the CEO's Key Result Areas in particular;**

5.3 Improved Asset and Wealth Management,

5.3.1 Develop an Asset, Investment and Wealth Management Policy and Guidelines for Council Adoption

5.3.2 Review the City's tangible assets with the intention of enhancing services, reducing costs and debt, and where possible increasing rate of return generated by assets.

Recommendation to Committee

Council:

- 1. adopts the proposed changes to the City's 'Disposal of Land' Policy, with the policy to be known as the 'Retention, Acquisition, Improvement and Disposal of Land' Policy for the purpose of public comment; and**
- 2a. authorises administration to commence the undertaking of a formal 'Land Investment Strategy', to be presented to Council by June 2021, with the strategy to include detail surrounding the identification of potential projects and the due process for investigation and consultation with the community and Council; and**

- 2b. approves a budget request of \$100,000 which is to be used in the current financial year to resource the development and implementation of the 'Land Investment Strategy' and to secure external expert advice to review and make recommendations on the future use of the City's land asset portfolio; and
- 3a. approves the \$40,000 currently budgeted to prepare a business case detailing the options considered and whole-of-life cost/benefit analysis for relocation of Broome Street Depot be reallocated to the 'Land Investment Strategy' as part of a holistic approach to land investment; and
- 3b. notes that the business case into the potential relocation of the Broome Street Depot is to be re-captured at a later date in line with the prioritisation of the potential 'Land Investment Strategy' projects;
- 4. approves the CEO to commence the 56 Dalkeith Road Sump Project and in particular project investigation into the 'best and highest use' of the site, undertake community and stakeholder consultation and provide a report to Council for consideration; and
- 5. notes that these recommendations are consistent with the CEO's Key Result Areas in particular;

5.3 Improved Asset and Wealth Management,

5.3.1 Develop an Asset, Investment and Wealth Management Policy and Guidelines for Council Adoption

5.3.2 Review the City's tangible assets with the intention of enhancing services, reducing costs and debt, and where possible increasing rate of return generated by assets.

CPS27.20	Request for Funding to Engage a Consultant to Assess the need for Childcare Services
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Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Andrew Mangano

Seconded – Councillor Noel Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED EN BLOC 10/3

(Against: Crs. Bennett Youngman & Coglan

Council Resolution / Committee Recommendation

Council:

1. approves funding of up to \$40,000 for the engagement of a consultant to undertake the necessary research and stakeholders consultations, and provide to Council a report on:
 - a. the future demand and suitable sites for Childcare Services in the City of Nedlands south of Stirling Highway; and
 - b. the desirability and financial sustainability of the City continuing to manage the provision of Childcare Services at Point Resolution Childcare Centre compared to the privatisation of the provision of services at that site; and
2. instructs the CEO to arrange for quotations for the provision of these services and to appoint a consultant who demonstrates best value for money and the ability to deliver the requirements.

Recommendation to Committee

Council:

1. approves funding of \$40,000 for the engagement of a consultant to review and provide a report on the need for Childcare Services in the area south of Stirling Highway; and
2. instructs the CEO to arrange for quotations for the provision of these services and to appoint a consultant who demonstrates best value for money and the ability to deliver the requirements.

CPS28.20	Corporate Business Plan - Review
-----------------	---

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Corporate Business Plan Review
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 7/6

(Against: Mayor de Lacy Crs. Horley Bennett Mangano Youngman Coghlan)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council receive the report on the progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.

CPS29.20	Request for Tender RFT 2020-21.02 – Waste Management Services
-----------------	--

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	Nil.
Confidential Attachments	1. RFT 2020-21.02 Tender Evaluation and Recommendation Report

Regulation 11(da) - *

Moved – Councillor Mangano

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED EN BLOC 10/3

(Against: Crs. Bennett Youngman & Poliwka)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. approves the award of the contract for Waste Management Services to Suez Pty Ltd in accordance with the City's Request for Tender number RFT 2020-21.02 and comprising of that request, the City's Conditions of Contract, the Suez tender submissions inclusive of the Schedule of Rates and all post tender clarifications and negotiations;
2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Suez Pty Ltd to be executed; and
3. Instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.

13. Reports by the Chief Executive Officer

13.1 Review of Wards and Councillor Numbers

Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	1. A Review of Wards and Representation for the City of Nedlands - Options and Discussion

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor McManus

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 12/1
(Against: Mayor de Lacy)

Council Resolution / Committee Recommendation

That the item be deferred to an informal Councillor discussion.

Recommendation to Committee

Council:

1. endorses the Ward Review and Councillor Numbers Discussion Paper for the purposes of seeking public submissions; and
2. instructs the Chief Executive Officer to give local public notice of its intention to carry out a review of Wards and Councillor numbers and invites submissions as required under Clause 6(1) of Schedule 2.2 of the Local Government Act 1995.

Executive Summary

Local Governments are required to assess Wards and Councillors numbers every eight years. This report commences this process and recommends public consultation be undertaken.

Discussion/Overview

The City of Nedlands has four wards; Coastal, Hollywood, Melvista and Dalkeith.

The City of Nedlands has 12 councillors and a Mayor. Three councillors are elected from each ward.

Table: City of Nedlands elector to Councillor ratios - current situation

Ward	Number of Electors ¹	Number of Councillors	Councillor/ Elector Ratio	% Ratio Deviation
Coastal	4,320	3	1:1,440	+12.16%
Hollywood	4,046	3	1:1,349	+5.04%
Melvista	3,508	3	1:1,169	-8.92%
Dalkeith	3,533	3	1:1,178	-8.28%
Total	15,407	12	1:1,284	Not applicable

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

The current local government reform process is considering prescribing Councillor numbers to population though this has no legal standing presently. It would likely reduce the number of Councillors in the City of Nedlands if it went forward.

Key Relevant Previous Council Decisions:

The most recent ward and Councillor numbers assessment was carried out in 2012. No changes were made to the ward boundaries or Councillor numbers at that time.

The Review Process

The review process involves a number of steps:

- The Council resolves to undertake the review (this report)
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration

- If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

Assessment of the Options

Attachment 1 provides a discussion paper on the following options:

Ward Numbers

- 4 Wards
- 2 Wards
- No Wards

Councillor Numbers

- 12 Councillors
- 8 Councillors
- 6 Councillors (not suitable for a 4 Ward system. All other options are available)

The public consultation process will also provide for submission of other proposals for Ward and Councillor numbers.

Implementation of Proposed Changes

The local government can indicate to the Board when it prefers the implementation of proposed changes to take place. In most cases this will be at the next ordinary elections day however, there may be some instances where proposed changes to representation (e.g. a reduction in the number of offices of councillor created by a vacancy can take place the day after the date of gazettal) occur as soon as possible.

When offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method should give consideration to clauses 1 and 2 of Schedule 4.2 of the *Local Government Act 1995*. As near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

Consultation

Consultation will be carried out following approval to do so by Council.

Strategic Implications

How well does it fit with our strategic direction?

Not Applicable

Who benefits?

The community.

Does it involve a tolerable risk?

Yes.

Do we have the information we need?

Yes.

Budget/Financial Implications

Can we afford it?

How well does the option fit within our Long Term Financial Plan? What do we need to do to manage the costs over the lifecycle of the asset / project / service?

The direct impact of Councillor number reductions are discussed in the options paper in Attachment 1. It is not possible to quantify indirect financial impacts of different ward or Councillor numbers in terms of decision-making and strategic direction.

How does the option impact upon rates?

The direct impact of Councillor number reductions are discussed in the options paper in Attachment 1.

A Review of Wards and Councillor Numbers for the City of Nedlands

Options and Discussion

October 2020

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This document has been prepared by the Department of Local Government, Sport and Cultural Industries (the Department) for the review of ward boundaries and for the description of the role of councillors. City of Nedlands specific information is also included for assessment of its wards and Councillor numbers.

For more information, please contact:

Department of Local Government, Sport and Cultural Industries
Gordon Stephenson House, 140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

Telephone: (08) 6551 8700

Email: advisoryboard@dlgsc.wa.gov.au

Website: www.dlgsc.wa.gov.au

Translating and Interpreting Service (TIS) – Telephone: 13 14 50

Background

The City of Nedlands is undertaking a review of its ward system to comply with the requirements of the *Local Government Act 1995* (the Act).

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapse between successive reviews.

The last review of wards in the City of Nedlands was undertaken in 2012 and it is now due to carry out another review.

Current situation

Currently the City of Nedlands has twelve (12) councillors elected from four (4) wards as follows:

Table: City of Nedlands elector to Councillor ratios - current situation

Ward	Number of Electors ¹	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
Coastal	4,320	3	1:1,440	+12.16%
Hollywood	4,046	3	1:1,349	+5.04%
Melvista	3,508	3	1:1,169	-8.92%
Dalkeith	3,533	3	1:1,178	-8.28%
Total	15,407	12	1:1,284	Not applicable

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

Review process

The review process involves a number of steps:

- The Council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

Factors to be considered

When considering changes to wards and representation, Schedule 2.2 of the Act specifies five factors that must be taken into account by a local government as part of the review process:

1. Community of interest
2. Physical and topographic features
3. Demographic trends
4. Economic factors
5. Ratio of Councillors to Electors in the various wards.

The Board offers the following interpretation of these factors.

1. Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in a district as reflected in the catchment areas of local schools and sporting teams, or the circulation areas of local newspapers. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. Physical and topographic features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man-made features such as railway lines and freeways.

3. Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government. Further information on the demographics of the City of Nedlands is available at the Australian Bureau of Statistics website at the following link <https://www.abs.gov.au/>.

4. Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

5. Ratio of Councillors to Electors in the various wards

This matter has two distinct components. The first is the ratio of councillors to electors. The second is the overall number of councillors.

Ratio of councillors to electors

On the first component, it is expected that each local government will have similar ratios of electors to councillors across the wards of its district. Intuitively it is easy to see that under a ward system it is only fair that electors receive equal representation by ward councillors. This safeguards against deliberate or inadvertent ward bias by Council. The only other matter that arises here is whether to abolish wards. Without wards all councillors represent all electors equally, in principle.

Number of councillors

A review of councillor numbers should consider the effectiveness and efficiency of the councillor in both their individual and collective Council roles as defined by the Local Government Act 1995, s2.10.

2.10. Role of councillors

A councillor —

- a) represents the interests of electors, ratepayers and residents of the district; and
- b) provides leadership and guidance to the community in the district; and
- c) facilitates communication between the community and the council; and
- d) participates in the local government's decision-making processes at council and committee meetings; and
- e) performs such other functions as are given to a councillor by this Act or any other written law.

Performing the role of the Councillors and Council, is about being able to successfully meeting the objectives, roles and functions ascribed to them in the Local Government Act 1995 (the Act), its subsidiary legislation (Regulations and Local Laws) and other legislation that requires the local government to play a part. The measure of successful here is about considering whether there is an ideal number of councillors by which the City can meet these councillor and Council objectives, roles and functions. In addressing this matter, the various roles of the councillor are discussed below, and are based on information provided by the Department of Local Government, Sport and Cultural Industries at the following link.

<https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/the-role-of-a-council-member>

Representation

Representation refers to the act of speaking on behalf of someone. The more councillors per resident the greater the likelihood that representation is able to occur. One of the benefits of a large number of councillors is that the distribution of views across the councillors is more likely to be representative of the community itself. This does not take into account demographic differences but goes to the notion that a higher sample population (of councillors) will be more statistically representative of the main population, the electors.

Councillors represent the community's interests in many ways. They can pass on electors' views, support initiatives, and report complaints and problems they perceive, by informing the CEO or raising such matters in Council meetings. The representation of electors' views is complicated in Councils that operate under a ward system. Here, the councillor has both a duty to present the views of electors in his or her ward and to consider the good of the district as a whole when making a decision.

In terms of representation effectiveness there can be too many councillors. The more councillors the better the representation effectiveness.

An “**effectiveness**” a ratio of one councillor to 200 electors provides better representation than one councillor per 1000 electors. This works two ways. The councillors are more able to make direct contact with the electors and provide the representation, leadership, guidance and communication roles of a councillor, under section 2.10 of the Act. Collectively also, when in a Council or committee meeting, the higher the number of Councillors, the more likely it becomes statistically, that the views of the electors are reflected in the decisions of Council or committee.

In terms of “**efficiency**” representation is about whether the number of councillors, either too many or too few, leads to an inefficient decision-making process, or an unnecessary cost burden to the ratepayer. This can be affected by the systems and committees set up to support Council.

As a starting point the table below shows the population per councillor across all Western Australian local governments, in comparison to the City of Nedlands.

AREA	Population per Councillor
City of Nedlands	1,732
Western Australia	1,675
Inner Metropolitan Area	3,888
Inner + Outer Metropolitan Area	5,323
Metropolitan Lowest (Peppermint Grove)	244
Metropolitan Highest (Stirling)	15,713

The graph below shows the City of Nedlands as the 7th lowest population per Councillor for the Perth Inner and Outer Metropolitan local government districts.

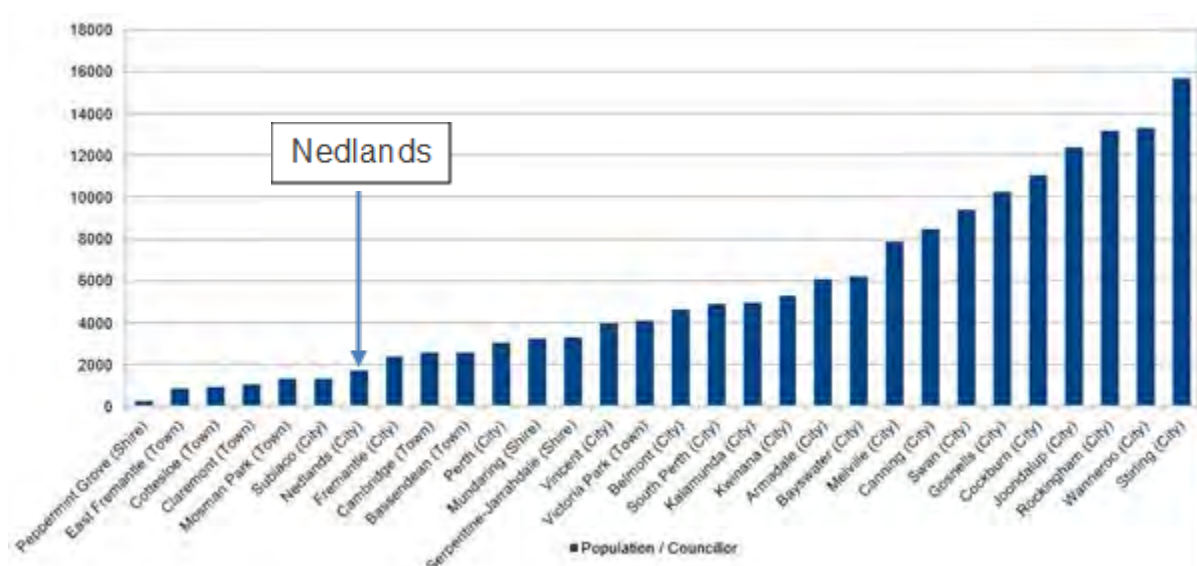


Figure 1. Graph of Population per Councillor for the Perth Inner and Outer Metropolitan Local Government Districts

The Cost of Representation

The fees, allowances and expenses paid to each councillor totals \$31,898. With 12 councillors this is \$382,416.

A reduction from 12 to 8 councillors would yield \$127,472 in savings.

A reduction from 12 to 6 councillors would yield \$191,208 in savings.

The administrative productivity yield for such a reduction would occur although noting some transfer of responsibility to remaining councillors and not all overheads are reduced (e.g. depreciation).

The question of cost and representation is one that may be a question best answered by community feedback, as it is the ratepayer who ultimately foots the bill for representation.

Representation KPIs

Representation is effective
Representation is efficient
Representation is cost efficient.

Providing leadership and guidance to the community

The Act doesn't provide specific information on how leadership and guidance are to be implemented in a local government by councillors, though civic leadership by the Mayor is well understood.

People often look to their elected representatives to provide leadership and guidance. This can be done by highlighting directions that could be followed, putting forward options, and presenting arguments or possible solutions to a problem at community forums and council meetings.

Developing a vision for the community and deciding what needs to be done to achieve that vision is an important role for council members. Convincing the community to endorse and follow that vision (and associated plans) requires leadership.

It is important to recognise that the most fundamental task is trying to achieve a strong sense of shared purpose and commitment. The needs and desires of the community are constantly changing and evolving. Councillors must be prepared to initiate new policies and activities in response to these changes.

The matters to be considered for the number of members of a board are summarised by the Australian Institute of Company Directors (AID) in the following link.

https://aicd.companydirectors.com.au/~media/cd2/resources/director-resources/director-tools/pdf/05446-3-1-mem-director-tools-gr-number-of-directors_a4-web.ashx

Leadership and Guidance KPIs

Options are put forward and well considered.
Council has a clear vision
The Community has a strong shared purpose and commitment.
New policies are initiated and implemented in response to change

Facilitating communication between the community and the council

To be effective, councillors need to understand the views of the people they represent. Communication is a multi-faceted process that needs to flow both ways to be effective. Councillors provide information to the community about the policies and decisions of council, and the community relays its desires, concerns and opinions to the council through the councillors.

To represent both electors and the council effectively, a councillor needs to be a good communicator and keep in touch with the local community.

Councillors can keep in touch with electors in a variety of ways including:

- attending meetings of local organisations;
- being available and responding to residents who wish to raise issues or concerns;
- attending events arranged by the local government;
- participating in functions held in the local area;
- communicating with the community via a newsletter, email or website; and
- reading the local newspaper.

Communication KPIs

Attending meetings of local organisations
Being available and responding to residents who wish to raise issues or concerns
Attending events arranged by the local government
Participating in functions held in the local area
Communicating with the community via a newsletter, email or website
Reading the local newspaper

Decision making

Decision making occurs across a range of matters for councillors in committee and Council meetings, including:

- Policy making and review;
- Planning for the future (Integrated Strategic Planning)
- Managing assets in the Corporate Business Plan, Asset Management Plans and in budgetting;
- Finances;
- Strategic and Statutory Planning

Decision-making KPIs

Determining and reviewing policy and local laws
Planning for the future
Managing Assets
Finances
Strategic and Statutory planning

Other Duties - Attending meetings

Council members have a duty to attend all council meetings to ensure that electors are adequately represented. Committee meeting attendance is also necessary where councillors are nominated to these.

Many local governments operate using a system of committees to reduce the work at council meetings. These committees are established to consider specific aspects of a local government's operation such as finance, works, community services or planning. Each committee usually includes a small number of councillors who generally make recommendations to full council. Many councils also operate using committees which include non-elected members such as employees, consultants or community members.

The number of meetings a councillor must attend each month will vary according to the frequency of council meetings and the number of committees on which the elected member sits. (Most local governments have monthly, or fortnightly council meetings and committee meetings may be held several days prior to the full council meeting or on the same day.)

Some local governments have other types of meetings outside the formal council meeting framework which allow councillors and officers to meet and discuss matters.

Other Duties KPIs.

Council meetings
Committee meetings
Other meetings

Other matters raised by the Department on the Number of Councillors

The preferred number of councillors for a local government is a matter for the local government. There is a diverse range of councillor/elector ratios across Western Australia reflecting sparsely populated remote areas and the highly populated urban areas. The size and structure of a local government will impact on the deliberations involved in determining the number of elected members needed to service the local government.

The **advantages** of a reduction in the number of elected members may include the following:

- The decision-making process may be more effective and efficient if the number of elected members is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier. There is also more scope for team spirit and cooperation amongst a smaller number of people.
- The cost of maintaining elected members is likely to be reduced.
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- A reduction in the number of elected members may result in an increased commitment and interest and participation in Council's affairs by elected members generally.
- Fewer elected members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
- There is a State wide trend in reductions in the number of elected members and many local governments have found that fewer elected members has improved their decision making process.

The **disadvantages** of a reduction in the number of elected members may include the following:

- A smaller number of elected members may result in an increased workload for incumbent members and may reduce efficiency and effectiveness.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.

Options to consider

Council will consider the following options and members of the community may suggest others.

The Options for Wards are as follows:

- Option 1: Four wards (current)**
- Option 2: Two wards**
- Option 3: No wards**

The Options for Councillor numbers are as follows:

- Option A: 12 councillors (current)**
- Option B: 8 councillors**
- Option C: 6 councillors**

Note that for 4 wards 6 councillors is not an option. All other combinations are available.

Submissions on alternative Ward and Councillor Numbers, not considered here, can be made.

These tables are working sheets and can be used to compare Ward Numbers and to compare Councillor Numbers.

WARD NUMBERS					
Option No.: Description	Community of interest	Physical and topographic features	Demographic trends	Economic factors	Ratio % Deviation of Councillors to Electors
1: Four Wards (Current)					
2: Two Wards					
3: No Wards					

NUMBER OF COUNCILLORS (ranking 1 = best; 3 = worst: based on KPI outcomes)								
Option. Number of councillors	Represent ation Effectiven ess	Represent ation Efficiency	Cost	Leadership & Guidance	Facilitating Communic ation	Decision Making	Other Duties	TOTAL
A: 12								
B: 8								
C: 6								

WARD NUMBER OPTIONS

The three ward number options are discussed below.

OPTION 1 – Maintain current ward boundaries

The following is an assessment of the current situation against the factors.

A ward boundary adjustment to balance elector numbers would need to adjust all inter-ward boundaries, given the higher number of electors to councillor imbalance is in both the Coastal and Hollywood wards. It is not readily obvious, given that the existing boundaries are lined up along main roads how the realignment would occur given that a realignment may impact on other considerations such as community of interest, demographics and economic factors.

A map showing the current ward boundaries is shown below.



Current Ward Features and Landmarks (not exhaustive)

COASTAL WARD
Feature / Landmark
Swanbourne Beach
Allen Park
Allen Park Heritage Precinct (buildings)
Graylands Hospital
Mt Claremont Library
Mt Claremont Community Centre
Swanbourne Primary School
Swanbourne Army Complex including Campbell Barracks
HBF / Challenge Stadium
John XX111 College
Cottesloe Golf Course
McGillvray Ovals
Light Industrial Area – John 23 rd Ave and Brockway
Asquith Village Precinct

HOLLYWOOD WARD
Feature / Landmark
Hollywood Hospital
Aged Care Precinct
Irwin Barracks
Karakatta Cemetery
Carrington St Commercial Precinct
Lemnos Precinct Light Industrial Area and Not For Profit Area
Perth War Cemetery (Commonwealth War Graves), (West Australian Garden of Remembrance), (Dutch War Graves)
Hollywood Primary School
Shenton Park Bush Land Reserve
Highview Park and Hollywood Bowling Club
Lawler Park
Hamden Road Commercial Area
CSIRO Research Facility
Subiaco Wastewater Facility
Railway Line
Stirling Highway Mixed Use Area

MELVISTA WARD
Feature / Landmark
Melvista Park
College Park
Drabble House
City Administration Centre
Peace Memorial Rose Garden
Tresillian Community Centre
Nedlands Public Library

Windsor Theatre
Nedlands Primary School
Loreto Primary School
Stirling Highway Mixed Use Area

DALKEITH WARD
Feature / Landmark
Gallop House
Sunset Site
(former) Tawarri Site
All Abilities Play Space
Dalkeith Gunners Memorial Birdwood Parade
Melvista Reserve
Waratah Village Precinct
Point Resolution Reserve
David Cruikshank Reserve
Masons Gardens
Dalkeith Hall
Carmelite Monastery
Nedlands Yacht Club and Flying Squadron Yacht Club
Nedlands Foreshore
Nedlands Golf Course

Advantages of this option include:

1. Community of Interest. All wards share a common community of interest overall as a residential, village-based community. A ward system allows for specific focus on the ward based community of interest factors.
2. Physical and topographical features. There is some variability in the physical and topographical features. There is a simple and clearly delineated ward boundary.
3. Demographic Trends. Nil.
4. Economic Factors. The wards are economically diverse with light industrial/ commercial areas, large education facilities and large areas set aside for state and federal government purposes. A ward system allows for specific focus on the ward based economic factors.
5. Ratio of councillors to electors. Nil.

Disadvantages of this option include:

1. Community of Interest. Nil.
2. Physical and topographical features. Nil.
3. Demographic Trends. The wards have disparate demographic impacts due to the Local Planning Scheme 3 infill.
4. Economic Factors. Nil.
5. Ratio of councillors to electors is more than 10% Ratio Deviation maximum recommended by the Department.

This is unaffected by the number of councillors and will remain the same whether there are 6, 8 or 12 councillors. 12 councillors is used below for illustration purposes.

Option 1 Table: City of Nedlands elector to councillor ratios - current situation

Ward	Number of Electors ¹	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
Coastal	4,320	3	1:1,440	+12.16%
Hollywood	4,046	3	1:1,349	+5.04%
Melvista	3,508	3	1:1,169	-8.92%
Dalkeith	3,533	3	1:1,178	-8.28%
Total	15,407	12	1:1,284	Not applicable

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for each ward.

It can be seen that there is some imbalance in representation with the Coastal Ward being underrepresented by more than 12.16%. A balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

Under normal circumstances an imbalance of greater than 10% would prompt a ward boundary realignment. However, the 2019 adoption of the new Local Planning Scheme 3 will put infill development into the Melvista and Hollywood Wards and to a lesser extent into the Dalkeith Ward followed by a small amount in the Coastal Ward. Based on current surge in development applications (about 120 currently with the City) the changes in Ward elector numbers will start to occur in the next year as developments are built.

The Coastal Ward deviation ratio is may decrease and fall within the 10 % range in coming years. The Hollywood and Melville Wards deviation ratios will trend upward and to a lesser extent, so might Dalkeith, although this depends on the pace of development in each ward.

OPTION 2: Two Wards

In this option the Coastal Hollywood wards are combined to become the “Coast” or “North” Ward and the Melvista and Dalkeith wards are combined to become the “River” or “South” Ward, so named due to proximity their adjacent water bodies. The boundary is Stirling Highway.

Advantages of this option include:

1. Community of Interest. Both wards share a common community of interest overall as a residential, village-based community. A ward system allows for specific focus on the ward-based community of interest factors.

2. Physical and topographical features. Both wards have a defining and attractive water feature boundary, the ocean to the west and the river to the east. There is a simple and clearly delineated ward boundary.
3. Demographic Trends. Both wards share a family led demographic. Both wards share the Local Planning Scheme 3 infill, including along a common boundary. This creates a unifying effect for Council as it deals with the issues associated with infill.
4. Economic Factors. The wards are economically diverse with light industrial/commercial areas, large education facilities and large areas set aside for state and federal government purposes. A ward system allows for specific focus on the ward based economic factors, although to a lesser extent than a four-ward system.
5. Ratio of councillors to electors is less than 10% Ratio Deviation maximum recommended by the Department. This is unaffected by the number of councillors and will remain the same whether there are 6, 8 or 12 councillors. 8 councillors is used below for illustration purposes.

Option 2 Table: Two Wards % Ratio Deviation

Ward	Number of Electors ¹	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
Coast (North)	8,366	4	1:2,092	+8.60%
River (South)	7,041	4	1:760	-8.60%
Total	15,407	8	1:1,926	Not applicable

Disadvantages of this option include:

1. Community of Interest. Nil.
2. Physical and topographical features. Nil.
3. Demographic Trends. Nil.
4. Economic Factors. Nil.
5. Ratio of councillors to electors. Nil.

OPTION 3: No Wards

In this option the ward system is abolished.

Advantages of this option include:

1. Community of Interest. Nil.
2. Physical and topographical features. Nil.
3. Demographic Trends. The City shares a family led demographic. The impact of Local Planning Scheme 3 will not cross ward boundaries.
4. Economic Factors. Nil.
5. Ratio of councillors to electors is no longer an issue as all councillors represent all areas of the City.

Additional factors for consideration are discussed below in support of a no ward system.

- Elected members are elected by the whole community not just a section of it.
- Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward.
- Members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for the Council to administer.
- Elected members can become too focused on their wards and less focused on the affairs of other wards and the whole local government.
- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members may regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if the local government area is not homogenous.

Disadvantages of this option include:

1. Community of Interest. While there are commonalities in the community of interest across the City, Council may lose some ability to specifically focus on the specific differences in the communities of interest across the City.
2. Physical and topographical features. Council may lose some ability to specifically focus on the specific differences in the physical and topographical features across the City.
3. Demographic Trends. Nil.
4. Economic factors. The City is economically diverse geographically with light industrial/ commercial areas, large education facilities and large areas set aside for state and federal government purposes. A no ward system may lead to local government imbalance in outcomes.
5. Ratio of councillors to electors. Nil.

Many local governments have a ward system and find that it works well for them. Having a ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.
- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- There is potential for an interest group to dominate the Council.
- Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

13.2 Common Seal Register Report – September 2020

Moved – Councillor Hodsdon
 Seconded – Councillor McManus

The attached Common Seal Register Report for the month of September 2020 be received.

CARRIED UNANIMOUSLY 13/-

September 2020

SEAL NUMBER	DATE SEALED	DEPARTMENT	MEETING DATE / ITEM NO.	REASON FOR USE
949	4 September 2020	Planning & Development	Special Council Meeting 3 September 2020 Item 9	Scheme Amendment No. 7 – Amendment to Density Coding on Broadway, Hillway, Kingsway, Edward and Elizabeth Street submission to Western Australian Planning Commission

13.3 List of Delegated Authorities – September 2020

Moved – Councillor Mangano
 Seconded – Councillor Youngman

The attached List of Delegated Authorities for the month of September 2020 be received with the complete addresses added.

CARRIED UNANIMOUSLY 13/-

Date of use of delegation of authority	Title	Position exercising delegated authority	Act	Section of Act	Applicant / CoN / Property Owner / Other
Month Year					
1/09/2020	BA122425 - Certified Building Permit - Gatehouse and Front Fence - 16 Viking Road Dalkeith	A/Manager Building Services	Building Act 2011	Section 20.1	Mercedes Group Pty Ltd T/As Zorzi Builders
1/09/2020	BA123156 - Amendment to BA55174 - 31 Mountjoy Rd Nedlands	A/Manager Building Services	Building Act 2011		Mitchell Construction (WA) Pty Ltd
1/09/2020	BA123180 - Certified Building Permit - Two Storey Dwelling - 8 Bedford Street Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Webb & Brown Neaves Pty Ltd
1/09/2020	BA123063 - Verge Materials Permit - 30 Dalkeith Road, Dalkeith	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Proud Holdings Pty Ltd

1/09/2020	BA123817 - Verge Materials Permit - 13 Doonan Road, Nedlands	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Essential First Choice Homes
2/09/2020	BA122962 - Certified Building Permit - Forward Works (basement) - 30 Dalkeith Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Proud Holdings Pty Ltd
2/09/2020	BA123831 - Uncertified Building Permit - Patio - 89 Hardy Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	K Johansson
2/09/2020	(APP) - DA20-48561 - 25 Godetia Gardens, Mount Claremont - Additions to Single House (patio)	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Sertorio Homes
2/09/2020	BA123886 - Verge Materials Permit - 59 Watkins Road, Dalkeith	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Mercedes Group Pty Ltd
2/09/2020	3047513 - Withdrawn Parking Infringement Notice - Vehicle Breakdown	Manager Health and Compliance	Local Government Act 1995	Sections 9.20\6.12(1)	Ralph Newton
3/09/2020	(APP) - DA20-49126 - 114A Victoria Avenue, Dalkeith - Additions to Single House (deck)	principal planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Cross Design Group
3/09/2020	3043521 - Withdrawn Parking Infringement Notice - Vehicle Breakdown	Manager Health and Compliance	Local Government Act 1995	Sections 9.20/6.12(1)	Jake Eckersley

3/09/2020	3043513 - Withdrawn Parking Infringement Notice - Officer Error	Manager Health and Compliance	Local Government Act 1995	9.20\6.12(1)	Caroline Hughes
4/09/2020	BA123117 - Occupancy Permit - 103a Waratah Ave Dalkeith	A/Manager Building Services	Building Act 2011	Section 58.1	Helen Clarke
4/09/2020	BA122624 - Building Approval Certificate - 10-26 Broome Street Nedlands	A/Manager Building Services	Building Act 2011	Section 58.1	Sasha Brasnett
4/09/2020	BA124164 - Certified Building Permit - Pool & Barrier - 5 Vix St Dalkeith	A/Manager Building Services	Building Act 2011	Section 20.1	Barrier Reef Pools
4/09/2020	(APP) - DA20-52252 - 127 Rochdale Road Mount Claremont - Front Fence and Gate	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Kai Constructions
4/09/2020	BA122630 - Certified Building Permit - 4 Grouped Dwellings	A/Manager Building Services	Building Act 2011	Section 20.1	Soveriegn Building Company
7/09/2020	(APP) - DA20-46493 - 96 Clement Street, Swanbourne - Single Dwelling	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Distinctive Homes WA
7/09/2020	BA123513 - Certified Building Permit - Wall Removal - 9 Bedbrook Place, Shenton Park	A/Manager Building Services	Building Act 2011	Section 20.1	Western Building Pty Ltd
7/09/2020	BA124264 - Certified Building Permit - Front Fence - 62 Williams Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	West to West Carpentry Services Pty Ltd

7/09/2020	BA123852 - Certified Building Permit - Alterations & Additions - 41 Taylor Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Reece Beresford T/A Tru-Line Construction
7/09/2020	BA124252 - Building Approval Certificate - Rear Fence - 62 Williams Street Nedlands	A/Manager Building Services	Building Act 2011	Section 58.1	Connor Morrison
7/09/2020	BA123400 - Certified Building Permit - Pool and Temporary Barrier - 10 Mayfair Street Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Aquatic Leisure Technologies Pty Ltd
9/09/2020	BA123783 - Certified Building Permit - Additions - 31 North Street Swanbourne	A/Manager Building Services	Building Act 2011	Section 20.1	Veronique Plazy
9/09/2020	BA124358 - Certified Building Permit - Additions	A/Manager Building Services	Building Act 2011	Section 20.1	Mulvay Pty Ltd T/A Mulvay Builders
9/09/2020	BA122409 - Uncertified Building Permit - Patio - 27 Meriwa Street Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Patio Perfect
9/09/2020	(APP) - DA20-49169 - 22 Edward Street, Nedlands - Patio and ancillary dwelling	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	M J Penfold
9/09/2020	(APP) - DA20-49169 - 22 Edward Street Nedlands - Patio and Ancillary Dwelling	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	M J Penfold

9/09/2020	3044042 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Sections 9.20/6.12(1)	Casey Hall
10/09/2020	BA123797 - Certified Building Permit - Two Storey Dwelling & Retaining - 13 Doonan Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Essential First Choice Homes
10/09/2020	BA123759 - Certified Building Permit - Two Storey Dwelling - 10 Kirwan Street Floreat	A/Manager Building Services	Building Act 2011	Section 20.1	Kingscrest Holdings Pty Ltd T/A Nicolaou Constructions
10/09/2020	BA124442 - Demolition Permit - Full site - 131 Circe Circle Dalkeith	A/Manager Building Services	Building Act 2011	Section 21.1	Brajkovich Demolition & Salvage Pty Ltd
10/09/2020	BA124840 - Verge Materials Permit - 41 Taylor Road, Nedlands	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Tru-line Constructions
10/09/2020	3047463 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Justin Warren
10/09/2020	BA124450 - Verge Materials Permit - 1b Second Avenue, Claremont	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Paul Poliwka
11/09/2020	BA124187 - Certified Building Permit - Two storey dwelling - 8a Bedford Street, Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Webb & Brown-Neaves Pty Ltd

11/09/2020	BA121281 - Certified Building Permit - Additions & Retaining - 21 Colin Street, Dalkeith	A/Manager Building Services	Building Act 2011	Section 20.1	Sertorio Homes
11/09/2020	(APP) - DA20-49126 - 4 The Marlowes - Additions	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	R Paolucci
14/09/2020	3047505 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Julia Xie
15/09/2020	BA123206 - Uncertified Building Permit - Alterations - 6 Blenheim Lane Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Andrew Nunan
15/09/2020	BA125134 - Verge Materials Permit - 14 Cross Street, Swanbourne	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Ocean Corporation Australia Pty Ltd
15/09/2020	3044073&3043547 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Sections 9.20\6.12(1)	Chris Wright
16/09/2020	BA124219 - Uncertified Building Permit - reconstruct stairs - 9a Webster Street Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	CASM Construction
16/09/2020	BA123310 - Certified Building Permit - Ancillary Accommodation - 12 Bedford Street Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Albec Construction

16/09/2020	BA121846 - Demolition Permit - Full site - 9 Lisle Street Mt Claremont	A/Manager Building Services	Building Act 2011	Section 21.1	AAA Demolition & Tree Service
16/09/2020	BA124145 - Demolition Permit - Full site - 17 Doonan Road Nedlands	A/Manager Building Services	Building Act 2011	Section 21.1	AAA Demolition & Tree Service
16/09/2020	BA124237 - Certified Building Permit - Pergola - 75 Dalkeith Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Landscape by Design
16/09/2020	BA124461 - Demolition Permit - Full Site - 36 Strickland Street Mt Claremont	A/Manager Building Services	Building Act 2011	Section 21.1	Brajkovich Demolition & Salvage Pty Ltd
16/09/2020	BA125090 - Demolition Permit - Full Site - 66 Watkins Road Dalkeith	A/Manager Building Services	Building Act 2011	Section 21.1	Maxbay Pty Ltd
16/09/2020	(APP) - DA20-49908 - 500 Railway Road, Nedlands - Additions to Cemetery	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Slavin Architects Pty Ltd
16/09/2020	(APP) - DA20-49923 - 78 Kirwan Street, Floreat - Additions (Cabana to Single House)	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Kerri Fennell
16/09/2020	3047805 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Section 9.20/6.12(1)	Sarah Ware
16/09/2020	3044084 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Section 9.20\6.12(1)	Alfred Koech

17/09/2020	(APP) - DA20-50945 - 32 Kirwan Street, Floreat - Additions to Single House (Cabana, Patio & Front Fence)	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Principle Landscapes
17/09/2020	BA124666 - Demolition Permit - Full Site - 44 Waratah Avenue Dalkeith	A/Manager Building Services	Building Act 2011	Section 20.1	Maxbay Pty Ltd
17/09/2020	BA121122 - Certified Building Permit - Repairs to boundary wall - 7 Finsbury Grove Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121114 - Certified Building Permit - Repairs to boundary wall - 5 Finsbury Grove Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121093 - Certified Building Permit - Repairs to boundary wall - 7 Lambeth Mews Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121129 - Certified Building Permit - Repairs to boundary wall - 9 Finsbury Grove Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121086 - Certified Building Permit - Repairs to boundary wall - 5 Lambeth Mews Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd

17/09/2020	BA121107 - Certified Building Permit - Repairs to boundary wall - 3 Finsbury Grove Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121064 - Certified Building Permit - Repairs to boundary wall - 1 St Johns Wood Blvd Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121071 - Certified Building Permit - Repairs to boundary wall - 1 Lambeth Mews Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA122463 - Certified Building Permit - Repairs to boundary wall - 15 Finsbury Grove Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121143 - Certified Building Permit - Repairs to boundary wall - 13 Finsbury Grove Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121079 - Certified Building Permit - Repairs to boundary wall - 3 Lambeth Mews Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA121100 - Certified Building Permit - Repairs to boundary wall - 9 Lambeth Mews Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd

17/09/2020	BA121136 - Certified Building Permit - Repairs to boundary wall - 11 Finsbury Grove Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Angularem Pty Ltd
17/09/2020	BA123908 - Demolition Permit - Full site - 65 Dalkeith Road Nedlands	A/Manager Building Services	Building Act 2011	Section 21.1	Maxbay Pty Ltd
17/09/2020	BA124402 - Certified Building Permit - Pool and Barrier - 35 Langham Street Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Barrier Reef Pools Perth
17/09/2020	BA124957 - Building Approval Certificate - Pergola and Deck - 21 Ord Street Nedlands	A/Manager Building Services	Building Act 2011	Section 58.1	Specialised Building Solutions Pty Ltd
17/09/2020	(APP) - DA20-50736 - 61-63 The Avenue, Nedlands - Amendment to DA18-32722 (Removal of Condition 2)	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Ernest Tan
18/09/2020	BA125257 - Certified Building Permit - Pool Barrier - 74 Dalkeith Rd Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Aquatic Leisure Technologies
18/09/2020	BA123290 - Certified Building Permit - Dwelling, Studio, Pool, Barrier & Fence - 35 Mayfair St Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Matthew Deal
18/09/2020	3047856 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Sections 9.20/6.12/(1)	Hira Shaukat

18/09/2020	3043549 - Withdrawn Parking Infringement Notice - Officer Error	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	A R Mowla
21/09/2020	(APP) - DA20-50320 - 54 Taylor Road Nedlands - Additions to Single House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Hanna Construction Co Pty Ltd
21/09/2020	(APP) DA20-50950 - 98 Melvista Avenue - Amendment to DA20-45406	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Averna Pty Ltd
21/09/2020	(APP) - DA20-50623 - 25 Kirwan Street - Additions (Carport to Single House)	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Austin Developments
21/09/2020	(APP) - DA20-48846 - 38 Jutland Parade - Gatehouse and Fence to Existing House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Urbanista Town Planning
21/09/2020	(APP) - DA20-48843 - 36 Jutland Parade - Gatehouse and Fence to Existing House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Urbanista Town Planning
21/09/2020	(APP) - DA20-48849 - 40 Jutland Parade - Gatehouse and Fence to Existing House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Urbanista Town Planning

21/09/2020	3047857 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	Sections 9.20/6.12(1)	Matt Harding
21/09/2020	BA125580 - Verge Materials Permit - 35 Wavell Road, Dalkeith	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Mulvey Pty Ltd
22/09/2020	BA124536 - Certified Building Permit - Dwelling & Retaining Walls - 22 Gallop Road Dalkeith	A/Manager Building Services	Building Act 2011	Section 20.1	Webb & Brown-Neaves Pty Ltd
22/09/2020	BA124682 - Demolition Permit - partial site - 7 Vix Street Dalkeith	A/Manager Building Services	Building Act 2011	Section 21.1	Maxbay Pty Ltd
22/09/2020	BA124852 - BA19 (amendment to BA58421) - 105 Melvista Avenue Nedlands	A/Manager Building Services	Building Act 2011		Springate Constructions Pty Ltd
22/09/2020	BA125561 - Demolition Permit - Full site - 22 Gallop Road Dalkeith	A/Manager Building Services	Building Act 2011	Section 21.1	Hazelton Property Group Pty Ltd
22/09/2020	BA125462 - Demolition Permit - Full site - 16 Adderley Street Mt Claremont	A/Manager Building Services	Building Act 2011	Section 21.1	Hazelton Property Group Pty Ltd
22/09/2020	BA125626 - Certified Building Permit - Louvred Pergola - 26 Vincent St Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Louvre Shade
22/09/2020	BA125454 - Demolition Permit - Full Site - 58 Browne Avenue Dalkeith	A/Manager Building Services	Building Act 2011	Section 21.1	Brajkovich Demolition & Salvage Pty Ltd

22/09/2020	(APP) - DA20-50724 - 51 Wood Street, Swanbourne - Additions and Alterations	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	D4 Design
22/09/2020	3043512 - Withdrawn Parking Infringement Notice - Officer Error	Manager Health and Compliance	Local Government Act 1995	Sections 9.20/6.12(1)	Mellisa
23/09/2020	BA123600 - Uncertified Building Permit - Additions - 10 Viewway Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Heritage Homes
23/09/2020	BA124771 - Occupancy Permit - 91 Monash Av Nedlands	A/Manager Building Services	Building Act 2011	Section 58.1	Breast Cancer Research Centre WA
23/09/2020	BA124890 - Certified Building Permit - Two Storey Dwelling - 11 Sadka Lane Shenton Park	A/Manager Building Services	Building Act 2011	Section 20.1	Castle Projects
23/09/2020	BA120548 - Demolition Permit - Full Site - 90 Mountjoy Rd Nedlands	A/Manager Building Services	Building Act 2011	Section 21.1	Mr Cut Demolition
23/09/2020	BA124622 - Certified Building Permit - Pergola - 46 Mountjoy Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Addstyle Constructions Pty Ltd
23/09/2020	BA60858 - Building Approval Certificate - Ancillary Dwelling & Patio - 22 Edward St Nedlands	A/Manager Building Services	Building Act 2011	Section 58.1	Matthew Penfold
23/09/2020	BA125233 - Certified Building Permit - Pool and Temporary Barrier - 75 Dalkeith Road Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Aquatic Leisure Technologies Pty Ltd

23/09/2020	(APP) - DA20-47504 - 88 Tyrell Street, Nedlands - Residential - Single House	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Distinctive Homes WA
23/09/2020	BA125876 - Verge Materials Permit - 54 Taylor Road, Nedlands	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Hanna Construction Co Pty Ltd
23/09/2020	BA125778 - Verge Materials Permit - 56 Minora, Dalkeith	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	John McMath
24/09/2020	(APP) - DA20-49536 - 64 Mayfair Street, Nedlands - 2 x Grouped Dwellings	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Distinctive Homes WA
25/09/2020	BA124597 - Certified Building Permit - Retaining & Pool Barrier - 31 Wavell Rd Dalkeith	A/Manager Building Services	Building Act 2011	Section 20.1	TDL Pty Ltd
25/09/2020	BA125644 - Demolition Permit - Full site - 89 Florence Road Nedlands	A/Manager Building Services	Building Act 2011	Section 21.1	Maxbay Pty Ltd
25/09/2020	BA125155 - Certified Building Permit - Pool & Temporary Pool Barrier - 39 Strickland Street Mt Claremont	A/Manager Building Services	Building Act 2011	Section 20.1	Aquatic Leisure Technologies Pty Ltd
25/09/2020	BA125060 - Certified Building Permit - Shop Fitout - 29 Broadway Nedlands	A/Manager Building Services	Building Act 2011	Section 20.1	Redstone Constructions Pty Ltd

25/09/2020	BA123879 - Certified Building Permit - Two Storey Dwelling - 59 Watkins Road Dalkeith	A/Manager Building Services	Building Act 2011	Section 20.1	Mercedes Group Pty Ltd
25/09/2020	BA125570 Demolition permit - Full site - 32 Tyrell Street Nedlands	Manager Building Services	Building Act 2011	Section 21.1	Brajkovich Demolition & Salvage Pty Ltd
25/09/2020	BA125310 - Building Approval Certificate - Shed & Garage - 5 Reeve Street Swanbourne	A/Manager Building Services	Building Act 2011	Section 58.1	Russell Building Approvals
25/09/2020	BA125948 - Verge Materials Permit - 8 Bedford Street, Nedlands	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	Section 6.1	Webb & Brown Neaves Pty Ltd
29/09/2020	BA124824 Certified building permit - Pool - 59 Kirwan Street, Swanbourne	Manager Building Services	Building Act 2011	Section 20.1	Aquatic Leisure Technologies Pty Ltd
29/09/2020	BA125321 Certified building permit - Alterations - 5 Reeve Street, Swanbourne	Manager Building Services	Building Act 2011	Section 20.1	Mr P S Phillips
29/09/2020	BA125109 Certified building permit - Re-roof - 129 North Street, Swanbourne	Manager Building Services	Building Act 2011	Section 20.1	Bower Roofing & Restoration
30/09/2020	(APP) - DA20-49487 - 59 Riley Road - Residential - Two Storey Single House and Primary Street Fencing	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Building Corporation WA Pty Ltd

13.4 CEO KRA Quarterly Report – October 2020

Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The CEO declares a financial interest in this item, given the Key Results Areas form part of the CEO's contract. The CEO will leave the room for this item.
CEO	Mark Goodlet
Attachments	1. KRA Summary TLR
Confidential Attachments	Nil

Mark Goodlet, left the meeting at 10.58 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 10/3

(Against: Crs. Bennett Mangano & Hay)

Council Resolution / Recommendation to Council

That Council:

- 1. receives the attached Key Results Area (KRA) Traffic Light Report; and**
- 2. notes that the CEO will provide a further report to Council, for endorsement, in November 2020 which deals with the following;**
 - a. “key issues” identified in this first report;**
 - b. actions proposed;**
 - c. timeframes for actions;**
 - d. delivery methods; and**
 - e. proposed updates to KRAs (if required)**

Executive Summary

This report introduces the CEO Key Results Area (KRA) quarterly progress report.

The KRA report covers the following metrics:

- Ten (10) Key Result Areas (KRAs)
- Seventeen (17) Goals – that are set to achieve the KRAs
- Fifty-Two (52) Actions – that will be tracked throughout the year to show progress

These actions will help Council identify progress towards the target dates set for completion and allow the CEO to raise key issues with Council as they progress. This forms the first of the CEO KRA reports. Further presentation refinements will be implemented in future reports.

Discussion/Overview

Background

Discussion/Overview

Background

CEO KRAs were set by Council to establish a clear baseline and measure progress against Council's objectives.

A straightforward system for ongoing reporting is provided in Attachment 1 so the Council will obtain a similar KRA report from the CEO quarterly.

The KRA report baseline reviewed all required actions along with any progress to date. This captured key notes as shown on the report and all activity was assessed against the following colour coding to allow simple viewing of results:

KRA Report Colour Coding

	On Track	Action is on track to meet target date
	Some Issues but Likely to be Resolved	Action has some minor issues but these are likely to be resolved and the action should be completed on time.
	Key Issues	Action has major issues and unless rectification is completed then it is unlikely to be completed on time.
	Completed	Action has been completed and systems or processes are in place.
	Not Started	Action has not yet been started.

Key Relevant Previous Council Decisions:

Council Resolution – Ordinary Council Meeting - 28 July 2020

Council Resolution

That Council:

1. having considered Councillor feedback on Chief Executive Officer Mark Goodlet's performance, approves and endorses the finding of "satisfactory" performance;
2. approves the revised draft CEO Key Result Areas (as amended in Confidential Attachment 3) to apply to the CEO for the next 12 months, such KRA's having been provided to the CEO for review and comment and finalised by the CEO Performance Review Committee; and
3. notes the WA Salaries and Allowances Tribunal determination is to not increase salary bands for the 2020/2021 financial year and recommends to Council that the CEO's remuneration remains unchanged until the next annual review in 2021.

Consultation

These KRAs were developed through the CEO Performance Review Committee and adopted by Council.

Strategic Implications

This KRA report supports the delivery of Council's Strategic Community Plan by giving Council a high-level view of key components of the Corporate Business Plan, that the CEO is required to deliver. In addition, it will ensure these are aligned and being completed within required timescales.

Budget/Financial Implications

This KRA report is designed to be updated by the CEO and key officers going forward, as part of their normal duties. Therefore, there are no budget or financial implications going forward.

Mark Goodlet, returned to the meeting at 11.06 pm.

Moved – Councillor Coghlan
Seconded – Councillor Bennett

That items 13.10 & 13.13 be brought forward.

CARRIED UNANIMOUSLY 13/-

CEO KEY RESULTS AREAS 2020-2021						
GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
1 - SERVICE DELIVERY TARGETS FROM THE COUNCIL'S STRATEGIC COMMUNITY PLAN						
1.1 - Corporate Business Plan (CBP) is activated	1.1.1 - Complete CBP for Council approval, in alignment with opportunities and challenges identified at Council Strategy Day March 2020 and clear linkages with SCP 2018-2028.	Nov-20	Lorraine Driscoll		CBP update is going to Council Oct 2020 with any identified changes and updates to be completed by Nov 2020	2-On track to meet delivery date
1.2 - Strategic Community Plan (SCP) is comprehensively linked to CBP and Long-Term Financial Plan (LTFP)	1.2.1 - Present comprehensive and descriptive reports to Council on progress of identified actions in SCP, CBP, LTFP and Capital Works Program (CWP).	Quarterly Jul - Oct - Jan - Apr	Lorraine Driscoll		The Corporate Business Plan is currently being reviewed with a report to Council at its October round of meetings. A process is being developed to automate reporting of progress towards actions identified in the different plans	2-On track to meet delivery date
	1.2.1 - Present comprehensive and descriptive reports to Council on progress of identified actions in SCP, CBP, LTFP and Capital Works Program (CWP).	Quarterly Jul - Oct - Jan - Apr		Jim Duff	Reporting on Capital Works is in place through CEO Updates. Further development of this is needed to link to the CBP and SCP with direct linkages to LTFP.	3- Some issues but will likely be resolved.

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	1.2.2 Develop service delivery targets that are transparent and easily accessible.	Quarterly Jul - Oct - Jan - Apr	Lorraine Driscoll	Jim Duff	This is a whole of organisation approach, service levels currently exist in each area. It is proposed that these are reviewed and workshopped with Councillors by end June 2021. Service Levels are defined by what level the community requires (within budget constraints) for things such as number of times a park is mowed. maintenance on assets, renewal standards etc. These need to be defined, workshopped with community to determine needs and then potentially with Council and then agreed. Doing these well will define resourcing requirements and costs which will help ensure efficiency and cost control. It is key to know cost impacts of any change to service levels for all services.	5- Not Started
	1.2.3 A complete Asset Strategy is in place (ideally covering 10 years) and it is reviewed annually	Jun-21		Jim Duff	The Asset Strategy requires review to ensure fit for purpose. This will then be reviewed annually.	5- Not Started
	1.2.4 There is a current Asset Policy in place and it is reviewed annually	Jun-21		Jim Duff	The Asset Policy needs reviewed annually to ensure fit for purpose under IPR. This is underway and the revised Policy will be presented to Council. Estimate date for completion of review? Report to Council when? Council need to understand and endorse policy. Embrace it.	3- Some issues but will likely be resolved.

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	1.2.5 A complete Asset Management Plan is in place (covering at least 4 years) and sets out Service Levels that meet agreed community aspirations. Service Level being set relates to 1.2.2 Develop service delivery targets that are transparent and easily accessible.	Jun-21		Jim Duff	The City has an Asset Management Plan but has not developed service levels for all our Assets. These Service Levels ensure assets are maintained at the right level to meet agreed community needs and budgets. This ensure higher levels of efficiency in matching resourcing and servicing, As a result the scope needs developed to create these service levels and costs involved so this can be agreed with Council. Asset Management Strategy is now with Councillors for consideration.	5- Not Started
	1.2.6 A Capital Works Program is fully in place and aligns to LTFP.	Jun-21	Lorraine Driscoll	Jim Duff	The LTFP need better clear linkages with the Capital Works Plan	5- Not Started
	1.2.7 The Capital Works Program has a progress report quarterly that shows issues such as - Delivery over or under budget, Delivered on time or delays and why. Show delays or over expenditure are analysed and lists reasons and lessons learned.	Jul-20	Lorraine Driscoll	Jim Duff	There is a 10/20 year Capital Works Program that was approved by Council within the last 12 months. The Council receives an update quarterly on all Capital Works Projects that includes any cost overruns or savings or delays along with the reasons for any of these.	1-Completed
	1.2.8 An asset maintenance program is in place, documented and covers a minimum of two years (ideally shows 5+ years)	Jun-21	Lorraine Driscoll	Jim Duff	A documented asset maintenance program exists but currently covers an 18 month period. This is being reviewed and projections extended to cover 10 years to accommodate the LTFP. The asset maintenance plan is fully costed and budgeted and was agreed by Council within the last 12 months	5- Not Started
	1.2.9 Asset plans, maintenance and the capital works plans are fully reflected in the LTFP and projected across the 10 years	Jun-21	Lorraine Driscoll	Jim Duff	The administration needs to review the LTFP to ensure all asset plans, maintenance and capital works costs are fully included	5- Not Started

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
1.3 - Major expenses in the budget are clearly linked to City's priorities in the SCP and Council Resolutions	1.3.2 - Regularly report on implementation of the Capital Works Program with minimum 90% completion of capital works projects, excluding unsuccessful grant projects and projects removed by Council.	10-year plan; Jul 2021 Annual Plan; Quarterly reports	Lorraine Driscoll	Jim Duff	Capital Works projects are reported to Council on a quarterly basis. Additional monthly reports occur if any issues.	2-On track to meet delivery date
2 - BUDGET COMPLIANCE						
2.1 - Budget management is financially sound, legislatively compliant and meets all required standards	2.1.1 - Annual budget program is delivered on time.	Jun-21	Lorraine Driscoll		There is a standard process on budgets that has been successful previously as each year the Annual budget has been adopted on time. This starts in February with a number of Councillor briefings that go through to May. Budget is adopted in the June round of meetings	2-On track to meet delivery date
	2.1.1.1 As part of CBP the workforce plan is mentioned and has a measure in the CBP and the Workforce Plan is costed and figures entered into LTFFP	Mar-21	Lorraine Driscoll	Shelly Mettam	1. Strategic Workforce KPI's are incorporated in the CBP: organisational structure; acquire desired workforce; manage the workforce for effectiveness/retention; key HR metrics are captured and reported on; Health and Safety is legally compliant and effective; HRMIS to capture key data and enable effective reporting. 2. Workforce costings to be defined in service unit reviews, based on Workforce Plan priorities and principles, for integration into LTFFP.	3- Some issues but will likely be resolved.

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	2.1.1.2 LTFP gives annual budgets in forecast which are used to help develop annual budgeting process. When annual budgeting changes the LTFP is updated to show impacts before decisions are made.	Feb 2021-June 2021	Lorraine Driscoll	Shelly Mettam	LTFP is updated post each approved budget and will be reviewed regularly (Assessors Note) LTFP is a key tool and needs to be an integrated part of the budget cycle (E.g. starting point then slowly tweaked as suggestions are discussed to show long term impact of changes. therefore it is an integral part of the budget cycle. It should also be used throughout the year if financial decisions are made to demonstrate long term effect of a decision. That way Council understand any impacts	2-On track to meet delivery date
	2.1.2 - Budget creation and review is conducted in accordance with legislation, financial controls, audit parameters and includes comprehensive Council involvement.	Feb 2021-June 2021	Lorraine Driscoll		The annual budget is prepared in accordance with legislation and sound financial governance and controls. Council is involved via a round of briefings between February to May each year	2-On track to meet delivery date
	2.1.3 - Council is fully briefed on budget and Capital Works program (e.g. completion information, cost over-expenditure and under-expenditure) especially at critical junctures.	Monthly	Lorraine Driscoll	Jim Duff	Capital works are reported to Council through the Monthly Financial Reports to Council with under/over spends highlighted. If there are significant changes to capital projects these are brought to Council via a separate report highlighting the issues to Council. We have recently added a request to the Director TS to provide reports to the Audit and Risk Committee of any issues regarding capital programs	2-On track to meet delivery date
3 - ORGANISATIONAL CAPABILITY						

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
3.1 - Leadership strength and performance excellence is attained	3.1.1 - Identify organisational capabilities and develop a framework to encourage leadership and capability.	Dec 2020; six monthly reporting		Shelley Mettam	Quotes being invited from survey companies for survey to be conducted in November. Survey results to be delivered Dec/January to employees and subsequently a summary report to Council in February. If key actions are identified to follow up these will form clear actions to be agreed and then completed.	4- Key issues and unlikely to meet delivery timescale.
	3.1.1.1 Workforce Strategy is in place (covering a minimum of 4 years)	Dec 2020; six monthly reporting		Shelley Mettam	1. Workforce KPI's are in place in CBP for next 4 years. To be reported on quarterly. 2. Workforce Plan in place setting out priorities and principles. 3. Service Reviews will align the workforce requirements.	3- Some issues but will likely be resolved.
	3.1.2 - Conduct resourcing review and report outcomes to Council.	Mar-21		Shelley Mettam	CBP Better Business KPI -All service areas to be reviewed every 3 years. Some service reviews have commenced (PRCC; Ranger Services; Planning) and processing functions to be assessed for outsourced (Payroll processing). Schedule of reviews to be created.	3- Some issues but will likely be resolved.
	3.1.3 - Conduct climate survey to ascertain key employee indicators (e.g. turnover, trends) towards future planning, better staff management and alignment with organisational values; with regular reporting to Council.			Shelley Mettam	Quotes being invited from survey companies for survey to be conducted in November. Survey results to be delivered Dec/January to employees and subsequently a summary report to Council in February. If key actions are identified to follow up these will form clear actions to be agreed and then completed.	2-On track to meet delivery date

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
4 - OPERATIONAL AND PROJECT MANAGEMENT						
4.1 - Develop a Smart City* approach that better positions the City for the future	4.1.1 - Update City's website to enhance functionality and improve "ease of use" for the Community.	May-21	Lorraine Driscoll	Marc Dimmick	(Assessor Note)There is a overall strategy developed that would lead to a Smart City but this is still being reviewed. There is a current RFQ in progress for the delivery of a new web services and site.	2-On track to meet delivery date
	4.1.2 - Develop and undertake a Smart City* program that incorporates a Digital Strategy and initiates Enterprise wide projects that are collaborative, innovative and generate seamless reporting. *A Smart City program aims to improve the liveability, productivity and sustainability of the municipality. For example, it aims to increase operational efficiency, share information with the public and improve both the quality of services and community wellbeing.	Jun-21	Lorraine Driscoll	Marc Dimmick	1. Developed an extensive series of policies and processes around IT and Service delivery 2. Developed an ICT Strategic Framework based on DLGSC document with Capability Maturity Model. Will report against that based line and Business Systems work to maximise our Capabilities 3. Review report based on Jun 2020 OAG review of 10 local government bodies. We were not one of those but have used the OAG's report to carry out our own review. 4. 1 employee reduction in rangers complete. Payroll being outsourced. Point Resoution reduction of 7 employees not supported by Council. Further assessments underway.	2-On track to meet delivery date

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
4.2 - Innovation in service delivery methods including draft budgets that restrain expenditure, deliver a cost-effective budget and reduce staff numbers to the minimum required to provide services approved by Council and by law	4.2.1 - Develop and undertake a program of service level reviews that identify innovative improvements in delivery of services; and report recommendations to Council.	Jun-21	Lorraine Driscoll	Marc Dimmick	1. Developed an extensive series of policies and processes around IT and Service delivery 2. Developed an ICT Strategic Framework based on DLGSC document with Capability Maturity Model. Will report against that based line and Business Systems work to maximise our Capabilities 3. Review report based on Jun 2020 OAG review of 10 local government bodies. We were not one of those but have used the OAG's report to carry out our own review. 4. 1 employee reduction in rangers complete. Payroll being outsourced. Point Resoution reduction of 7 employees not supported by Council. Further assessments underway.	2-On track to meet delivery date
5 - FINANCIAL PERFORMANCE AND ASSET MANAGEMENT						
5.1 - Financial Management is compliant with Local Government Act and Standards incorporating financial sustainability and asset and risk management	5.1.1 - Report Financial performance benchmark in accordance with Australasian LG Performance Excellence Program PWC.	Annually	Lorraine Driscoll		Data gathered and awaiting benchmarks to share latest progress. Expected to present a report to Council in February	2-On track to meet delivery date
5.2 - Optimal financial sustainability and risk management	5.2.1 - Provide regular, descriptive reports on the City's financial health.	Annual review; Monthly reports	Lorraine Driscoll		Council are updated monthly on the City's financial performance via the Monthly Financial Report and Investment Report. Further, the Audit and Risk Committee are updated on financial and risk matters at quarterly meetings.	2-On track to meet delivery date

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
5.3 - Improved asset an	5.3.1 - Develop an Asset, Investment and Wealth Management Policy and Guidelines for Council adoption.	Policy March 2021;	Lorraine Driscoll		The Land Investment Strategy and Policy is being presented to Council at it's October round of meetings	2-On track to meet delivery date
	5.3.1.1 - Develop an Asset, Investment and Wealth Management Guidelines for Council adoption.	Guidelines June 2021	Lorraine Driscoll		The outcome of this is dependent on the approval of 5.3.1 above, however following the briefing in October and subsequent feedback from Councillors it seems likely that the Policy will be approved and work can then commence on this next stage. Therefore estimated that the guidelines will be developed and go to Council for approval by Jun 21	2-On track to meet delivery date
	5.3.2 - Review the City's tangible assets with the intention of enhancing services, reducing costs and debt, and where possible increasing rate of return generated by assets.	Six monthly and reports as requested	Lorraine Driscoll		Target - March 2021. Service reviews are currently being undertaken with the most recent being PRCC and Ranger Services. Administration's recommendation regarding PRCC were not approved by Council with the recommendation being to extend a period of review to March 2021. The City has been on a pathway to reducing debt for the last number of years with debt levels now at the lowest, however this may change if the proposal to 'fast track' underground power projects is approved. Return on assets will be addressed via the Wealth Management Policy	3- Some issues but will likely be resolved.
5.4 - Long-term Financial Plan (LTFP) is robust and adaptable	5.4.1 Ensure that the LTFP is clearly linked to the SCP and CWP and is reviewed for currency and relevance.	Annual review Dec 2020;	Lorraine Driscoll		The review of the LTFP will be linked to both the SCP and CWP	2-On track to meet delivery date

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	5.4.2 Revise the LTFP to ensure it reflects the priority of Council for the expeditious completion of underground power across the remaining un-upgraded locations in the Hollywood and Coastal Wards, with a target date of 2026.	Interim review June 2021	Lorraine Driscoll		Council will be updated at two separate briefings in November	3- Some issues but will likely be resolved.
	5.4.2.1 An LTFP is in place covering a minimum of 10 years (and is updated annually)	Interim review June 2021	Lorraine Driscoll		Long term financial plan is currently being updated to reflect Councils desire to fast track underground power. There are two workshops scheduled to occur in November and a report to Council in December seeking Council endorsement of the LTFP	2-On track to meet delivery date
6 - TIMELINESS AND ACCURACY OF INFORMATION AND ADVICE TO COUNCILLORS						
6.1 - Work cooperatively with Council for Good Governance	6.1.1 Ensure comprehensive up-to-date information and responses are provided to Council in a timely manner.	Ongoing	Mark Goodlet		1. Governance updates are provided by email as they arise (e.g. impartiality and meeting participation). 2. Legal Advice is located in the Councillor Portal for easy confidential access. 3. Weekly CEO Updates pick up governance and operational status across the portfolios. 4. Councillor Briefings raise governance matters as needed.	1-Completed
	6.1.2 - Keep Council up to date regarding strategic and significant matters related to SCP priorities, contentious issues and key regional matters;	Ongoing	Mark Goodlet		The Administration is developing a more robust traffic light based report for the Corporate Business Plan which will link directly to SCP outcomes. This will mean the Council will have a full update quarterly and exception reporting outside this should a major change occur	3- Some issues but will likely be resolved.

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	6.1.3 - Create a Complaints Policy and Procedure, including timely and thorough responses for Councillor and Community enquiries and complaints.	Jun-21	Lorraine Driscoll		Create a Complaints Policy and Procedure, including timely and thorough responses for Councillor and Community enquiries and complaints. This will involve a review of the City's Customer Service Charter.	5- Not Started
	6.1.4 - Facilitate Councillor Learning & Development opportunities.	Ongoing	Mark Goodlet		1. Mandatory training for Councillors is available and of the 7 Councillors participating, most are well underway. 2. A briefing session for the policy on professional development of Councillors has been completed.	2-On track to meet delivery date
	6.1.5 - Develop and implement a Committee Governance Policy that includes provision for Terms of Reference, Business Cases, Annual Action Plans and improves functioning of Committees resulting in efficient delivery of SCP, CBP, DAIP and LTFP goals.	Feb-21	Mark Goodlet		Item will need to be outsourced to achieve deadline.	5- Not Started
7 - IMPLEMENTATION OF COUNCIL RESOLUTIONS						
7.1 - Ensure Council Resolutions are implemented in a timely manner	7.1.1 - Provide descriptive reports to Council that monitor the status and implementation of Council resolutions – where Resolutions have not been implemented, provide an accessible and descriptive information report – e.g. a traffic light system and Gantt chart, with explanations of mitigation strategies for delays.	Ongoing/Monthly	Mark Goodlet		Outstanding resolutions to be made available on Councillor Portal with progress comments. Completed resolutions are marked as completed, left for a month and then hidden. Closed resolutions can still be accessed by Councillors.	1-Completed
8 - MANAGEMENT OF ORGANISATIONAL RISKS						

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
8.1 - Manage to mitigate risk	8.1.1 - Update Risk Management Strategy, Plan and Procedures to analyse risk and apply controls.	Jun-21	Lorraine Driscoll		Need to update the Risk Management Strategy, Plan and procedures to analyse risks and apply mitigations and controls. This is estimated to take a clear approach to ensure risks and issues are captured, appropriate mitigations are in place and reporting. This will work through the approach, develop initial report for the Audit/Risk committee and when ready this will be reflect back to full Council	5- Not Started
	8.1.2 - Monitor Audit and Risk management reports and report significant matters to Council, with recommendations.	Annual; quarterly updates	Lorraine Driscoll		Currently all audit and risk reports are presented to the Audit and Risk Committee on a (roughly) quarterly basis, the minutes of the meeting are provided to Council at the next meeting. I suggest to better highlight risks to Council a process is put in place that summarises the reports to the A&R committee in a separate report to Council	5- Not Started
	8.1.3 - Continue to monitor and manage the COVID-19 pandemic challenge in regards to internal and external impact on the City's programs and services.	Ongoing	Lorraine Driscoll		1. Full enterprised assessment complete. 2. Financial assessment complete. 3. Hardship Policy in place. 4. Fortnightly meetings of the Coronavirus working group ongoing and will recommend actions relating to the organisation's response to COVID19. 5. COVID19 Relapse action plan prepared.	1-Completed
	8.1.4 - Revise Standing Orders Local Law & Codes of Conduct for both Councillors and Staff and ensure these are consistent with the updated LGA, Regulations and LGA review.	Feb 2021 Dec 2020	Lorraine Driscoll		1. Standing Orders Local Law review councillor briefing complete. Further feedback received. 2. Department of Local Government, Sport and Cultural Industries Code of Conduct template not available.	4- Key issues and unlikely to meet delivery timescale.

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	8.1.5 - Review Ward Boundaries and Elected Member representation in 2020 as required by legislation	Dec-20	Lorraine Driscoll		1. CEO presented briefing to Council on this matter in October. 2. Council to consider advertising in October.	2-On track to meet delivery date
9 - LEADERSHIP AND HUMAN RESOURCE MANAGEMENT						
9.1 - Effectively lead and manage the City's human resources	9.1.1 - Report on and apply the actions identified in the Strategic Workforce Plan.	Jun-21	Lorraine Driscoll	Shelley Mettam	1. CBP reflects Workforce KPIs and are reported in CBP. 2. Service reviews to reflect (a) service delivery (legislative or discretionary) (b) service level delivery (c) delivery methodology (insourced or outsourced or technology enhanced) (d) numbers of staff needed for changing services; (b) skill sets required over next 4 years. Service review summary captures future workforce needs.	4- Key issues and unlikely to meet delivery timescale.
	9.1.2 - Incorporate in the Strategic Workforce Plan measures that include building workforce capacity and capability towards undertaking a Smart Cities program and a Digital Strategy with ICT and data flow emphasis.	Jun-21	Lorraine Driscoll	Shelley Mettam	1. Smart Cities program and Digital Strategy has been created at a high level. To be presented to Council in due course. 2. Workforce needs derived from technology solutions to be incorporated in business unit reviews. 3. Jan-Feb 21 in conjunction with UWA a research project on Smart Cities is scheduled to be undertaken.	5- Not Started
	9.1.3 - Organisational performance is benchmarked in accordance with Australasian LG Performance Excellence Program PWC.	Annually	Lorraine Driscoll	Shelley Mettam	HR Data was provided to the benchmarking report tool coordinated by PWA and LG Professionals in July 2020. Awaiting report back on this which is expected Dec 20.	2-On track to meet delivery date

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	9.1.4 - Manage and ensure protocols that encourage efficient and effective communication, interaction, cohesiveness and collaboration between senior staff and Council.	Mar-21	Lorraine Driscoll	Shelley Mettam	1. Engagement Strategy is underway, dealing with key messaging for the whole organisation, in order to come to a more coordinated Council/organisation approach. 2. Improvement in administrative Council Member assistance now in place. 3. Separate CEO email centre for councillors now in place. 4. Improved Councillor Portal reference information including Outstanding Resolutions, Confidential Legal Advice, Briefing Sessions information.	2-On track to meet delivery date
10 - STAKEHOLDER MANAGEMENT AND SATISFACTION						
10.1 - Community interests are understood and well represented by the City	10.1.1 Prepare a Community Engagement and Communication Strategy to improve relationship between the City and Community.	Feb-21	Lorraine Driscoll	Wendy Mathews	1. Scope defined with consultant. 2. Councillor and executive interviews completed. 3. Reported finding to Councillor briefing on 8th Oct. 4. Focus group with Community Working Group on 28 Oct. 5. Next step is community engagement survey.	2-On track to meet delivery date
	10.1.2 Improve community consultation and participation; and substitute the 'Your Voice' communication system with open, accessible, multi-method mechanisms of community feedback.	Biennially (after July 2021)	Lorraine Driscoll	Wendy Mathews	1. Undertaken review of Your Voice and introduced new processes to reduce or eliminate the community issues they have raised. Additional support is in place to help community members with their submissions via new services at the Library and NCC. Your Voice is being refreshed with improved functionality by improving the layout of the information within it for easier navigation by the community. 2. External review of online engagement tool has commenced with City of Nedlands participating. 3. Improvements to be included in new Website under development. 4. Disability Access Inclusion Plan provides for alternate methods of communication. This was assessed in 2019.	2-On track to meet delivery date

GOALS	ACTIONS/OUTCOMES	TIMEFRAME	Directorate Accountability		Comments	Status
	10.1.3 Benchmark utilising robust and representative Community Satisfaction Survey processes.	Jun-21	Lorraine Driscoll	Wendy Mathews	Community Consultation Feedback forms were introduced in 2020 to help with engaging the success of the Community Consultation sessions. Data is collected, scanned and then filed in relevant Project SharePoint directory. Community Engagement strategy is needed under one approach and one direction	3- Some issues but will likely be resolved.
	10.1.4 Foster an organisational culture that understands and responds to community needs.	Mar-21	Lorraine Driscoll	Wendy Mathews	1. Planning engagement Policy under review. 2. Social Media Policy under review and new social media procedure being written. 3. Media Policy and Procedure under review. 4. Engagement Strategy under development.	2-On track to meet delivery date
10.2 - Balance Community priorities with stakeholder interests.	10.2 Prepare Community Engagement Stakeholder Strategy – referencing stakeholders such as Government instrumentalities, hospitals, Defence Department, Federal, State and Local landholders, Bruce Trust.	Jun-21	Lorraine Driscoll	Wendy Mathews	1. Consultant engaged to assist with an overall Community Engagement Stakeholder Strategy for the City. 2. Councillors and Senior staff interviews complete. 3. Consultation with Community Working Group and Community due for commencement.	2-On track to meet delivery date

Please note this item was brought forward from page 151.

13.10 Reconsideration of Planning Refusal – No. 78 Waratah Avenue, Dalkeith – Five Grouped Dwellings

Council	27 October 2020
Applicant	Urbanista Town Planning
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Peter Mickleson, Director of Planning & Development
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. Applicant's Justification Report 2. Applicant's Assessment Against State Planning Policy 7.0 3. Acoustic Report 4. Waste Management Report 5. Summary of Submissions 6. Extract of Agenda of August 2020 Ordinary Council Meeting 7. Extract of Minutes of August 2020 Ordinary Council Meeting
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Submissions 3. Assessment 4. WAPC Approved Subdivision Plan 5. Amended Site, Floor and Elevation Plans dated 29 September 2020 6. Landscaping Plan dated 29 September 2020 7. Render of development dated 29 September 2020

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Mayor de Lacy

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 9/4
(Against: Crs. Bennett Mangano Coghlan & Hay)

Council Resolution / Recommendation to Council

That Council, in accordance with Section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, the provisions of City of Nedlands Local Planning Scheme No. 3 and the Metropolitan Region Scheme, approves the development application dated 20 November 2019, with amended plans received on 22 May and 29 September 2020 for five (5) Grouped Dwellings at Strata Lots 1, 2 and 3 on Strata Plan 24132 (No. 78) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:

1. This approval is for a 'Residential' (grouped dwellings) land use and the subject land may not be used for any other use without prior approval of the City.
2. 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.
3. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
4. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan dated 29 September 2020, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
5. The approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to be implemented and maintained at all times to the satisfaction of the City of Nedlands.
6. The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City's satisfaction.
7. The acoustic report (Attachment 3) prepared by Sealhurst dated 22 January 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
8. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.
9. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.

10. 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 located behind the street setback area shall be set back in accordance with element 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;**
- 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.

11. 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 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

12. 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.

13. Prior to occupation of the development, the proposed visitor car parking bay shall be provided with 1.5m x 1.5m visual truncations in accordance with AS2890.1 on both sides of the bay to the satisfaction of the City of Nedlands.

14. Prior to the occupation of the development, the car parking designated for visitors shall be clearly marked or signage provided to the specification and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.

15. 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.
16. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.
17. Prior to construction or demolition works, a Construction and Demolition Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.

Advice Notes specific to this proposal:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.
- b) The applicant is advised that in relation to condition 5, the maximum number of bins permitted on the verge is eight (8) bins at any time.
- c) In accordance with section 35, (3) (b) of the Health Local Law, Waste and recycling bins storage enclosure in accordance with the Waste Management Plan for No. 78 Waratah Avenue, Dalkeith.
- d) All internal bins located at individual dwellings shall be purchased and maintained by the strata management or owners by private arrangement.
- e) In relation to Condition 5, the proposal requires compliance with the City's *Health Local Laws 2017*, which requires an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:
 - i. Sufficient in size to accommodate all receptacles used on the premises;
 - ii. Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - iii. Walls not less than 1.8m in height and access of not less than 1.0m in width fitted with a self-closing gate;

- iv. Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - v. Easily accessible to allow for the removal of the receptacles;
 - vi. Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - vii. Provided with a tap connected to an adequate supply of water; and
 - viii. Adequately ventilated, such that they do not create a nuisance to residences.
- f) In relation to Condition 16, the applicant shall seek independent expert advice from a suitably qualified consultant* detailing the particulars of the application, specifications of the type of lighting proposed and certifying** that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard***;
 - i. A full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - ii. Times of operation;
 - iii. A Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
 - iv. Details of orientation and hooding and/or other measures to minimise their impact in the interests of pedestrian and/or vehicular safety and amenity; and
 - v. Details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard***.
- g) The applicant is advised that in relation to Condition 17, the Construction and Demolition Management Plan is to address but is not limited to the following matters
 - i. Construction operating hours;
 - ii. Contact details of essential site personnel;
 - iii. Noise control and vibration management;
 - iv. Dust, sand and sediment management;
 - v. Stormwater and sediment control;
 - vi. Traffic and access management;
 - vii. Protection of infrastructure and street trees within the road reserve and adjoining properties;
 - viii. Dilapidation report of adjoining properties;
 - ix. Security fencing around construction sites;
 - x. Site deliveries;
 - xi. Waste management and materials re-use
 - xii. Parking arrangements for contractors and subcontractors;
 - xiii. Consultation plan with nearby properties; and

xiv. Complaint procedure.

- h) The applicant is advised to apply dust control measures during construction in accordance with City of Nedlands Health Local Laws 2017 and DWER requirements.**
- i) A separate noise management plan will be required to be prepared, submitted to the City and approved by the CEO if it is desired to work outside of normal hours of operation during construction of the project (i.e. 0700 hours and 1900 hours on any day that is not a Sunday or Public Holiday). This will be subject to the subject to the Clause (6) of the *Environmental Protection (Noise) Regulations 1997*, that is detailed in section 3.4.1 of the acoustic report.**
- j) The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.**
- k) 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, shall 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.**
- l) All downpipes from guttering shall 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 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**
- m) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**
- n) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.**
- o) 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 guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**

- p) The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.
- q) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- r) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgment.
- s) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.
- t) 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).

Executive Summary

Pursuant to the Orders set by the State Administration Tribunal, the purpose of this report is for Council to reconsider its refusal of a Development application for five two-storey grouped dwellings at No. 78 Waratah Avenue, Dalkeith (the subject site).

A development application for five grouped dwellings was received from the Applicant on 20 November 2019. The application was refused by Council on 25 August 2020 at the Ordinary Council Meeting against the Administration's recommendation.

The Applicant subsequently lodged an application for review (DR185/2020) with the State Administrative Tribunal (SAT) dated 14 August 2020. Following a Directions Hearing and Mediation, amended plans including the introduction of arbors along the common property, a landscaping plan and a render were submitted by the applicant to support a reconsideration by Council.

It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) Volume 1 and is unlikely to have a significant adverse impact on local amenity and character.

Background

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	1012m ²
Land Use	Existing – Residential Use for a Single House Proposed – Residential Use for Grouped Dwellings
Use Class	Permitted (P)

Discussion/Overview

Key Relevant Previous Council Decisions

A development application, for five grouped dwellings was received from the Applicant on 20 November 2019. The application was refused by Council (item PD37.20) on 25 August 2020 against the recommendation of Administration (see Attachment 7) for the following reasons:

1. Insufficient street setbacks;
2. Too many lot boundary walls (one lot boundary wall to the parent lot); and
3. Insufficient open space

The Applicant subsequently lodged an application for review of the decision (DR 185/2020) with the State Administrative Tribunal (SAT) on 14 August 2020

Given Administration had recommended approval, Allerding and Associates were appointed to represent Council for the application. Following a Directions Hearing held on 11 September 2020 and Mediation on 22 September 2020, amended plans and additional information were submitted to the City on 29 September 2020.

Pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA), the SAT invited the City to reconsider its decision. The report has been prepared to allow Council to reconsider its decision in the light of the revised plans.

A further directions hearing has been scheduled for 30 October 2020 to consider Council's decision.

Subject Site Details

The subject property currently comprises of one lot at No. 78 Waratah Avenue and one lot at No. 78b Waratah Avenue which have recently been cleared. There was a driveway along the east for access to No. 78b Waratah Avenue, Dalkeith. This application proposes the common property driveway for access along the eastern lot boundary.

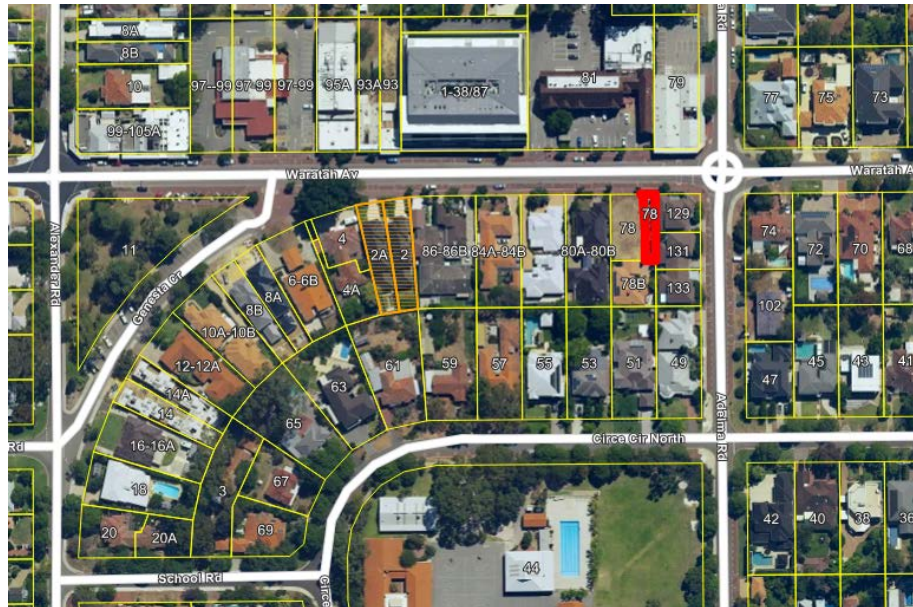


Site Photo

The site slopes very gently towards the north, from a ground level of 18.29m AHD in the south eastern corner to 15.46m AHD in the north eastern corner. A sewer line runs parallel to the rear lot boundary with the adjoining property.

As shown in the aerial map below, the subject property is surrounded by a mix of Single Houses and Grouped Dwellings to the east, south and west. To the north of the subject property, there are a variety of retail and commercial tenancies at Waratah Village. Approximately 70m to the south of the subject property is the Dalkeith Primary School.

To the west of the subject property within the 200m radius, there are a variety of single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which is shown below. A large majority of these dwellings along Genesta Crescent have been recently constructed.



Aerial Map

Subdivision

On 14 February 2020, the subject property received Subdivision Approval from the Western Australian Planning Commission (WAPC) for five lots, a visitor bay to the front (north) of the property and a common property driveway along the eastern lot boundary. The WAPC Approved Subdivision Plan is contained as Confidential Attachment 4.

The Subdivision is still awaiting the clearance of conditions imposed by the WAPC.

Consultation

External Consultation

The Orders from the Directions Hearing held on 11 September 2020 outlined had Mediation was to be held on 22 September 2020. The applicant has provided the following information for the reconsideration of the Planning Refusal:

- Renderings to demonstrate the appearance of the development when viewed from the street and for occupants using the premises and
- A Landscaping Plan that addresses all proposed landscaping on the site and within the reduced street setback areas to the common property driveway.

The applicant provided the above information on 29 September 2020 and the respondent (i.e. the City of Nedlands) is invited to reconsider its decision on or before 27 October 2020. Details of the amended plans and additional information are as following:

- An amended site plan, ground floor plan and upper floor plan show two arbors. One arbor is proposed over the common property which leads to the entry door of Lot 2 and the other arbor leads to the entry door of Lot 3.
- A Landscaping Plan showing the proposed landscaping in the form of various trees and planting. The total landscaped area contributes to 15.2% of the site, with existing trees, 10x proposed small trees and 5x proposed medium trees
- A render of the development, taken from Waratah Avenue showing the visual perspective of the grouped dwellings, common property driveway, arbors over the entry paths to Lot 2 and Lot 3 and the landscaping.

The additional plans, landscaping plan and render submitted by the applicant were not advertised in accordance with the City of Nedlands Consultation of Planning Proposals Local Planning Policy as there was insufficient time to advertise the plans for 14 days and present the s31 reconsideration report to Council by 27 October 2020 as required by the Orders from the SAT.

The changes made to the proposal help to ameliorate and improve the design of the development through additional landscaping and arbors along the common property. As there are no further variations presented by the application and the additional plans improve the design of the proposal, no further consultation was considered necessary.

Internal referrals

Administration review of the Landscaping Plan contained as Confidential Attachment 6 demonstrates that the tree species proposed in the landscaping plan are suitable and will grow adequately in the common courtyard areas. There were no issues raised with the plant varieties identified in the landscaping plan. As such, the landscaping plan is supported by the City and is seen to be a positive outcome for subject property and adjoining sites through the provision of additional trees and vegetation to soften the impact of the built form of the development.

Assessment of Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. The City has assessed the application and additional information received against clause 67 (following):

Provision	Assessment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	Refer to Section 6.2.1 below for an assessment against of clause 9 of LPS 3 – Aims of Scheme.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The development proposal has achieved all deemed to comply and relevant design principles of the R-Codes and is consistent with the expected development for the R60 density code.
(c) any approved State planning policy;	<p>The development proposal has been assessed against State Planning Policy 7.0 – Design of the Built Environment, with a detailed assessment provided against the 10 Design Principles in Section 6.3.1 of this report.</p> <p>The development proposal has been assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1), with a detailed assessment provided against the Design Elements in Section 6.3.2 of this report.</p>
(g) any local planning policy for the Scheme Area	The proposal is considered to be compliant against the City of Nedlands Residential Development Local Planning Policy.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	<p>The Zoning Table in LPS 3 classifies all residential development as a 'P' use in the Residential Zone. Therefore, the suitability of the land use is not in question.</p> <p>The development itself is either generally consistent with or exceeds the default building height and street, side and rear setbacks of the R-Codes.</p> <p>The development is consistent with the expected built form of the medium density code (R60) to which it relates.</p>

<p>(n) the amenity of the locality including the following —</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; 	<p>(i) The applicant has provided a landscaping plan which displays a total landscaping provision of 15.2% of the whole site, which represents 154m² of landscaping. The applicant is proposing to retain existing trees on the site along the common property driveway. 10 small trees and 5 medium trees are proposed in the landscaping plan. Various planting is also proposed, including low groundcovers, screening planting and turf. The landscaping plan proposed is considered to successfully improve the amenity of the locality by improving the environmental impact of the development with trees and vegetation which will assist in reducing the urban heat island effect.</p> <p>(ii) The City considers that the proposed two storey grouped dwellings are consistent with the local character of this particular locality.</p> <p>(iii) The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Waratah Village Town Centre. The provision of an additional dwelling typology of a Grouped Dwelling and an increased density will contribute to increased vibrancy of the local area.</p>
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved.</p>	<p>The proposal maintains verge trees and existing mature trees along the common property driveway. This is seen to be a successful outcome for the site as the applicant has ensured to retain these trees through the demolition of the remainder of the structures on the site.</p>

	As shown on the landscaping plan provided, adequate provision has been made for landscaping around the site, with a particular focus of landscaping within the common property areas and the outdoor living areas which are provided with ornamental trees.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	<p>The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.</p> <p>The proposed development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships.</p> <p>The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.</p>

City of Nedlands Local Planning Scheme No. 3

Clause 9: Aims of the Scheme

Requirement	Proposal	Satisfies
a) Protect and enhance local character and amenity	<p>The surrounding area is characterised by Single Houses to the south of Waratah Avenue and a mix of retail and commercial tenancies in Waratah Village to the north of Waratah Avenue.</p> <p>To the west of the subject property within the 200m radius, there are single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which was previously shown on a map of this report. A majority of these dwellings</p>	Yes

	<p>along Genesta Crescent have been recently constructed.</p> <p>The residential area is characterised by two storey, contemporary dwellings, with a mix of pitched and concealed roof forms. There are some original homes in the locality, although most homes have been designed to a more contemporary style.</p> <p>The City considers that the proposed two storey grouped dwellings are consistent with the local character and amenity of this particular locality.</p> <p>Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape.</p> <p>The applicant is proposing to retain existing trees on the site along the common property driveway. 10 small trees and 5 medium trees are proposed in the landscaping plan. Various planting is also proposed, including low groundcovers, screening planting and turf. The landscaping plan proposed is considered to protect and enhance the character and amenity of the locality, which is typically a green leafy suburb.</p>	
b) Respect the community vision for the development of the district;	<p>The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.</p> <p>The proposed development is also seen to complement the City of Nedlands Strategic Community Plan 2013 – 2020 in that the development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people</p>	Yes

	together and strengthen local relationships.	
c) Achieve quality residential built form outcomes for the growing population;	The built form of the development has been assessed and is considered to achieve the relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding.	Yes
d) To develop and support a hierarchy of activity centres;	The medium-rise development is consistent with the intent of the R60 density code. It will also support a medium density catchment to the Waratah Village local activity centre.	Yes
e) To integrate land use and transport systems;	The development is located on Waratah Avenue which is categorised as a Local Distributor in the City of Nedlands Functional Road Hierarchy. There are bus services which provide public transport options along Waratah Avenue with a bus stop located near from the site.	Yes
f) Facilitate improved multi-modal access into and around the district;	The subject site is located in close proximity to walking and cycle networks. The subject site is also in close proximity to Dalkeith Primary School to the south.	Yes
g) Maintain and enhance the network of open space	The proposed development does not impact the City's network of open space.	Yes
h) Facilitate good public health outcomes;	The development is not considered to adversely affect the desired public health outcomes.	Yes
i) Facilitate a high-quality provision of community services and facilities;	The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability.	Yes
j) Encourage local economic development and employment opportunities;	The development is considered to positively contribute to the support of local businesses, during and post-construction. Following the construction of the grouped dwellings, the development will be able to positively contribute to the support of local businesses at	Yes

	Waratah Village directly north of the subject site.	
k) To maintain and enhance natural resources;	<p>The development retains two verge trees and eight pine trees along the eastern lot boundary on the common property, which is considered a positive outcome for this type of application.</p> <p>The development also proposes the planting of additional trees and vegetation which is a positive outcome of the development proposal.</p>	Yes
l) Respond to the physical and climatic conditions;	<p>The development maintains solar access to adjoining properties by having appropriate setbacks.</p> <p>The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation.</p> <p>The maintenance of existing trees on site and on the verge, and the proposal of planting additional trees and vegetation through the landscaping plan will assist in reducing the urban heat island effect and assist with climate control.</p>	Yes
m) Facilitate efficient supply and use of essential infrastructure;	The development does not negatively impact this objective.	Yes

Clause 16: Residential Zone Objectives

Requirement	Proposal	Satisfies
a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to positively contribute to the City's housing diversity.	Yes
b) To facilitate and encourage high quality design, built form and streetscapes	. The amended plans and landscaping plan are considered to provide a high-quality design through employing hard and soft landscaping to create external environments which interact in a considered manner with the built form.	Yes

throughout residential areas;	<p>The amended site, ground floor and upper floor plan show two arbours that lead to the entry points of Lot 2 and Lot 3, which will permit vertical landscaping of creepers on the arbours. The arbours provide visual interest and help to reduce the impact of building bulk upon the common property driveway and the streetscape. The arbours will act as a feature and a buffer between the buildings and the setbacks to the eastern lot boundary.</p> <p>The landscaping proposed in the landscaping plan improves design of the site and aids in reducing the building bulk on the common property driveway and primary street.</p>	
c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;	This objective is not applicable to the subject application as this application only proposes the use of the land for residential purposes.	N/A
d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	<p>The development is considered to achieve a balance between the existing streetscape character and the future character of this area.</p> <p>The proposal complements the local character and amenity of the site, with the two storey height proposed consistent with the surrounding area.</p> <p>Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape.</p> <p>Where discretion is sought for lot boundary setbacks, the proposal is considered to satisfy the Design Principles for clause 5.1.2 – Street setback and clause 5.1.3 – Lot Boundary Setbacks as explained in Section 6.3.2 of this report.</p>	Yes

	Where discretion is sought for the reduced setbacks to the common property, the amended plans showing arbours along the common property and additional landscaping in the common property are seen to contribute to an attractive streetscape setting.	
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Policy/Local Development Plan Consideration

State Planning Policy 7.0 – Design of the Built Environment

The intent of State Planning Policy 7.0 is to address design quality and built form outcomes in Western Australia. The Policy aims to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes in the State.

Administration has assessed this application against the 10 Design Principles of the Policy in the table below:

Design Principle	Officer Comment
1. Context and Character Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.	<p>The grouped dwellings are seen to successfully correspond to the future scale and character of the area which has recently been up-coded as a result of the gazettal of LPS 3.</p> <p>The development corresponds to the natural contours of the land, with each building stepped up along the length of the common property access leg. This will match the natural rise of the land and minimise the level difference between the subject property and adjoining sites.</p> <p>The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Waratah Village Centre. The provision of an additional dwelling typology of a grouped dwelling and an increased density will contribute to increased vibrancy of the local area.</p> <p>The development integrates into its townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development.</p> <p>The development features a dwelling to Unit 1 that is oriented to the street, including the provision of landscaping in the front setback area which</p>

	<p>complements to the existing streetscape of Waratah Avenue.</p> <p>Administration is of the view that the landscaping plan provided is a beneficial outcome for the site. It will provide 10 small trees and 5 medium trees in addition to the trees which have been retained on the site and within the verge. The landscaping provided is considered to complement the distinctive characteristic and sense of place of Dalkeith as a green leafy suburb.</p> <p>This principle is considered to have been met as the design positively contributes to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood.</p>
<p>2. Landscape Quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<p>In making its recommendation to Council, Administration has considered the merit of retaining 8 mature pine trees along the eastern lot boundary along the common property driveway. These will have a greater ecological and aesthetic value than lawn or small bushes. The additional landscaping proposed will provide a high-quality design through employing hard and soft landscaping to create external environments which interact in a considered manner with the built form.</p> <p>It is also further noted that Council's proposed landscaping provision contained within the approved LPP – Residential Development was refused by the WAPC at its Special Committee Meeting on 30 June 2020.</p> <p>The vehicle access to all five grouped dwellings is from the common property driveway, using the existing crossover. This will allow the two existing street trees in the front verge to be retained.</p> <p>The combination of the retention of the two verge trees and eight mature trees on site are seen to be an outcome of good design. This recognises the landscaping significance of the trees in comparison to a new development site which demolishes all trees and vegetation from the subject site.</p> <p>Administration is supportive of the proposed landscaping plan which proposes 154m² of additional trees and planting of vegetation on the site. This will contribute to the appearance and amenity of the</p>

	<p>development for the residents and provide shade and reduce the urban heat island effect on the site.</p> <p>This principle is considered to have been met as the design protects existing environmental features and considers environmental factors such as site conditions, tree canopy and urban heat island effect by employing hard and soft landscaping that interact in a considered manner with the built form, local identity and streetscape character.</p>
<p>3. Built form and scale</p> <p>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.</p>	<p>The proposal is seen to provide an appropriate built form and scale for an R60 density site, with two-storey grouped dwellings that are consistent with the existing development in the locality.</p> <p>All dwellings are provided with compliant side setbacks and limited portions of parapet walls to the eastern and western lot boundaries. The parapet walls are located behind the front setback areas and designed to maintain privacy and useability of the outdoor living areas of adjoining properties.</p> <p>The impact of the built form and scale is seen to be softened with the proposal of the landscaping which mitigates the potential for negative amenity impacts on both private land and the public realm.</p> <p>The arbours proposed to the entrances of Lot 2 and Lot 3 provide an articulation of the built form to define the public domain (common property). The arbours provide a good level of amenity for people at the ground level, directing people to the entrances of Lot 2 and Lot 3.</p> <p>This principle is considered to have been met as the new development positively responds to the built form and topography of the surrounding buildings. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity of the locality.</p>
<p>4. Functionality and build quality</p> <p>Good design meets the needs of users efficiently and effectively, balancing functional requirements to</p>	<p>The development has been designed with aging-in-place in mind, with all dwellings having capacity for a lift should the need arise. The provision of the lift shafts enables the dwellings to be flexible and adaptable to maximise their utilisation and accommodate appropriate future requirements without the need for major modifications.</p>

perform well and deliver optimum benefit over the full life cycle.	<p>All rooms are of an appropriate size and the layout is straight-forward so as to provide functional environments and spaces that are suited to their intended purpose and arranged to facilitate ease of use.</p> <p>The principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality and serviceability of the dwellings.</p>
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p>	<p>The applicant is proposing to retain existing trees on the site along the common property driveway and trees on the verge. 10 small trees and 5 medium trees are proposed in the Landscaping Plan.</p> <p>Various planting is also proposed, including low groundcovers, screening planting and turf. The landscaping plan proposed is considered to successfully improve the amenity of the locality by improving the environmental impact of the development with trees and vegetation which will assist in reducing the urban heat island effect. In turn, the landscaping will assist in reducing reliance on technology for cooling and resource consumption, which is a sustainable outcome.</p> <p>This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation, landscaping and natural ventilation.</p>
<p>6. Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</p>	<p>The proposed design is seen to provide a successful mix of indoor and outdoor activity, with the provision of the outdoor living areas.</p> <p>The development itself contributes to the vitality of the locality, the provision of grouped dwellings as a medium-density housing option in close proximity to a retail and commercial centre.</p> <p>The design of the dwellings mitigates overshadowing and overlooking into the adjoining residential properties to the east, south and west.</p> <p>The proposed landscaping of trees and vegetation will contribute to well-designed external spaces, comfortable environments with effective shade and screening. The landscaping design mitigates the negative impacts on surrounding building and places, including building bulk.</p>

	<p>This principle is considered to have been met as the design delivers internal amenity and includes the provision of appropriate levels of acoustic protection, visual privacy, adequate storage space, and is accessible.</p>
<p>7. Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p>	<p>The entry to Unit 1 is clear and easily accessed from the street, via a defined pedestrian path. All remaining dwellings are accessed via the communal driveway.</p> <p>The arbours proposed to the entries of Lot 2 and Lot 3 direct pedestrians to the main doors of the respective units. The arbours allow a clear distinction between the pedestrian entry into the dwelling vs the vehicle entry into the garages. The arbours contribute to good legibility, especially in considering that they provide a design which uses the arbours as visual cues to direct pedestrians to the entry of the dwellings.</p> <p>Each dwelling provides a major opening from a habitable room of the dwelling facing the street and pedestrian and vehicular driveway.</p> <p>The visitor parking bay at the entrance of Unit 1 is also clearly defined and accessible for the use of visitors to the site.</p> <p>This principle is considered to have been met as the design makes the site easy to navigate, with recognisable entry and exit points. It is also well-connected to existing movement networks including Waratah Avenue. The sight lines are well-considered and the movement through the development is logical.</p>
<p>8. Safety</p> <p>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</p>	<p>Each dwelling has a major opening or balcony facing the driveway or street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.</p> <p>This principle is considered to have been met as safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm.</p>

<p>9. Community</p> <p>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.</p>	<p>The development contributes to medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.</p> <p>The provision of lift shafts in each of the units also encourages ‘aging in place’ and attracting residents looking to downsize in the local area.</p> <p>This principle is considered to have been met as the new development has the capacity to adapt to changing demographics, an ageing population, new uses and people with a disability. The design provides a housing choice for different demographics and accommodating all ages and abilities.</p>
<p>10. Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p>	<p>The proposed materials are considered high-quality and the development is consistent with the contemporary homes and buildings within the surrounding area.</p> <p>The retention of the two street trees in the verge and landscaping in the front setback area is seen to soften the appearance of the development and improve upon the streetscape aesthetics of the site.</p> <p>The landscaping proposed provides a balance between the built form and nature, which makes for an attractive development.</p> <p>The arbours proposed provide visual interest from the streetscape and the common property, showing good design of the development.</p> <p>This principle is considered to have been met as the design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. The proposal is a well-conceived design which addresses scale, the articulation of building form with detailing of materials and building elements which enables an integrated response to the character of the locality.</p>

The applicant has also provided an assessment against the 10 Design Principles of the State Planning Policy 7.0 which is contained in Attachment 2 to this report.

State Planning Policy 7.3 – Residential Design Codes (Volume 1)

Volume 1 of the R-Codes apply to single and grouped dwellings in all density codes. The document provides a comprehensive basis for control of residential development. When assessing applications for development the City must have regard to the following objectives:

- to provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives;
- to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local amenity and place;
- to encourage design that considers and respects heritage and local culture; and
- to facilitate residential development that offers future residents the opportunities for better living choices and affordability.

The development is consistent with all the objectives cited above. The development is of an appropriate design for the R60 density code, balances the existing streetscape character with the planned character of a medium-rise transitional area between an R-AC3 zoning to the north and an R10 zoning to the south. The proposal also satisfies all relevant scheme objectives as previously outlined. The development proposal is considered to cater for a wider range of demographics and responds to the local context by retaining a two-storey built form, consistent with surrounding single houses and grouped dwellings in the vicinity.

The applicant is seeking assessment under the Design Principles to the departures from the R-Codes for the provisions addressed in the below tables:

Clause 5.1.2 – Street Setback

Design Principles
<p>P2.1 - Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings; • accommodate site planning requirements such as parking, landscape and utilities; and • allow safety clearances for easements for essential service corridors. <p>P2.2 - Buildings mass and form that:</p> <ul style="list-style-type: none"> • uses design features to affect the size and scale of the building; • uses appropriate minor projections that do not detract from the character of the streetscape;

<ul style="list-style-type: none"> • minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”
Deemed-to-Comply Requirement
A grouped dwelling which is not adjacent to the primary street, has its main frontage to a communal street, right of way or shared pedestrian access way; the deemed-to-comply street setback is 2.5m
Proposed
<p>The applicant seeks assessment under the Design Principles which are as follows:</p> <p>Unit 2:</p> <ul style="list-style-type: none"> - Ground: 1.7m - Upper: 0.8m <p>Unit 3:</p> <ul style="list-style-type: none"> - Ground: 1.7m - Upper: 1.0m <p>Unit 4:</p> <ul style="list-style-type: none"> - Upper: 2.0m <p>Unit 5:</p> <ul style="list-style-type: none"> - Ground: 1.0m - Upper: 0.7m
Administration Assessment
<p>The street setbacks to the common property driveway are seen to meet the Design Principles as outlined below.</p> <p>The setback variations face the internal common property driveway and do not directly face the primary street. The street setback to the primary street (Waratah Avenue) meets the deemed-to-comply provisions and as such, are consistent and contribute to the established streetscape. The reduced setbacks to an internal common property driveway is not considered incongruous with its setting.</p> <p>The two-storey bulk is predominately fixated towards the common property driveway as a means to increase site lot boundary setbacks to adjoining landowners with a lower density (especially at the rear) and act as a transitional built form buffer. This in turn facilitates more efficient use of a useable outdoor living space for internal residents, whilst maintaining the amenity and privacy of adjoining sites. Collectively, this approach is considered more desirable.</p> <p>Provision has been made for windows to face the common property driveway which is considered to make a positive contribution to the streetscape in terms of public surveillance and activity. Whilst the major openings facing the common property driveway provide for passive surveillance, they are also</p>

setback in compliance with the deemed-to-comply setbacks for Clause 5.4.1 – Visual Privacy.

Each site can accommodate parking, landscaping and utilities and there are no easements or essential service corridors to consider.

The applicant has provided a landscaping plan, with a total landscaped area of 15.2% of the site, comprised of existing trees which will be retained, 10 proposed small trees, 5 medium trees, low groundcovers and screening planting. The landscaping plan proposed is considered to protect and enhance the character and amenity of the locality, which is typically a green leafy suburb.

The proposed landscaping is seen to be a feature that minimises the proportion of façade at the ground level taken up by building services, vehicle entries, parking and walls by providing visual interest and softening the built form.

The design of the development incorporates various articulations of the wall lengths on the ground and upper floors so as to ensure the building mass and form is not excessive. In addition, the arbours over the entries to Lot 2 and Lot 3 provide visual interest and help to reduce the impact of building bulk upon the common property driveway and the streetscape.

The arbours will act as a feature and a buffer between the buildings and the setbacks to the common property driveway and the eastern lot boundary.

The development utilises a range of materials and architectural treatments, including the arbours on the ground floor and a balcony on the upper floor facing Waratah Avenue thereby minimising any perceived bulk as viewed from the street.

The height of the development is consistent with the surrounding area and is below the deemed-to-comply 10m height limit.

In relation to the primary street, the streetscape is not dominated by building services, vehicle entries, blank walls or infrastructure. Along the primary elevation (Elevation 1 on the plan), there is no vehicle access point facing Waratah Avenue from Unit 1. There are a variety of major openings to habitable rooms which contribute to passive surveillance over the primary street. There is a visitor bay located outside Unit 1 which is a requirement for a proposal of 5 grouped dwellings. The location of the visitor bay outside Unit 1 is seen appropriate as it ensures that visitors to the site are easily able to locate the bay.

Further to the above, Administration notes that the definition of a “Secondary Street” in the R-Codes (Volume 1) is “in the case of a site that has access from more than one public road, a road that is not the primary street.” As such, the common property for this site is a secondary street for Units 2, 3, 4 and 5. For an R60 site, Table 1 of the R-Codes (Volume 1) states that a 1m secondary street setback is required. This is in contradiction to the deemed-

to-comply requirement outlined in Clause 5.1.2 – Street Setbacks. However, Administration has used the higher setback requirement (2.5m) for assessment purposes.

In light of the above, the street setbacks for Units 2, 3, 4, and 5 to the common property driveway (secondary street) are not considered incongruous within its setting that would prejudice the objectives of the zone and as such, are considered to meet the Design Principles.

Clause 5.1.3 – Lot Boundary Setbacks

Design Principles
<p>P3.1 - Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
<p>P3.2 - Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.
Deemed-to-Comply Requirement
<p>Boundary walls are only deemed-to-comply to one lot boundary to the parent lot</p>
Proposed
<p>Boundary walls are proposed to two boundaries – along the eastern and western lot boundaries, as well as internal boundary walls.</p>
Administration Assessment
<p>The boundary walls are supported and are considered to meet the design principle for the following reasons outlined below.</p> <p>The development could have utilised the deemed to comply length and height permitted under Residential R60 which would have had a much greater impact on the adjoining properties. Instead the proposed boundary walls do not exceed the 3.5m height and 3.0m average height requirements. Therefore, the proposals impact on the amenity is considered lower than what is capable under the deemed to comply.</p>

The boundary walls along the western lot boundary are relatively short, and have been designed with high quality materials, minimising their impact on the overall bulk and ventilation. Only one boundary wall is presented on the eastern lot boundary for the garage at Unit 5. The boundary wall abuts the outdoor living area of the neighbouring property. The proposed boundary wall contains no major openings and is considered to minimise the extent of overlooking.

In R60, building on boundary is permitted for two-thirds (66%) of the length of the balance of the lot boundary behind the front setback. On the western elevation, the total building on boundary is proposed for 35% of the length of balance of the entire lot boundary behind the front setback. Therefore, of the total lot boundary length, the building on boundary represents just over half of the permitted length in the R60 zoning. On the eastern elevation, the total building on boundary is for the Garage of Unit 5 at 16% of the total lot boundary behind the front setback. This is considered relatively minor as a comparison to the permitted 66% building on boundary permitted.

The boundary walls which are wholly located behind the front setback are a positive outcome from a streetscape perspective. As shown in the render provided by the applicant as Confidential Attachment 7, the boundary walls are not visible from Waratah Avenue, especially with the presence of the arbours with vertical planting (creepers) along the common property which provide visual interest and articulation.

The boundary walls along the western elevation have been broken up along Units 2, 3 and 4 so as not to present excessive building bulk upon the adjoining properties.

The boundary walls do not affect overshadowing as per element 5.4.2 of the R-Codes Vol. 1 as they cast shadow onto the subject site, not an adjoining property. As such, the proposed development does not unduly compromise the direct sun and ventilation to the building and open spaces upon the adjoining properties.

The boundary walls allow for an efficient use of space, especially with respect to the outdoor living areas, especially for Units 2, 3 and 4.

As shown in the landscaping plan, where there is building on boundary proposed, such as long the western, southern and eastern elevations, the applicant has proposed a variety of landscaping in the form of ornamental trees, layered planting, screening through trees and turf which to the outdoor living areas of Units 2, 3, 4 and 5 to:

- create more effective use of space of the residents who can enjoy their outdoor living areas in summer whilst the vegetation provides shade and cooling;
- reduce any adverse impact on amenity of adjoining residents; and
- reduce impact of building bulk on adjoining properties when the trees grow to their full height.

It is considered that the proposal of the grouped dwellings contributes to the prevailing development context and streetscape of the locality. The proposal also contributes to the future development context and streetscape of the locality, representing an appropriate development for the R60 density code. The development is seen to complement the future development context, with various other properties along Waratah Avenue, including No. 116 Waratah Ave and No. 130 Waratah Ave which have recently applied for grouped dwelling. It is noted that No. 116 Waratah Ave has received planning approval for 4 grouped dwellings.

Clause 5.3.2 – Landscaping

Design Principles
<p>P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that:</p> <ul style="list-style-type: none"> • contribute to the appearance and amenity of the development for the residents; contribute to the streetscape; • enhance security and safety for residents; • provide for microclimate; and • retain existing trees to maintain a local sense of place.
Deemed-to-Comply Requirement
<p>C2 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:</p> <ol style="list-style-type: none"> i. the street setback area developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface; ii. separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas; iii. landscaping between each six consecutive external car parking spaces to include shade trees; iv. lighting to pathways, and communal open space and car parking areas; v. bin storage areas conveniently located and screened from view; vi. trees which are greater than 3m in height shall be retained, in communal open space areas which are provided for the development; vii. adequate sight lines for pedestrians and vehicles; viii. clear line of sight between areas designated as communal open space and at least two habitable room windows; ix. clothes drying areas which are secure and screened from view; and x. unroofed visitors' car parking spaces to be effectively screened from the street. <p>Draft Clause 4.8.1 - C3 of the City of Nedlands Residential Development Local Planning Policy requires Single and grouped dwelling developments to provide a minimum of 20% of the site area as landscaping, measured in accordance with clause 7.2 of the policy. However, as this has been refused by the WAPC, this no longer applies.</p>

Proposed
<ul style="list-style-type: none"> • A lighting plan has not been included but is addressed by way of condition • The bin store location is accessible • Unit 2 proposes 16.6% landscaping • Unit 3 proposes 16.3% landscaping
Administration Assessment
<p>The development is considered to meet design principle P2 for the following reasons outlined below.</p> <p>The proposed landscaping is seen to contribute to the appearance and amenity of the development for the residents. The landscaping plan shows the provision of a tree within each of the outdoor living areas for Units 2, 3, 4 and 5. In the front setback area for Unit 1, there are a variety of trees and planting which will present a more attractive streetscape to Waratah Avenue. In addition to the above, there are also a variety of trees and planting proposed along the common property driveway. The provision of these trees is seen to contribute to the amenity of the development, rendering it more attractive for the residents living in the dwellings.</p> <p>The development proposal maintains safety and security by limiting areas of concealment.</p> <p>The City of Nedlands does not have any tree retention policies on privately owned land at the current time. The City can limit the tree removal within the verge. The application proposes the retention of two street trees and trees along the common property driveway.</p> <p>The retention of existing trees will provide shade and reduce the urban heat island impact better than grass and small shrubs along the common property driveway. As such, the landscaping is considered to provide for the microclimate. The retention of the trees is also seen to maintain a local sense of place, including the retention of two verge trees on Waratah Avenue.</p> <p>The 20% landscaping requirement for each grouped dwelling under the City of Nedlands Residential Development Local Planning Policy represents a Council adopted policy position. This clause, however, no longer applies as a deemed-to-comply provision under the Residential Design Codes (Volume 1) as the amended provision was refused by the WAPC. During the assessment of the application the City gave due regard to this provision and advertised the departure.</p> <p>At the Special Council Meeting on 30/06/2020, the landscaping provision was refused by the WAPC and as such is no longer a deemed-to-comply requirement.</p> <p>The provision of the landscaping plan by the applicant is seen to be a positive outcome for this development in that the landscaping proposed will contribute to the appearance and amenity of the development for the residents. The landscaping proposed in the front setback area will contribute to an attractive</p>

streetscape. Not only will the retention of existing trees and the proposal of new trees, vegetation and planting maintain a local sense of place in Dalkeith (which is regarded as a green leafy suburb), but it will also provide for a microclimate.

As such, the application is seen to successfully meet the Design Principles for landscaping.

Local Planning Policy – Waste Management

The waste management plan provided with the application has been assessed by Administration. It has been assessed as compliant with the City's waste management local planning policy and guidelines. It is recommended that in the event of approval, a condition be placed requiring the waste management plan contained as Attachment 4 be implemented and maintained at all times.

Strategic Implications

Nil.

Budget/Financial Implications

Nil. There are costs associated with the current SAT proceedings, but no direct financial implications associated with this determination

Conclusion

Whilst the proposal is a more intense form of development than what currently exists, it is compatible with the built form and scale of the redeveloped homes that predominate Waratah Avenue. The proposal meets the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area.

The five two-storey grouped dwellings proposed at No. 78 Waratah Avenue, Dalkeith have been assessed as consistent with the Residential R60 density code and are designed to complement the existing streetscape.

The additional plans showing arbours over the entries of Units 2 and 3, the landscaping plan and a render of the development highlight that this application satisfies the design principles of the Residential Design Codes. Further, it is in keeping with State and Local Planning Policies and does not prejudice the intent of the Residential zone and Objectives of the City of Nedlands Local Planning Scheme No. 3.

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

24 June 2020

Anjali Parmar
Urban Planner (Statutory)
City of Nedlands
NEDLANDS WA 6009

Dear Anjali Parmar

NO. 78 WARATAH AVENUE, DALKEITH - RESPONSE TO COMMUNITY SUBMISSIONS

Urbanista Town Planning have prepared a response to the submissions received during the community consultation period for the subject development application currently being considered by the City. A total of 10 objections were received, raising twelve key concerns relating to the proposed development. These matters have been identified and addressed below.

PLANNING RESPONSE

The issues raised have been summarised by category, indicating the number of times the matter was raised, and response to the concerns.

Issue / Comment	Applicant Response
5.1.3 Lot Boundary Setbacks (7)	<p>The only variation proposed to lot boundary setbacks is that boundary walls have been proposed to more than one side boundary. All boundary wall heights and lengths fully comply with the associated deemed-to-comply requirements for their respective boundary. Accordingly the impact of boundary walls to any one adjacent property is equal to or less than that permitted and deemed acceptable under the R-Codes.</p> <p>The applicable design criteria for boundary walls relates to effective use of space and enhanced privacy, reducing impacts of building bulk, adequate provision of direct sun, ventilation, open space, and minimising extent of overlooking.</p> <p>The boundary walls do result in effective use of space on the lots, eliminating narrow passageways adjacent to the lot boundary which cannot serve any functional purpose for the residents. Privacy is enhanced between the dwellings on site by providing a greater level of separation between outdoor living areas.</p> <p>Whilst the boundary walls will result in some overshadowing the adjacent properties this is no greater than that deemed acceptable under the R-Codes, and the areas which will be overshadowed primarily relate to narrow inactive setback areas adjacent the dwellings, no primary outdoor living areas are overshadowed. The spaces which the</p>

Issue / Comment	Applicant Response																																																													
	<p>boundary walls adjoin also maintain an adequate level of separation between buildings to maintain ventilation through the sites.</p> <p>The development has also been demonstrated to comply with open space and visual privacy so the boundary walls also do not negatively impact these aspects of the development.</p>																																																													
5.1.4 Open Space (3)	<p>When including the proportionate share of open space associated with common property as permitted under 5.1.4 C4 all five lots individually and the development overall achieved in excess of the 40% open space required in the deemed-to-comply provisions of the R-Codes relating to open space.</p> <div><p>Open Space Calculations</p><table><tr><th>Strata Lot No.</th><th>Building Footprint (m2)</th><th>Lot Area (m2)</th><th>Open Space Area/Lot (m)</th><th>Share of Common Area (m2)</th><th>Total Open Space Area/Lot (m2)</th><th>Total Open Space %</th></tr><tr><td>1</td><td>107.1</td><td>151.2</td><td>44.1</td><td>44.1</td><td>88.2</td><td>45.2%</td></tr><tr><td>2</td><td>114.1</td><td>154.1</td><td>40.0</td><td>45.0</td><td>85.0</td><td>42.7%</td></tr><tr><td>3</td><td>114.1</td><td>153.6</td><td>39.5</td><td>44.8</td><td>84.3</td><td>42.5%</td></tr><tr><td>4</td><td>109.9</td><td>177.0</td><td>67.1</td><td>51.6</td><td>118.7</td><td>51.9%</td></tr><tr><td>5</td><td>103.3</td><td>147.5</td><td>44.2</td><td>43.0</td><td>87.2</td><td>45.8%</td></tr><tr><td></td><td>548.4</td><td>783.4</td><td>235.0</td><td>228.5</td><td>463.5</td><td></td></tr></table><p>Open Space Calcs:</p><table><tr><td>Site Area (m2):</td><td>1011.9</td></tr><tr><td>Total Built Up Area (m2):</td><td>548.4</td></tr><tr><td>Open Space Area (m2):</td><td>463.5</td></tr><tr><td>Total Lot Area (m2):</td><td>783.4</td></tr><tr><td>Total Communal Space (m2):</td><td>228.5</td></tr><tr><td>Open Space %</td><td>45.80%</td></tr></table></div>	Strata Lot No.	Building Footprint (m2)	Lot Area (m2)	Open Space Area/Lot (m)	Share of Common Area (m2)	Total Open Space Area/Lot (m2)	Total Open Space %	1	107.1	151.2	44.1	44.1	88.2	45.2%	2	114.1	154.1	40.0	45.0	85.0	42.7%	3	114.1	153.6	39.5	44.8	84.3	42.5%	4	109.9	177.0	67.1	51.6	118.7	51.9%	5	103.3	147.5	44.2	43.0	87.2	45.8%		548.4	783.4	235.0	228.5	463.5		Site Area (m2):	1011.9	Total Built Up Area (m2):	548.4	Open Space Area (m2):	463.5	Total Lot Area (m2):	783.4	Total Communal Space (m2):	228.5	Open Space %	45.80%
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5.3.2 Landscaping (3)	<p>The development proposes a reduction to the 20% minimum landscaped area required by the City of Nedlands local planning policy relating to residential development. The landscaped area associated with each lot is outlined in the adjacent table, demonstrating a total 168m² (16.6%) landscaping in lieu of 202m² (20%), representing a 3.4% variation. Hardstand on site has been kept to a minimum, with provision only as required to accommodate vehicle and pedestrian access, and a table and seating in the outdoor living areas.</p> <table><tr><th>Strata Lot No.</th><th>Landscaped Area (m2)</th><th>Percentage of Landscaped</th></tr><tr><td>1</td><td>41.4</td><td>21%</td></tr><tr><td>2</td><td>27.8</td><td>14%</td></tr><tr><td>3</td><td>27.1</td><td>14%</td></tr><tr><td>4</td><td>39.8</td><td>17%</td></tr><tr><td>5</td><td>31.9</td><td>17%</td></tr><tr><td></td><td>168.0</td><td>17%</td></tr></table> <p>The applicable design element of the R-Codes includes five objectives to be achieved, contributing to the appearance and amenity of the development for residents, contributing to streetscape, enhancing security and safety, provides for microclimate, and retains existing trees to maintain sense of place.</p> <p>The proposed landscaping on site does contribute to appearance and amenity of the development for residents, this is achieved through retention of trees on the eastern boundary, providing a positive outlook for residents, provision of landscaping within the outdoor living areas, and adjacent to the frontages of each dwelling.</p>	Strata Lot No.	Landscaped Area (m2)	Percentage of Landscaped	1	41.4	21%	2	27.8	14%	3	27.1	14%	4	39.8	17%	5	31.9	17%		168.0	17%																																								
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Issue / Comment	Applicant Response
	<p>Streetscape interface is considered to have been significantly improved from that existing, with increased provision of landscaping and no loss of trees within the verge or the street setback area. The landscaped areas will not result in any areas of concealment or entrapment and do not obstruct sight lines, therefore not contributing to any safety or security issues.</p> <p>The landscaping will provide for microclimate by through retention of the mature trees along the eastern boundary initially, and this will be increased over time as the landscaping planted in other areas on site as mentioned above matures.</p>
5.3.5 Vehicle Access (3)	<p>The vehicular access proposed comprises a 3.0m to 4.8m (rear sections) wide paved width, with landscaping strips either side. The requirement for a 4.0m wide paved driveway does not serve any purpose in respect of vehicular access from a functional standpoint; the additional 1.0m width is inadequate to allow two vehicles to pass, resulting in unnecessary additional hardstand, reducing potential for landscaping.</p> <p>The nature of the development provides numerous sections of additional width (adjacent to garage entrances) for pedestrians to utilise should vehicles and pedestrians be traversing the driveway at the same time, and reduced width typically encourages reduced vehicle speeds, increasing pedestrian safety. The driveway maintains sufficient width for vehicles to access and egress the site in forward gear, and the reduced width also reduces the presence and impact of the driveway to the streetscape.</p>
5.4.1 Visual Privacy (1)	The development fully complies with the deemed-to-comply provisions of the R-Codes relating to visual privacy, accordingly
5.4.2 Solar Access (2)	The development fully complies with the deemed-to-comply provisions of the R-Codes relating to solar access.
Clause 67 of the Deemed Provisions (2)	<p>Clause 67 of the Deemed Provisions is not a checklist for assessment of compliance, but rather a list of matters to be given due regard to the extent which they are relevant to the development. The development presents a high level of compliance with both local and state planning policies, and the local planning scheme. Demonstrates the development has been designed with considerable regard to the planning framework. All variations proposed are minor in nature and have been justified against the relevant design principles and objectives.</p> <p>The development is consistent with the future desired character for the area whilst also achieving the scale and density intended for the locality as outlined in the planning framework. The development will present a similar level of bulk and scale to the streetscape as the developments to the east of the site fronting Adelma Road without the significant impact of a double garages dominating the streetscape. Similarly, the adjoining development to the west of the site at 80 Waratah Avenue also presents a frontage dominated by a carport and a 1.8m high solid front wall, providing little to no interaction or surveillance to the streetscape and an overall poor streetscape character. The development will present a significant level of streetscape interaction and surveillance, through a highly articulated façade incorporating a range of materials, openings, and setbacks, which will positively contribute to and enhance the existing streetscape character.</p> <p>The development will maintain a significant number of the existing trees currently located on site, in addition to introducing new landscaped areas. The development will</p>

Issue / Comment	Applicant Response
	represent a net increase to landscaping on site from that currently existing and does not propose removal of any street trees.
Traffic (3)	Whilst acknowledging the development will result in an increase to traffic from the previously existing development, it is fully compliant with the density requirements of the Residential 'R60' Zone which the site has been nominated under the City's Local Planning Scheme 3. Accordingly, traffic generated by the development will be consistent with expectations set out by the planning framework of the locality.
Waste Management (2)	<p>A Waste Management Plan was prepared with the submission, which outlines how waste on site will be managed in accordance with the City's requirements and mitigate potential impacts. The communal bin store will function as follows:</p> <p>Residents will manage the use of their own internal waste 120 litre bins and recycling 240 litre bins (i.e. cleaning, presentation). Residents will be required to bag all waste material prior to it being placed in their 120 litre bins.</p> <p>The management of the shared bins will be coordinated by the Strata Management and written into the strata management arrangements. A cleaner or similar personnel is to be either employed or contracted directly by the Strata Management to supervise waste management throughout the facility and as such, will be made aware of the expectations regarding presentation and collection arrangements.</p> <p>Those personnel will be responsible for ensuring that the shared waste bins are presented to the collection vehicle on collection days and are returned to the store once they have been emptied. They will also be responsible for ensuring that residents return their 120 litre MGBs to their garages after the bags have been removed for consolidation into the shared 240 MGBs.</p>
Impact During Construction (2)	<p>To manage impacts during the construction period the applicant would be supportive of a condition of development approval for a construction management plan to be prepared to addressing potential impacts and ensuring adjacent properties are not adversely impacted on during this period.</p> <p>The construction will not adversely impact on an adjoining development. Measures will be established through the Building Permit and implemented on site to ensure adjoining developments are not undermined or damaged.</p>
Dividing Fences (3)	The dividing fences and walls cannot be removed or altered without prior consent from all affected landowners.

CONCLUSION

Based on the information presented in this submission Urbanista Town Planning respectfully requests that the City support the proposed development at 78 Waratah Avenue in Dalkeith. The applicant looks forward to working with the Town to reach an amicable and timely solution in development approval.

Should you have any question in relation to the details provided in this submission, please contact Petar Mrdja on [6444 9171](tel:64449171) or petar@urbanistaplanning.com.au.

Yours Sincerely,



Petar Mrdja

Director | Urbanista Town Planning



Context and Character

- The development has been designed having regard for the intended future scale and character of the area as foreshadowed in the City's Local Planning Strategy and new Planning Scheme, namely medium density housing along an existing public transport route, directly opposite and within the immediate catchment of existing commercial and community services associated with the Dalkeith Town Centre.
- In the absence of a consistent architectural style in the area, a modern style of housing is proposed. Particular effort has been applied to the design in terms of materials and built form articulation, in particular along the front elevation to ensure an attractive aspect that complements and further enhances the local character of the area.
- Particular effort has also been made to step each building up along the length of the common property access leg, so as to match the natural rise of the land (as best as possible), and minimise the level difference between our site and much higher site level associated with the existing dwelling to the rear.

Landscape Quality

- All dwellings take vehicular access directly from the common property access road, utilising the existing crossover to avoid any need to disturb the two existing street trees within the front verge of the property.
- In addition, the design seeks to retain the majority of a number of slender, up to 8m tall pine trees located along the eastern edge of the drive (adjacent to Lots 800-802 Adelma Road).
- The proposal involves the creation of landscaping spaces and associated deep soil zones within the common property access leg and around the periphery of the development, inclusive of the ability to accommodate small trees that in-time will add to the existing canopy, shade hard surfaces and minimise the urban heat island effect.
- A balanced approach to hard and soft landscaping is proposed as best demonstrate on the coloured concept provided. A Landscaping Plan detailing the specific species and density of planting will be prepared and submitted to the City for further consideration in response to an anticipated condition of development approval.
- The selected planting palette will be compact, involve a mix of native and exotic species (including shade tolerant where necessary), textured and colourful, complemented by an interesting and hardy mix of paving materials for hard landscaped areas to pedestrian entries and courtyards.
- Maintenance of all common property and front landscaping will be managed by the Strata Company to ensure the look of the development is appropriately maintained at all times.

Built Form and Scale

- Reflective of local market demand, and in keeping with existing height and future intended character of the surrounding area, all dwellings are double-storey, 3 bedroom x 2 bathroom dwellings, including two with an additional study.
- Dwellings are typically setback in accordance with the generic requirements of the R-Codes, with parapet walls proposed on most internal side boundaries and limited portions of external boundaries in order to maximise development efficiencies.
- All parapet walls are located behind the front setback and have been specifically positioned having regard for the design of adjacent dwellings (in particular the privacy and usability of outdoor living areas internal to the development).
- On external boundaries only short extents of walls are proposed, in a deliberate attempt to share a lesser impact over a larger number of properties. Cumulatively the length of the walls is less than the maximum that would otherwise be permitted on one side-boundary only.
- On internal boundaries, walls are typically paired with boundary walls of matching height and length (meaning no windows or major openings that will be impacted by a loss of access to daylight), whilst at the same time being careful to avoid direct overlooking or adverse overshadowing of adjacent properties.



Functionality and Build Quality

- All dwellings have been designed to a high standard, involving use of a range of complimentary materials to ensure an attractive development that positively contributes to the local streetscape and character.
- The upper floors of the proposed dwellings involve light-weight pod construction, constructed in its off-site factory helping to minimise the length of time on-site (and associated disturbance to neighbours), without any reduction in the quality of the finished product.

Sustainability

- The design adopts strong passive environmental design approaches, achieved through the orientation of development and breakdown of building mass. The layout provides suitable solar and daylight access to each dwelling, and allows for good natural cross ventilation thereby reducing the development's overall power needs. Rooved Outdoor Living Areas and eaves have also been used wherever practical to ensure appropriate shading of living areas to reduce solar gain.
- Sustainability lies at the core of all Nicheliving projects. For this project the following integrated energy efficient solutions are proposed to be incorporated into the built form and landscape design:
 - a) Minimising the Embodied Energy in the Building (without affecting its Thermal Performance) via:
 - the use of reinforced steel that reduce the necessary size of foundations;
 - light weight upper floor construction, in the form of a timber stud frame with EPS sheathing;
 - maximising collection and reuse of unused materials in other Niche Projects;
 - b) Reducing future Resident Energy Consumption (including E-Tool certification) via incorporation of:
 - high efficiency LED lights throughout;
 - an instantaneous gas hot water system;
 - gas hobs and an electric oven in the kitchen;
 - a high efficiency air-source heat pump; &
 - offering purchasers the option to include a Solar PV package on the roof during construction;
 - c) Reducing future Resident Water Consumption via the installation of waterwise fittings and waterwise planting throughout, a large portion of which will be maintained by the Strata Body.

Amenity

- The dwellings are generously sized, naturally lit, and designed to flexibly accommodate furniture settings and personal goods. Both levels of each dwelling involve 31 course raised ceilings, with three of the five dwelling's main living areas then having a significant void above, to create a sense of spaciousness and maximise the penetration of air and natural light into the primary habitable area of each dwelling.
- Outdoor Living Areas for each dwelling exceed the minimum area (and in all bar one instance the minimum dimension) requirements of the R-Codes, positioned adjacent the primary living space so they can form a natural extension of that space, and are complimented (in three of the five designs) by the provision of separate clothes drying areas located in positions entirely screened from public view.
- The one exception to the above is the proposed dwelling on Lot 1, which has been designed as an upside-down house with the living areas and outdoor living area located at the upper floor (in the form of a balcony orientated towards the public road). In this instance a slightly reduced dimension of 3.8m is proposed and with a greater portion (100% of the total area) covered beyond the normal one-third limit. This is a deliberate attempt to enhance the usability of the OLA and better protect it (and the adjoining Living Room) from northern sun, and potential overlooking by anticipated multiple dwelling development on the opposite side of the road
- Each dwelling also incorporates a storage area in excess of the minimum area and dimension requirements of the R-Codes, and are complimented by the provision of separate bin storage areas, all of which are either integrated and accessed externally or via the double garage.



Legibility

- All dwellings address either the public or private street (or both), with clearly defined entry points in accordance with the requirements of the R-Codes. Each dwelling also has at least one major opening from a habitable room of the dwelling facing the street and pedestrian and vehicular approach to the dwelling (typically a ground floor kitchen or study, and/or at least one upper floor bedroom).
- The internal access road typically varies between 3-5m in width (within a 4-5m common property access leg) with a 6m reversing area provided to the rear of every garage (that can also act as a passing bay in the rare event of cars needing to pass each other on such a short access leg) and the provision of appropriate sight line truncations both where the access leg bends, and where it meets the public road.
- The required visitor bay has been positioned adjacent the entrance to the site so that it is readily identifiable and accessible to visitors and avoids the need for unnecessary traffic movements further along the communal accessway. A narrow landscaping strip is then proposed to provide some visual relief between the bay and the adjoining public footpath.

Safety

- The development directly addresses both the public and private roads. In particular the front house includes substantial openings (at both levels), including its front door and a side gate (providing access to the rear of the dwelling), and a raised outdoor living area (in the form of a first-floor balcony) that directly orientate towards Waratah Avenue, thereby ensuring the development appropriately surveils the adjoining public and semi-private realm.
- Aside from the gate, no other front fencing is proposed, with the building line itself clearly defining the change between the public and private realms.

Community

- The proposal specifically seeks to improve the range of housing available in the area and accommodate a wider range of demographics, without necessarily compromising on the number of bedrooms. In particular all dwellings have been specifically designed with 'aging-in-place' and the needs of older residents (looking to downsize within the local area) in mind.
- A Silver level design standard under Liveable Housing Australia is proposed. Augmented by the provision of a private lift internal to each dwelling, the seven core design features of that level that have been integrated into the design of each dwelling include:



Silver Level

Seven core livable housing design elements

Focuses on the key structural and spatial elements that are critical to ensure future flexibility and adaptability of the home. Incorporating these features will avoid more costly home modification if required at a later date.

- 1 A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
- 2 At least one, level (step-free) entrance into the dwelling.
- 3 Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- 4 A toilet on the ground (or entry) level that provides easy access.
- 5 A bathroom that contains a hobless (step-free) shower recess.
- 6 Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
- 7 A continuous handrail on one side of any stairway where there is a rise of more than one metre.

- Dwellings have been specifically arranged to minimise both overlooking and overshadowing of adjacent properties, with just 10.4% of the property to the rear being affected, well below the R-Codes maximum.



Aesthetics

- The development has been designed by an eminent architect and peer-reviewed by a second architect to ensure the resultant built form meets the built form expectations of the Client and future purchasers.
- The development incorporates a high-quality palette of materials and colours to achieve an attractive and inviting outcome, in a manner that enhances and doesn't detract from surrounding development.
- Retention of both existing street trees, combined with the additional landscaping proposed (including removal of the existing front wall), compliments and softens the appearance of the development, thereby improving the overall streetscape appeal.



Niche Living Projects Pty Ltd

78A & B Waratah Avenue, DALKEITH 5-Unit Grouped Dwelling Development

Acoustics - Noise Emissions Assessment for DA


22 JAN 2020

NicheLiving Project Pty Ltd


78A & B Waratah Avenue, DALKEITH 5-Unit Grouped Dwelling
Development

Acoustics - Noise Emissions Assessment for DA

JAN 2020

QA INFORMATION	
Project No	SEA-2020-003 (Site 3)
Project Name	78A & B Waratah Avenue, DALKEITH 5-Unit Grouped Dwelling Development
Client	Emerald Development Alliance Pty Ltd, C/o- NicheLiving Projects Pty Ltd
Report Title	Acoustics - Noise Emissions Assessment for DA
Filename	SEA-2020-003 RPT003 DA
Revision	[Category]
Reason For Issue	In support of Development Application submission
Authored By	Daryl Thompson
Authorised By	
Issue Date	22 JAN 2020

PROJECT PARTNERS

Discipline	Entity	
Client	Emerald Development Alliance Pty Ltd, C/o- NicheLiving Projects Pty Ltd	Nicheliving®
Architectural Design	Zuiderveld Marchant Hur	ZMH ZUIDVELD MARCHANT HUR <small>ARCHITECTURE PLANNING INTERIOR DESIGN</small>
Planning Consultant	Taylor Burrell Barnett	 Taylor Burrell Barnett

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REPORT ABSTRACT

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Sealhurst were appointed by Emerald Development Alliance Pty Ltd, C/o- NicheLiving Projects Pty Ltd to provide acoustic engineering consultancy and assessment(s) relating to their multiple grouped residential dwelling development design, proposed to be located at 78 A & B, Waratah Avenue, in the suburb of DALKEITH, Western Australia. The project is in the process of submitting documentation to the City of Nedlands to pursue a Development Application process, in accordance with the City's current (and Draft) structure plan(s) and development Policy(s) relevant to this type of development.

The City's Development Application Checklist, item 16 seeks an *"Acoustic / Noise Attenuation Report"*, applicable *"Where an application gives causes for concern for increased noise a noise attenuation report may be required"*. In discussion with the City's Environmental Health Department, the reporting requirements at DA are intended to address potential noise emissions of any proposed new sources of noise which form part of the development.

The *Environmental Protection (Noise) Regulations 1997 (Incl. amendments)* is the applicable legislation governing all sources of noise which are introduced when the new building is constructed, and applicable at the nearest Noise-Sensitive Receiver (NSR). Assessment under the *Regulations 1997* is achieved via the application of the *Prescribed Methodology* from which a set of Assigned Noise Level (ANL) limits are calculated, applicable at the nearest noise sensitive receiver location(s).

The process is designed to ensure that all noise emissions are able to comply with the WA *Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)*;

This report (Ref: *SEA-2020-003 RPT003 DA*) therefore presents our early stage (DA) assessment of anticipated building services plant serving residential units, to ensure the eventual building services components are able to meet the applicable noise emission *Regulations* limits, assessed at the nearest off-site noise sensitive (residential) receiver(s).

Note, as the development site contains Grouped Residential Dwellings provision, the project may require demonstration of additional design compliance elements under the National Construction Code, specifically relating to shared separating walls (if applicable), as condition(s) of future Building Permit approval(s). These aspects are not covered in the scope of this report.

REPORT ABSTRACT

EXECUTIVE SUMMARY

Sealhurst were appointed by Emerald Development Alliance Pty Ltd, C/o- NicheLiving Projects Pty Ltd to provide acoustic engineering consultancy and assessment(s) relating to their multiple grouped residential dwelling development design, proposed to be located at 78 A & B, Waratah Avenue, in the suburb of DALKEITH, Western Australia.

The project is in the process of submitting supplementary documentation to the City of Nedlands pursuant to securing Development Application approval, in accordance with the City's current (and Draft) structure plan(s) and development Policy(s) relevant to this type of development. Specifically, the City's Development Application Checklist, item 16 seeks an *"Acoustic / Noise Attenuation Report"*, applicable *"Where an application gives causes for concern for increased noise a noise attenuation report may be required"*.

This report (Ref: *SEA-2020-003 RPT003 DA*) presents our early stage (DA) assessment of anticipated building services plant serving residential units, to ensure the eventual building services components are able to meet the applicable noise emission *Regulations* limits, assessed at the nearest off-site noise sensitive (residential) receiver(s).

ENVIRONMENTAL NOISE EMISSIONS COMPLIANCE

The *WA Environmental Protection (Noise) Regulations 1997 (inc. amendments)* represent the applicable statutory legislation covering all noise emissions from the new development. The Assigned Noise Level (ANL) limits have been determined based upon an Influencing Factor of +2, resulting in ANL limits of:

- 47 dB L_{A10} during daytime periods, 0700 – 1900;
- 42 dB L_{A10} during evening periods, 1900 – 2200; And,
- 37 dB L_{A10} during night-time periods, 2200 – 0700;

The calculated ANL limits are applicable at the nearest Noise Sensitive Receiver (NSR) locations, identified as:

- NSR 1 - existing adjacent residential property, No. 80 Waratah Avenue; And,
- NSR 2 - existing adjacent residential property, No. 129 Adelma Road; And,

ANL limits apply to all noise emissions – identified herein as x5 residential Air Conditioning Condenser Units, (AC CU) anticipated to be located at each individual dwelling on the development Lot.

Preliminary selection options for external AC CUs from manufacturer's Daikin and Panasonic have been provided by Ford & Doonan – full details are provided in Section 3.2.1, including adjustments to manufacturer noise data to account for reference conditions. Using the adjusted manufacturer-rated sound data for each unit, noise levels from individual CU units at a distance of 3m are predicted for a range of installation locations:

1. Roof location, facing NSR 1 (minimum 3m distance, plus screening)
2. Roof location, facing NSR 2 (minimum 7m distance, plus screening)
3. Ground Floor Outdoor Living Area(s) (minimum 3m distance (varies))
4. First Floor Balcony (Lot 1 Only);
5. Within enclosed Car Garage;

A range of compliance outcomes are calculated – listed in tabular format in Section 3.2.2.

It is anticipated that the eventual CU locations will be determined during the Detailed Design phase – where the CU selections carry through to procurement, the application of the screening/enclosure treatments can be refined to ensure compliance during all times of the day evening and night.

REPORT ABSTRACT

Alternatively, reselection of quieter units may remove the requirement for screening treatments – TBC during Detailed Design stage(s).

CU units are typically broadband and steady-state in nature, hence tonality, modulation and impulsive penalties are not anticipated. Sealhurst recommend any proposed selections for procurement be reviewed prior, in terms of octave band sound levels, to determine compliance, and where any additional noise emissions sources not yet identified, be assessed to ensure the building is able to comply with the limits at all times.

We recommend the locations of CUs be reviewed in coordination with the determination of the proposed built form construction methodology, as these particulars become known, to ensure “on-site” and “off-site” noise amenity is achieved. External CUs will also require to be mounted on appropriate, load rated anti-vibration mounts, to avoid hum/noise disturbance from the CUs emanating into structure;

Note, as the development site contains Grouped Residential Dwellings provision, the project may require demonstration of additional design compliance elements under the National Construction Code, specifically relating to shared separating walls (if applicable), as condition(s) of future Building Permit approval(s). These aspects are not covered in the scope of this report.

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1 INTRODUCTION

1 INTRODUCTION

1.1 General Appreciation

Sealhurst were appointed by Emerald Development Alliance Pty Ltd, C/o- NicheLiving Projects Pty Ltd to provide acoustic engineering consultancy and assessment(s) relating to their multiple grouped residential dwelling development design, proposed to be located at 78 A & 78 B, Waratah Avenue, in the suburb of DALKEITH, Western Australia.

The project is to present 5 x double storey Grouped residential dwellings on existing residential Lots – currently 78A & 78B – which are to be demolished and amalgamated as part of the current project. The site is situated within the established residential suburb of DALKEITH, opposite Dalkeith Town Centre shopping and amenities.

In accordance with item 16 requirements under City of Nedlands' DA application checklist process, this report (Ref: SEA-2020-003 RPT003 DA) presents our early stage (DA) assessment of anticipated building services plant serving residential units, to ensure the eventual building services components are able to meet the applicable noise emission *Regulations* limits, assessed at the nearest off-site noise sensitive (residential) receiver(s).

1.1.1 Project Status

The project is in the process of submitting DA documentation to the City of Nedlands, pursuant to commencing the detailed design stage of the development.

1.2 Applicable Acoustic Design Criteria

1.2.1 Standard Multi-Residential Acoustic Design Framework

As a multi-residential development, the City's combined structure plan and development Policy(s) reference or imply the application of a range of acoustic criteria, drawn from a national design framework of design codes and standards encompassed by AS2107:2016, Section F5 of the *National Construction Code (NCC, formerly the BCA)*, and *WA Environmental Protection (Noise) Regulations 1997* (Incl. amendments).

The range of referenced acoustic criteria and consequential assessment(s) address the 3 primary components of multi-residential development design:

- i. **External Noise Ingress** - Demonstrating the building internal spaces are able to achieve internal design sound levels, from external noise levels in accordance with referenced Australian Standard AS 2107:2016: *Acoustics – Recommended design sound levels and reverberation times for building interiors*;
- ii. **Separation between Adjacent Residences** - Ensuring the proposed separating constructions (e.g. walls, floor/ceilings and the like) between adjacent individual dwellings are able to comply with Section F5 of the current edition of the *National Construction Code (NCC, formerly the BCA)*;
- iii. **Control of Noise Emissions** - Ensuring that all noise emissions are able to comply with the *WA Environmental Protection (Noise) Regulations 1997* (Incl. Amendments);

The scope assessment in this report relates to item (iii) – control of noise emissions.

We note *the project may require demonstration of additional acoustic compliance elements, specifically relating to shared separating walls (if applicable), as condition(s) of future Building Permit approval(s). These aspects are not covered in the scope of this report.*

1 INTRODUCTION

1.2.2 Control of Noise Emissions – Early Assessment

Item 16 of the City's DA application checklist process identifies the requirement to provide an "Acoustic / Noise Attenuation Report", applicable "Where an application gives causes for concern for increased noise a noise attenuation report may be required".

The *Environmental Protection (Noise) Regulations 1997 (Incl. amendments)* is the applicable legislation governing all sources of noise which are introduced when the new building is constructed, and applicable at the nearest Noise-Sensitive Receiver (NSR). Assessment under the *Regulations 1997* is achieved via the application of the *Prescribed Methodology* from which a set of Assigned Noise Level (ANL) limits are calculated, applicable at the nearest noise sensitive receiver location(s).

The City have provided the following advice regarding the nature and details of what an acoustic report must cover (where applicable) in order to satisfy item 16 at DA stage, as follows:

- (i) *Projected sound power levels of likely noisy equipment and activities and how they will be managed (i.e. early/late deliveries/collections (particularly waste), plant room design, location and orientation, roof or wall mounted air conditioner and venting units (location, design and projected sound power levels – including some indication of what could be expected at noise sensitive premises). This would need to be modelled on appropriate noise modelling software.;*
- (ii) *Details and requirement for any acoustic shrouding and /or walls surrounding the development generally (including all significant plant and noise generating equipment, such as the lifts).;*
- (iii) *L_{A10} figures to be used for noise sensitive premises by the acoustic consultant, in addition to L_{A1} figures;*
- (iv) *Projected noise levels for deliveries and collections need to be modelled and a comparison made of noise received at neighbouring noise sensitive premises (including reversing beepers and the like);*
- (v) *Detail on plant, in terms of fans and whether timed or variable speed fans etc will be used to minimise noise impacts on noise sensitive receivers.*

The early assessment process is designed to ensure that all noise emissions are able to comply with the WA *Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)* in the finished project;

1.2.3 Schematic Design - Report Aims

The primary report aim is to communicate how the proposed development has been acoustically assessed and designed for the purpose of minimising the effects of noise emissions, sufficient to meet the *Regulatory* limits. Our report will achieve this by presenting a technical assessment of each applicable element of via detailed site appraisal and current project design information.

Our Schematic Design report therefore represents our acoustic assessment of the current project documentation (Ref: Appendix A.1), in the above terms, identifying compliance via potential solutions for consideration at this stage, as the design is progressed. The report is intended to form a basis of design reference at DA stage, allowing informed amendments where prospective changes may occur during the Detailed Design and construction phase(s).

1.3 Project Inputs

1.3.1 Schedule of Architectural Drawings

The assessment has been carried out based upon milestone design architectural drawings supplied by Zuiderveld Marchant Hur via Taylor Burrell Barnett planning application documentation report, Ref: 19/046 DR, dated 15 November 2019. A schedule of these reference drawings is presented in Appendix A.1. Details are current at the date of this report (22 JAN 2020).

2 PROJECT CONTEXT

2 PROJECT CONTEXT

2.1 Development Definition

2.1.1 Proposed Development Site – (#78 A & B Waratah Avenue)

The project site is currently disposed as a split Lot comprised 78A and 78B Waratah Avenue; We understand the foremost Lot (78A) as viewed from street frontage, is currently vacant, with a brick and tile residential style building situated on Lot 78 B at the rear. The Lots are to be amalgamated as part of the project.

The amalgamated Lot at No. 78 Waratah Avenue will adjoin a row of existing single and double storey residential homes, directly opposite the Dalkeith Town Centre shops and amenities area, in the established leafy residential suburb of Dalkeith. The images (right) present the current site condition (top) and immediate neighbouring property – the second image from the top presents an architectural render of the development design in -situ.

The proposed design provides a significant redevelopment of the existing site, replacing the single-storey, single dwelling with 5 x double storey multi-residential provision, in keeping with its immediate neighbour.

In the area(s) immediately surrounding the site, Waratah Avenue passes another local amenities centre several hundred metres to the west, and some 200m south lies Dalkeith Primary School. Perth Transport bus routes pass along Waratah Ave, linking the local area to Stirling Highway via periodic perpendicular road routes, and onward to Cottesloe and Fremantle to the south west, and Perth CBD to the north-east, which presents excellent transport amenity to and from the CBDs.

Although intermittent construction noise is apparent during the day time hours on nearby development sites, the site is fairly benign in terms of existing (fixed) noise sources which presents an excellent opportunity for this type of infill residential development.

Where accompanied by careful selection of mechanical building services plant equipment for heating and cooling, the project design can be successfully integrated to engage with the local environmental noise sources whilst providing the required amenity from (and contribution to) local external noise.



3 NOISE EMISSIONS TO ENVIRONMENT

3 NOISE EMISSIONS TO ENVIRONMENT

3.1 Applicable Criteria

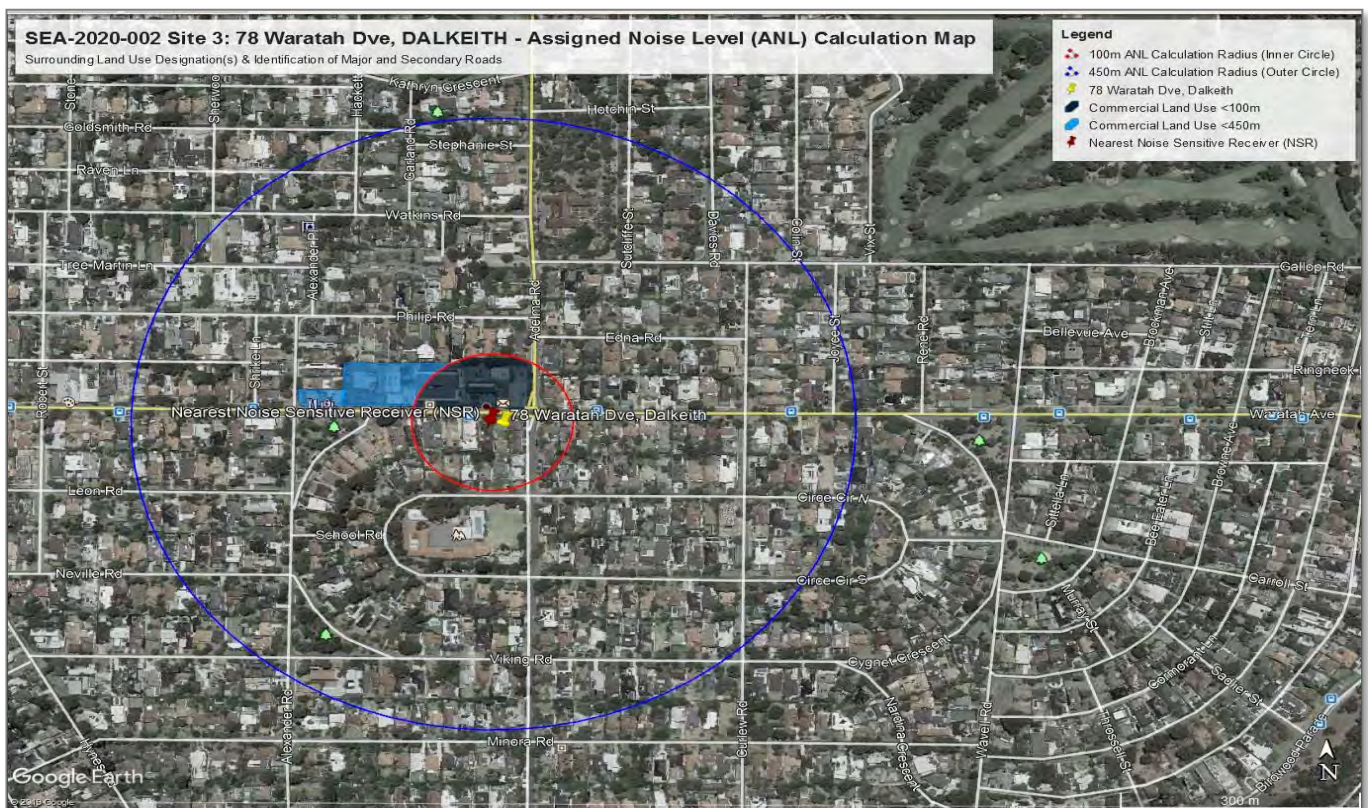
3.1.1 WA Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)

The *Environmental Protection (Noise) Regulations 1997 (inc amendments)* is the applicable legislation governing all sources of noise which are introduced when the new building is constructed, and **applicable at the nearest Noise-Sensitive Receiver (NSR)**. The *Regulations 1997* prescribe a specific methodology from which to calculate the Assigned Noise Level (ANL), which is the formal, objective and allowable noise emission limit due to the development. The ANL is different for each NSR, and is based upon an appraisal of the percentage Commercial and Industrial land surrounding the nearest noise sensitive receiver (NSR), and the volume and composition of road traffic in the vicinity of 450m (outer) and 100m (inner) boundary areas surrounding the designated NSR.

3.1.2 Determination of Land Use

The land use determinations surrounding the proposed development site and NSR(s) is of an established residential suburb, with some Industrial Land Use, as classified under *Schedule 1* of the *Regulations* for land use associated with the provision of "passenger transport". The image below presents an overview of the calculation of surrounding land use area in the "Inner" and "Outer" calculation radii in the vicinity of the site and nearest NSRs. ANL limits were calculated on the basis of 29% Commercial (C) Land Use in the "Inner" circle and 1.2% (C) in the "Outer" circle, with no Industrial Land Use or nearby "Major" or "Secondary" road transport infrastructure, as classified under the *Regulations' Prescribed Methodology*.

Where residential-only land uses are determined, the land use remains neutral in the calculation of the Assigned Noise Level.



3 NOISE EMISSIONS TO ENVIRONMENT

3.1.3 Identification of Nearest Noise-Sensitive Receiver (NSR)

When calculating an Assigned Noise Level (ANL) limit, one must consider the nearest existing noise-sensitive receiver(s), NSR(s), as prescribed under *Schedule 1 Part C, Environmental Protection (Noise) Regulations 1997*, as the defining receiving location for noise emissions from a new development. The nearest NSRs have been determined as:

- NSR 1, identified as the established residential property at 80 Waratah Avenue to the immediate west; And,
- NSR 2 identified as established residential property at 76 Waratah Avenue to the immediate east;

Aerial image below shows 100m and 450m calculation radii surrounding NSR 1 adjacent to the site:



3.1.4 Separation Distance to NSRs

An estimated separation distance of approximately 3m exists between the proposed dwellings to the west/NSR 1; Given the layout of the site, a slightly larger separation distance of 7m exists to the east/NSR2.

For the purposes of our noise emission compliance assessment, the prospective range of external Air Conditioning Condenser Unit (AC CU) locations and consequential noise emission predictions are calculated at the NSR positions using these distances, in accordance with inverse square law.

3 NOISE EMISSIONS TO ENVIRONMENT

3.1.5 Calculated Noise Emission Limits

ANL limits were calculated on the basis of 29% Commercial (C) Land Use in the "Inner" circle and 1.2% (C) in the "Outer" circle, with no Industrial Land Use or nearby "Major" or "Secondary" road transport infrastructure, as classified under the *Regulations' Prescribed Methodology*. Based upon this calculation methodology, an Influencing Factor (IF) has been calculated as +2.

The Table below presents the resultant Assigned Noise Level limits, applicable at the nearest NSR(s):

Part of Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises at locations within 15m of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday	47	57	67
	0900 to 1900 hours Sundays and public holidays	42	52	67
	1900 to 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
Noise sensitive premises at locations further than 15m of a building directly associated with a noise sensitive use	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and Utility premises	All hours	65	80	90

Appendix B presents the calculation methodology and assumptions used in our assessment.

3.1.6 Noise Source Character

In addition to the ANL limits, particular noise sources can attract additional punitive dB levies based upon the noise source characteristics. *Regulation 7* prescribes that the noise character must be "free" of annoying characteristics - specifically:

- (i) tonality (e.g. whining, droning)
- (ii) modulation (e.g. cyclical change in character, such as a siren)
- (iii) impulsiveness (e.g. banging, thumping)

Penalties apply up to a maximum of +15dB, for tonality (+5dB), modulation (+5dB) and impulsiveness (+10dB), where the noise source is NOT music.

3 NOISE EMISSIONS TO ENVIRONMENT

3.2 Identified Noise Emission Sources

3.2.1 Individual Dwelling A/C Condenser Units – Noise Source Definition

Each individual residential dwelling is anticipated to be heated and cooled by internal Fan Coil Units (FCUs) connected to external Condenser Units (CUs) - Niche Living Pty Ltd have provided preliminary condenser unit selections supplied via Mechanical Contractor Allied Air – details supplied are included in Appendix A.2.

Noise data from various manufacturers is often presented in a range of formats – the quoting of Sound Power Level (SWL) or measured Sound Pressure Levels at alternate distances/conditions, hence a firm grasp of noise data format is essential to ensure accurate and reliable predictions. To avoid any ambiguity in the referenced terms, and homogenise the assessment (and any dependent calculations), we have presented the source data and it's adjustments for clarity – acoustic data used in our assessment(s) is highlighted orange as follows:

Preliminary CU - Make Model	dB(A)	Octave Band Centre Frequency (Hz)							
Details		63	125	250	500	1k	2k	4k	8k
Daikin RZQS140AV1 (CU)¹									
Cooling Mode²									
Manufacturer single figure Sound Pressure Level dB(A)	54dB(A)								
Quoted Octave Band Sound Pressure Level, measured at 1m in anechoic conditions ³ ;		56	53	53	53	49	45	39	31
Adjusted to reference Sound Power Level, SWL (dB(A)) using First Principles	65dB(A)	66.8	63.8	63.8	63.8	59.8	55.8	49.8	41.8
Heating Mode⁴									
Manufacturer single figure Sound Pressure Level dB(A)	56dB(A)								
Not Provided – *Assumed* ⁵ Octave Band Sound Pressure Level, spectrally adjusted based upon single figure value;		58	55	55	55	51	47	41	33
Adjusted to reference Sound Power Level, SWL (dB(A)) using First Principles	67dB(A)	68.8	65.8	65.8	65.8	61.8	57.8	51.8	43.8
Panasonic S140 PE1R5B⁶ (CU)									
Cooling Mode									
Manufacturer single figure Sound Pressure Level dB(A)	54dB(A)								
Quoted Octave Band Sound Pressure Level, measured at 1m in anechoic conditions;		52	54	51	50	50	48	39	31
Adjusted to reference Sound Power Level, SWL using First Principles	65.1dB(A)	62.8	64.8	61.8	60.8	60.8	58.8	49.8	41.8
Heating Mode									
Manufacturer single figure Sound Pressure Level dB(A)	55dB(A)								
Quoted Octave Band Sound Pressure Level, measured at 1m in anechoic conditions;		56	54	53	52	50	49	41	33
Adjusted to reference Sound Power Level, SWL using First Principles	66dB(A)	66.8	64.8	63.8	62.8	60.8	59.8	51.8	43.8

¹ NOTE – Manufacturer data quotes "EPA SWL" at 69dB for a 53/55 unit, indicating a drop of 14-16dB(A) between measured SPL and reference SWL in anechoic chamber tests;

² Cooling mode generally emits lower sound pressure levels at low frequency due to the physics relating to condenser operation to generate cold coil conditions;

³ "Anechoic" conditions describes acoustic test chambers which are heavily insulated, and devoid of any reflected sound; The resulting measurement is not influenced by reflections, as occurs in the installed environment;

⁴ Heating mode generally emits slightly higher sound pressure levels at low frequency relating to condenser operation whining generate heated coil conditions;

⁵ *Assumed* spectrum applies spectral characteristics of the condenser unit to the slightly increased sound pressure level quoted for Heating mode, to generate a spectrum for analysis;

⁶ Note, octave band spectral data supplied is for "S140 PE1RB5A" not "B" – exact model designation TBC during Detailed Design, prior to procurement to allow checking and verification;

3 NOISE EMISSIONS TO ENVIRONMENT

3.2.2 Condenser Unit Compliance Summary

The locations of each condenser are yet to be confirmed at this stage, as is appropriate for this stage DA of preliminary design. In order to provide a robust and informative assessment, we have assumed several "typical" locations, and advised compliance status and advice in each case. Our assessment uses "Heating Mode" (highest noise emission) in all cases; Conservative screening adjustments are presented, allowing for intervening geometry between source and receiver; Assessments are calculated at 3m (worst case) distances in all cases – Assessment is presented in tabular format to aid efficient transfer of information:

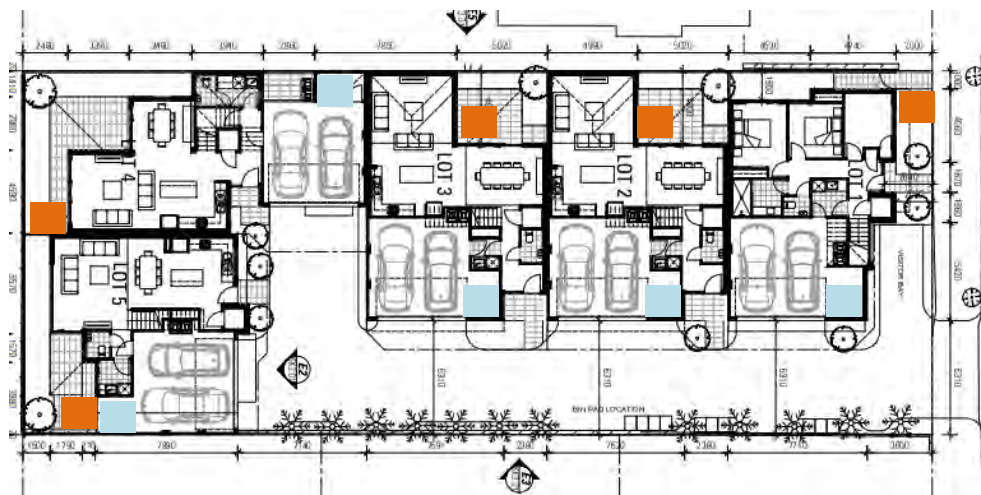
Unit	Source SWL (dB(A))	Location	Effective Shielding (dB)	Resulting Level @ Nearest NSR	Compliance Status	Treatment Options
Daikin RZQS140AV1						
Heating Mode	67dB(A)	1. Roof Pitch, facing NSR 1	-4dB	45.4dB(A)	- Complies during Daytime operations; - Exceeds during Evenings and Night-time hours;	Requires shielding enclosure, and automatic engagement of "night mode" reduced duty operation after 7pm;
Heating Mode	67dB(A)	2. Roof Pitch, facing NSR 2	-9dB	40.4dB(A)	- Complies during Daytime and Evening operations; - Exceeds during Night-time hours;	Requires shielding enclosure, and/or automatic engagement of "night mode" reduced duty operation after 10pm;
Heating Mode	67dB(A)	3. Gnd Flr Outdoor Living	-6dB	43.4dB(A)	- Complies during Daytime operations; - Exceeds during Evening and Night-time hours;	Requires louvered enclosing cabinet, and/or automatic engagement of "night mode" reduced duty operation after 10pm;
Heating Mode	67dB(A)	4. First Flr Balcony, adjacent to NSR 1	-4dB	45.4dB(A)	- Complies during Daytime operations; - Exceeds during Evenings and Night-time hours;	Requires shielding enclosure, and automatic engagement of "night mode" reduced duty operation after 7pm;
Heating Mode	67dB(A)	5. In enclosed Car Garage	-15dB	34.4dB(A)	Complies during Daytime, Evening and Night-time operations;	None; Note - ventilation requirements may need to be calculated by Mechanical Engineer to establish adequate exhaust airflow - TBC
Panasonic S140 PE1R5B						
Heating Mode	66dB(A)	1. Roof Pitch, facing NSR 1	-4dB	44.5dB(A)	- Complies during Daytime operations; - Exceeds during Evenings and Night-time hours;	Requires shielding enclosure, and automatic engagement of "night mode" reduced duty operation after 7pm;
Heating Mode	66dB(A)	2. Roof Pitch, facing NSR 2	-9dB	39.5dB(A)	- Complies during Daytime and Evening operations; - Exceeds during Night-time hours;	Requires shielding enclosure, and/or automatic engagement of "night mode" reduced duty operation after 10pm;
Heating Mode	66dB(A)	3. Gnd Flr Outdoor Living	-6dB	42.5dB(A)	- Complies during Daytime operations; - Exceeds during Evening and Night-time hours;	Requires louvered enclosing cabinet, and/or automatic engagement of "night mode" reduced duty operation after 10pm;
Heating Mode	66dB(A)	4. First Flr Balcony, adjacent to NSR 1	-4dB	44.5dB(A)	- Complies during Daytime operations; - Exceeds during Evenings and Night-time hours;	Requires shielding enclosure, and automatic engagement of "night mode" reduced duty operation after 7pm;
Heating Mode	66dB(A)	5. In enclosed Car Garage	-15dB	33.5dB(A)	Complies during Daytime, Evening and Night-time operations;	None; Note - ventilation requirements may need to be calculated by Mechanical Engineer to establish adequate exhaust airflow - TBC

3 NOISE EMISSIONS TO ENVIRONMENT

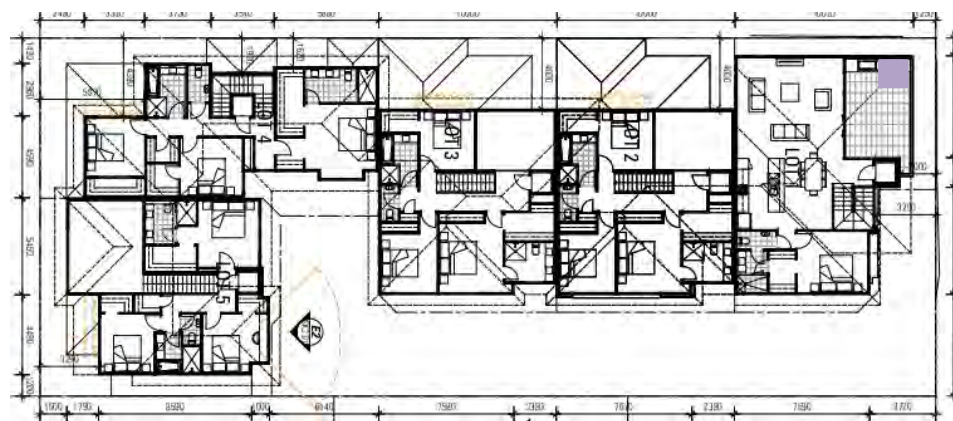
3.2.3 Schematic CU Locations

Indicative location schematic(s) used in our noise emissions assessment, as follows:

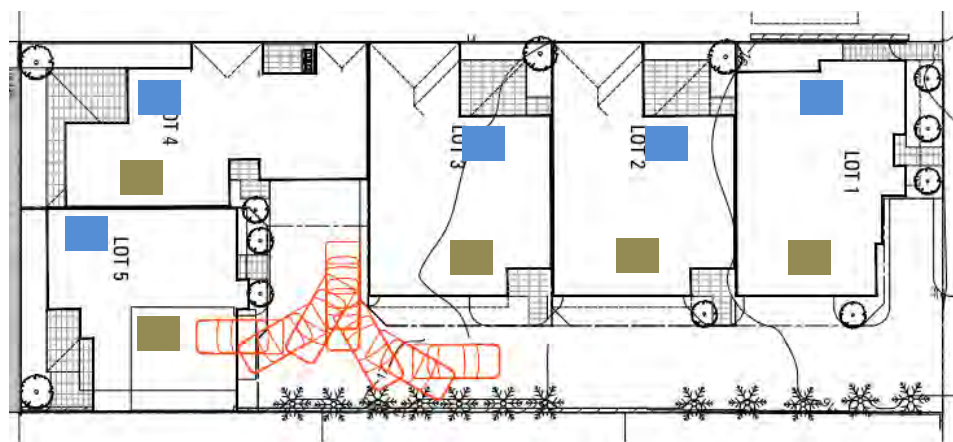
Ground Floor:



First Floor:



Roof Level:



3 NOISE EMISSIONS TO ENVIRONMENT

3.2.4 Note on Tonality

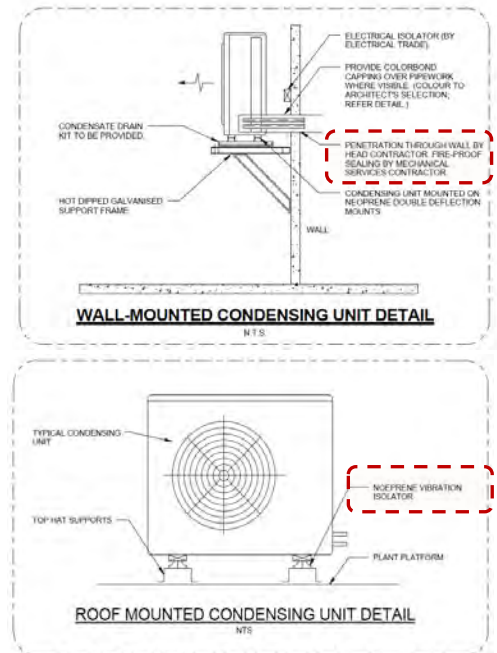
Residential CU units are typically broadband and steady-state in nature, hence tonality, modulation and impulsive penalties are not anticipated. Sealhurst recommend the final selections for procurement be reviewed prior to installation, in terms of octave band sound levels, to determine and any additional noise emissions sources not yet identified, be assessed to ensure the building is able to comply with the limits at all times.

3.2.1 Anti Vibration Mountings

For the avoidance of doubt, where any Condenser Units (CU) or building mechanical plant is mounted on ground or on framed stand(s), all units are to be mounted on anti-vibration mounts, or isolation hangers, or using neoprene double deflection footing mountings, as per schematic detail (right).

Where CU units are anticipated to be fixed directly to the floor slab or underside of the concrete slab above or mounted in steel frame trusses, FCUs must be installed to include a neoprene or rubber anti vibration mounts on hanging mechanism to avoid direct transmission of fan operating motion into the structure.

It is essential these or equivalent anti vibration mounting system(s) such as those nominated by the manufacturer of the ACC units, are installed and checked on site during the construction phase. Failure to install anti vibration or isolation mountings will introduce structural vibration into the roof frame and sheeting and any connected structural elements. Loose laid waffle pad is not sufficient.



3.2.2 Waste/Refuse Collection

Regards waste/deliveries, the collection of refuse by public service vehicles is deemed exempt from noise emissions compliance under the Regulations Clause 14A hence no treatments or additional mitigation is required/appropriate to be included in the development in this case.

We understand the refuse/bin collection point is not enclosed, hence no exhaust fans are anticipated. Additionally, as the area is already served by weekly refuse collection, no additional impact upon local noise amenity is anticipated due to existing bin pick-up services.

3.3 Additional Notes on Predicted vs Completed Noise Amenity

3.3.1 Detailed Design Process

The project is at pre-DA stage, therefore this report sets out design compliance(s) for the DA stage and appropriate level of detail. It is expected that this report will inform a subsequent Detailed Design process, to a greater level of detail such as is required to demonstrate compliance and approval to proceed to Building Permit stage.

3.3.2 Installation Detailing

It is important to note that beyond design phase, and at the time of completion, noise levels measured following building completion will be a combination of the CUs installed for procurement, external noise sources, building services operation noise and noise from adjacent units.

3 NOISE EMISSIONS TO ENVIRONMENT

Internal ambient conditions will ultimately depend on the quality of workmanship conducted during construction phase and adherence to the advice and specific detailing requirements at window frame, between window frame and facade concrete walls, and at junctions between external wall elements as set out in this report, and the anticipated Detailed Design works to follow.

3.3.3 Design Review, Inspection and QA

Effective site inspections and QA/checking procedures on site during construction phase are critical in ensuring the design acoustic performances are not compromised by omissions, incomplete detailing, poorly sealed junctions and interstitial spaces in construction elements or other voids gaps introduced due to site tolerances and the like.

Sealhurst recommend early site inspections be carried out during construction phase to coincide with acoustically critical installations of separating walls, floor/ceiling construction installations, glazing and window frame installations and roof construction sealing to establish and advise site staff of the standard of detailing to seek in regular day-to-day QA checks.

3.4 Noise & Vibration during Construction Stage

The project will necessarily undertake a schedule of demolition and forward works to prepare the site for the new construction. This phase of works will inherently cause a period of potentially intrusive noise and vibration to the adjacent (retained) commercial building, and to offsite commercial neighbours.

Strictly speaking, all environmental noise emissions must demonstrate compliance with *Regulation 7* of the *WA Environmental Protection (Noise) Regulations 1997 (inc amendments)* which sets out the prescribed standard for calculating Assigned Noise Level limits for noise emissions, when received at the nearest noise sensitive neighbour.

3.4.1 Extract from Sub-Regulation 13, Clause (6)

In practice, and especially with particular temporary noise sources such as construction works, limits applicable under the *Regulations* can present an impractical target - for such purposes, the legislation affords alternative guidance under *Regulation 13* whereby a noise management plan is to be established to manage and control noise Extract from Regulation 13 Clause (6)

Construction noise and vibration to surrounding residents is usually a condition of Building Permit approvals, and is satisfied by the creation of a suitable noise management plan to outline appropriate mitigation and administrative conditions to control construction noise, to the satisfaction of the approving local Council.

Clause (6) of Regulation 13 sets out the requirements for a Noise Management Plan, which are as follows:

-(6) A noise management plan prepared under sub regulation (3) (c) or (4) is to include, but is not limited to -
- (a) details of, and reasons for, construction work on the construction site that is likely to be carried out other than between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday;
 - (b) details of, and the duration of, activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7;
 - (c) predictions of noise emissions on the construction site;
 - (d) details of measures to be implemented to control noise (including vibration) emissions;
 - (e) procedures to be adopted for monitoring noise (including vibration) emissions;
 - (f) complaint response procedures to be adopted.

3 NOISE EMISSIONS TO ENVIRONMENT

3.4.2 Noise & Vibration Management Plan

Noise management plans engage the Contractor and affected nearby residents in an agreed plan which sets out a responsible and practical route to controlling or preparing for construction noise. A noise management plan can be extremely effective in maintaining good relations with neighbouring properties during potentially disruptive construction phases.

To address the issue of noise and vibration during construction phase, Sealhurst recommend a detailed noise management plan be established in accordance with *Regulation 13, Clause (6)* and in conjunction with the Contractor's demolition, forward works and construction schedules, to demonstrate that as much as practicable, a responsible and practical approach has been considered by the D&C team in terms of noise management.

In the event that Council require a more detailed noise management plan during construction phase, Sealhurst are able to prepare detailed noise and vibration management plan documentation for the planning, control and mitigation of noise and vibration during the Forward Works phase of the project.

A noise management plan (NMP) and vibration management plan (VMP) can be established in accordance with *Regulation 13, Clause (6)* and in conjunction with the Contractor's forward works and construction schedules, to demonstrate that as much as practicable, a responsible and practical approach will be considered by the D&C team in terms of noise and vibration management.

3.4.3 AS 2436:2010 Guidelines

In lieu of Council request or requirement for a detailed construction noise and vibration management plan, to assist the developer and/or Main Contractor, we refer Section 4.6 of *AS 2436:2010 Guide to noise and vibration control on construction, demolition and maintenance sites*. Contained therein are generic practical approaches to be employed during construction which will allow compliance with the Standard.

The application of the principles in Section 4.6 of *AS 2436:2010* coupled with a public information service such as flyers to local residents and businesses setting out the extent and duration of potential works is often sufficient to limit potential complaint.

3.4.4 Detailed Noise & Vibration Management Plan

In circumstances where noise and vibration is a particular concern, and practical compliance with the Assigned Noise Level limits is not possible, the legislation affords alternative guidance under *Regulation 13* whereby a noise management plan is to be established to manage and control noise emissions as much as is reasonably practicable, where potential exceedences are identified

In the event that Council require a more detailed noise management plan during construction phase, Sealhurst are able to prepare detailed noise and vibration management plan documentation for the planning, control and mitigation of noise and vibration during the Forward Works phase of the project.

A noise management plan (NMP) and vibration management plan (VMP) can be established in accordance with *Regulation 13, Clause (6)* and in conjunction with the Contractor's forward works and construction schedules, to demonstrate that as much as practicable, a responsible and practical approach will be considered by the D&C team in terms of noise and vibration management.

A. SCHEDULES OF INFORMATION

A.1 Architectural Drawings

The assessment has been carried out based upon milestone design architectural drawings supplied by Zuiderveld Marchant Hur via Taylor Burrell Barnett planning application documentation report, Ref: 19/046 DR, dated 15 November 2019.

This application package has been used for our assessment – acoustic design compliance and advice is based upon the information contained therein;



A SCHEDULES OF INFORMATION

A.2 Mechanical Equipment Data

FDYQ60D

FDYQ160LB

Item 13.10 - Attachment 3

Item 13 10 - Attach

INDOOR UNIT		FDYQ50DV1	FDYQ60DV1	FDYQ71LBV1	FDYQ100LBV1	FDYQ125LBV1	FDYQ160LBV1	FDYQ180LBV1
OUTDOOR UNIT		RZQS50AV1	RZQS60AV1	RZQS71AV1	RZQS100AV1	RZQS125AV1	RZQS140AV1	RZQS160AV1
Rated Capacity	Cool (kW)	5.1	6.0	7.1	10.0	12.5	14.0	16.0
	Heat (kW)	6.0	7.0	7.5	12.5	15.0	16.5	18.0
Capacity Range	Cool (kW)	3.2-5.6	3.2-6.0	3.2-8.0	5.0-11.2	5.7-14.0	6.2-15.5	7.3-16.3
	Heat (kW)	3.5-7.0	3.5-8.0	3.5-9.0	5.1-12.8	6.0-16.2	6.2-18.0	7.3-18.2
Power Input (Rated)	Cool (kW)	1.5	1.71	2.05	2.69	3.68	4.13	4.92
	Heat (kW)	1.62	2.09	1.89	3.02	3.79	4.29	4.72
E.E.R./C.O.P	Cool/Heat	3.40/3.70	3.51/3.35	3.46/3.96	3.72/4.14	3.40/3.96	3.39/3.85	3.25/3.81
Airflow Rate (Rated)	l/s	370	400	566	800	840	1000	1120
Indoor Sound Level (H) @ 1.5m	dBA	44.4	45.2	41	44	45.5	46	48
Piping Length	(m)	50			75			
Indoor Fan Speeds		H/M/L						
Dimensions (HxWxD)	Indoor (mm)	300x1015x851		300x1090x863	360x1157x899	360x1400x899	430x1400x943	
	Outdoor (mm)	770x900x320		990x940x320	1430x940x320			
Weight	Indoor (kg)	35	35	40	44	59	62	62
	Outdoor (kg)	64	64	75	108	108	108	117
Power Supply	V/Hz	1 Phase, 220-240V, 50Hz						
Compressor Type		Hermetically Sealed Swing Type			Hermetically Sealed Scroll Type			
Refrigerant		R410A						
Pipe Sizes	Liquid (mm)	6.4 (Flared)		9.5 (Flared)				
	Gas (mm)	12.7 (Flared)		15.9 (Flared)				
	Drain (mm)	ID 25 / OD 32						
Supply Air Opening	mm (HxW, Flange)	202x762		185x852	245x852	245x1152	315x1152	
Return Air Opening	mm (Oval)	1x400 (Oval)			2x400 (Oval)			
Outdoor Operating Range	Cool (°CDB)	-5 to 46						
	Heat (°CWB)	-15 to 16						
EPA Sound Power Level	dBA	66	66	69	69	71	-	-
Outdoor Sound Level (H) @ 1m	Pressure dBA (C/H)	48/50		50/52	53/55	54/56		57/59

Notes:

i. The Rated Capacity, Power Input and Running Current are measured in accordance with AS/NZS 3823.1.2

Cooling: Indoor temp: 27°CDB/19°CWB, Outdoor temp: 35°CDB/24°CWB

Heating: Indoor temp: 20°CDB/15°CWB, Outdoor temp: 7°CDB/6°CWB

ii. Indoor and outdoor sound levels are determined in an anechoic chamber and may differ once the unit is installed due to ambient conditions



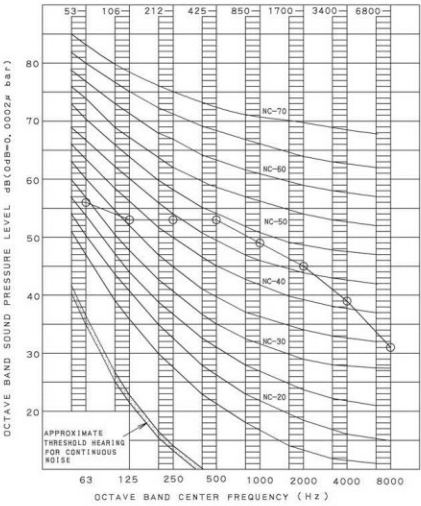
Item 13.10 - Attachment 3

FDYQ125LB

FDYQ140LC
FDYQ160LB

FDYQ100LBV1	FDYQ125LBV1	FDYQ140LCV1	FDYQ160LBV1
RZQS100AV1	RZQS125AV1	RZQS140AV1	RZQS160AV1
10.0	12.5	14.0	16.0
12.5	15.0	16.5	18.0
5.0-11.2	5.7-14.0	6.2-15.5	7.3-16.3
5.1-12.8	6.0-16.2	6.2-18.0	7.3-18.2
2.69	3.68	4.13	4.92
3.02	3.79	4.29	4.72
3.72/4.14	3.40/3.96	3.39/3.85	3.25/3.81
800	840	1000	1120
44	45.5	46	48
75			
H/M/L			
360x1157x899	360x1400x899	430x1400x943	
1430x940x320			
44	59	62	62
108	108	108	117
use, 220-240V, 50Hz			
Hermetically Sealed Scroll Type			
R410A			
9.5 (Flared)			
15.9 (Flared)			
ID 25 / OD 32			
245x852	245x1152	315x1152	
2x400 (Oval)			
-5 to 46			
-15 to 16			
69	-	-	-
53/55	54/56		57/59

RZQS125 - 140AV1, RZQS125 - 140AY1



Item 13.10 - Attachment 3

	14.0kW	
S-140PE1R5B	S-140PE1R5B	S-140PE1R5B
U-140PZ2R5	U-140PZ2R5	U-140PZ2R8
14.0 (3.3 - 15.0)	14.0 (3.3 - 15.0)	14.0 (3.3 - 15.0)
14.0 (3.4 - 16.0)	14.0 (3.4 - 16.0)	14.0 (3.4 - 16.0)
47,800 (11,300 - 51,200)	47,800 (11,300 - 51,200)	47,800 (11,300 - 51,200)
47,800 (11,600 - 54,600)	47,800 (11,600 - 54,600)	47,800 (11,600 - 54,600)
3.15 : 3.66 3.15 : 3.66	3.15 : 3.66 3.15 : 3.66	3.15 : 3.66 3.15 : 3.66
4.44 : 3.825	4.44 : 3.825	4.44 : 3.825
1 Phase/ 50Hz	1 Phase/ 50Hz	1 Phase/ 50Hz
230V 240V	230V 240V	230V 240V
2.62 : 2.62 2.70 : 2.70	2.62 : 2.62 2.70 : 2.70	2.62 : 2.62 2.70 : 2.70
430x1,100(+100)x700	430x1,100(+100)x700	430x1,100(+100)x700
53	53	53
1,000 : 1,000	1,000 : 1,000	1,000 : 1,000
100 (10 - 150)	100 (10 - 150)	100 (10 - 150)
51 / 49 / 47 : 51 / 49 / 47	51 / 49 / 47 : 51 / 49 / 47	51 / 49 / 47 : 51 / 49 / 47
73 / 71 / 69 : 73 / 71 / 69	73 / 71 / 69 : 73 / 71 / 69	73 / 71 / 69 : 73 / 71 / 69
3	3	3
VP-25	VP-25	VP-25
1 Phase/ 50Hz	1 Phase/ 50Hz	1 Phase/ 50Hz
230V 240V	230V 240V	230V 240V
18.2 : 15.0 17.2 : 14.1	18.2 : 15.0 17.2 : 14.1	18.2 : 15.0 17.2 : 14.1
996 x 980 x 370	996 x 980 x 370	996 x 980 x 370
94	94	94
1,486 : 1,386	1,486 : 1,386	1,486 : 1,386
56 (54) : 56 (54)	56 (54) : 56 (54)	56 (54) : 56 (54)
71 (69) : 71 (69)	71 (69) : 71 (69)	71 (69) : 71 (69)
Ø9.52 / Ø15.88	Ø9.52 / Ø15.88	Ø9.52 / Ø15.88
5 - 50	5 - 50	5 - 50
15, 30	15, 30	15, 30
30	30	30
R32, 2,980, 45 (g/m)	R32, 2,980, 45 (g/m)	R32, 2,980, 45 (g/m)
-10 to 43 : -15 to 24	-10 to 43 : -15 to 24	-10 to 43 : -15 to 24

*Tubing size may differ depending on pipe

1-6. Noise Criterion Curves

(B) Outdoor Units

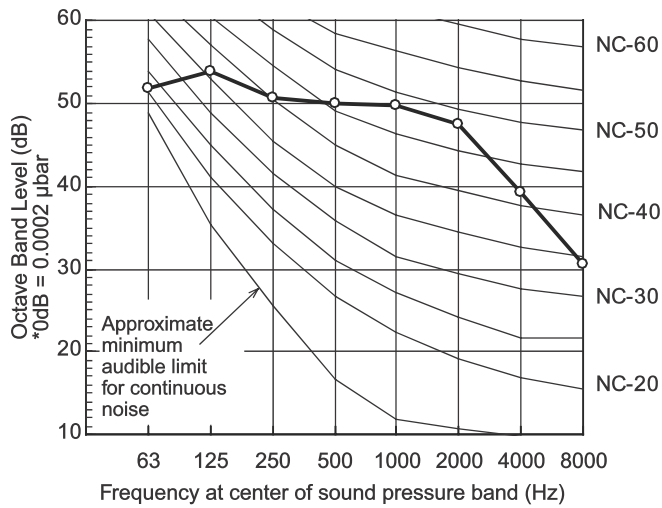
MODEL : U-140PE1R5A, U-140PE1R8A

SOUND LEVEL : Cooling 54 dB(A)

CONDITION : 1 m in front at height of 1.5 m

SOURCE : 230-240V, 1 phase, 50Hz

—●— Cooling



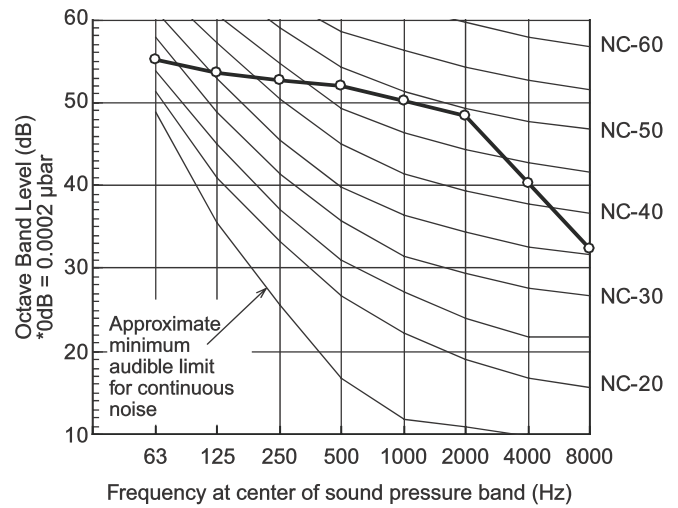
MODEL : U-140PE1R5A, U-140PE1R8A

SOUND LEVEL : Heating 55 dB(A)

CONDITION : 1 m in front at height of 1.5 m

SOURCE : 230-240V, 1 phase, 50Hz

—●— Heating



B CALCULATION OF NOISE EMISSIONS LIMITS

B. CALCULATION OF NOISE EMISSIONS LIMITS

An Assigned Noise Level is calculated for each noise sensitive receiver using a combination of environmental factors local to the receiver. A standard set of ANL's exist to provide a base level of acoustic amenity, as shown in the Table below. These levels are modified by an Influencing Factor (IF) to reflect noise sensitivity in the specific environment relative to the subject development.

To calculate the additional Influencing Factor (IF), concentric circles are drawn around the nearest noise-sensitive reception point; one at 450m radius and one at 100m radius. Percentages are calculated for the amount of land area within the circles used for noise emitting purposes (e.g. industrial or commercial uses) which are compared to the total area encompassed by the concentric circles.

Traffic volume is taken into account in order to reach an acceptable ANL, or noise reception level, appropriate for the area in which the receiver is to be situated.

Part of Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises at locations within 15m of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sundays and public holidays	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises at locations further than 15m of a building directly associated with a noise sensitive use	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and Utility premises	All hours	65	80	90

B CALCULATION OF NOISE EMISSIONS LIMITS

Calculation of Influencing Factor (IF)

The Influencing Factor (IF) is calculated using the following equation:

$$\text{Influencing Factor (IF)} = I + C + TF$$

Where;

$$I = (\% \text{ of industrial land usage within 100m} + \% \text{ industrial land usage within 450m}) \times 1 / 10$$

$$C = (\% \text{ of commercial land usage within 100m} + \% \text{ commercial land usage within 450m}) \times 1 / 20$$

$$TF = \begin{aligned} &+6 \text{ if there is a major road within 100m of the development} \\ &+2 \text{ if there is a major road within 450 m of the development} \\ &+ 2 \text{ if there is a secondary road within 100m of the development} \end{aligned}$$

The maximum value the transport factor (TF) can reach is 6;

A major road is defined as having Annual Average Weekday Traffic (AAWT) flows in excess of 15,000 vehicle movements per day. A secondary road is defined as having Annual Average Weekday Traffic (AAWT) flows in excess of 6,000 vehicle movements per day.

Identification of Land Use

The image below presents review and classification of surrounding Commercial (C) and Industrial (I) land use in the inner and outer radii in the vicinity of the site and nearest NSR. ANL limits were calculated on the basis of 29% Commercial (C) Land Use in the Inner circle, and 1.2% Commercial Land Use within the surrounding Outer Circle calculation radius. The calculated ANL limits are applicable to all noise emissions:



B CALCULATION OF NOISE EMISSIONS LIMITS

ASSIGNED NOISE LEVEL LIMITS – SUMMARY CALCULATION TABLE

Land Use Type & IF Calculation					
Industrial					"I"
% Area in Inner Circle	0%				0.0
% Area in Outer Circle	0%				
Commercial					"C"
% Area in Inner Circle	29%				1.51
% Area in Outer Circle	1.2%				
Roads	Location	Estimated vehicle Movements per day	Classification	Result	"TF"
<i>Not Applicable</i>					0
INFLUENCING FACTOR					+1.51

The resultant IF therefore equals **2**, determining the applicable Assigned Noise Level limits at the NSR.

C. ACOUSTIC GLOSSARY

Acoustic Measurement Parameter Definitions

dB

Decibel: a logarithmic scale applied to acoustic units such as sound pressure and sound power. Decibels are always the ratio between two numbers. Sound Pressure in Pascals becomes "Sound Pressure Level re $2 \times 10^{-5} \text{Pa}$ " in decibels. Sound Power in watts becomes "Sound Power Level re 10^{-12}W " in decibels. It is also used for sound reduction or sound insulation and is the ratio of the amount of sound energy incident upon a partition and the proportion of that energy which passes through the partition. The result is stated as a "decibel reduction".

dB(A)

A-weighting: This is an electronic filter which attenuates sound levels at some frequencies relative to the sound levels at other frequencies. The weighting is designed to produce the relative response of a human ear to sound at different frequencies. The A-weighted sound level is therefore a measure of the subjective loudness of sound rather than physical amplitude. A-weighting is used extensively and is denoted by the subscript A as in L_{A10} , L_{Aeq} etc. (Levels given without the subscript 'A', are linear sound levels without the A-weighting applied, e. g. L_{10} , L_{eq} etc.).

Sound Power Level, (SWL)

Sound power level refers to the reference value of acoustic power (of a noise source, e.g. building services plant unit). Given a well-defined operation condition, (i.e. steady state), the sound power level of a machine is a fixed value and describes the rate at which sound energy is emitted, reflected, transmitted or received, per unit time. The SI unit of sound power is the watt (W), and is expressed as a logarithmic ratio of sound power versus reference sound power, re 10^{-12}W in decibels (dB), or A-Weighted decibels, dB(A);

Sound power level (SWL) is the acoustic energy emitted by a source which produces a resulting Sound Pressure Level (SPL) at some distance. While the Sound Power Level (SWL) of a given source is fixed, the resultant Sound Pressure Level (SPL) at a given receiver location depends upon the distance and angle from the noise source, and the acoustic characteristics of the area in which the receiver is located;

Sound Pressure Level, (SPL)

Sound Pressure Level (SPL) is a measure for the resulting effect of the energy (Sound Power Level, SWL) of an acoustic source (or a collection of sources) and is dependent upon the distance and angle between the source(s) and receiver location, the acoustic properties of the surrounding geometry and influencing surface finishes between the source-receiver path;

Sound Pressure Level (SPL) is always depends on position and environment.

$L_{Aeq,T}$

The "A" weighted equivalent continuous sound pressure level. This may be thought of as the "average" sound level over a given time "T". It is used for assessing noise from various sources: industrial and commercial premises, construction sites, railways and other intermittent noises.

$L_{A90,T}$

The "A" weighted sound pressure level that is exceeded for 90% of the time T. It reflects the quiet periods during that time and is often referred to as the "background noise level". It is used for setting noise emission limits for industrial and commercial premises.

L_{Amax}

The maximum "A" weighted sound pressure level during a given time on fast or slow response.

L_{pA}

The "A" weighted sound pressure Level. The sound pressure level is filtered through a standard frequency weighting known as A-weighting. This filter copies the frequency response of the human ear, so that the resulting sound level closely represents what people actually hear.

R

Is the sound reduction index of a construction element in octave or 1/3 octave bands and can only be measured in a laboratory. There must be no flanking transmission.

R'

Is the sound reduction index of a construction element in octave or 1/3 octave bands measured on site, and normally includes flanking transmission (i.e. where sound travels via paths other than straight through the element being tested, such as columns, ducts, along external walls, etc.).

R_w

To get the weighted sound reduction index (R_w) of a construction, the R values are measured in octave or 1/3 octave bands covering the range of 100Hz to 3150Hz. The curve is adjusted so that the unfavourable deviation (or shortfall of the actual measurements below this standard curve) averaged over all the octave or 1/3 octave bands is not greater than 2dB. The value of the curve at 500Hz is the R_w .

R'_w

The apparent sound reduction index, which is determined in exactly the same way as the R_w but on site where there is likely to be some flanking transmission.

D

This is the "level difference". It is determined by placing a noise source in one room and measuring the noise levels in that room (the "source room") and an adjacent room (the "receiver room"). The level difference is calculated by simply deducting the "receiver" noise level (dB) from the "source" noise level (dB).

D_w

This is the weighted level difference. D is measured on site in octave or 1/3 octave bands covering the range of 100Hz to 3150Hz. The D values are compared to a standard weighting curve. The curve is adjusted so that the "unfavourable deviation" (or shortfall of the actual measurements below this standard curve) averaged over all the octave or 1/3 octave bands is not greater than 2dB. The D_w is then the value of the curve at 500Hz.

D_{nw}

This is the weighted normalised level difference. D is measured on site in octave or 1/3 octave bands covering the range of 100Hz to 3150Hz. As the level difference is affected by the area of the common wall/ floor and the volume of the receiving room, as well as the amount of absorption in the receiving room, in the case of the $D_{nT,w}$, the results are "normalised" by a mathematical correction to 10m² of absorption (D_n). The same weighting curve as for D_w is used to obtain the single figure: D_{nw} .



WASTE MANAGEMENT PLAN

Residential Grouped Dwellings Development

**78 Waratah Avenue
Nedlands**

June 2020



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1 EXECUTIVE SUMMARY

Nicheliving is applying to the City of Nedlands (the “City”) to develop a property at 78 Waratah Avenue, Nedlands. The development is proposed to consist of 5 grouped dwellings.

As part of the Development Approval process, the developer is required to submit a Waste Management Plan (WMP) for the development to the City. Nicheliving employed the services of waste management specialists Dallywater Consulting to investigate the City’s requirements in this regards and to develop this WMP.

Based on the City’s requirements, it is proposed that the following initiatives will be implemented for the waste servicing at 78 Waratah Avenue, Nedlands.

- Each residence will be issued with a 240 litre Mobile Recycling Bin (MRB);
- Waste will be transferred from residents’ own waste bins to three shared 240L Mobile Garbage Bins (MGBs) by the Strata Management staff/contractor prior to collection day;
- The 240 litre MGBs and MRBs will be presented for emptying, with weekly collection of the residential waste and fortnightly collections for the recycling material.

These initiatives will result in the following requirements for receptacles;

- Waste – three 240 litre bins collected weekly; and
- Recycling – five 240 litre bins collected fortnightly.

Servicing of the bins will occur from the kerb.

If the FOGO system is implemented with weekly FOGO collections and waste and recycling collections on alternating fortnights, the total number of shared 240 litre bins required would be four MGBs, one FOGO bin and five MRBs, with a maximum of 6 bins being presented on any one collection day (i.e. recycling week – five MRBs and one FOGO bin).

These initiatives, and all of the arrangements in this Waste Management Plan, will be formalised in the Strata Management arrangements.

Review

All of the above-mentioned waste servicing arrangements will be reviewed as a matter of course on an ongoing basis to ensure that the most efficient arrangements to manage the waste and recycling material generated by all aspects of the facility are in place and are maintained.

DEFINITIONS

120: A 120 litre waste or recycling receptacle

240: A 240 litre waste or recycling receptacle.

FOGO (service): Food Organics and Garden Organics - a local government kerbside collection service for food and garden organic material.

Mobile Garbage Bin (MGB): A wheeled receptacle used by domestic residences and commercial premises within a local government municipality to deposit waste materials for emptying by the local government or a collection contractor.

Mobile Recycling Bin (MRB): A wheeled receptacle used by domestic residences and commercial premises within a local government municipality to deposit recycling materials for emptying by the local government or a collection contractor.

Recycling: Any material accepted by the local government's recycling collection contract or the State's container deposit scheme.

Strata Management: For the purposes of this document, the selected legal entity charged with managing the soft services of the built structure (i.e. waste management, cleaning, landscaping, security and other similar human-sourced services) on behalf of the owners and tenants of the building.

Waste: Any recyclable and non-recyclable discarded solid, semi-solid, liquid or contained gaseous materials not accepted by the local government's recycling collection contract.

Waste Minimisation: A process to minimise the amount of waste requiring disposal via hierarchical activities such as behaviour and product modification, waste avoidance, reduction, reuse and recycling.

Total Waste Stream: The combined waste, recyclables and compostables.

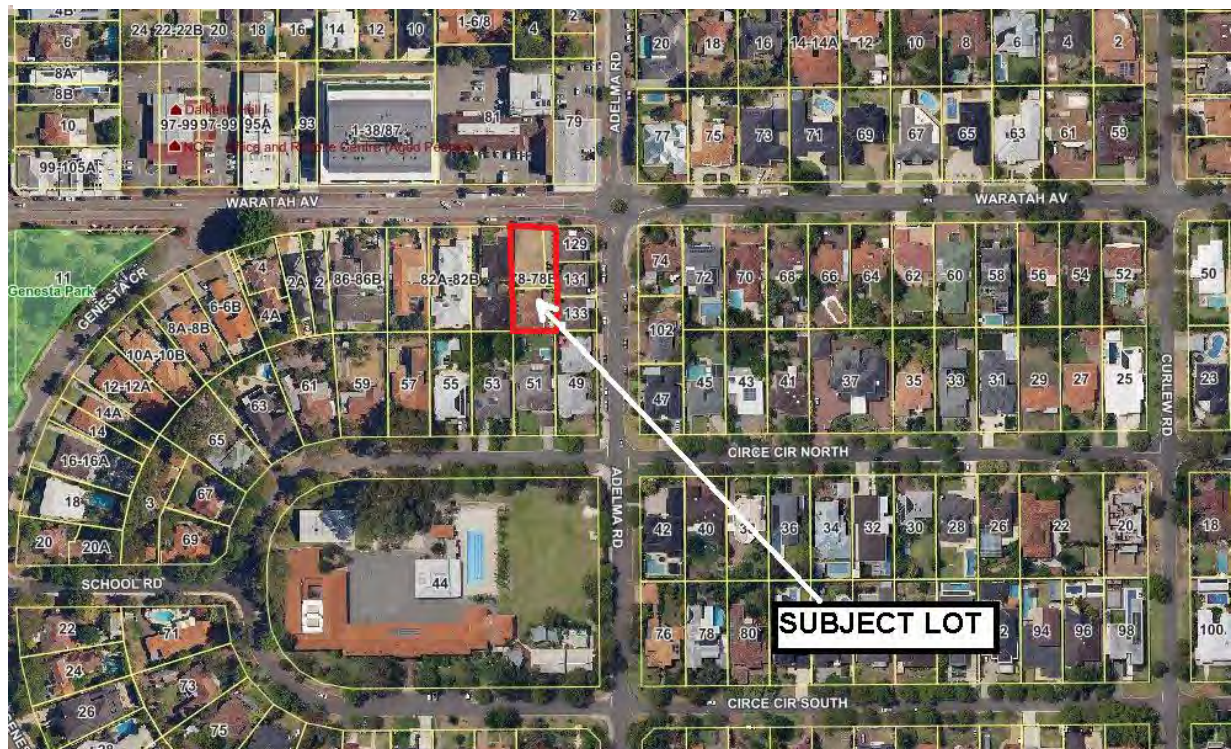
2 INTRODUCTION

2.1 The Development

Nicheliving is applying to the City of Nedlands (the “City”) to develop a property at 78 Waratah Avenue, Nedlands. The development is proposed to consist of 5 grouped dwellings.

As part of the Development Approval process, the developer is required to submit a Waste Management Plan (WMP) for the development to the City. Nicheliving employed the services of waste management specialists Dallywater Consulting to investigate the City’s requirements in this regards and to develop this WMP.

Figure 1: Location Plan

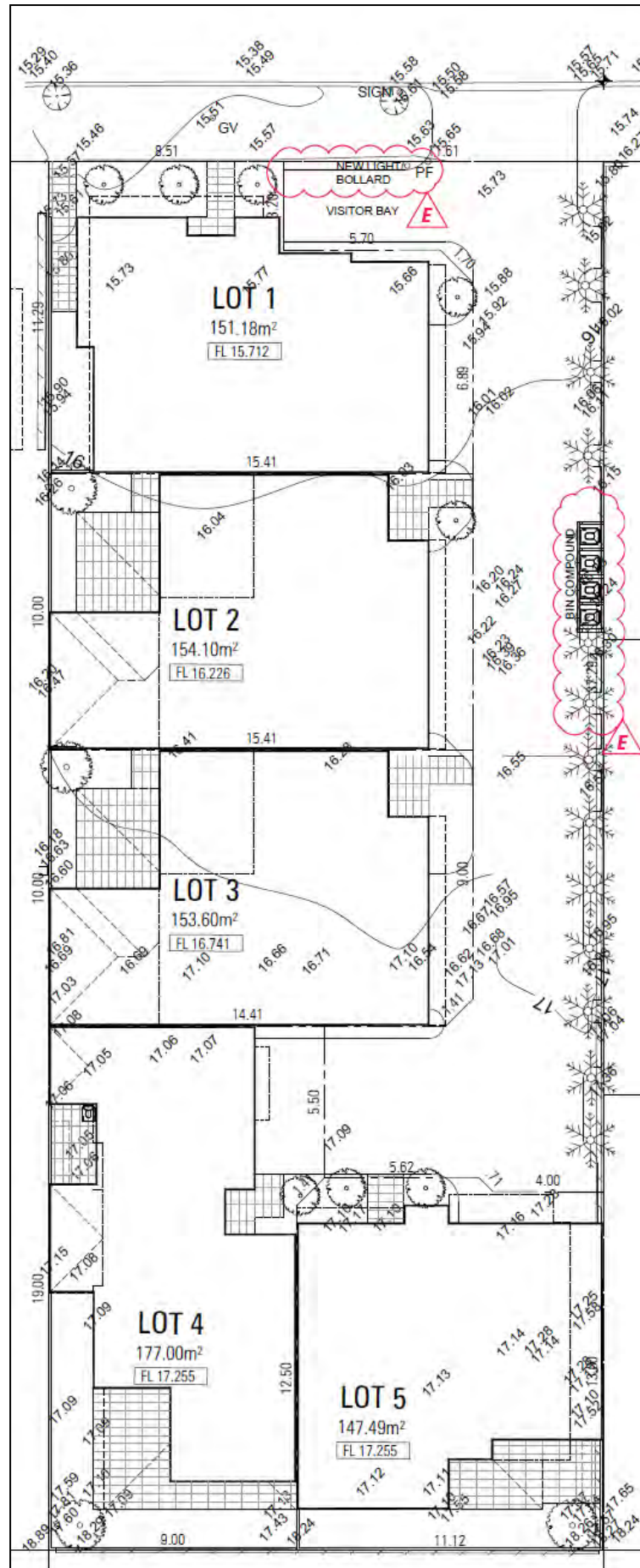


The following table details the number of grouped dwellings proposed for the development.

Table 1: Number and Type of Grouped Dwellings

UNIT TYPE	Number
RESIDENTIAL GROUPED DWELLINGS	
3 Bed	5
Total Residential Grouped Dwellings	5

Figure 2: Site Plan



2.2 WMP Variation to Local Laws and Guidelines

As a preamble, it should be noted that the arrangements for the storage and management of the waste and recycling bins in this WMP are at minor variance to the City's local health laws and waste guidelines for this type of development. However, the proposed alternative management methodologies meet and potentially improve on the intended outcomes sought by the City's laws and guidelines and can thus be considered 'deemed to comply' arrangements.

2.2.1 Variation 1 - Bin Storage/Enclosure

Because of the number of units and the usual bin provision to a MUD, this development would normally have ten bins (five MGBs and 5 MRBs). However, the maximum number of bins allowed to be presented to the kerb for collection at any one time is eight bins.

Normally, along with a 240 litre recycling MRB, each residence would be issued with a 120 litre MGB. However, consolidation of the waste material from the five smaller MGBs into larger 240 litre MGBs will reduce the number of required waste bins to three, reducing the overall number of bins presented on a combined waste and recycling collection day to eight bins (i.e. three MGBs and five MRBs). This arrangement generally requires residents to "share" the waste MGBs and once sharing occurs, these bins should be housed in a bin store or compound (or "suitable enclosure"). The City's Health Local Law 35 states;

"(1) An owner or occupier of premises— (a) consisting of more than 3 dwellings; or (b) used for commercial, industrial purposes, or as a food premises; shall if required by the Manager Health and Compliance provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

2) An owner or occupier of premises required to provide a suitable enclosure under this Division shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this Division, a "suitable enclosure" means an enclosure—

(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Manager Health and Compliance;

Variation

Rather than placing all bins into the bin store, only the MGBs (and the greenwaste/future FOGO bin) will be stored in the enclosure. This means that a store capable of holding four 240 litre receptacles is required for the development.

The management procedure to be adopted for the use of the shared bins is as follows:

- Each resident will dispose of their bagged waste material into a 120 litre receptacle (provided by the Strata Management and maintained by that body or the resident) and recycling will be placed into a 240 litre MRB provided by the City. These bins will be located in residents' individual garages.
- On the evening before collection day, strata management will organise for the transfer of each resident's bagged waste material in their 120 litre bins into three shared 240 litre MGBs (provided by the City) located in the external bin store, in preparation for presentation for the impending collections.
- The strata management will organise for the 240L MGBs to be presented for collection.

Substantiation

The reason 120 litre MGBs will be provided for the residents' internal use (thus preventing unfettered resident access to the MGBs in the bin store) is to ensure that each residence only presents 120 litres of waste material each week so that only three 240 litre MGBs are required for presentation of the waste material to the street. Requiring the residents to bag their material also prevents smells, rodents and insects and this methodology also means that the external shared bins only contain putrescible material for a short period of time each week.

The benefits of storing the MRBs in each resident's garage are:

- improved separation of recyclables from the waste stream (the co-location of waste and recycling receptacles in shared bin stores results in increased contamination in the recycling bins);
- improved visual amenity both for the residents and the neighbours from a smaller bin store; and
- less potential impact from smell and pests.

2.2.2 Variation 2 - Hard Waste Storage

The City's Guidelines require 5m² of bulky/hard waste storage for this development. This space is usually allocated in the bin store.

Variation

Rather than providing 5m² of hard waste storage area in the bin store, space for this purpose is identified in the residents' garages. There is adequate space within the garages for this purpose and residents are required to organise the removal of their own bulky or hard waste items.

Substantiation

Placement of hard waste items in a shared bin store for this size of development can be problematic, both from a space perspective (additional floor space and thus larger store required) and also from a management perspective (coordinating multiple requests for storage of items, tidiness of storage, type of hardwaste, amenity impacts etc).

For developments such as these, where storage capacity is available in individual garages, responsibility should be allocated to residents to manage and dispose of their own hard waste. This is in contrast to a development with shared car parking facilities, where separate hard waste storage needs to be allocated.

Comment

As described above, these variations are considered intrinsically beneficial to the development and the waste management activities there-of.

The management practices detailed above are to be incorporated into the Strata Management arrangements for this development.

3 ONSITE WASTE MANAGEMENT

The following provisions have been made for waste and recycling on the site:

- **Dwellings**
 - Each resident will dispose of their waste material into a 120 litre receptacle (provided by the Strata Management and maintained by that body or the resident) and recycling will be placed into a 240 litre MRB provided by the City. These bins will be located in residents' individual garages.
 - On the evening before collection day, strata management will organise for the transfer of each resident's bagged waste material in their 120 litre bins into three shared 240 litre MGBs (provided by the City) located in the external bin store, in preparation for presentation for the impending collections.
 - The strata management will organise for the 240L MGBs to be presented for collection.
 - Because of the limit on numbers of bins able to be presented to the verge and the current frequency of recycling collections, residents of this development will not be able to take up the City's second recycling bin option.
- **Hardwaste/Bulky Items**
 - Residents will be required to organise their own immediate disposal of large or bulky items not suitable for disposal to the bins. There is adequate room in their individual garages to temporarily store these items prior to their collection/removal.
 - The management of deposit of hardwaste material on the verge for the City's annual collections would be negotiated with the City.
 - No hard or bulky waste can be stored external to the buildings.
- **Greenwaste/FOGO**
 - Greenwaste will be removed offsite by gardening contractors employed to manage the common garden areas around the development. One greenwaste bin is provided for other smaller amounts of green organics.
 - In the future, food organics may also be collected in a combined food organics and garden organics or FOGO bin.
- **Waste Collection**
 - The City provides various services for the collection of waste, recycling and greenwaste bins.
 - The City sets the specifications for acceptable collection parameters (e.g. number of bins, frequency of collections, maximum bin weights, etc).
 - The collection of waste and recycling would be from the kerbside.
- **Bulk Waste Collection**
 - The City provides a service for the collection of bulk waste.
 - The front verge of this development is unsuitable for the placement of bulk waste material as it would significantly restrict the pedestrian access on Waratah Avenue in front of this property. In this regard, residents will be required to remove their own items of bulk waste directly to a disposal option (e.g. themselves, or via a contractor, to a transfer station, landfill, reuse centre etc). The alternative, with the City's approval, is for the temporary (e.g. 24 or 48 hour) placement of a bulk bin in a marked car bay in front of the premises.

4 LOCAL GOVERNMENT WASTE MANAGEMENT REQUIREMENTS

4.1 Waste Management Guidelines

The following provisions have been sourced from the City's Waste Minimisation Coordinator and the City's latest *Waste Management Guidelines (2020)* which have also been used as the basis for waste generation calculations here-in.

4.2 Waste Generation

The Waste Minimisation Coordinator advised that the City's requirements for the provision of waste storage for this type of development are as follows:

- While 660 litre receptacles are the preferred receptacle size for waste and recycling material in multi-unit developments with more than 4 units, waste and recycling material can be collected in smaller receptacles (i.e. waste - 120 and 240 litre; recycling - 240 litre) for this development;
- Using the smaller bins and the kerbside collection service, waste is collected weekly and recycling fortnightly; and
- Waste and recycling receptacles are to be provided in sufficient numbers to cater for the waste generation requirements detailed in the following tables.

4.2.1 Residential Dwellings

Based on the above-mentioned guidelines, the waste generation rates for the development are as detailed in the following table.

Table 2: Waste Generation Rates

Residential Dwellings	Number	Weekly Waste/Dwelling (m3)	Weekly Recycling/Dwelling (m3)
Grouped Dwellings	5	0.12	0.24

4.3 Bin Storage

- Residents' recycling bins will be stored in their own garages. They will be provided with 120 litre waste bins by the strata management which will also be stored in their individual garages.
- The separate shared 240 litre MGBs and greenwaste bin used for presentation on collection days will be stored in a bin store located alongside the driveway. These bins will be only be accessed by the strata management for use on collection day.

The bins store will meet or exceed the following requirements:

- be constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager Health and Compliance;
- have walls not less than 1.8 metres in height and have an access way of not less than 1 metre in width and be fitted with a self closing gate;
- be fitted with a tap attached to the scheme supply;
- contain a smooth and impervious floor –
 - of not less than 75 millimetres in thickness;
 - which is evenly graded to an approved liquid refuse disposal system; and
 - which is easily accessible to allow for the removal of the receptacles.

4.4 Bin Presentation

- Because there are more than four dwellings on the site, the City's guidelines stipulate that bins should be shared, that a bin store is required and that the development is serviced internally. However, the City's Waste Minimisation Coordinator has indicated that, if no more than eight bins are presented to the kerb on any one collection day, 240 litre bins can be used for kerbside presentation.
- No bins should be left outside the garages other than on collection day.

4.5 Waste Capacity

Based on the above requirements, the weekly storage capacity required by the City for waste and recycling from the proposed development is detailed in the following table.

Table 3: Estimated Weekly Volumes

Residential	No. of Dwellings	Waste Generation Rate (m3/week)	Recycling Generation Rate (m3/fortnight)	Waste/Week (m3)	Recycling/Fortnight (m3)
3 Bed	5	0.12	0.24	0.60	1.20
Total	5			0.60	1.20

4.6 Number of Bins

Existing Kerbside Service

The City's Waste Minimisation Coordinator has indicated that the use of the standard 120 litre waste bins and 240 litre recycling bins would be acceptable for the development, however no more than eight bins can be presented on any one collection day.

To enable this, a bin store containing three shared 240 litre waste bins and one shared 240 litre greenwaste bin will be located along the side of driveway. This allows the Strata Management to transfer the contents of resident's internal waste bins into the three shared 240 litre waste bins prior to collection day so that, along with the five standard recycling bins, the number of bins presented is limited to eight.

FOGO Servicing

The City is working towards the implementation of a Food Organics Green Organics (FOGO) service which will see the separation of organic material from the general waste stream. The City considers that 40% of the current waste MGBs by weight is made up of this type of organic material and that if separated, the FOGO material would be collected weekly and the waste and recycling material would be collected on alternating fortnights. Therefore, if that organic material was diverted from the waste bins into FOGO bins, the greenwaste bin would be removed and the number of receptacles required for this development would be:

- One 240 litre FOGO bin collected weekly;
- Four 240 litre waste MGBs collected fortnightly; and
- Five 240 litre MRBs collected fortnightly.

Additional Recycling MRBs

The City offers residents the opportunity to have a second recycling bin however, for this development, that opportunity is not able to be exercised due to the City's restriction on the maximum number of bins that can be presented to the kerb and the current collection frequency.

4.7 Summary

Based on the above and on weekly waste and fortnightly recycling collections, the number of receptacles required for this development would be three shared 240 litre waste MGBs and five 240 litre recycling MRBs. The total number of bins to be presented on a combined waste and recycling collection day therefore will be eight bins.

If the FOGO system is implemented with weekly FOGO collections and waste and recycling collections on alternating fortnights, the total number of shared 240 litre bins required for the development will be four MGBs and one FOGO bin. This will result in a maximum of 6 bins being presented on any one collection day (i.e. recycling week - five MRBs and one FOGO bin).

5 REQUIRED CAPACITY

Considering the preceding tables and the space which has been provided for residential bin storage within the individual garages and the external bin store, it is evident that sufficient capacity exists for the requisite number of receptacles at the City's usual collection frequencies.

As discussed previously, the recycling MRBs will be stored in residents' garages while the bin store has sufficient capacity for the three 240 litre waste bins and one additional 240 litre bin for greenwaste required now. It also has additional capacity to accommodate the future implementation of FOGO which will require four MGBs and one FOGO bin.

5.1 Servicing Rates

The residential material is required to be collected by the City and the current servicing rates are weekly waste collections and fortnightly recycling collections.

5.2 Bin Sizes

As discussed previously, 120 litre waste bins will be provided by the strata management for the storage of resident's bagged general waste. 240 litre bins will be provided by the City for residents for their recycling material and three 240 litre waste bins will be provided by the City for the consolidation of the general waste and presentation of that material on collection days.

A 240 litre greenwaste bin will be provided by the City for small amounts of garden organics and will also be stored in the bin store. This bin will be replaced with a FOGO bin once that service is offered.

5.3 Summation

It is proposed that the following initiatives will be implemented for the waste servicing at 78 Waratah Avenue, Nedlands;

- Internal use by the residents of 120 litre receptacles for the storage of bagged waste;
- Use of 240 litre receptacles for recycling;
- Consolidation by the Strata Management on behalf of the residents of the bagged material in the residents' 120 litre waste bins into three 240 litre MGBs prior to collection;
- Weekly collection of the residential waste and fortnightly collections for the recycling material.

These initiatives will result in the following requirements for receptacles to be presented for servicing;

- Waste – three 240 litre bins collected weekly; and
- Recycling – five 240 litre bins collected fortnightly.

In addition, a greenwaste bin will be available for as-required presentation on alternating weeks to the recycling bins.

If the FOGO system is implemented with weekly FOGO collections and waste and recycling collections on alternating fortnights, the total number of shared 240 litre bins required would be four MGBs and one FOGO bin, with a maximum of 6 bins being presented on any one collection day (i.e. recycling week – five MRBs and one FOGO bin).

Review

All of the above-mentioned waste servicing arrangements will be reviewed as a matter of course on an ongoing basis to ensure that the most efficient arrangements to manage the waste and recycling material generated by all aspects of the facility are in place and are maintained.

6 BIN STORAGE AND MANAGEMENT

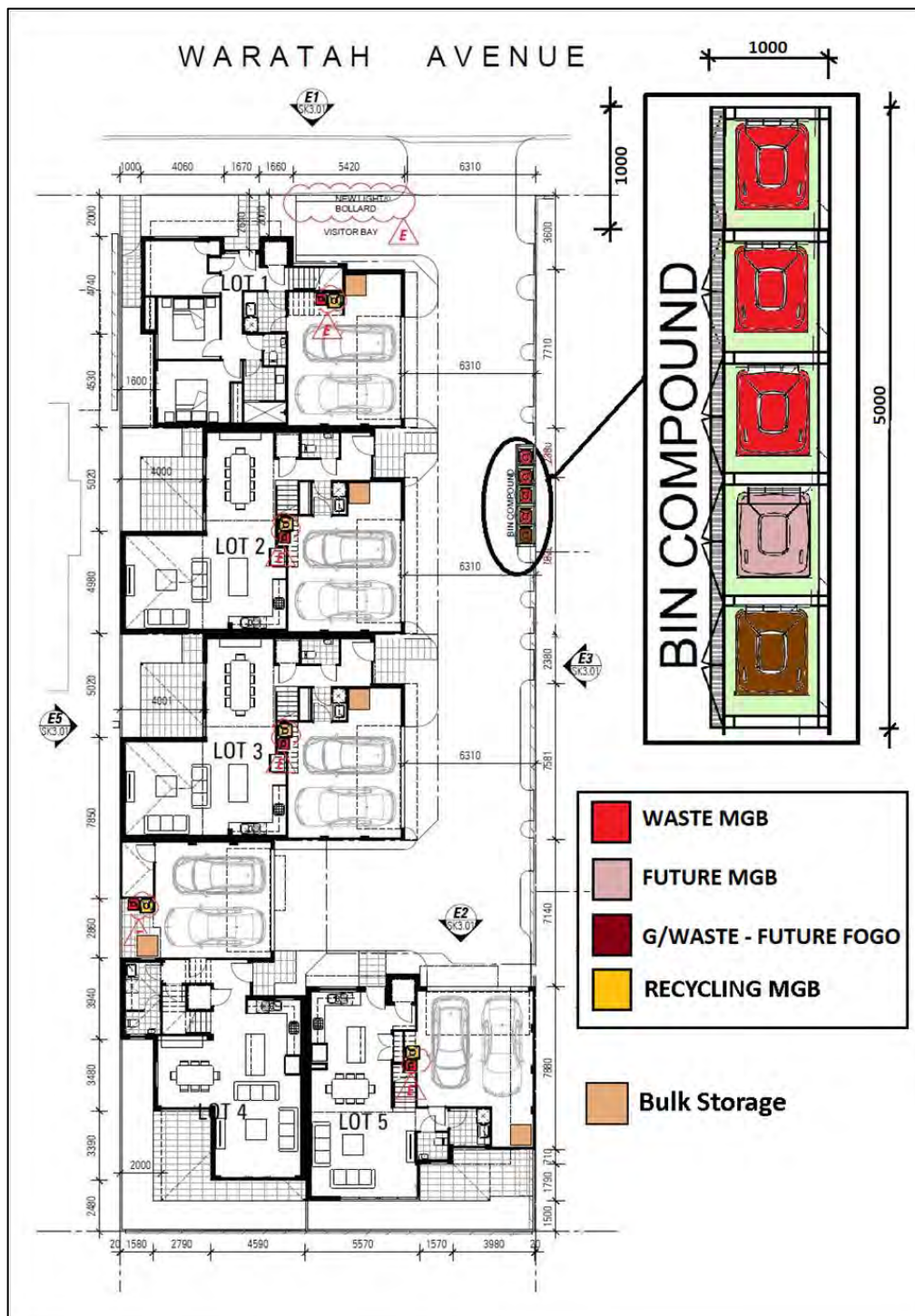
6.1 Bin Storage

The residents own 120 litre MGBs and the 240 litre MRBs will be stored within each individual garage.

Some additional capacity is also available in each garage for the temporary storage of larger hard or bulky items (e.g. fridges, furniture etc) prior to removal or collection.

The larger 240 litre MGBs to be used for the bagged material from the residents' waste bins will be stored in a discreet bin store located alongside the internal driveway. A 240 litre greenwaste bin will also be housed within this store.

Figure 3: Residential Bin Storage



6.2 Bin Management

Residents will manage the use of their own internal waste 120 litre bins and recycling 240 litre bins (i.e. storage, cleaning, presentation). Facilities for the cleaning of resident's bins will be provided in the bin store.

Residents will be required to bag all waste material prior to it being placed in their internal 120 litre waste bins.

The management of the shared bins will be coordinated by the Strata Management and written into the strata management arrangements. A cleaner or similar personnel is to be either employed or contracted directly by the Strata Management to supervise waste management throughout the facility and as such, will be made aware of the expectations regarding presentation and collection arrangements.

Those personnel will be responsible for ensuring that the shared waste bins are presented to the collection vehicle on collection days and are returned to the store once they have been emptied. They will also be responsible for ensuring that residents return their waste bins to their garages after the bags have been removed for consolidation into the shared MGBs.

6.3 Bin Presentation and Collection

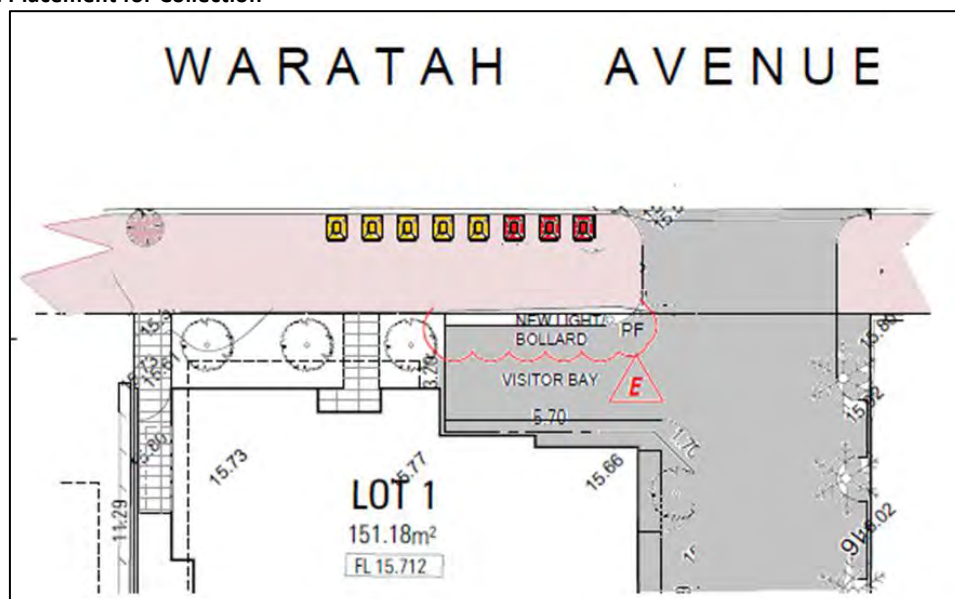
The arrangements will be as follows:

- Residents will use their own internal waste bins and recycling 240 litre bins for day to day disposal;
- Residents will be required to bag all waste material prior to it being placed in their waste bins;
- At an agreed time prior to each collection day, residents will bring their waste bins to the exterior of their garages and a person employed or contracted by the strata management will remove the bags from those bins and place them into the three 240 litre MGBs in the bin store.

Prior to collection time, unless an alternative arrangement has been made with the Strata Management, residents will take their own 240 litre recycling bins to the verge for collection. The waste person will present the shared MGBs to the verge.

After collection has occurred and again, unless an alternative arrangement has been made with the Strata Management, residents will retrieve and return their own recycling bins to their garages. The waste person will retrieve and return the shared waste MGBs to the bin store.

Figure 4: Bin Placement for Collection



7 WASTE MANAGEMENT RESPONSIBILITIES

7.1 Building Owners/Strata Management

The Strata Management body will have responsibility for ensuring that the residential waste management activities are appropriately conducted and that residents meet their waste management responsibilities. To enable this, this document and the responsibilities here-in will be adopted into the strata management bylaws or other suitable enabling document.

The strata management will allocate responsibility for all waste management activities to either a Building Caretaker or Cleaner (Waste Personnel). This position will be responsible for the management of waste throughout the complex and they will be trained in all facets of the role.

The Strata Management will be responsible for ensuring that the arrangements in this WMP are incorporated into the strata arrangements or bylaws.

The Strata Management will also be responsible for providing or requiring residents to provide a waste bin in their garages and for the maintenance and upkeep of those bins.

7.2 Building Caretaker/Cleaner/Waste Person

At a minimum, the person or entity employed or contracted by the strata body to act as waste personnel will undertake the following bin servicing and waste management functions on behalf of the strata management;

- Collect the bags from the residents' waste bins at an agreed time prior to the collection day;
- Consolidate that bagged material into the three 240 litre waste MGBs in the bin store;
- Present and retrieve those bins on collection day;
- Cleaning of shared bins and the bin store;
- Cleaning of residents' bins if negotiated;
- Coordination of bulk and hard waste management where requested; and
- Assistance with bin movement for residents (if negotiated).

In addition, the education of existing and new residents will be a responsibility for these staff including promotion of the City's various waste minimisation services.

7.3 Residents

All residents would be instructed via the strata management of the various waste requirements. This would include direction on the presentation and retrieval of bins and expectations of the managing body with regards to management of bulky or problematic waste (e.g. from renovations or building activities, for annual kerbside collections etc).

Residents will be required to;

- permanently house their own 120 litre waste bins and 240 litre recycling bins within their garages to ensure that security of the bins and to maintain community amenity.
- maintain and regularly clean their own bins;
- store all bulky and hard waste within their garages until they have organised for it to be collected or removed;
- bag all their waste material before placing it in their 120 litre waste bins;
- present the waste bins to the front exterior of their garages so that the bags can be collected before collection day by the Strata Management (or provide access to the waste person for this purpose); and, unless otherwise negotiated with the strata management,
- present their 240 litre recycling bins to the kerb for collection day and retrieve those bins from the kerb after they have been serviced.

In the absence of any other individual arrangement with the waste person, residents (and their contractors) would be responsible for the immediate removal and disposal off-site of any waste unsuitable for placement in the residential bins. This would include large bulky waste and electronic items and waste from any building maintenance activities.

8 COMPLIANCE WITH LEGISLATION/GUIDELINES

The following table provides WMP commentary against the relevant waste management criteria drawn from the City's Local Laws, LPP and Guidelines.

Table 4: Compliance with Legislation and Guidelines

HEALTH LOCAL LAW		
Section/Bylaw	Requirement	Comment
35. Suitable Enclosure	1) An owner or occupier of premises— (a) consisting of more than 3 dwellings; or (b) used for commercial, industrial purposes, or as a food premises; shall if required by the Manager Health and Compliance provide a suitable enclosure for the storage and cleaning of receptacles on the premises.	Bin Enclosure provided for waste MGBs, greenwaste MGWB and future FOGO bins
	2) An owner or occupier of premises required to provide a suitable enclosure under this Division shall keep the enclosure thoroughly clean and disinfected.	Written into responsibilities of onsite waste person.
	(3) For the purposes of this Division, a “suitable enclosure” means an enclosure—	
	(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Manager Health and Compliance;	There is sufficient room to house a waste and recycling bin in the garages of each residence. However, waste is being consolidated prior to collection so a bin store is being provided to house “shared” waste bins, greenwaste and FOGO bins. Manager H&C Compliance approval is required for variation to the requirement for the store to house “all receptacles used on the premises”.
	(b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager Health and Compliance	Complies
	(c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;	Walls comply. Enclosure designed such that each bin has its own external access.
	(d) containing a smooth and impervious floor—	Complies
	(i) of not less than 75 millimetres in thickness; and	Complies
	(ii) which is evenly graded to an approved liquid refuse disposal system;	Complies
	(e) which is easily accessible to allow for the removal of the receptacles;	Complies
	(f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the Manager Health and Compliance	n/a
LOCAL PLANNING POLICY – WASTE MANAGEMENT		
4.1 Waste Management Plans		
4.1.1	A Waste Management Plan shall be submitted as part of the following categories of Development Application: (a) Residential (i) 5 or more multiple dwellings; (ii) 5 or more grouped dwellings;	This document
4.1.2	Waste Management Plan (WMP) must include details but not limited to -	
	(a) Land use type and Built Form (including but not limited to number of dwellings, bedrooms and storeys, size of commercial tenancy);	Complies
	(b) Bin Access and Storage;	Complies
	(c) Waste generation/Capacity;	Complies
	(d) Truck accessibility and manoeuvring;	n/a
	(e) Internal service collection arrangements (including swept path analysis where applicable);	n/a
	(f) Waste systems;	Complies

	(g) Signage;	Complies
	(h) Collection/placement options; and	Complies
	(i) Additional waste requirements.	Specific internal management arrangements relating to separate storage of recycling versus other bins are defined in the Plan
4.1.3	The development shall be undertaken and operate in conformity with the Waste Management Plan approved by the City. This will be ensured in perpetuity via an appropriate condition of the development approval.	Waste Management Plan and its arrangements will be referenced in the Strata Management arrangements/bylaws and supported in legislation via a condition referencing the WMP in the development approval for the development.
WASTE MANAGEMENT GUIDELINES		
3.0 WASTE AND RECYCLING GENERATION		
3.1.2	The City's minimum residential waste and recycling allocation per rateable property is 1 x 120 litres per week for waste and 1 x 240 litres per fortnight for recycling. The waste and recycling requirements for residents in multi-unit dwellings are as shown in Table 1.	The required waste generation rates have been observed in the preparation of the WMP
3.1.3	The City provides second recycling bins to residents free of charge. Therefore, developers should consider extra space for storage of additional recycling bins. Also, green waste will also need to be catered for onsite, depending on the scale and nature of the development. The Waste Management Plan will also need to take this into consideration.	WMP notes that, because of the limit on numbers of bins able to be presented to the verge and the current frequency of recycling collections, residents of this development will not be able to avail themselves of this service at this time.
3.1.4	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.	Consideration has been given to the proposed FOGO service throughout the WMP.
3.1.5	The City will allow for a maximum of 4 x 240L waste bins and 4 x 240L recycle bins to be placed on the verge for kerbside collection. More than 8 bins will require internal service arrangements.	Complies
4.0 BIN SIZE AND COLOUR		
4.1	The Waste Management Plan must provide details on the proposed bin sizes. The City's available bin sizes and dimensions are shown in Table 2 and 3.....	Standard City-issued bins will be used.
7.0 WASTE TRUCK ACCESSIBILITY AND MANOEUVRING-		
7.1	Any development of 5 or more dwellings shall require waste trucks to service all waste from within the property as verge presentation is not permitted. The design shall demonstrate the City's minimum compliance requirement of: -.....	The City's Waste Minimisation Coordinator has approved a variation to this guideline (i.e. kerbside presentation) subject to no more than 8 bins being presented on any one collection day.
9.0 BIN STORAGE AREA		
9.1	Depending on the number of dwellings residents may have individual bin areas or shared communal bin areas shown in Table 4 (.....)	Residents will house their own waste and recycling bins, within their garages, with shared waste, greenwaste/FOGO bins housed in a bin store.
9.2	Developments with shared bins must include an easily accessible communal bin storage area within the development. In the case of mixed-use developments separate residential and commercial bin storage areas are required.	Only waste bins being "shared" – management arrangement mean that residents do not need to access the bin store – this is conducted by waste staff employed by the Strata Management.
9.3	A bin storage area (or enclosure) must be provided on the premises where bins are stored and collected from as per the following requirements:	
	(a) Easily accessible to allow for the removal of the receptacles;	Complies
	(b) Adequate circulation space for manoeuvring bins within the storage area must be allowed;	Bin store gates open in front of each bin, removing the need for internal manoeuvring.

	(c) Provide for collection that limits pedestrian and vehicle disruption;	Kerbside collection – bins do not obstruct pathway
	(d) The bin storage area is to be provided with a permanent water supply and drainage facility; for washdown. The bin area is to be screened by a gate, brick walls or other suitable materials to a height not less than 1.8m;	Complies
	(e) Each waste stream must be separated and clearly labelled;	Complies
	(f) Residential waste needs to have a separate area from commercial waste;	n/a
	(g) Developments that include residential dwellings shall include a dedicated area for the temporary storage of large bulky items awaiting disposal	Sufficient area exists within each resident's garage for this purpose – no storage of bulky waste is to occur outside the garages.
	(h) Design should not encourage the emission of odour outside the bin enclosure area;	Onsite waste management supervision, bagging of waste material and bin type will control any odours
	(i) Bin storage areas shall be located within the building (not on the verge), so they are not visible from the public realm, or screened from public view with a quality material compatible with the building design	Complies
	(j) The bin area is to be accessible via a suitably constructed service road that will allow waste truck vehicle movement;	n/a
	(k) Provided with a ramp into the bin storage area having a gradient of no steeper than 1:8 unless otherwise approved by the City; and	n/a
	(l) Where a mixed-use development is proposed (residential and any other use), the residential waste and recycling bin storage areas are to be self-contained and separate from commercial bin storage areas.	n/a
	(m) For all properties that have lockable waste presentation point, the City requires relevant access i.e. key or remote device.	n/a
10.0 COLLECTION OF BINS		
10.1	Bins, ready for collection, shall be presented in a manner that has minimal impact on the public realm.	Bins will be presented to the kerb with sufficient space between the bins to facilitate emptying.
10.2	Where it cannot be demonstrated that the required number of bins for 4 dwellings or less can be practically accommodated on the verge for collection, bin storage areas shall be designed to allow for collection of waste from within the private site.	The City's Waste Minimisation Coordinator has approved a variation to this guideline (i.e. kerbside presentation) subject to no more than 8 bins being presented on any one collection day.
10.3	Any development of 5 or more dwellings, a bin storage area shall be designed to allow collection of all waste bins from within the site. All waste bins shall not be placed on the verge area for collection.	The City's Waste Minimisation Coordinator has approved a variation to this guideline (i.e. kerbside presentation) subject to no more than 8 bins being presented on any one collection day.
11.0 WASTE SYSTEMS FOR MULTI-UNIT DWELLINGS		
11.1	A detailed description of the waste system proposed must be provided, which shall include in-apartment source separation systems, chutes, carousels, in chute compaction equipment, transportable compactors, bin lifters and tugs or towing devices. Developers must ensure that it is as easy to dispose of recyclable materials as a waste stream and that there is an adequate provision for the segregation of waste streams without contamination. Hard waste and charity goods should be taken to an easily accessible, secure and safe drop-off point on-site.	n/a
11.2	The following waste options exist for multiunit developments: (a) Option 1: Use 660L bins for waste and 660L bins for recycling with bins stored in communal storage area(s). Residents may be required to transfer all waste and recycling from their dwelling direct to the bin storage area(s). (b) Option 2: A dual chute system for waste and recycling leading to a central waste and recycling collection area in the basement or ground level.....	n/a
14.0 SIGNAGE		
14.1	Signs within the bin storage area must demonstrate correct recycling and reduce contamination.	Signage will be provided by the Strata Management detailing correct material disposal behaviour and the use of the City's various waste minimisation opportunities.
14.2	Clear signage and coloured bins (red for waste) and (yellow for recycling) to be placed in each bin storage area on each level.	Complies
15.0 BULK WASTE (Residential properties only)-		

15.1	Development plans shall indicate the allocation of a dedicated area to place bulk bins (twice a year) for bulk rubbish collections. The City offers two hard waste collections and two green waste collections for residents.	A site for the placement of bulk bins is not available to this property as the front verge is only of sufficient width to accommodate the placement of 240s and still allow pedestrian access. The City will be requested to allow the placement of a bulk bin in a carbay on the street for this collection opportunity or residents will be required to remove their own bulky and hard waste as it is generated.
15.2	The City's bulk collection contractor will provide a 10m2 bulk bin during the bulk collection (twice per annum). Hard waste items from multi-unit developments are not permitted to be placed on the verge area for collection.	As above
15.3	On-site hard waste storage must be provided as follows: (a) 1 to 55 apartments = Minimum area of 5m2 (b) 56 - 200 apartments = Minimum area of 10m2	Complies - Sufficient area exists within each resident's garage for this purpose – no storage of hard waste is to occur outside the garages.
15.4	A hard waste collection area must be provided for collection contractors that is immediate to the truck collection location.	Complies – will be conducted, with the approval of the City, from a parking bay immediately to the front of the property on an as-required (and negotiated) basis.
16.0 COLLECTION AND CONTRACTORS		
16.1	All residential properties must utilise the City's waste service. However, commercial properties can engage private contractors for the services.	Complies
17.0 COMPLIANCE WITH WASTE MANAGEMENT PLAN		
17.1	Responsibility for ensuring compliance with the Waste Management Plan and the cleaning of the bin storage area/s and facilities must be allocated to a person of appropriate authority (i.e. property manager, strata manager, caretaker).	Complies – Responsibility arrangements allocate this responsibility to an onsite waste person employed by the Strata Management.
19.0 ADDITIONAL INFORMATION REQUIRED		
19.1	Please ensure that all plans included in the Waste Management Plan are drawn to either a 1:100 or 1:200 to assist with the assessment process with information below:	
	(a) Typical commercial floor showing waste and recycling drop-off points;	n/a
	(b) Bin rooms including any bins and compactors;	Complies
	(c) Bin presentation location (on-site) with bin alignment shown;	Complies
	(d) Residential and commercial floor levels illustrating waste and recycling storage;	n/a
	(e) Bin storage areas including any chutes, carousels and bins;	Complies
	(f) Bin numbers and size of bins;	Complies
	(g) Bin presentation location with bin alignment (verge presentation - if applicable) shown;	Complies
	(h) Ramp grades;	n/a
	(i) Access to bin storage area and/or chutes; and	Complies
	(j) Swept path analysis illustrating sufficient access to collect bins	n/a

9 REFERENCES

- City of Nedlands: Health Local Law 2017
- City of Nedlands: Local Planning Policy – Waste Management 2020
- City of Nedlands: Waste Management Guidelines (2020)

Submission	No. of times issue raised	Officer Response	Action Taken
Lot Boundary Setbacks <ul style="list-style-type: none"> - Concern on building bulk from the lot boundary setbacks and boundary walls - Concern that the setbacks proposed will block sunlight and ventilation to adjoining properties - Proposed development is inconsistent with the planning framework and will result in over development of the site due to the lot boundary setback variation - Proposal does not meet Design Principles for Clause 5.1.3 – Lot Boundary Setbacks 	7	A detailed Design Principle assessment is provided under Section 6.3.2 of this Council Report	Design Principle assessment provided under Section 6.3.2 of the report for Lot Boundary Setbacks
Open Space <ul style="list-style-type: none"> - Request to provide open space percentages for each of the 5 units and if they comply - Explains that the open space does not appear to meet the requirement of Clause 5.1.4 – Open Space - Proposal does not meet Design Principles for Clause 5.1.4 – Open Space - Insufficient open space for natural sunlight - Reduced open space results in building bulk and impacts upon setting of the building, landscape, vegetation and streetscape - Insufficient open space for residents to use external spaces for outdoor pursuits. 	3	<p>The development achieves the deemed-to-comply setback requirements for a site coded R60. The deemed-to-comply open space requirement is 40%.</p> <p>As per the requirements of C4 of R-Codes, the site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that dwelling AND the proportionate share of any associated common property.</p> <p>For the calculation of the open space requirement, the proportionate share of the common property for each unit was included in the calculation for the allocated site area per each grouped dwelling.</p> <p>Each unit provides the deemed-to-comply 40% open space provision.</p> <p>In relation to natural sunlight, the application is fully compliant with Clause 5.4.2 – Solar access for adjoining sites and the overshadowing proposed from the development does not exceed the 50% limit prescribed in the R-Codes for an R60 density.</p> <p>In relation to open spaces for outdoor pursuits, the application also provides outdoor living areas as per Clause 5.3.1 of the R-Codes.</p>	<p>No action required.</p> <p>As per Clause 2.5.4 of the R-Codes (Volume 1), the decision maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes Volume 1.</p>

Visual Privacy <ul style="list-style-type: none"> - Concern about overlooking from the proposed grouped dwellings 	6	<p>The development achieves all the prescribed visual privacy setback provisions for a site coded R60. Where major openings are proposed over 0.5m above the NGL, the windows are sill high windows, meaning the window openings are 1.6m above the Finished Floor Level.</p> <p>The Living room on the western elevation of Unit 1, facing west has an opening of less than 1.0m², therefore making the opening a minor opening as per the definitions of the R-Codes.</p> <p>Bedroom 1 of Unit 5 on the northern elevation facing east provides obscure glazing so as to provide screening and the remainder of the window provides a compliant setback in direct line of sight within the cone of vision from the lot boundary as prescribed in the R-Codes for an R60 density.</p> <p>All other major openings have been setback in accordance with the setback requirements in direct line of sight within the cone of vision from the lot boundary as prescribed in the R-Codes for an R60 density.</p>	<p>No action required.</p> <p>As per Clause 2.5.4 of the R-Codes (Volume 1), the decision maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes Volume 1.</p>
Landscaping <ul style="list-style-type: none"> - Proposed development is inconsistent with the planning framework and will result in over development of the site due to the landscaping variation - Proposal does not meet Design Principles for Clause 5.3.2 – Landscaping - The proposal results of the removal of trees on the property 	3	<p>At the Special Council Meeting on 30/06/2020, the landscaping provision was refused by the WAPC and as such is no longer a deemed-to-comply requirement. The City of Nedlands does not have any tree retention policies on privately owned land at the current time. The City can limit the tree removal within the verge. The application proposes the retention of two street trees.</p>	<p>No action required.</p> <p>As per Clause 2.5.4 of the R-Codes (Volume 1), the decision maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes Volume 1.</p>
Overshadowing <ul style="list-style-type: none"> - Concern regarding the proposed overshadowing 	4	<p>As per C2.1, overshadowing on a property coded higher than R40, the overshadowing is not to exceed 50% of the site area.</p> <p>The development is fully compliant with the deemed-to-comply provisions of the R-Codes for Clause 5.4.2 – Solar Access for adjoining sites</p>	<p>No action required.</p> <p>As per Clause 2.5.4 of the R-Codes (Volume 1), the decision maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply</p>

			provisions of the R-Codes Volume 1.
Design of Car Parking Spaces and Vehicle Access <ul style="list-style-type: none"> - Concern on manoeuvring of car around the site - Query regarding if an accessible path of travel for people with disabilities is provided - Query on if the manoeuvring complies with AS2890.1 standards - Seeking confirmation the width of the driveway near the bin compound is compliant 	4	<p>The design of the development in relation to the design of car parking spaces has been reviewed and assessed by the City's Technical Services Department who raised no concerns in relation to the manoeuvring of vehicles along the driveway.</p> <p>In relation to the accessible path, each unit is provided with a pedestrian path to the entry point of each of the units.</p> <p>Compliance with the AS2890.1 standards is a condition of the determination.</p> <p>The common property driveway provides various sections of widths along the driveway near the garages to permit pedestrian and vehicle access within the traversing driveway.</p> <p>The varying widths also encourages vehicles to slow down, which in turn increases pedestrian safety in comparison to one long driveway which would typically see increased speed of vehicles.</p> <p>The driveway maintains sufficient width for vehicles to manoeuvre and the design of the driveway reduces visual impact of the driveway from the street.</p>	<p>A condition of approval will ensure that the proposed car parking and vehicle access areas shall be drained and paved in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City. Visibility truncations are to be provided in accordance with AS2890.1 on both sides of the parking bays.</p>
Traffic <ul style="list-style-type: none"> - Concern over increased traffic in the locality - Additional 11 cars from site (10 per unit + 1 visitor bay) will conflict with the busy Waratah Village, the bus stop, street parking, Children's Crossing and a road frequented by cyclists, pedestrians and school children - Query if adequate street parking will be provided on Waratah Ave for increased density - Query if Main Roads will be contacted for comment prior to consideration of the development approval 	3	<p>Each dwelling is provided with the two car parking bays which is a requirement of Clause 5.3.3 of the R-Codes. Additional street parking is not provided by this application on Waratah Avenue. A visitor bay is provided on site within the development outside Unit 1. The application does not require referral to Main Roads. As per the Planning and Development Act 2005 – Instrument of Delegation Del 2017/02 – Powers of Local Governments and Department of Transport, the application would not require a referral to Main Roads as Waratah Avenue is not a Category 1, 2 or 3 Primary Regional Road (PRR).</p> <p>The City understands that the proposed development will result in an increase in traffic within the locality, however, the proposed development also meets the density requirements of the R60 zoning which has been</p>	No action required

		prescribed to the site with the gazettal of the City of Nedlands Local Planning Scheme No. 3 in April 2019. As such, the traffic and movements as a result of the development are consistent with the expectations of the density of the site.	
Application is inconsistent with the Planning Framework under the following <ul style="list-style-type: none"> - City of Nedlands Local Planning Scheme No. 3 (LPS3). - City of Nedlands Local Planning Policy – Residential Development: Single and Grouped Dwellings (Residential Development Policy). - State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes Vol. 1). - State Planning Policy 7.0 Design of the Built Environment (SPP 7.0). 	2	<p>A detailed assessment against the City of Nedlands Local Planning Scheme No. 3, State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes Vol. 1) and State Planning Policy 7.0 Design of the Built Environment (SPP 7.0) is provided in the council report under Section 6.0 – Assessment of Statutory Provisions.</p> <p>The application is compliant with the necessary provisions of the City of Nedlands Residential Development Local Planning Policy. At the Special Council Meeting on 30/06/2020, the landscaping provision was refused by the WAPC and as such is no longer a deemed-to-comply requirement.</p>	No further action required
Clause 67 – Part 2 – Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 <ul style="list-style-type: none"> - The application does not comply with a, b, c, g, m, n, p, x of Clause 67 of Part 2 – Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 	2	An assessment against the relevant matters to be considered under Clause 67 is provided under Section 6.1 of the Council Report	No further action required.
Dividing Fencing <ul style="list-style-type: none"> - Concern about the replacement of existing dividing fencing - Concern about the dividing fencing being removed during the construction period which will impact upon security and privacy. - Request for the adjoining dividing fencing between the subject property and No. 133 Adelma to maintain a 2m high rendered brick fence as per the existing fence to lessen the impact of the garage wall proposed at Unit 5 	3	<p>The builder cannot remove the fence without the adjoining owners consent or a court order (BA20A). The applicant has advised that the Dividing Fencing along the western boundary will be replaced entirely and that majority of the portions of the fencing along the south and east will remain as present.</p> <p>Along Unit 5, the existing brick screen wall which encroaches on to the 78 Waratah Avenue site shall be chemically injected under the footings to enable the demolition and construction of the new parapet boundary wall forming the Garage and Store area to Lot 5 as shown on the attached drawing SK1.04. The remaining boundary fence from the rear of the Store</p>	Dividing fencing behind the street setback area, is not a planning matter. No action required.

		<p>area to the southeast corner shall be replaced with an 1800 high metal fence in Colorbond Monument finish. Temporary fencing is typically provided during the construction.</p> <p>The City cannot condition any requirements for Dividing Fencing as it is not governed under the Planning and Development Act. Dividing Fencing is governed under the Dividing Fences Act 1961 and dividing fencing is a civil matter between landowners.</p>	
<p>Location of bin compound and concern over waste management</p> <p>Concern a compactor is proposed for waste management which will result in noise pollution. Queries regarding waste management proposal.</p>	2	<p>A compactor has not been proposed for this application's Waste Management Proposal. The communal bin store will permit residents to bag all waste material prior to the waste being placed in the 120l bins. The management of the shared bins will be coordinated by the Strata Management and written into the strata management arrangements.</p> <p>A cleaner or similar personnel is to be either employed or contracted directly by the Strata Management to supervise waste management throughout the facility and as such, will be made aware of the expectations regarding presentation and collection arrangements. They will be responsible for ensuring that the shared waste bins are presented to the collection vehicle on collection days and are returned to the store once they have been emptied. They will also be responsible for ensuring that residents return their 120 litre MGBs to their garages after the bags have been removed for consolidation into the shared 240 MGBs.</p> <p>The City's Waste Minimisation Coordinator has indicated that the use of the standard 120 litre waste bins and 240 litre recycling bins would be acceptable for the development, however no more than eight bins can be presented on any one collection day. To enable this, a bin store containing three shared 240 litre waste bins and one shared 240 litre greenwaste bin will be located along the side of driveway. This allows the Strata Management to transfer the contents of resident's internal waste bins into the three shared 240 litre waste bins prior to collection day so that, along with</p>	<p>Waste Management Proposal has been approved by the City's Waste Management Department.</p> <p>No further action required.</p>

		the five standard recycling bins, the number of bins presented is limited to eight.	
Concern about the impact of noise, dust and vehicle movements as a result of increased development in the locality.	3	The Acoustic Report, contained as Attachment 3 , has been reviewed by the City's Health Services which supports the recommendations of the Acoustic Report	A condition of approval will ensure that the recommendations of the report are undertaken.
Vibration Monitoring <ul style="list-style-type: none"> - Query on proposed methodology for vibration monitoring to ensure no damage is cause to neighbouring properties - Query on the target vibration limit and stop work vibration limit - Request to provide copy of the vibration management plan 	1	<p>This is not a planning matter. Vibration during construction is a building matter.</p> <p>The City urges the complainant to contact the City's Building department. However, the following advice is provided:</p> <p><i>Vibrations from construction would need to effect the structure or structural adequacy of an adjoining structure in order to be picked up as a "notifiable event" and "adversely affect land." Low levels of vibration which are a nuisance or inconvenient are a part of the building process.</i></p>	A construction management plan has been included in the recommended condition.
Boundary Footing Construction <ul style="list-style-type: none"> - Requests footing of the boundary wall not to be undermined during the proposed works - Query on if temporary shoring is required to avoid undermining the existing boundary wall 	1	<p>There are requirements for builders to seek consent from adjoining owners where a "notifiable event" is likely to or will take place. This is where a BA20 or a BA20A form is required. Events covered under a BA20A must obtained prior to works commencing, however works subject to a BA20 must be before a permit is granted.</p> <p>If temporary shoring is required and this requires a BA20 the adjoining affected owners will be contacted.</p>	No action required
Other matters <ul style="list-style-type: none"> - Room layouts appear to be cramped - Removal of two trees along common property - Adjoining property has conducted an independent dilapidation study which will be available upon request and should be viewed and accepted by the contractor prior to works commencing 	3	<p>There are no provisions for internal room sizes within the Residential Design Codes (Volume 1).</p> <p>The City of Nedlands does not have any tree retention policies on privately owned land at the current time. The City can limit the tree removal within the verge. The application proposes the retention of two street trees.</p> <p>Re: dilapidation report – Noted.</p>	No action required

PD37.20	No. 78 Waratah Avenue, Dalkeith – x 5 Grouped Dwellings
Committee	11 August 2020
Council	25 August 2020
Applicant	Urbanista Town Planning
Landowner	Emerald Development Alliance Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
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	DA19-42171
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. Applicant's Justification Report 2. Applicant's Assessment Against State Planning Policy 7.0 3. Acoustic Report 4. Waste Management Report 5. Summary of Submissions
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Submissions 3. Assessment 4. WAPC Approved Subdivision Plan

1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received by the City of Nedlands on 20 November 2019, for five two-storey grouped dwellings at No. 78 Waratah Avenue, Dalkeith (the subject site). Each grouped dwelling within the subject site comprises three-bedroom dwellings with two bathrooms and the provision of two car parking bays in a garage provided at grade.

The application was advertised to neighbours in accordance with the City of Nedlands Local Planning Policy – Consultation of Planning Proposals. During the consultation period, a total of ten objections were received.

It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) Volume 1 and is unlikely to have a significant adverse impact on the local amenity and character.

2.0 Recommendation to Committee

Council approves the development application dated 20 November 2019, with amended plans received on 22 May 2020 for five (5) Grouped Dwellings at Strata Lots 1, 2 and 3 on Strata Plan 24132 (No. 78) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:

- 1. This approval is for a ‘Residential’ (grouped dwellings) and the subject land may not be used for any other use without prior approval of the City.**
- 2. Prior to the issue of a Building Permit, a detailed landscaping plan and management plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 3. Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.**
- 4. The acoustic report (Attachment 3) prepared by Sealhurst dated 22 January 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the Environmental Protection (Noise) Regulations 1997 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
- 5. The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City’s satisfaction.**
- 6. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
- 7. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
- 8. 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 located behind the street setback area shall be set back in accordance with element 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;**

- 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.

9. 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 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

10. 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.
11. Prior to occupation of the development, the proposed visitor car parking bay shall be provided with 1.5m x 1.5m visual truncations in accordance with AS2890.1 on both sides of the bay to the satisfaction of the City of Nedlands.
12. 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.
13. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.
14. Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.
15. 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.
16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Advice Notes specific to this proposal:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.
- b) The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:
 - i. species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;
 - ii. species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;
 - iii. species and maturity of landscaping within each lot; and
 - iv. maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.
- c) The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8) bins at any time.
- d) A separate noise management plan will be required to be prepared, submitted to the City and approved by the CEO if it is desired to work outside of normal hrs of operation during construction of the project (i.e. 0700 hrs and 1900 hours on any day that is not a Sunday or Public Holiday). This will be subject to the subject to the Clause (6) of the *Environmental Protection (Noise) Regulations 1997*, that is detailed in section 3.4.1 of the acoustic report.
- e) The proposal requires compliance with the City's *Health Local Laws 2017*, which requires an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:
 - i. sufficient in size to accommodate all receptacles used on the premises;
 - ii. constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - iii. 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;
 - iv. smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - v. easily accessible to allow for the removal of the receptacles;
 - vi. provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - vii. provided with a tap connected to an adequate supply of water; and
 - viii. adequately ventilated, such that they do not create a nuisance to residences.

- f) The applicant shall seek independent expert advice from a suitably qualified consultant* detailing the particulars of the application, specifications of the type of lighting proposed and certifying** that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard***;
- i. a full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - ii. times of operation;
 - iii. a Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
 - iv. details of orientation and hooding and/ or other measures to minimise their impact in the interests of pedestrian and/ or vehicular safety and amenity; and
 - v. details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard***.
- g) The applicant is advised to apply dust control measures during construction in accordance with *City of Nedlands Health Local Laws 2017* and DWER requirements.
- h) The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
- i) 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, shall 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.
- j) All downpipes from guttering shall 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 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
- k) The applicant is advised that in relation to Condition 14, the Construction Management Plan is to address but is not limited to the following matters
- i. construction operating hours;
 - ii. contact details of essential site personnel;
 - iii. noise control and vibration management;
 - iv. dust, sand and sediment management;
 - v. stormwater and sediment control;
 - vi. traffic and access management;

- vii. **protection of infrastructure and street trees within the road reserve and adjoining properties;**
 - viii. **dilapidation report of adjoining properties;**
 - ix. **security fencing around construction sites;**
 - x. **site deliveries;**
 - xi. **waste management and materials re-use**
 - xii. **parking arrangements for contractors and subcontractors;**
 - xiii. **consultation plan with nearby properties; and**
 - xiv. **complaint procedure;**
- l) In accordance with section 35, (3) (b) of the Health Local Law, Waste and recycling bins storage enclosure in accordance with the Waste Management Plan for No. 78 Waratah Avenue, Dalkeith.**
- m) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**
- n) All internal bins located at individual dwellings shall be purchased and maintained by the strata management or owners by private arrangement.**
- o) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.**
- p) Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
- q) 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 guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**
- r) The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.**
- s) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.**

- t) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.
- u) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.

3.0 Background

3.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	Aggregate area of 1011.9m ²
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No
Land Use	Existing – Residential Use for a Single House Proposed – Residential Use for Grouped Dwellings
Use Class	Permitted (P)

3.2 Subject Site Details

The subject property currently comprises of one lot at No. 78 Waratah Avenue which is currently vacant and one lot at No. 78b Waratah Avenue which is now vacant after the recent demolition of the Single House on the lot. There is also a driveway along to the East for access to No. 78b Waratah Avenue, Dalkeith which is shown in Figure 2 on the following page.

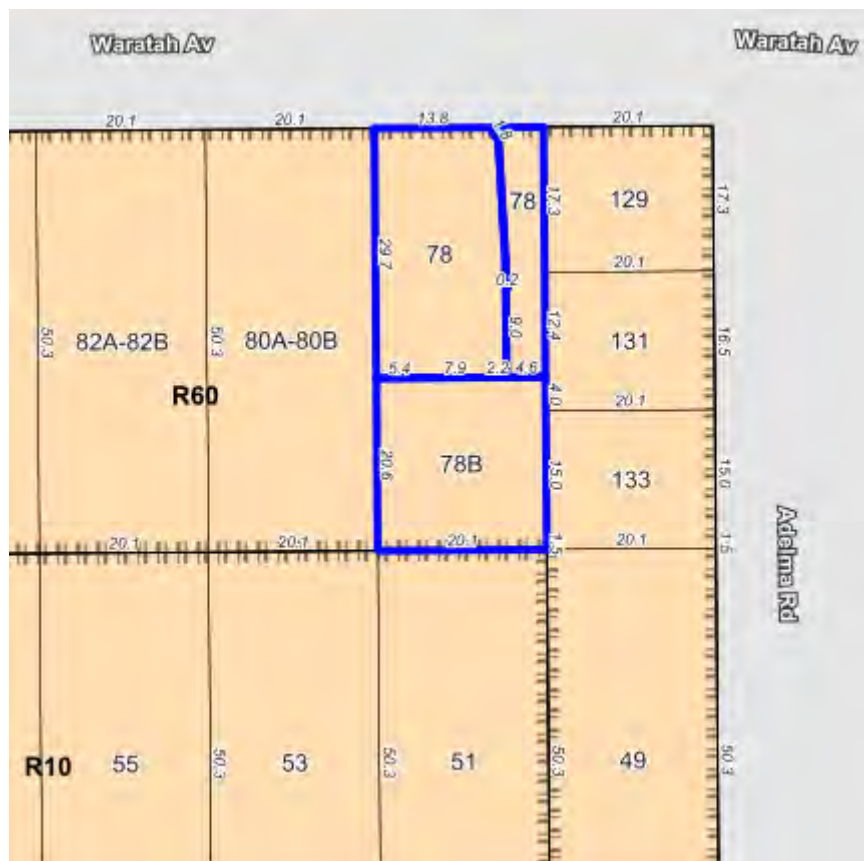


Figure 1 – Development context

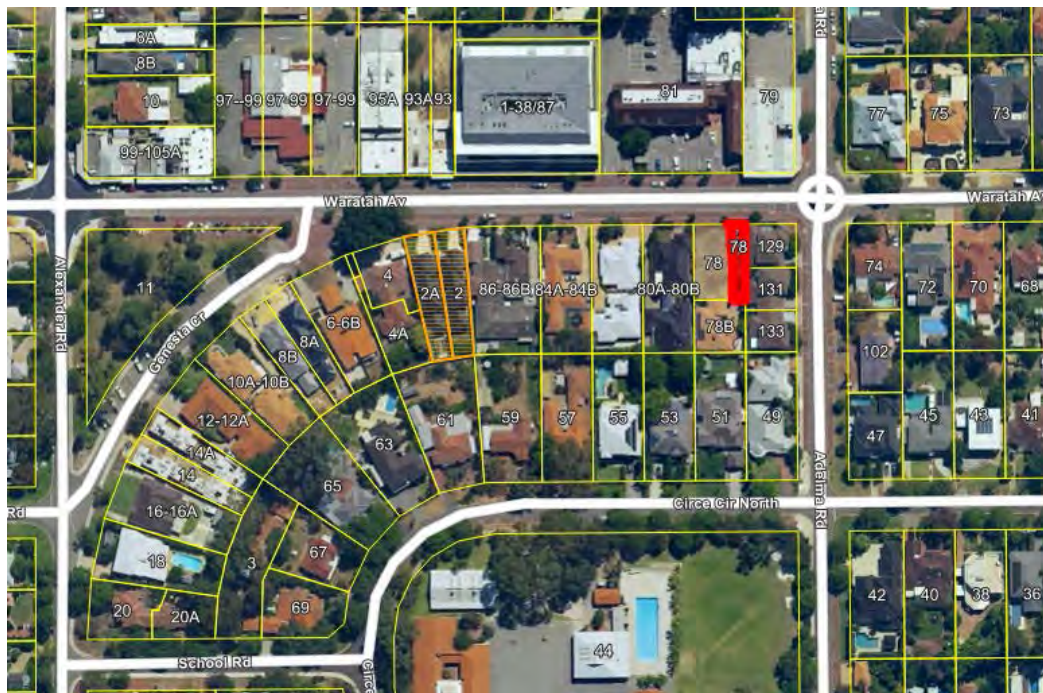


Figure 2 - Aerial

The site slopes very gently towards the north, from a ground level of 18.29m AHD in the south eastern corner to 15.46m AHD in the north eastern corner. A sewer line runs parallel to the rear lot boundary with the adjoining property.

As shown in the aerial map below, the subject property is surrounded by a mix of Single Houses and Grouped Dwellings to the east, south and west. To the north of the subject property, there are a variety of retail and commercial tenancies at Dalkeith Village. Approximately 70m to the south of the subject property is the Dalkeith Primary School.

Also shown in the map below, to the west of the subject property within the 200m radius, there are a variety of single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which is shown below. A large majority of these dwellings along Genesta Crescent have been recently constructed.



3.3 Subdivision

On 14 February 2020, the subject property received Subdivision Approval from the Western Australian Planning Commission (WAPC) for five lots, a visitor bay to the front (north) of the property and a common property driveway along the eastern lot boundary.

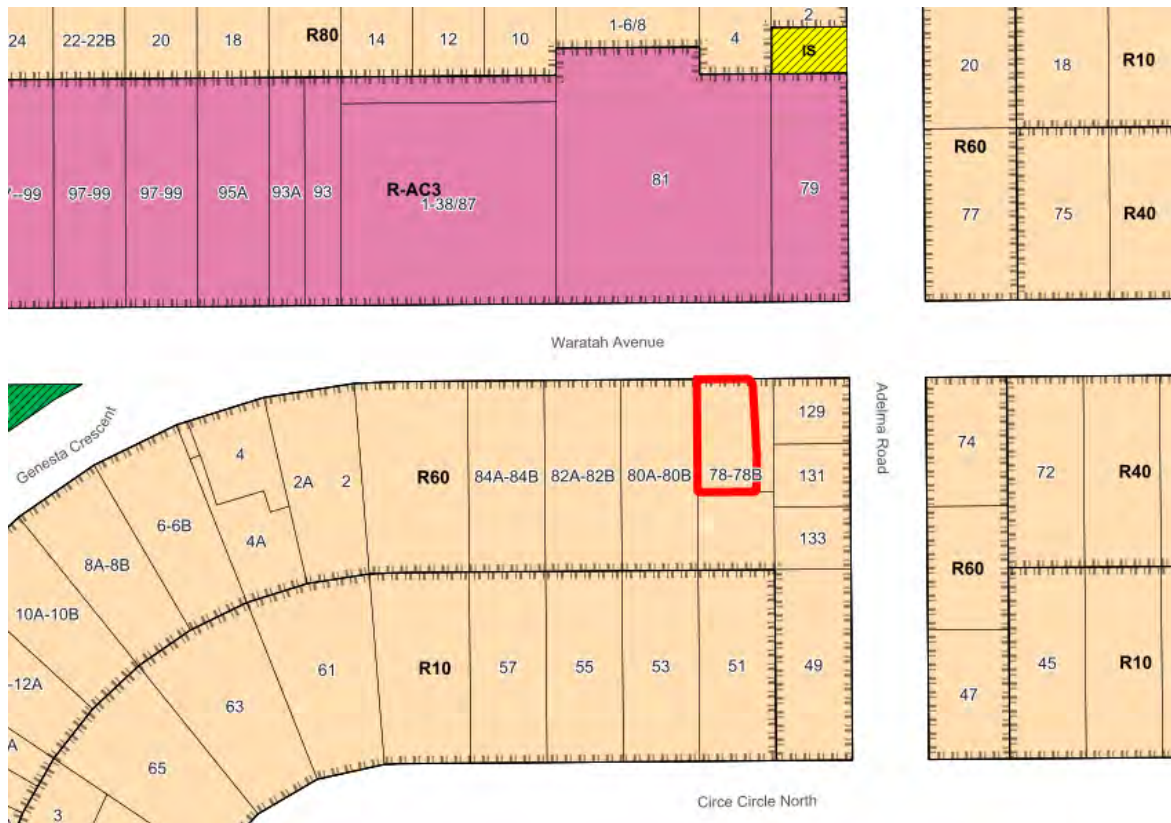
The Subdivision is still awaiting the clearance of conditions imposed by the WAPC. The approved Subdivision Plan is included as a **Confidential Attachment 4** to this report.

3.4 Locality Plan

Following the gazettal of the Local Planning Scheme No. 3 (LPS 3) on 16 April 2019, the subject property of No. 78 Waratah Avenue, Dalkeith was up coded from Residential R20 to Residential R60. As shown in the map below, with the gazettal of LPS 3, the following surrounding changes can be seen around the subject property:

- To the north of the subject property at Dalkeith Village, the properties have been up coded to Mixed Use R-AC3 zoning.

- The properties to the east of the subject property at No. 129, No. 130 and No. 133 Adelma Road have been up coded from a density of R30 to a density of R60.
- The properties to the west of the subject property have been up coded from a density of R20 to a density of R60.
- The properties to the south of the subject property which gain access from Circe Circle North have not been up coded with the gazettal of LPS 3 and retain a density of R10.



4.0 Application Details

The applicant seeks development approval to construct five, two-storey grouped dwellings, comprising:

- Three bedrooms
- Two bathrooms
- Garage with two car parking bays
- Kitchen
- Dining Area
- Living Area
- Storage
- An outdoor living area.

By way of justification in support of the development application the applicant has provided a response to the submissions received, which is provided as **Attachment 1** to this report.

5.0 Consultation

The application was assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1). The application is seeking assessment under the Design Principles of the R-Codes for the following clauses:

- Clause 5.1.2 – Street Setbacks
- Clause 5.1.3 – Lot Boundary Setbacks
- Clause 5.3.2 – Landscaping

The development application was therefore advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals by way of letter for a period of 14 days. The application was advertised to eight directly adjoining landowners and occupiers.

During the consultation period, ten objections were received, and the main points of discussion raised in the submissions relate to:

- Lot boundary setbacks
- Visual privacy
- Open space

Due to the length of submissions, the summary of submissions is presented as a separate attachment to this report. Refer to **Attachment 5** for the submission table which outlines the comments received and administration's response to each submission.

Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. The City has assessed the application in accordance with the LPS Regulations, the assessment of which is provided in the table below against the relevant provisions:

Provision	Assessment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	Refer to Section 6.2.1 below for an assessment against of clause 9 of LPS 3 – Aims of Scheme.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes)	The development proposal has achieved all deemed to comply and relevant design principles of the R-Codes and is consistent with the expected development within Residential R60.

Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	
(c) any approved State planning policy;	The development proposal is assessed against State Planning Policy 7.0 – Design of the Built Environment, with a detailed assessment provided against the 10 Design Principles under Section 6.3.1 of this report. The development proposal is assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1), with a detailed assessment provided against the 10 Design Principles under Section 6.3.2 of this report.
(g) any local planning policy for the Scheme Area	The proposal is considered to be complaint against the City of Nedlands Residential Development Local Planning Policy.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The Zoning Table in LPS 3 classifies all residential development as a 'P' use in the Residential Zone. The suitability of the land use is not therefore, in question. The development itself is either generally consistent with or exceeds the default building height, street, side and rear setbacks of the R-Codes. The development is consistent with the expected built form of the medium density code (R60) to which it relates.
(n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	(i) With recommended conditions of approval, a landscaping plan is requested from the applicant for the proposed development. (ii) The City considers that the proposed two storey grouped dwellings are consistent with the local character of this particular locality. (iii) The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Dalkeith Village Town Centre. The provision of an additional dwelling typology of a Grouped Dwelling and an increased density will contribute to increased vibrancy of the local area.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved.	A landscaping plan has been requested for this application by way of condition in the determination. The proposal maintains verge trees and existing mature trees along the common property driveway.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy. The proposed development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a

	<p>community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships.</p> <p>The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.</p>
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6.2 City of Nedlands Local Planning Scheme No. 3

6.2.1 – Clause 9: Aims of the Scheme

Requirement	Proposal	Satisfies
a) Protect and enhance local character and amenity	<p>The surrounding area is characterised by Single Houses to the south of Waratah Avenue and a mix of retail and commercial tenancies in Dalkeith Village to the north of Waratah Avenue.</p> <p>To the west of the subject property within the 200m radius, there are single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which was previously shown on a map of this report. A large majority of these dwellings along Genesta Crescent have been recently constructed.</p> <p>The residential dwellings are characterised by two storey, contemporary dwellings, with a mix of pitched and concealed roof forms. There are some original homes in the locality, although most homes have been designed to a contemporary style.</p> <p>The City considers that the proposed two storey grouped dwellings are consistent with the local character and amenity of this particular locality.</p> <p>Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape.</p>	Yes
b) Respect the community vision for the development of the district;	<p>The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.</p> <p>The proposed development is also seen to complement the City of Nedlands Strategic Community Plan 2013 – 2020 in that the development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships.</p>	Yes

c) Achieve quality residential built form outcomes for the growing population;	The built form of the development has been assessed and is considered to achieve the relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding.	Yes
d) To develop and support a hierarchy of activity centres;	The medium-rise development is consistent with the intent of the R60 density code.	Yes
e) To integrate land use and transport systems;	The development is located on Waratah Avenue which is categorised as a Local Distributor in the City of Nedlands Functional Road Hierarchy. Based on Transperth data, there are bus services which frequently provide public transport options along Waratah Avenue which can provide public transport services to proposed dwellings.	Yes
f) Facilitate improved multi-modal access into and around the district;	The subject site is located in close proximity to walking and cycle networks. The subject site is also in close proximity to Dalkeith Primary School to the South.	Yes
g) Maintain and enhance the network of open space	The proposed development does not impact the City's network of open space.	Yes
h) Facilitate good public health outcomes;	The development is not considered to adversely affect the desired public health outcomes.	Yes
i) Facilitate a high-quality provision of community services and facilities;	The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability.	Yes
j) Encourage local economic development and employment opportunities;	The development is considered to positively contribute to the support of local businesses, during and post-construction. Following the construction of the grouped dwellings, the development will be able to positively contribute to the support of local businesses at Dalkeith Village directly north of the subject site.	Yes
k) To maintain and enhance natural resources;	The development retains two verge trees and eight pine trees along the eastern lot boundary on the common property, which is considered a positive outcome for this type of application.	Yes
l) Respond to the physical and climatic conditions;	The development maintains solar access to adjoining properties by having appropriate setbacks. The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation.	Yes
m) Facilitate efficient supply and use of essential infrastructure;	The development does not negatively impact this objective.	Yes

6.2.2 – Clause 16: Residential Zone Objectives

Requirement	Proposal	Satisfies
a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to positively contribute to the City's housing diversity.	Yes
b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	The development has achieved an acceptable design, with an appropriate built form and streetscape presentation. It is noted that a multiple dwelling outcome may have achieved a smaller footprint and allowed a greater proportion of landscaping at the subject site.	Yes
c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;	This objective is not applicable to the subject application as this application only proposes the use of the land for Residential purposes.	N/A
d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	<p>The development is considered to achieve a balance between the existing streetscape character and the future character of this area.</p> <p>The City considers that the proposal complements the local character and amenity of the site, with the two-storey height provision which is consistent with the surrounding area.</p> <p>Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape.</p> <p>Where discretion is sought for lot boundary setbacks, the proposal is considered to satisfy the Design Principles for clause 5.1.2 – Street setback and Clause 5.1.3 – Lot Boundary Setbacks as explained in Section 6.3.2 of this report.</p>	Yes

6.3 Policy/Local Development Plan Consideration

6.3.1 State Planning Policy 7.0 – Design of the Built Environment

The intent of State Planning Policy 7.0 is to address design quality and built form outcomes in Western Australia. The Policy aims to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes in the State.

Administration has assessed this application against the 10 Design Principles of the State Planning Policy 7.0 in the table below:

Design Principle	Officer Comment
<p>1. Context and Character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<p>The grouped dwellings are seen to successfully correspond to the future scale and character of the area which has recently been up-coded as a result of the gazettal of LPS 3 with the proposal of the medium density housing along an transport route on Waratah Avenue.</p> <p>The development corresponds to the natural contours of the land, with each building stepped up along the length of the common property access leg, so as to match the natural rise of the land and minimise the level difference between the subject property and adjoining sites.</p> <p>The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Dalkeith Village Town Centre. The provision of an additional dwelling typology of a Grouped Dwelling and an increased density will contribute to increased vibrancy of the local area.</p> <p>The development integrates into its townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development with existing single subdivided lots and grouped dwellings in the close proximity of the proposed development as previously outlined in this report.</p> <p>The development features a dwelling to Unit 1 that is oriented to the street, including the provision of landscaping in the front setback area which contributes to the existing streetscape of Waratah Avenue.</p> <p>Whilst further tree canopy could be achieved with a multiple dwelling outcome, Administration is of the view that the development application provides a good transition in density between the R-AC3 zoning to the north and the R10 zoning directly to the south.</p> <p>This principle is considered to have been met as the design positively contributes to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood.</p>
<p>2. Landscape Quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<p>In making its recommendation to Council, Administration has considered the merit of retaining 8 mature pine trees along the eastern lot boundary along the common property driveway, which have greater ecological value than lawn or small bushes.</p> <p>It is also further noted that Council's proposed landscaping provision contained within the approved LPP – Residential Development was refused by the WAPC at its Special Committee Meeting on 30 June 2020.</p> <p>The vehicle access to all five grouped dwellings is from the common property driveway, using the existing crossover so as to maintain the two existing street trees in the front verge.</p> <p>The combination of the retention of the two verge trees and eight mature trees on site are seen to be an outcome of good</p>

	<p>design which recognises the landscaping significance of the trees in comparison to a new development site which demolishes all trees and vegetation from the subject site.</p> <p>The proposal also includes small tree landscaping around the units as well as the existing canopy, providing shade and reducing the urban heat island effect.</p> <p>This principle is considered to have been met as the design protects existing environmental features and considers environmental factors such as site conditions, tree canopy and urban heat island effect by employing hard and soft landscaping that interact in a considered manner with the built form, local identity and streetscape character.</p>
<p>3. Built form and scale</p> <p>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.</p>	<p>The proposal is seen to provide an appropriate built form and scale for an R60 density, with two-storey grouped dwellings which are consistent with the existing development in the locality.</p> <p>All dwellings are provided with compliant side setbacks and limited portions of parapet walls to the eastern and western lot boundaries. The parapet walls are located behind the front setback areas and designed to maintain privacy and useability of the outdoor living areas of adjoining properties.</p> <p>This principle is considered to have been met as the new development positively responds to the built form and topography of the surrounding buildings. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity of the locality.</p>
<p>4. Functionality and build quality</p> <p>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.</p>	<p>The development has been designed with aging-in-place in mind, with all dwellings having capacity for a lift should the need arise. The provision of the lifts enables the dwellings to be flexible and adaptable to maximise their utilisation and accommodate appropriate future requirements without the need for major modifications.</p> <p>All rooms are of an appropriately size and the layout is straightforward so as to provide functional environments and spaces that are suited to their intended purpose and arranged to facilitate ease of use.</p> <p>The principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality and serviceability of the dwellings.</p>
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p>	<p>The development retains two trees on the verge and eight trees along the common property driveway on the eastern lot boundary. The development also proposed additional landscaping across the site.</p> <p>This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation and natural ventilation.</p>
<p>6. Amenity</p> <p>Good design provides successful places that</p>	<p>The proposed design is seen to provide a successful mix of indoor and outdoor activity, with the provision of the outdoor living areas.</p>

<p>offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</p>	<p>The development itself contributes to the vitality of the locality, the provision of grouped dwellings as a medium-density housing option in close proximity to a retail and commercial centre.</p> <p>The design of the dwellings mitigates overshadowing and overlooking into the adjoining residential properties to the east, south and west.</p> <p>This principle is considered to have been met as the design delivers internal amenity and includes the provision of appropriate levels of acoustic protection, visual privacy, adequate storage space, and is accessible.</p>
<p>7. Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p>	<p>The entry to Unit 1 is clear and easily accessed from the street, via a defined pedestrian path. All remaining dwellings are accessed via the communal driveway.</p> <p>Each dwelling provides a major opening from a habitable room of the dwelling facing the street and pedestrian and vehicular driveway.</p> <p>The required visitor bay at the entrance of Unit 1 is also clearly defined and accessible for the use of visitors to the site.</p> <p>This principle is considered to have been met as the design makes the site easy to navigate, with recognisable entry and exit points and being well-connected to existing movement networks including Waratah Avenue which is a Local Distributor in the City of Nedlands Functional Road Hierarchy. The sight lines are well-considered and the movement through the development is logical and intuitive.</p>
<p>8. Safety</p> <p>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</p>	<p>Each dwelling has a major opening or balcony facing the driveway or street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.</p> <p>This principle is considered to have been met as safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm.</p>
<p>9. Community</p> <p>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.</p>	<p>The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.</p> <p>The provisions of lifts in each of the units also encourages 'aging in place' and attracting residents looking to downsize in the local area.</p> <p>This principle is considered to have been met as the new development has the capacity to adapt to changing demographics, an ageing population, new uses and people with disability. The design provides a housing choice for different demographics and accommodating all ages and abilities.</p>

<p>10. Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p>	<p>The proposed materials are considered high-quality and the development is consistent with the contemporary homes and buildings within the surrounding area, including the existing grouped dwellings which are in the 200m vicinity of the subject property.</p> <p>The retention of the two street trees in the verge and landscaping in the front setback area is seen to soften the appearance of the development and improve upon the streetscape aesthetics of the site.</p> <p>This principle is considered to have been met as the design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. The proposal is a well-conceived design which addresses scale, the articulation of building form with detailing of materials and building elements which enables an integrated response to the character of the locality.</p>
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The applicant has also provided an assessment against the 10 Design Principles of the State Planning Policy 7.0 which is contained in **Attachment 2** to this report.

6.3.2 State Planning Policy 7.3 – Residential Design Codes (Volume 1)

Volume 1 of the R-Codes apply to single and grouped dwellings. The document provides a comprehensive basis for control of residential development. When assessing applications for development the City must have regard to the following policy objectives:

- to provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives;
- to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local amenity and place;
- to encourage design that considers and respects heritage and local culture; and
- to facilitate residential development that offers future residents the opportunities for better living choices and affordability.

The development is consistent with all the objectives cited above. The development is of an appropriate design for the R60 density code, balances the existing streetscape character with the planned character of a medium-rise transitional area between an R-AC3 zoning to the north and an R10 zoning to the south. The proposal also satisfies all relevant scheme objectives as previously outlined. The development proposal is considered to cater for a wider range of demographics and responds to the local context by retaining a two-storey built form, consistent with surrounding single houses and grouped dwellings in the vicinity.

The applicant is seeking assessment under the Design Principles of the R-Codes for as addressed in the below tables:

Clause 5.1.2 – Street Setback

Design Principles
<p>P2.1 - Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings; • accommodate site planning requirements such as parking, landscape and utilities; and • allow safety clearances for easements for essential service corridors. <p>P2.2 - Buildings mass and form that:</p> <ul style="list-style-type: none"> • uses design features to affect the size and scale of the building; • uses appropriate minor projections that do not detract from the character of the streetscape; • minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”
Deemed-to-Comply Requirement
<p>A grouped dwelling which is not adjacent to the primary street, has its main frontage to a communal street, right of way or shared pedestrian access way; the deemed-to-comply street setback is 2.5m</p>
Proposed
<p>The applicant seeks assessment under the Design Principles which are as follows:</p> <p>Unit 2:</p> <ul style="list-style-type: none"> - Ground: 1.7m - Upper: 0.8m <p>Unit 3:</p> <ul style="list-style-type: none"> - Ground: 1.7m - Upper: 1.0m <p>Unit 4:</p> <ul style="list-style-type: none"> - Upper: 2.0m <p>Unit 5:</p> <ul style="list-style-type: none"> - Ground: 1.0m - Upper: 0.7m
Administration Assessment
<p>The street setbacks to the common property driveway are seen to meet the Design Principles for the following reasons:</p> <p>The setback variations face the internal common property driveway and do not directly face the primary street. The street setbacks to the primary street – Waratah Avenue meet the deemed-to-comply provisions and as such, are consistent and contribute to the established streetscape. The reduced setbacks to an internal common property driveway is therefore not considered incongruous with its setting.</p> <p>The two-storey bulk is predominately fixated towards the common property driveway as a means to increase side lot boundary setbacks to adjoining landowners with a lower density (especially at the rear) and act as a transitional built form buffer. This in turn facilitates more efficient use of a useable outdoor living space for internal residents, whilst</p>

maintaining the amenity and privacy of adjoining sites. Collectively, this approach is considered more desirable.

Provision has been made for windows to face the common property driveway which is considered to make a positive contribution to the streetscape in terms of public surveillance and activity. Whilst the major openings facing the common property driveway provide for passive surveillance, they are also setback in compliance with the deemed-to-comply setbacks for Clause 5.4.1 – Visual Privacy.

Each site can accommodate parking, landscaping and utilities and there are no easements or essential service corridors to apply.

The design of the development incorporates various articulations of the wall lengths on the ground and upper floors so as to ensure the building mass and form is not excessive.

The development utilises a range of materials and architectural treatments, including a balcony on the upper floor thereby minimising any perceived bulk as viewed from the street.

The height of the development is consistent with the surrounding area and is below the deemed-to-comply 10m height limit.

In relation to the primary street, the streetscape is not dominated by building services, vehicle entries, blank walls or infrastructure. Along the primary elevation (Elevation 1 on the plan), there is no vehicle access point facing Waratah Avenue from Unit 1. There are a variety of major openings to habitable rooms which contribute to passive surveillance over the primary street. There is a visitor bay located outside Unit 1 which is a requirement for a proposal of 5 grouped dwelling. The location of the visitor bay outside Unit 1 is seen appropriate as it ensures that visitors to the site are easily able to locate the bay.

Further to the above, Administration notes that the definition of a “Secondary Street” in the R-Codes (Volume 1) is “in the case of a site that has access from more than one public road, a road that is not the primary street.” As such, the common property for this site is a secondary street for Units 2, 3, 4 and 5. For an R60 site, Table 1 of the R-Codes (Volume 1) states that a 1m secondary street setback is required. This is in contradiction to the deemed-to-comply requirement outlined in Clause 5.1.2 – Street Setbacks. However, Administration has used the higher setback requirement for assessment purposes.

In light of the above, the street setbacks for Units 2, 3, 4, and 5 to the common property driveway (secondary street) are not considered incongruous within its setting that would prejudice the objectives of the zone and as such, considered are to meet the Design Principles.

Clause 5.1.3 – Lot Boundary Setbacks

Design Principles
<p>P3.1 - Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 - Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;

<ul style="list-style-type: none"> • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.
Deemed-to-Comply Requirement
Boundary walls are only deemed-to-comply to one lot boundary to the parent lot
Proposed
Boundary walls are proposed to two boundaries – along the eastern and western lot boundaries, as well as internal boundary walls.
Administration Assessment
<p>The boundary walls are supported and are considered to meet the design principle for the following reasons:</p> <p>The development could have utilised the deemed to comply length and height permitted under Residential R60 which would have had a much greater impact on the adjoining properties. Instead the proposed boundary walls do not exceed the 3.5m height and 3.0m average height requirements. Therefore, the proposals impact on the amenity is considered lower than what is capable under the deemed to comply.</p> <p>The boundary walls along the western lot boundary are relatively short, and have been designed with high quality materials, minimising their impact on the overall bulk and ventilation. Only one boundary wall is presented on the eastern lot boundary for the garage at Unit 5. The boundary wall abuts the outdoor living area of the neighbouring eastern property. The proposed boundary contains no major openings and is considered to minimise the extent of overlooking.</p> <p>In R60, building on boundary is permitted for two-thirds (66%) of the length of the balance of the lot boundary behind the front setback. On the western elevation, the total building on boundary is only proposed for 34.7% of the length of balance of the entire lot boundary behind the front setback. Therefore, of the total lot boundary length, the building on boundary represents just over half of the permitted length in the R60 zoning. On the eastern elevation, the total building on boundary is only proposed by the Garage of Unit 5 for 16% of the total lot boundary behind the front setback. This is considered relatively minor as a comparison to the permitted 66% building on boundary permitted.</p> <p>The boundary walls along the western elevation have been broken up along Units 2, 3 and 4 so as not to present excessive building bulk upon the adjoining properties.</p> <p>The boundary walls do not affect overshadowing as per element 5.4.2 of the R-Codes Vol. 1 as they cast shadow onto the subject site, not an adjoining property. As such, the proposed development does not unduly compromise the direct sun and ventilation to the building and open spaces upon the adjoining properties.</p> <p>The boundary walls allow for an efficient use of space, especially with respect to the outdoor living areas, especially for Units 2, 3 and 4.</p> <p>The proposed boundary walls do not contain any major openings on the walls and as such, the boundary walls ensure there is minimal overlooking and resultant loss of privacy on adjoining properties.</p> <p>It is considered that the proposal of the grouped dwellings contributes to the prevailing development context and streetscape of the locality, with existing grouped dwellings within the vicinity of the site. The proposal of the grouped dwellings also contributes to the future development context and streetscape of the locality, representing an appropriate development for the newly appointed R60 density code through the gazettal of LPS 3. The development is seen to complement the future development context, with various other</p>

properties along Waratah Avenue, including No. 116 Waratah Ave and No. 130 Waratah Ave which have recently applied for grouped dwelling proposals as a result of the increased density through LPS 3. It is noted that No. 116 Waratah Ave has received planning approval for 4 grouped dwellings and the determination of No. 130 Waratah Ave for nine grouped dwellings is about to be determined at the August OCM.

Clause 5.3.2 – Landscaping

Design Principles
<p>P2 - Landscaping of grouped and multiple dwelling common property and communal open spaces that:</p> <ul style="list-style-type: none"> • contribute to the appearance and amenity of the development for the residents; contribute to the streetscape; • enhance security and safety for residents; • provide for microclimate; and • retain existing trees to maintain a local sense of place.
Deemed-to-Comply Requirement
<p>C2 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:</p> <ol style="list-style-type: none"> i. the street setback area developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface; ii. separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas; iii. landscaping between each six consecutive external car parking spaces to include shade trees; iv. lighting to pathways, and communal open space and car parking areas; v. bin storage areas conveniently located and screened from view; vi. trees which are greater than 3m in height shall be retained, in communal open space areas which are provided for the development; vii. adequate sight lines for pedestrians and vehicles; viii. clear line of sight between areas designated as communal open space and at least two habitable room windows; ix. clothes drying areas which are secure and screened from view; and x. unroofed visitors' car parking spaces to be effectively screened from the street. <p>Draft Clause 4.8.1 - C3 of the City of Nedlands Residential Development Local Planning Policy requires Single and grouped dwelling developments to provide a minimum of 20% of the site area as landscaping, measured in accordance with clause 7.2 of the policy. However, as this has been refused by the WAPC, this no longer applies.</p>
Proposed
<ul style="list-style-type: none"> • A lighting plan has not been included but is addressed by way of condition • The bin store location is accessible • Unit 2 proposes 16.6% landscaping • Unit 3 proposes 16.3% landscaping
Administration Assessment
<p>The development is considered to meet design principle P2 for the following reasons:</p> <p>The proposed on-site landscaping is seen to contribute to the appearance and amenity of the development for the residents. The site plan for the grouped dwellings indicate the provision of a tree within each of the outdoor living areas for Units 2, 3, 4 and 5. In the front setback area for Unit 1, there are tree trees indicated on the site plan which contribute to presenting a more attractive streetscape. In addition to the above, there are also a variety of trees indicated along the common property driveway. The provision of these trees is seen to contribute to the amenity of the development, rendering it more attractive for the residents which will live in the dwellings.</p> <p>The development proposal maintains safety and security by limiting areas of concealment.</p>

The City of Nedlands does not have any tree retention policies on privately owned land at the current time. The City can limit the tree removal within the verge. The application proposes the retention of two street trees.

The retention of existing trees will provide shade and reduce the urban heat island impact better than grass and small shrubs along the common property driveway. As such, the landscaping is considered to provide for the microclimate. The retention of the trees is also seen to maintain a local sense of place, including the retention of two verge trees on Waratah Avenue.

The 20% landscaping requirement for each grouped dwelling under the City of Nedlands Residential Development Local Planning Policy represents a Council adopted policy position. This clause, however, no longer applies as a deemed-to-comply provision under the Residential Design Codes (Volume 1) as the amended provision was refused by the WAPC. During the assessment of the application the City gave due regard to this provision and advertised the departure.

At the Special Council Meeting on 30/06/2020, the landscaping provision was refused by the WAPC and as such is no longer a deemed-to-comply requirement.

6.4 Local Planning Policy – Waste Management

The application was referred to the Waste Minimisation Coordinator to assess the proposal against LPP – Waste Management and has approved the Waste Management Plan which is contained as an attachment of this report. A condition of the determination of the application requires the development to comply with the approved Waste Management Plan dated June 2020 prepared by Dallywater Consulting, to the satisfaction of the City of Nedlands.

7.0 Conclusion

Whilst the proposal is a more intense form of development than what currently exists, it is compatible with the built form and scale of the redeveloped homes that predominate Waratah Avenue. The proposal meets the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The five two-storey grouped dwellings proposed at No. 78 Waratah Avenue, Dalkeith area is considered to be consistent with the Residential R60 density code and has been designed to complement the existing streetscape. Unlike many of the standard project developments the subject proposal retains 8 on-site trees. The proposal has been assessed and satisfies the design principles of the Residential Design Codes and does not prejudice the intent of the zone or objectives of the Scheme.

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

12.2 Planning & Development Report No's PD37.20 to PD43.20

Planning & Development Report No's PD37.20 to PD43.20 to be dealt with at this point (copy attached yellow cover sheet).

PD37.20	No. 78 Waratah Avenue, Dalkeith – x 5 Grouped Dwellings
Committee	11 August 2020
Council	25 August 2020
Applicant	Urbanista Town Planning
Landowner	Emerald Development Alliance Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
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	DA19-42171
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. Applicant's Justification Report 2. Applicant's Assessment Against State Planning Policy 7.0 3. Acoustic Report 4. Waste Management Report 5. Summary of Submissions
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Submissions 3. Assessment 4. WAPC Approved Subdivision Plan

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hay

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation

That Council refuses the development application dated 20 November 2019 for the following reasons:

- 1. Insufficient street setbacks;**
- 2. Too many lot boundary walls (one lot boundary wall to the parent lot); and**
- 3. Insufficient open space.**

Recommendation to Committee

Council approves the development application dated 20 November 2019, with amended plans received on 22 May 2020 for five (5) Grouped Dwellings at Strata Lots 1, 2 and 3 on Strata Plan 24132 (No. 78) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:

1. This approval is for a 'Residential' (grouped dwellings) and the subject land may not be used for any other use without prior approval of the City.
2. Prior to the issue of a Building Permit, a detailed landscaping plan and management plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
3. Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.
4. The acoustic report (Attachment 3) prepared by Sealhurst dated 22 January 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the Environmental Protection (Noise) Regulations 1997 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
5. The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City's satisfaction.
6. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.

7. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
8. 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 located behind the street setback area shall be set back in accordance with element 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;
 - 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.

9. 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 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

10. 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.
11. Prior to occupation of the development, the proposed visitor car parking bay shall be provided with 1.5m x 1.5m visual truncations in accordance with AS2890.1 on both sides of the bay to the satisfaction of the City of Nedlands.

12. 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.
13. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.
14. Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.
15. 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.
16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Advice Notes specific to this proposal:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.
- b) The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:
 - i. species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;
 - ii. species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;
 - iii. species and maturity of landscaping within each lot; and
 - iv. maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.
- c) The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8) bins at any time.

- d) A separate noise management plan will be required to be prepared, submitted to the City and approved by the CEO if it is desired to work outside of normal hrs of operation during construction of the project (i.e. 0700 hrs and 1900 hours on any day that is not a Sunday or Public Holiday). This will be subject to the subject to the Clause (6) of the *Environmental Protection (Noise) Regulations 1997*, that is detailed in section 3.4.1 of the acoustic report.
- e) The proposal requires compliance with the City's *Health Local Laws 2017*, which requires an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:
 - i. sufficient in size to accommodate all receptacles used on the premises;
 - ii. constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - iii. 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;
 - iv. smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - v. easily accessible to allow for the removal of the receptacles;
 - vi. provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - vii. provided with a tap connected to an adequate supply of water; and
 - viii. adequately ventilated, such that they do not create a nuisance to residences.
- f) The applicant shall seek independent expert advice from a suitably qualified consultant* detailing the particulars of the application, specifications of the type of lighting proposed and certifying** that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard***;
 - i. a full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - ii. times of operation;
 - iii. a Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
 - iv. details of orientation and hooding and/ or other measures to minimise their impact in the interests of pedestrian and/ or vehicular safety and amenity; and
 - v. details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard***.

- g) The applicant is advised to apply dust control measures during construction in accordance with *City of Nedlands Health Local Laws 2017* and DWER requirements.
- h) The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
- i) 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, shall 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.
- j) All downpipes from guttering shall 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 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
- k) The applicant is advised that in relation to Condition 14, the Construction Management Plan is to address but is not limited to the following matters
 - i. construction operating hours;
 - ii. contact details of essential site personnel;
 - iii. noise control and vibration management;
 - iv. dust, sand and sediment management;
 - v. stormwater and sediment control;
 - vi. traffic and access management;
 - vii. protection of infrastructure and street trees within the road reserve and adjoining properties;
 - viii. dilapidation report of adjoining properties;
 - ix. security fencing around construction sites;
 - x. site deliveries;
 - xi. waste management and materials re-use
 - xii. parking arrangements for contractors and subcontractors;
 - xiii. consultation plan with nearby properties; and
 - xiv. complaint procedure;
- l) In accordance with section 35, (3) (b) of the Health Local Law, Waste and recycling bins storage enclosure in accordance with the Waste Management Plan for No. 78 Waratah Avenue, Dalkeith.
- m) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.

- n) All internal bins located at individual dwellings shall be purchased and maintained by the strata management or owners by private arrangement.
- o) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
- p) Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
- q) 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 guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.
- r) The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.
- s) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- t) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.
- u) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.

Please note this item was brought forward from page 168.

13.13 Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

Council	27 October 2020
Applicant	Xelemar Pty Ltd (Alex and Ruth Temelcos)
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Peter Mickleson, Director Planning & Development
CEO	Mark Goodlet
Attachments	1. Responsible Authority Report and Attachments – available at: https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes
Confidential Attachments	1. Submissions

Councillor Smyth - Impartiality Interest

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 2nd November 2020. 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 declared she would not stay in the room and debate the item, or vote on the matter.

Councillor Bennett – Impartiality Interest

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 2nd November 2020. 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 declared he would not stay in the room and debate the item, or vote on the matter.

Councillor Smyth & Councillor Bennett left the meeting at 11.24 pm.

Regulation 11(da) – Council had concerns as listed below regarding the development.

Moved – Councillor Coghlan

Seconded – Councillor Mangano

Council Resolution

That Council:

- 1. notes the Responsible Authority Report for the proposed development at 39 Kirwan Street, Floreat - Mixed Use Development Comprising Seven Multiple Dwellings and office**
- 2. agrees to appoint Councillor Hodsdon and Councillor Poliwka to coordinate the Council's submission and presentation to the Metro Inner-North JDAP;**
- 3. provides the following areas of concerns for the Council's position on the application:**
 - a. parking shortfall;**
 - b. extra storey;**
 - c. plot ratio;**
 - d. solar access;**
 - e. landscaping issues; and**
 - f. community opposition to development.**

**CARRIED 10/1
(Against: Cr. Wetherall)**

Recommendation to Council

That Council:

1. notes the Responsible Authority Report for the proposed development at 39 Kirwan Street, Floreat - Mixed Use Development Comprising Seven Multiple Dwellings and office
2. agrees to appoint Councillor (insert name) and Councillor (insert name) to coordinate the Council's submission and presentation to the Metro Inner-North JDAP;
3. does/does not (remove one) support approval of the development; and
4. provides the following reasons for the Council's position on the application:
 - a.
 - b.

Executive Summary

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Administration have prepared a Responsible Authority Report (RAR) in relation to the mixed use development at No. 39 (Lot 97) Kirwan Street, Floreat (the subject site) received on 22 July 2020.

Revised plans were received on 16 October 2020 addressing landscaping, waste management, parking and the acoustic report.

The purpose of this report is to inform Council of Administration's recommendation to the JDAP.

Discussion/Overview

On 22 July 2020, the City received a development application for mixed use development comprising 7 multiple dwellings and an office use at the subject site which is to be determined by the Metro-Inner North Joint Development Assessment Panel. The subject site is zoned 'Local Centre' and has a density coding of R60.

The City submitted the Responsible Authority Report (RAR) on 22 October 2020, recommending that the JDAP approve the application. A copy of the RAR and associated documents are attached to this report

The Applicant seeks approval for the demolition of the existing office and the construction of a three storey mixed-use development comprising seven dwellings and a ground floor office with basement parking.

Basement

- 7 x residential parking bays
- 5 x shared-use parking bays
- 7 storerooms
- Bulk waste storeroom
- Bin storeroom

Ground

- 2 x dwellings
- 1 x Office (156m² NLA)
- Communal lobby and garden area

First floor

- 3 x residential dwellings

Second floor

- 2 x residential dwellings

Key Relevant Previous Council Decisions:

There are no previous determination relevant to this application.

Consultation

The City advertised the development application in accordance with the City's *Local Planning Policy – Consultation of Planning Proposals* for a period of 21 days. As the development is considered to be a complex development application it required:

- letters to be sent to all landowners, residents and businesses within 200m of the subject site;
- a sign to be placed on site,
- a local newspaper advertisement;
- a notice placed on the City's notice board (outside of the administration building);
- a post on the City's social media (Facebook);
- All information (plans and reports) was placed on the City's engagement website (Your Voice Nedlands); and
- A community information session was held on the 4th October 2020 at the City's offices.

In response to consultation the City received 65 submissions, of which 24 were in support, and 41 objected to the proposal. Three separate petitions were received, with a total of 65 signatories. It is noted that one petition was made by Mcleod Legal on behalf of 27 residents. The schedule of submissions is contained as **Confidential Attachment 1**.

Submissions received in support of the proposal provided the following justification in support of the proposal:

- the design was contextual;
- the dwelling typology would enable downsizers to relocate within their current area;
- the location is well suited for infill; and
- the development would improve a degraded streetscape.

The key issues raised through the objections are summarised below.

Issue Raised	Officer comments
Land use	Refer to the planning assessment of land use for further detail in Attachment 1.
Building height	The development is consistent with the intended building height for Residential R60 and nearby development. Refer to the planning assessment of Building Height in Attachment 1

Plot ratio	The plot ratio is 2:1. Refer to the planning assessment of plot ratio in Attachment 1 for further detail.
Traffic	The Applicant provided a Transport Impact Assessment as part of the application contained as Attachment 1. The City's Technical Services reviewed the TIS and supports its findings that the development will not adversely affect the road network.
Parking	The parking shortfall has largely been addressed via the modified car parking arrangement and the parking management plan received as amendments dated 16 October 2020 (Attachment 1). Refer to the planning assessment of parking for further detail.
Context and character	Refer to the planning assessment of SPP7.0 for further detail.
Adverse impact on Lawler Park and streetscape	<p>Co-locating higher density development with public open space is a key urban design objective, particularly relating to principals of crime prevention through environmental design (CPTED).</p> <p>The current interface between the local centre and Lawler Park is considered poor - predominated by parking areas and vehicular access. Although the City acknowledges that visitors to the park will have a different outlook, the City is of the view that the development will positively contribute to this locality through increased opportunity for passive surveillance.</p>

Strategic Implications

How well does it fit with our strategic direction?

The development is consistent with the strategic vision for a local centre.

Who benefits?

Visitors to and residents of the area will benefit from improvements to the verge.

Does it involve a tolerable risk?

The development does not involve an intolerable risk.

Do we have the information we need?

Attachment 1 contains the assessment of the development proposal.

Budget/Financial Implications

The City will benefit from the proposed Grasby Street footpath as well as underground power being paid for by the landowner.

Can we afford it?

The application does not involve a cost to the City.

How does the option impact upon rates?

If the application is constructed, it would result in a small increase in rates.

Moved – Councillor Youngman
Seconded – Councillor Mangano

That the meeting be adjourned until Thursday 29 October 7pm.

CARRIED UNANIMOUSLY 11/-

The meeting adjourned at 11.49 pm and reconvened at 7 pm on Thursday 29 October 2020 with the following people in attendance:

Councillors	Deputy Mayor L J McManus	(Presiding Member)
	Mayor, C M de Lacy	
	Councillor F J O Bennett	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
Staff	Mr M A Goodlet	Chief Executive Officer
	Ms M Granich	Acting Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

13.5 Monthly Financial Report – September 2020

Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil
Director	Lorraine Driscoll – Director Corporate & Strategy
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. Financial Summary (Operating) by Business Units – 30 September 2020 2. Capital Works & Acquisitions – 30 September 2020 3. Statement of Net Current Assets – 30 September 2020 4. Statement of Financial Activity – 30 September 2020 5. Borrowings – 30 September 2020 6. Statement of Financial Position – 30 September 2020 7. Operating Income & Expenditure by Reporting Activity – 30 September 2020 8. Operating Income by Reporting Nature & Type – 30 September 2020

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 13/-

Council Resolution / Recommendation to Council

Council receives the Monthly Financial Report for 30 September 2020.

Executive Summary

Administration is required to provide Council with a monthly financial report in accordance with *Regulation 34(1) of the Local Government (Financial Management) Regulations 1996*. The monthly financial variance from the budget of each business unit is reviewed with the respective manager and the Executive to identify the need for any remedial action. Significant variances are highlighted to Council in the attached Monthly Financial Report.

Discussion/Overview

The financial impact of COVID-19 is reflected with effect from April, the Hardship policy endorsed at the Special Council Meeting of 14 April 2020 introduced measures to support the City's many stakeholders these are also reflected in the financials.

The monthly financial management report meets the requirements of *Regulation 34(1) and 34(5) of the Local Government (Financial Management) Regulations 1996*.

The monthly financial variance from the budget of each business unit is reviewed with the respective Manager and the Executive to identify the need for any remedial action. Significant variances are highlighted to Council in the Monthly Financial Report.

This report gives an overview of the revenue and expenses of the City for the year to date 30 September 2020 together with a Statement of Net Current Assets as at 30 September 2020.

The operating revenue at the end of September 2020 was \$29.5m which represents \$262k favourable variance compared to the year-to-date budget.

The operating expense at the end of September 2020 was \$7.6m, which represents \$481k favourable variance compared to the year-to-date budget.

The attached Operating Statement compares "Actual" with "Budget" by Business Units. The budget figures include subsequent Council approval to budget changes. Variations from the budget of revenue and expenses by Directorates are highlighted in the following paragraphs.

Governance

Expenditure:	Favourable variance of	\$ 60,777
Revenue:	Unfavourable variance of	\$ (34,318)

The favourable expenditure variance is mainly due to:

- WESROC expenses of \$75k not spent,
- Office expenses of \$31k not spent yet,
- Other employee cost of \$30k not spent yet,
- Invoice for election cost of \$18k not received yet,
- Professional fees of \$10k not spent yet,
- The salary reduction of \$442k as resolved by Council at the adoption of the budget has been shown as a reduction in salaries of approximately \$36k per month in Governance as a temporary budget item until the actual savings across the business units are identified and actioned. Thereafter the budget savings will be moved to the respective business units. The above list of savings of \$164k is off-set against the \$108k salary savings yet to be realised, though underway.

The unfavourable revenue variance is due to moving of all the WESROC services to another local government and no income to receive. For the past 5 years the City of Nedlands has hosted the WESROC Environmental Officer's position and managed expenses and invoicing of WESROC local governments. This position has now moved to the Town of Claremont, along with the associated management of the WESROC financials. This reduces employee costs and numbers as a CEO KRA outcome, though it has a net nil effect on the budget.

The budget for WESROC expense and revenue will be adjusted at mid-year budget review to reflect the move of the WESROC services to the Town of Claremont.

Corporate and Strategy

Expenditure:	Unfavourable variance of	\$ (49,555)
Revenue:	Favourable variance of	\$ 141,014

The unfavourable expenditure variance is mainly due to:

- Profiling issue of ICT expenses and special projects in corporate services for smart office system and FOI consultancy of \$101k, off-set by
- Professional fees of \$50k not spent yet,

The favourable revenue variances is mainly due to:

- Higher finance fees and income of installment interest and admin charges of \$177k offset by lower term deposit interest income of \$35k.

Community Development and Services

Expenditure:	Favourable variance of	\$ 76,797
Revenue:	Favourable variance of	\$ 156,157

The favourable expenditure variance is mainly due to:

- Special projects and operational activities of \$35k not expensed yet,
- Tresillian courses fees of \$11k,
- Nedlands library office and other expenses of \$16k not yet expensed.

The favourable income variance is mainly due to:

- Increase fees and charges from Tresillian, Positive Ageing and PRCC of \$152k.

Planning and Development

Expenditure:	Favourable variance of	\$ 3,921
Revenue:	Favourable variance of	\$ 36,900

The favourable expenditure variance is mainly due to:

- Urban Planning projects and professional cost of \$18k not spent yet,
- Environmental conservation cost of \$63k not spent yet,
- Other employee costs not spent yet of \$16k, off-set by
- Urban planning salaries over spent by \$93k

The favourable revenue variance is mainly due to:

- Increase in income in Environmental Health, Rangers and Building services of \$37k

Technical Services

Expenditure:	Favourable variance of	\$	388,916
Revenue:	Unfavourable variance of	\$	(38,096)

The favourable expenditure variance is mainly due to:

- Infrastructure and building maintenance expense of \$353k not expensed yet offset by lower on-cost charge out of \$313k,
- Waste expense of \$167k not expenses yet,
- Infrastructure depreciation over-budget by \$147k,
- Utilities under-spent by \$33k due to delay in receiving utility bills.

The unfavourable revenue variance is mainly due to:

- Less fees & charges from Waste of \$21k.
- Delay in invoicing to leased property charges of 15k.

Borrowings

At 30 September 2020, we have a balance of borrowings of \$5.3 M.

Net Current Assets Statement

At 30 September 2020, net current assets was \$25.4 M compared to \$25.7 M as at 30 September 2019. Current assets are higher by \$2.6 M offset by higher liabilities \$3.2m.

Outstanding rates debtors are \$11.5 M as at 30 September 2020 compared to \$10.5 M as at 30 September 2019. Breakdown as follows:

	30 Sept 2020	30 Sept 2019	Variance
	\$'000	\$'000	\$'000
Rates	9,367	9,224	143
Rubbish & Pool	940	726	213
Pensioner Rebates	1,203	575	628

Pensioner rebates are in the process of being applied for.

Capital Works Programme

As at 30 September, expenditure on capital works was \$1.13m with additional capital commitments of \$1.39 M which is 31% of a total budget of \$8.2 M.

Employee Data

Description	Number
Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month	182
Number of contract staff (temporary/agency staff) as of the last day of the previous month	2
*FTE (Full Time Equivalent) count as of the last day of the previous month	156.58
Number of unfilled staff positions at the end of each month	16

Total active employees for the September month (full-time, part-time and casual) reduced by 1 to 182 from previous month. There are 2 temporary contract (temp) employees in the Corporate & Strategy Director being 1 in Finance Department and 1 in Information Management. There has been an increase of 1 vacancy to 16 vacancies overall for the month reflecting those positions not being filled as yet.

Conclusion

The statement of financial activity for the period ended 30 September 2020 indicates that operating expenses are under the year-to-date budget by 5.98% or \$480k, while revenue is above the Budget by 0.90% or \$261k.

Key Relevant Previous Council Decisions:

Nil.

Consultation

N/A

Strategic Implications

The 2020/21 approved budget is in line with the City's strategic direction. Our operations and capital spend, and income is undertaken in line with and measured against the budget.

The 2020/21 approved budget ensures that there is an equitable distribution of benefits in the community

The 2020/21 budget was prepared in line with the City's level of tolerance of risk and it is managed through budgetary review and control.

The approved budget was based on zero based budgeting concept which requires all income and expenses to be thoroughly reviewed against data and information available to perform the City's services at a sustainable level.

Budget/Financial Implications

As outlined in the Monthly Financial Report.

The approved budget is prepared taking into consideration the Long Term Financial Plan, current economic situation and special consideration to the effect from COVID-19. The approved budget was in surplus of \$976,898. Subsequent Council approval on budget changes has reduced the surplus to \$863,974.

The adopted 2020/21 budget included 0% rates increase.

Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
Governance						
CEO's Office						
Governance						
Expense						
20420	Salaries - Governance	199,801	95,137	(104,664)	0	404,959
20421	Other Employee Costs - Governance	2,270	2,902	632	21	13,700
20423	Office - Governance	6,823	23,315	16,492	8,356	32,860
20425	Depreciation - Governance	25,200	25,200	0	0	100,800
20427	Finance - Governance	39,600	39,600	0	0	158,400
20428	Insurance - Governance	0	0	0	0	0
20430	Other Expense - Governance	994	249	(745)	1,329	15,000
20434	Professional Fees - Governance	68,659	78,753	10,094	55,510	315,000
20450	Special Projects - Governance / PC93	10,442	85,226	74,784	0	289,393
Expense Total		353,790	350,382	(3,408)	65,216	1,330,112
Income						
50410	Sundry Income - Governance/PC 93	(10,752)	(40,070)	(29,318)	0	(160,281)
Income Total		(10,752)	(40,070)	(29,318)	0	(160,281)
Governance Total		343,037	310,312	(32,725)	65,216	1,169,831
Communications						
Expense						
28320	Salaries - Communications	77,123	70,993	(6,130)	0	292,786
28321	Other Employee Costs - Communications	824	11,399	10,575	0	14,245
28322	Staff Recruitment - Communications	0	1,500	1,500	0	1,500
28323	Office - Communications	8,111	22,185	14,074	11,027	90,960
28327	Finance - Communications	21,900	21,900	0	0	87,600
28330	Other Expense - Communications	0	724	724	2,452	2,800
28335	ICT Expenses - Communications	12,710	10,410	(2,300)	4,420	41,640
28350	Special Projects - Communications / PC 90	0	6,750	6,750	3,238	33,000
Expense Total		120,668	145,861	25,193	21,137	564,531
Communications Total		120,668	145,861	25,193	21,137	564,531
Human Resources						
Expense						
20520	Salaries - HR	105,007	102,863	(2,144)	0	424,183
20521	Other Employee Costs - HR	22,886	41,963	19,077	38,714	174,100
20522	Staff Recruitment - HR	2,108	3,249	1,141	1,784	13,000
20523	Office - HR	39	659	620	0	8,900
20527	Finance - HR	(179,475)	(179,475)	0	0	(717,900)
20528	Insurance - HR	23,318	24,080	762	0	107,740
20534	Professional Fees - HR	8,984	2,500	(6,484)	6,500	10,000
Expense Total		(17,132)	(4,161)	12,971	46,998	20,023
Income						
50510	Contributions & Reimbursements - HR	0	(5,000)	(5,000)	0	(20,000)
Income Total		0	(5,000)	(5,000)	0	(20,000)
Human Resources Total		(17,132)	(9,161)	7,971	46,998	23
Members Of Council						
Expense						
20323	Office - MOC	3,542	4,626	1,084	3,443	18,500
20325	Depreciation - MOC	225	225	0	0	900
20329	Members of Council - MOC	107,968	132,901	24,933	0	477,601
20330	Other Expense - MOC	0	0	0	0	0
20327	Finance - MOC	5,598	5,601	3	0	22,400
Expense Total		117,332	143,353	26,021	3,443	519,401
Members Of Council Total		117,332	143,353	26,021	3,443	519,401
CEO's Office Total		563,906	590,365	26,459	136,794	2,253,786
Governance Total		563,906	590,365	26,459	136,794	2,253,786
Corporate & Strategy						
Corporate Strategy & Systems						
Corporate Services						
Expense						

Item 13.5 - Attachment 1

Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
21220	Salaries - Corporate Services	156,149	155,031	(1,118)	25,218	639,288
21221	Other Employee Costs - Corporate Services	2,124	6,374	4,250	0	27,110
21224	Motor Vehicles - Corporate Services	3,288	5,001	1,713	0	20,000
21227	Finance - Corporate Services	(60,225)	(60,225)	0	0	(240,900)
21230	Other Expense - Corporate Services	3,208	3,000	(208)	7,701	12,000
21234	Professional Fees - Corporate Services	0	12,500	12,500	0	50,000
21235	ICT Expenses - Corporate Services	38,291	12,501	(25,790)	0	50,000
21250	Special Projects - Corporate Services / PC68	9,600	3,750	(5,850)	3,700	15,000
Expense Total		152,435	137,932	(14,503)	36,619	572,498
Corporate Services Total		152,435	137,932	(14,503)	36,619	572,498
Customer Services						
Expense						
21320	Salaries - Customer Service	71,370	82,167	10,797	0	337,365
21321	Other Employee Costs - Customer Service	1,105	1,105	0	0	6,120
21323	Office - Customer Service	801	1,500	699	5,038	6,200
21327	Finance - Customer Service	(87,324)	(87,325)	(1)	0	(349,300)
21330	Other Expense - Customer Service	0	51	51	812	200
21350	Special Projects - Customer Service	0	0	0	0	0
Expense Total		(14,047)	(2,502)	11,545	5,850	585
Income						
51310	Sundry Income - Customer Service	0	(150)	(150)	0	(600)
51301	Fees & Charges - Customer Services	(200)	0	200	0	0
Income Total		(200)	(150)	50	0	(600)
Customer Services Total		(14,247)	(2,652)	11,595	5,850	(15)
ICT						
Expense						
21720	Salaries - ICT	102,623	88,854	(13,769)	0	365,958
21721	Other Employee Costs - ICT	768	768	(0)	0	3,420
21723	Office - ICT	18,618	8,586	(10,032)	29,273	33,365
21724	Motor Vehicles - ICT	0	0	0	0	0
21725	Depreciation - ICT	41,450	51,549	10,099	0	206,200
21727	Finance - ICT	(303,525)	(303,526)	(1)	0	(1,214,100)
21728	Insurance - ICT	1,481	1,480	(1)	0	6,370
21730	Other Expense - ICT	35	2,499	2,464	0	10,000
21734	Professional Fees - ICT	10,734	9,999	(735)	10,734	40,000
21735	ICT Expenses - ICT	277,873	201,999	(75,874)	62,000	755,000
Expense Total		150,057	62,208	(87,849)	102,007	206,213
ICT Total		150,057	62,208	(87,849)	102,007	206,213
Corporate Strategy & Systems Total		288,244	197,488	(90,756)	144,476	778,696
Finance						
Rates						
Expense						
21920	Salaries - Rates	34,466	29,511	(4,955)	0	121,698
21921	Other Employee Costs - Rates	341	341	(0)	0	1,520
21923	Office - Rates	8,308	10,800	2,492	3,291	15,200
21927	Finance - Rates	38,071	45,924	7,853	3,527	144,700
21930	Other Expense - Rates	4,589	5,500	911	4,246	11,500
21934	Professional Fees - Rates	57,611	65,000	7,389	15,274	65,000
Expense Total		143,386	157,076	13,690	26,338	359,618
Income						
51908	Rates - Rates	(24,481,414)	(24,314,986)	166,428	0	(24,533,233)
Income Total		(24,481,414)	(24,314,986)	166,428	0	(24,533,233)
Rates Total		(24,338,028)	(24,157,910)	180,118	26,338	(24,173,615)
General Finance						
Expense						
21420	Salaries - Finance	169,844	167,616	(2,228)	15,714	690,741
21421	Other Employee Costs - Finance	1,893	1,893	(0)	0	10,030
21423	Office - Finance	683	174	(509)	1,364	700
21424	Motor Vehicles - Finance	0	0	0	0	0
21425	Depreciation - Finance	225	225	0	0	900
21427	Finance - Finance	(174,144)	(171,250)	2,894	726	(685,000)
21430	Other Expense - Finance	0	500	500	0	500
21434	Professional Fees - Finance	160	9,251	9,091	36,386	58,000
Expense Total		(1,338)	8,409	9,747	54,189	75,871

Item 13.5 - Attachment 1

Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
Income						
51401	Fees & Charges - Finance	(24,567)	(13,500)	11,067	0	(54,000)
51410	Sundry Income - Finance	0	0	0	0	(21,000)
Income Total		(24,567)	(13,500)	11,067	0	(75,000)
General Finance Total		(25,906)	(5,091)	20,815	54,189	871
General Purpose						
Expense						
21623	Office - General Purpose	154	0	(154)	0	0
21627	Finance - General Purpose	0	9,249	9,249	0	37,000
21631	Interest - General Purpose	48,696	43,029	(5,667)	0	172,115
Expense Total		48,850	52,278	3,428	0	209,115
Income						
51604	Grants Operating - General Purpose	(89,408)	(90,750)	(1,342)	0	(363,000)
51607	Interest - General Purpose	(25,811)	(61,000)	(35,189)	0	(275,000)
Income Total		(115,219)	(151,750)	(36,531)	0	(638,000)
General Purpose Total		(66,370)	(99,472)	(33,103)	0	(428,885)
Shared Services						
Expense						
21523	Office - Shared Services	27,866	26,751	(1,115)	12,342	107,000
21527	Finance - Shared Services	(59,124)	(59,124)	0	0	(236,500)
21528	Insurance - Shared Services	5,625	0	(5,625)	0	0
21534	Professional Fees - Shared Services	0	21,125	21,125	1,918	129,500
Expense Total		(25,633)	(11,248)	14,385	14,260	0
Shared Services Total		(25,633)	(11,248)	14,385	14,260	0
Finance Total		(24,455,937)	(24,273,721)	182,216	94,787	(24,601,629)
Corporate & Strategy Total		(24,167,693)	(24,076,233)	91,460	239,263	(23,822,933)
Community Development						
Community Development						
Community Development						
Expense						
28120	Salaries - Community Development	121,704	117,095	(4,609)	0	482,586
28121	Other Employee Costs - Community Development	1,349	2,152	803	0	9,210
28123	Office - Community Development	358	249	(109)	68	1,000
28124	Motor Vehicles - Community Development	1,395	2,250	855	0	9,000
28125	Depreciation - Community Development	275	276	1	0	1,100
28127	Finance - Community Development	33,975	33,975	0	0	135,900
28128	Insurance - Community Development	0	0	0	0	0
28130	Other Expense - Community Development	3,322	1,878	(1,444)	0	7,500
28134	Professional Fees - Community Development	0	126	126	0	500
28137	Donations - Community Development	13,750	12,500	(1,250)	0	186,000
28150	Special Projects - Community Development	8,800	38,500	29,700	5,328	77,000
28151	OPRL Activities - Community Development / PC82-87	4,287	10,024	5,737	20,270	86,100
Expense Total		189,215	219,025	29,810	25,666	995,896
Income						
58101	Fees & Charges - Community Development	(3,542)	(3,498)	44	0	(14,000)
58104	Grants Operating - Community Development	0	(249)	(249)	0	(1,000)
58106	Contributions & Reimburse - Community Development	0	(1,251)	(1,251)	0	(5,000)
Income Total		(3,542)	(4,998)	(1,456)	0	(20,000)
Community Development Total		185,673	214,027	28,354	25,666	975,896
Community Facilities						
Expense						
28252	Finance - Community Facilities	2,250	2,250	0	0	9,000
28220	Salaries - Community Facilities	10,242	10,662	420	0	44,000
28253	Communiy Insurance- Community Facilities	1,563	1,562	(1)	0	6,367
Expense Total		14,055	14,474	420	0	59,367
Income						
58201	Fees & Charges - Community Facilities	(557)	(126)	431	0	(500)
58209	Council Property - Community Facilities	(34,292)	(49,098)	(14,806)	0	(209,900)
Income Total		(34,849)	(49,224)	(14,375)	0	(210,400)
Community Facilities Total		(20,794)	(34,750)	(13,956)	0	(151,033)
Volunteer Services VRC						
Expense						
29320	Salaries - Volunteer Services VRC	23,793	22,368	(1,425)	0	92,243
29321	Other Employee Cost - Volunteer Services VRC	261	261	1	0	1,160

Item 13.5 - Attachment 1

Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
29323	Office - Volunteer Services VRC	0	275	275	245	2,700
29327	Finance - Volunteer Services VRC	10,401	10,401	0	0	41,600
29328	Insurance - Volunteer Services VRC	0	0	0	0	0
29330	Other Expense - Volunteer Services VRC	0	0	0	377	4,150
Expense Total		34,455	33,305	(1,150)	623	141,853
Income						
59304	Grants Operating - Volunteer Services VRC	(15,635)	(7,750)	7,885	0	(31,000)
Income Total		(15,635)	(7,750)	7,885	0	(31,000)
Volunteer Services VRC Total		18,820	25,555	6,735	623	110,853
Volunteer Services NVS						
Expense						
29220	Salaries - Volunteer Services NVS	7,546	7,297	(249)	0	30,077
29221	Other Employee Costs - Volunteer Services NVS	85	85	(0)	0	380
29223	Office - Volunteer Services NVS	0	250	250	0	500
29227	Finance - Volunteer Services NVS	9,450	9,450	0	0	37,800
29230	Other Expense - Volunteer Services NVS	45	471	426	570	2,100
29250	Special Projects - Volunteer Services NVS	130	150	20	0	3,000
Expense Total		17,256	17,703	447	570	73,857
Volunteer Services NVS Total		17,256	17,703	447	570	73,857
Tresillian Community Centre						
Expense						
29120	Salaries - Tresillian CC	60,016	59,434	(582)	0	244,056
29121	Other Employee Costs - Tresillian CC	591	591	0	0	2,630
29123	Office - Tresillian CC	5,357	6,666	1,309	0	25,000
29125	Depreciation - Tresillian CC	625	624	(1)	0	2,500
29127	Finance - Tresillian CC	15,474	15,474	0	0	61,900
29130	Other Expense - Tresillian CC	8,363	2,166	(6,197)	876	7,500
29136	Courses - Tresillian CC	49,672	61,450	11,778	8,889	245,800
29150	Exhibition - Tresillian CC	434	2,650	2,216	318	10,600
Expense Total		140,531	149,055	8,524	10,083	599,986
Income						
59101	Fees & Charges - Tresillian CC	(227,230)	(186,626)	40,604	0	(381,500)
59109	Council Property - Tresillian CC	(9,424)	(9,000)	424	0	(36,000)
51906	Contributions & Reimbursement - Tresillian CC	(500)	0	500	0	0
Income Total		(237,154)	(195,626)	41,528	0	(417,500)
Tresillian Community Centre Total		(96,623)	(46,571)	50,052	10,083	182,486
Community Development Total		104,332	175,964	71,632	36,941	1,192,059
Community Services Centres						
Nedlands Community Care						
Expense						
28620	Salaries - NCC	207,445	182,452	(24,993)	0	752,427
28621	Other Employee Costs - NCC	2,284	3,033	749	0	13,170
28623	Office - NCC	1,184	2,334	1,150	962	9,000
28624	Motor Vehicles - NCC	0	23,748	23,748	0	95,000
28625	Depreciation - NCC	0	1,149	1,149	0	4,600
28626	Utility - NCC	2,014	3,375	1,361	0	13,500
28627	Finance - NCC	42,300	42,300	0	0	169,200
28628	Insurance - NCC	1,687	1,280	(407)	0	5,280
28630	Other Expense - NCC	11,262	10,401	(861)	6,124	41,600
28635	ICT Expenses - NCC	4,136	0	(4,136)	0	6,000
28664	Hacc Unit Cost - NCC / PC66	19,108	0	(19,108)	0	0
Expense Total		291,419	270,072	(21,347)	7,086	1,109,777
Income						
58601	Fees & Charges - NCC/PC 66	(26,124)	(30,000)	(3,876)	0	(120,000)
58604	Grants Operating - NCC/PC 66	(265,081)	(251,200)	13,881	0	(1,004,800)
58610	Sundry Income - NCC	0	0	0	0	(2,000)
Income Total		(291,205)	(281,200)	10,005	0	(1,126,800)
Nedlands Community Care Total		214	(11,128)	(11,342)	7,086	(17,023)
Positive Ageing						
Expense						
27420	Salaries - Positive Ageing	24,084	38,642	14,558	0	159,193
27421	Other Employee Costs - Positive Ageing	431	0	(431)	0	0
27427	Finance - Positive Ageing	8,574	8,574	0	0	34,300
28437	Donations - Positive Ageing	695	1,251	556	182	5,000

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Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
28450	Other Expense - Positive Ageing	7,712	11,499	3,787	4,900	54,000
28451	Insurance	214	500	286	0	2,160
Expense Total		41,709	60,466	18,757	5,082	254,653
Income						
58420	Fees & Charges - Positive Ageing	(12,575)	(3,100)	9,475	0	(52,500)
58423	Grants Operating - Positive Ageing	0	0	0	0	(2,000)
Income Total		(12,575)	(3,100)	9,475	0	(54,500)
Positive Ageing Total		29,134	57,366	28,232	5,082	200,153
Point Resolution Child Care						
Expense						
28820	Salaries - PRCC	129,916	138,740	8,824	0	571,062
28821	Other Employee Costs - PRCC	1,576	1,976	400	0	8,870
28823	Office - PRCC	731	2,216	1,485	80	9,200
28824	Motor Vehicles - PRCC	1,395	1,875	480	0	7,500
28825	Depreciation - PRCC	225	225	0	0	900
28826	Utility - PRCC	963	2,325	1,362	0	9,300
28827	Finance - PRCC	23,574	23,574	0	0	94,300
28828	Insurance - PRCC	138	250	112	0	1,080
28830	Other Expense - PRCC	2,901	5,998	3,097	813	24,000
28835	ICT Expenses - PRCC	313	0	(313)	1,599	1,600
Expense Total		161,733	177,179	15,446	2,492	727,812
Income						
58801	Fees & Charges - PRCC	(197,591)	(96,000)	101,591	0	(586,000)
Income Total		(197,591)	(96,000)	101,591	0	(586,000)
Point Resolution Child Care Total		(35,858)	81,179	117,037	2,492	141,812
Mt Claremont Library						
Expense						
28523	Office - Mt Claremont Library	1,909	2,625	716	591	10,500
28527	Finance - Mt Claremont Library	18,651	18,651	0	0	74,600
28530	Other Expense - Mt Claremont Library	6,688	9,402	2,714	9,829	37,200
28535	ICT Expenses - Mt Claremont Library	1,421	250	(1,171)	0	12,000
Expense Total		28,670	30,928	2,258	10,420	134,300
Income						
58501	Fees & Charges - Mt Claremont Library	(88)	(225)	(137)	0	(900)
58510	Sundry Income - Mt Claremont Library	(136)	(126)	10	0	(500)
58511	Fines & Penalties - Mt Claremont Library	(19)	(138)	(119)	0	(550)
Income Total		(243)	(489)	(246)	0	(1,950)
Mt Claremont Library Total		28,427	30,439	2,012	10,420	132,350
Nedlands Library						
Expense						
28720	Salaries - Library Services	235,316	236,710	1,394	0	971,456
28721	Other Employee Costs - Library Services	2,423	6,037	3,614	0	25,240
28723	Office - Nedlands Library	7,259	16,379	9,120	1,469	45,500
28724	Motor Vehicles - Nedlands Library	3,069	4,638	1,569	0	18,550
28725	Depreciation - Nedlands Library	3,375	3,375	0	0	13,500
28727	Finance - Nedlands Library	94,926	94,926	0	0	379,700
28728	Insurance - Nedlands Library	1,171	1,170	(1)	0	4,680
28730	Other Expense - Nedlands Library	18,306	25,929	7,623	18,309	103,700
28731	Grants Expenditure - Nedlands Library	0	1,000	1,000	1,050	1,300
28734	Professional Fees - Nedlands Library	0	0	0	0	1,000
28735	ICT Expenses - Nedlands Library	6,211	4,750	(1,461)	0	32,600
28750	Special Projects - Nedlands Library	0	775	775	0	3,100
Expense Total		372,056	395,689	23,633	20,828	1,600,326
Income						
58701	Fees & Charges - Nedland Library	(1,656)	(126)	1,530	0	(500)
58704	Grants Operating - Nedlands Library	0	(1,300)	(1,300)	0	(1,300)
58710	Sundry Income - Nedlands Library	(2,139)	(1,251)	888	0	(5,000)
58711	Fines & Penalties - Nedlands Library	(1,030)	(399)	631	0	(1,600)
Income Total		(4,826)	(3,076)	1,750	0	(8,400)
Nedlands Library Total		367,231	392,613	25,382	20,828	1,591,926
Community Services Centres Total		389,147	550,469	161,322	45,908	2,049,218
Community Development Total		493,479	726,433	232,954	82,849	3,241,277
Planning & Development Services						
Planning Services						

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Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
Statutory Planning						
Expense						
24320	Salaries - Statutory Planning	0	0	0	0	0
24334	Professional Fees - Statutory Planning	26,681	0	(26,681)	30,681	0
Expense Total		26,681	0	(26,681)	30,681	0
Statutory Planning Total		26,681	0	(26,681)	30,681	0
Strategic Planning						
Expense						
24857	Strategic Projects - Strategic Planning/PC 61	27,680	0	(27,680)	25,648	0
24920	Salaries - Strategic Planning	0	0	0	6,619	0
24934	Professional Fees - Strategic Planning	9,300	0	(9,300)	8,251	0
Expense Total		36,980	0	(36,980)	40,518	0
Strategic Planning Total		36,980	0	(36,980)	40,518	0
Urban Planning						
Expense						
24820	Salaries - Town Planning Admin	436,347	343,144	(93,203)	0	1,414,758
24821	Other Employee Costs - Town Planning Admin	4,273	9,423	5,150	2,273	39,580
24823	Office - Town Planning Admin	6,326	3,487	(2,839)	5,579	15,500
24824	Motor Vehicles - Town Planning Admin	5,938	7,998	2,060	0	32,000
24825	Depreciation - Town Planning Admin	50	51	1	0	200
24827	Finance - Town Planning Admin	91,200	91,200	0	0	364,800
24830	Other Expense - Town Planning Admin	239	675	436	0	2,700
24834	Professional Fees - Town Planning Admin	52,978	0	(52,978)	77,731	0
24858	Projects	11,109	145,833	134,724	15,294	565,000
Expense Total		608,460	601,811	(6,649)	100,877	2,434,538
Income						
54801	Fees & Charges - Town Planning Admin	(178,231)	(175,500)	2,731	0	(702,000)
54810	Sundry Income - Town Planning Admin	(146)	0	146	0	0
54811	Fines & Penalties - Town Planning	0	0	0	0	(1,500)
Income Total		(178,377)	(175,500)	2,877	0	(703,500)
Urban Planning Total		430,083	426,311	(3,772)	100,877	1,731,038
Planning Services Total		493,744	426,311	(67,433)	172,076	1,731,038
Health & Compliance						
Sustainability						
Expense						
24620	Salaries - Sustainability	8,581	7,772	(809)	0	32,044
24621	Other Employee Costs - Sustainability	90	90	0	0	400
24624	Motor Vehicles - Sustainability	3,227	4,749	1,522	0	19,000
24625	Depreciation - Sustainability	400	399	(1)	0	1,600
24627	Finance - Sustainability	1,050	1,050	0	0	4,200
24638	Operational Activities - Sustainability / PC79	8,900	8,328	(572)	4,075	24,000
Expense Total		22,248	22,388	140	4,075	81,244
Sustainability Total		22,248	22,388	140	4,075	81,244
Environmental Health						
Expense						
24720	Salaries - Environmental Health	124,484	143,974	19,490	0	593,503
24721	Other Employee Costs - Environmental Health	1,812	4,779	2,967	0	19,720
24723	Office - Environmental Health	189	449	260	10	1,800
24725	Depreciation - Environmental Health	1,625	1,626	1	0	6,500
24727	Finance - Environmental Health	24,951	24,951	0	0	99,800
24730	Other Expense - Environmental Health	998	3,375	2,378	2,175	13,500
24751	OPRL Activities - Environmental Health PC76,77,78	4,391	5,424	1,034	2,631	21,700
Expense Total		158,449	184,578	26,129	4,817	756,523
Income						
54701	Fees & Charges - Environmental Health	(35,223)	(11,250)	23,973	0	(45,000)
54710	Sundry Income - Environmental Health	0	(501)	(501)	0	(2,000)
54711	Fines & Penalties - Environmental Health	(300)	(10,248)	(9,948)	0	(41,000)
Income Total		(35,523)	(21,999)	13,524	0	(88,000)
Environmental Health Total		122,926	162,579	39,653	4,817	668,523
Environmental Conservation						
Expense						
24220	Salaries - Environmental Conservation	5,242	0	(5,242)	0	0
24221	Other Employee Costs - Environmental Conservation	528	528	0	0	3,350
24223	Office - Environmental Conservation	21	472	451	0	900

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Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
24227	Finance - Environmental Conservation	15,825	15,825	0	0	63,300
24230	Other Expense - Environmental Conservation	0	0	0	443	1,350
24237	Donations - Environmental Conservation	0	0	0	0	2,250
24251	OPRL Activities - Environ Conservation / PC80	81,446	144,682	63,236	325,742	827,400
Expense Total		103,062	161,507	58,445	326,185	898,550
Income						
54204	Grants Operating - Environmental Conservation	0	0	0	0	(30,000)
54210	Sundry Income - Environmental Conservation	0	(3,694)	(3,694)	0	(8,800)
Income Total		0	(3,694)	(3,694)	0	(38,800)
Environmental Conservation Total		103,062	157,813	54,751	326,185	859,750
Ranger Services						
Expense						
21120	Salaries - Ranger Services	162,975	152,925	(10,050)	0	629,274
21121	Other Employee Costs - Ranger Services	1,642	4,033	2,391	17	16,875
21123	Office - Ranger Services	2,561	1,623	(938)	1,970	6,200
21124	Motor Vehicles - Ranger Services	8,305	15,750	7,445	0	63,000
21125	Depreciation - Ranger Services	1,500	1,500	0	0	6,000
21127	Finance - Ranger Services	46,149	43,652	(2,497)	0	178,100
21130	Other Expense - Ranger Services	1,946	4,167	2,221	5,766	82,950
21137	Donations - Ranger Services	0	1,000	1,000	0	1,000
Expense Total		225,078	224,650	(428)	7,753	983,399
Income						
51101	Fees & Charges - Ranger Services	(11,618)	(20,334)	(8,716)	0	(70,000)
51111	Fines & Penalties - Rangers Services	(85,735)	(63,709)	22,026	0	(212,500)
Income Total		(97,353)	(84,043)	13,310	0	(282,500)
Ranger Services Total		127,725	140,607	12,882	7,753	700,899
Health & Compliance Total		375,961	483,387	107,426	342,829	2,310,416
Building Services						
Expense						
24420	Salaries - Building Services	200,207	177,875	(22,332)	0	733,576
24421	Other Employee Costs - Building Services	3,173	8,707	5,534	0	33,520
24423	Office - Building Services	366	3,045	2,679	0	3,780
24424	Motor Vehicles - Building Services	4,590	7,248	2,658	0	29,000
24425	Depreciation - Building Services	75	75	0	0	300
24427	Finance - Building Services	46,524	46,524	0	0	186,100
24430	Other Expense - Building Services	58	338	280	0	1,350
24434	Professional Fees - Building Services	0	1,125	1,125	0	4,500
Expense Total		254,992	244,937	(10,055)	0	992,126
Income						
54401	Fees & Charges - Building Services	(280,694)	(260,002)	20,692	0	(554,000)
54410	Sundry Income - Building Services	(832)	(6,249)	(5,417)	0	(25,000)
54411	Fines & Penalties - Building Services	1,016	(3,375)	(4,391)	0	(13,500)
Income Total		(280,509)	(269,626)	10,883	0	(592,500)
Building Services Total		(25,517)	(24,689)	828	0	399,626
Building Services Total		(25,517)	(24,689)	828	0	399,626
Planning & Development Services Total		844,188	885,009	40,821	514,906	4,441,080
Technical Services						
Engineering						
Infrastructure Services						
Expense						
26220	Salaries - Infrastructure Svs	501,621	558,495	56,874	0	2,295,796
26221	Other Employee Costs - Infrastructure Svs	16,298	29,216	12,918	6,229	119,850
26223	Office - Infrastructure Svs	4,747	9,377	4,630	2,079	31,500
26224	Motor Vehicles - Infrastructure Svs	4,687	13,248	8,561	0	53,000
26225	Depreciation - Infrastructure Svs	2,925	2,925	0	0	11,700
26227	Finance - Infrastructure Svs	(404,331)	(642,501)	(238,170)	0	(2,570,000)
26228	Insurance - Infrastructure Svs	38,576	37,800	(776)	0	169,490
26230	Other Expense - Infrastructure Svs	12,854	18,750	5,896	2,527	65,000
26234	Professional Fees - Infrastructure Svs	45,580	20,750	(24,830)	30,247	83,000
36101	Project Contribution - Infrastructure	0	45,000	45,000	0	180,000
Expense Total		222,957	93,060	(129,897)	41,082	439,336
Income						
50202	Service Charges - Infrastructure Svs	(6,399)	0	6,399	0	0

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Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
56201	Fees & Charges - Infrastructure Svs	0	(1,250)	(1,250)	0	(5,000)
Income Total		(6,399)	(1,250)	5,149	0	(5,000)
Infrastructure Services Total		216,557	91,810	(124,747)	41,082	434,336
Plant Operating						
Expense						
26521	Other Employee Costs - Plant Operating	806	806	(0)	0	3,590
26525	Depreciation - Plant Operating	82,000	82,000	0	0	328,000
26527	Finance - Plant Operating	(201,376)	(299,377)	(98,001)	0	(1,197,500)
26532	Plant - Plant Operating	115,672	171,750	56,078	42,610	677,900
26533	Minor Parts & Workshop Tools - Plant Operating	4,315	22,232	17,917	3,837	66,700
26549	Loss Sale of Assets - Plant Operating	0	10,106	10,106	0	30,316
Expense Total		1,417	(12,483)	(13,900)	46,446	(90,994)
Income						
56501	Fees & Charges - Plant Operating	0	0	0	0	0
56515	Profit Sale of Assets - Plant Operating	0	(60)	(60)	0	(182)
56506	Contributions & Reimbursements - Plant Operating	(14,369)	(13,149)	1,220	0	(52,600)
Income Total		(14,369)	(13,209)	1,160	0	(52,782)
Plant Operating Total		(12,953)	(25,692)	(12,739)	46,446	(143,776)
Streets Roads and Depots						
Expense						
26625	Depreciation - Streets Roads & Depots	567,350	567,349	(1)	0	2,269,400
26626	Utility - Streets Roads & Depots	121,097	145,750	24,653	974	583,000
26630	Other Expense - Streets Roads & Depots	0	13,750	13,750	3,470	55,000
26640	Reinstatement - Streets Roads & Depot	0	1,750	1,750	0	7,000
26667	Maintenance - Road Maintenance / PC51	161,684	226,833	65,149	86,432	680,500
26668	Maintenance - Drainage Maintenance / PC52	141,545	166,666	25,121	54,474	500,000
26669	Maintenance - Footpath Maintenance / PC53	41,781	65,000	23,219	53,623	195,000
26670	Maintenance - Parking Signs / PC54	26,782	29,166	2,384	39	87,500
26671	Maintenance - Right of Way Maintenance / PC55	32,007	26,666	(5,341)	0	80,000
26672	Maintenance - Bus Shelter Maintenance / PC56	2,023	3,866	1,843	0	11,600
26673	Maintenance - Graffiti Control / PC57	0	3,750	3,750	2,310	15,000
26674	Maintenance - Streets Roads & Depot / PC89	22,740	28,749	6,009	20,542	115,000
Expense Total		1,117,009	1,279,295	162,286	221,865	4,599,000
Income						
56601	Fees & Charges - Streets Roads & Depots	(14,713)	(20,000)	(5,287)	0	(80,000)
56604	Grants Operating - Streets Roads & Depots	0	(17,500)	(17,500)	0	(70,000)
56606	Contributions & Reimburse - Streets Roads & Depots	(24,726)	(2,500)	22,226	0	(10,000)
56610	Sundry Income - Streets Roads & Depots	(93)	0	93	0	0
Income Total		(39,531)	(40,000)	(469)	0	(160,000)
Streets Roads and Depots Total		1,077,478	1,239,295	161,817	221,865	4,439,000
Waste Minimisation						
Expense						
24520	Salaries - Waste Minimisation	62,528	60,118	(2,410)	0	247,908
24521	Other Employee Costs - Waste Minimisation	696	1,604	908	0	6,730
24524	Motor Vehicles - Waste Minimisation	1,562	2,499	937	0	10,000
24527	Finance - Waste Minimisation	45,534	45,174	(360)	0	180,700
24538	Purchase of Product - Waste Minimisation	225	0	(225)	0	0
24552	Residential Kerbside - Waste Minimisation / PC71	498,207	522,176	23,969	710,042	2,088,700
24553	Residential Bulk - Waste Minimisation / PC72	0	114,352	114,352	7,716	457,400
24554	Commercial - Waste Minimisation / PC73	22,033	27,549	5,516	126,391	110,200
24555	Public Waste - Waste Minimisation / PC74	12,130	23,001	10,871	41,641	92,000
24556	Waste Strategy - Waste Minimisation / PC75	3,060	16,074	13,014	8,630	64,300
Expense Total		645,974	812,547	166,573	894,419	3,257,938
Income						
54501	Fees & Charges - Waste Minimisation	(3,278,236)	(3,299,454)	(21,218)	0	(3,299,454)
Income Total		(3,278,236)	(3,299,454)	(21,218)	0	(3,299,454)
Waste Minimisation Total		(2,632,262)	(2,486,907)	145,355	894,419	(41,516)
Building Maintenance						
Expense						
24120	Salaries - Building Maintenance	93,764	96,504	2,741	0	397,202
24121	Other Employee Costs - Building Maintenance	1,618	1,909	291	0	8,140
24123	Office - Building Maintenance	0	153	153	0	613
24124	Motor Vehicles - Building Maintenance	6,017	9,000	2,983	0	36,000
24125	Depreciation - Building Maintenance	186,825	186,825	0	0	747,300

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Row Labels	Master Account (desc)	September Actual YTD	September Budget YTD	Variance	Committed Balance	Annual Budget YTD
24126	Utility - Building Maintenance PC41,42,43	38,853	72,250	33,397	0	289,000
24127	Finance - Building Maintenance	42,576	(32,424)	(75,000)	0	(129,700)
24128	Insurance - Building Maintenance PC40	18,977	20,800	1,823	0	90,700
24130	Other Expense - Building Maintenance	572	6,250	5,678	474	25,000
24133	Building - Building Maintenance PC58	269,661	353,127	83,466	360,115	1,412,500
24135	ICT Expenses - Building Maintenance	0	500	500	0	2,000
Expense Total		658,862	714,894	56,032	360,589	2,878,755
Income						
54106	Contributions & Reimbursement - Building Maintenanc	(12,189)	(27,501)	(15,312)	0	(110,000)
54109	Council Property - Building Maintenance	(69,392)	(71,466)	(2,074)	0	(285,884)
Income Total		(81,581)	(98,967)	(17,386)	0	(395,884)
Building Maintenance Total		577,281	615,927	38,646	360,589	2,482,871
Engineering Total		(773,898)	(565,567)	208,331	1,564,401	7,170,915
Parks Services						
Parks Services						
Expense						
26360	Depreciation - Parks Services	185,975	185,974	(1)	0	743,900
26365	Maintenance - Parks Services / PC59	971,931	1,119,754	147,823	404,298	4,087,240
Expense Total		1,157,906	1,305,728	147,822	404,298	4,831,140
Income						
56301	Fees & Charges - Parks & Ovals	(14)	0	14	0	0
56306	Contributions & Reimbursements - Parks Services	(8,206)	(5,000)	3,206	0	(20,000)
56309	Council Property - Parks Services	(8,024)	(17,550)	(9,526)	0	(35,100)
56310	Sundry Income - Parks Services	(6,199)	(5,250)	949	0	(21,000)
56312	Fines & Penalties - Parks & Ovals	(275)	(250)	25	0	(1,000)
Income Total		(22,717)	(28,050)	(5,333)	0	(77,100)
Parks Services Total		1,135,189	1,277,678	142,489	404,298	4,754,040
Parks Services Total		1,135,189	1,277,678	142,489	404,298	4,754,040
Technical Services Total		361,292	712,111	350,819	1,968,699	11,924,955
City of Nedlands Total		(21,904,828)	(21,162,315)	742,513	2,942,510	(1,961,835)



CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 SEPTEMBER 2020

L1	L1 Desc / N L2 - Desc	September Actual YTD	Committed Balance	Annual Budget YTD	Budget Available
2	Footpath Rehabilitation				
	2006 Stubbs Terrace	2,864	0	50,332	47,468
	2011 Victoria Avenue	0	23,746	35,900	12,154
	2012 Waratah Avenue	3,857	0	286,000	282,143
	2023 Bruce Street	35,134	29,844	34,051	-30,927
	2048 Kirwan St	0	0	25,885	25,885
	2097 Whitfeld St	0	0	38,828	38,828
	2452 School Sports Facility	0	0	30,211	30,211
	200 Monash Avn-Paving of Verge(infrn of Sch)	113,713	3,241	68,202	-48,751
	609 Stirling Highway-Kinninmont to smyth	9,104	0	16,813	7,709
	643 Bruce st Hillway to The Avenue	0	946	41,267	40,321
	644 Bruce street 26 Stirling Highway	0	20,584	27,484	6,900
	645 Victoria Avenue Riverview crt to Waratah	0	10,057	15,716	5,659
	646 Victoria Ave Waratah place to Bishop Rd	0	20,246	31,740	11,494
	Footpath Rehabilitation Total	164,672	108,664	702,429	429,093
3	Road Rehabilitation				
	2319 Laneways	0	0	25,377	25,377
	647 Karella Street(East)	0	0	273,240	273,240
	648 Lissadel st - Kirwan to Alderbury st	0	143	173,000	172,857
	649 Melvista Avevue - Bay Rd to Stone St	0	143	96,774	96,631
	667 Nameless Lane (Nth of Haldane)	0	0	146,961	146,961
	Road Rehabilitation Total	0	286	715,352	715,066
4	Drainage Rehabilitation				
	638 Drainage Risk Review Dalkeith & Nedlands	0	0	28,197	28,197
	2002 Government road and Loch Street	0	0	20,141	20,141
	642 56 Dalkeith Rd Drainage & Laneway Design	0	1,500	14,300	12,800
	668 Government Road & Loch Street Sumps	0	0	57,200	57,200
	Drainage Rehabilitation Total	0	1,500	119,838	118,338
5	Street Furniture / Bus Shelter				
	501 City Wide Street Lights - INSTL LED	0	55	0	-55
	Street Furniture / Bus Shelter Total	0	55	0	-55
6	Grant Funded Projects				
	2001 Railway Road	37,635	8,944	42,910	-3,669
	2003 Alfred Road	2,734	6,946	342,475	332,795
	2012 Waratah Avenue	4,304	0	0	-4,304
	2015 Birdwood Parade	1,440	0	30,000	28,560
	2037 Elizabeth Street	0	812,811	1,008,550	195,739
	2198 Hampden Road	374,092	6,897	0	-380,989
	2410 INTXN - Smyth RD/Monash Av	0	2,273	0	-2,273
	2041 Elizabeth St-Broadwy to Bay Rd(Drainage)	77,187	198,320	150,000	-125,507
	657 North street (Boundary Road)	0	0	22,570	22,570
	658 School Sports Circuit Mt Claremont	0	0	120,100	120,100
	659 Quintilian Road Shared Path - Stage 3	0	0	24,300	24,300
	660 Quintilian Road - Additional Traffic	0	0	71,500	71,500
	661 Asquith Street Medium Treatment	0	2,675	81,390	78,715
	683 Brockway Rd - Alfred to Lemnos St	0	0	657,325	657,325
	684 Brockway Rd - Lemnos to Underwood	0	15,000	422,331	407,331
	685 Alfred Road - Narla to West coast Hwy	0	0	145,726	145,726
	Grant Funded Projects Total	497,392	1,053,866	3,119,177	1,567,919
11	Building Construction				
	4003 Broome St - Council Depot	7,047	1,314	0	-8,361
	4004 Webster St - Drabble House	0	2,625	0	-2,625
	4007 140 Melvista Ave - JC Smith Pavilion	0	659	0	-659
	4008 60 Stirling Hwy - Nedlands Library	0	1,440	0	-1,440
	4009 53 Jutland Pde - PRCC	0	4,473	0	-4,473

CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 SEPTEMBER 2020

L1	L1 Desc / N L2 - Desc	September Actual YTD	Committed Balance	Annual Budget YTD	Budget Available
	4012 19 Haldane St - MTC Community Centre	21,534	472	0	-22,006
	4020 71 Stirling Hwy - Administration Bldg	0	4,545	0	-4,545
	4021 110 Smyth Road - Cottage Bldg	0	643	0	-643
	4159 8 Draper St - Hackett Hall	7,886	0	10,010	2,125
	4164 100A Princess Rd - College Park Family Centre	0	1,901	0	-1,901
	619 Charles Court Reserve Toilets-Renovation	0	598	0	-598
	620 Mt Claremont Library-Re roof	29,527	46	0	-29,573
	650 Hearing Loop	56,872	74	85,800	28,854
	651 Dalketh Hall - Floor	0	1,364	64,350	62,986
	652 Allen Park Cottage - Alternate Facility	0	0	150,000	150,000
	653 Nedlands Golf Club Greenkeepers Shed	0	0	50,000	50,000
	682 71 Stirling Hwy - Renovate roof, Air con	0	0	214,500	214,500
	Building Construction Total	122,865	20,153	574,660	431,641
13	Major Projects - Roads				
	662 Foreshore Workshop	0	0	25,000	25,000
	663 Riverwall-170 Waratah Place Asset SRDa10	0	0	36,450	36,450
	664 Riverwall - PFSYC Boat Slipway Temporary	0	0	24,300	24,300
	Major Projects - Roads Total	0	0	85,750	85,750
14	Parks & Reserves Construction				
	4052 Allen Park	0	21,643	12,890	-8,753
	4060 Birdwood Parade Reserve	68	0	0	-68
	4061 Bishop Road Reserve	0	0	41,685	41,685
	4062 Blain Park	0	0	23,738	23,738
	4071 Charles Ct Reserve	110	0	0	-110
	4072 College Park	0	8,373	12,890	4,517
	4079 David Cruickshank Reserve	60	3,180	21,450	18,210
	4089 Hamilton Park	0	0	72,748	72,748
	4096 Lawler Park	220	0	60,000	59,780
	4100 Masons Gardens	176	0	0	-176
	4115 New Court Gardens	722	46,000	21,148	-25,574
	4131 Street Gardens and Verges	0	18,593	25,740	7,147
	4137 Swanbourne Beach Reserve	9,354	0	5,035	-4,319
	4141 WA Bridge Club Surrounds	3,120	193	0	-3,313
	4192 College Green Mt Claremont	0	0	22,357	22,357
	4173 Cottesloe Golf Club	0	0	120,141	120,141
	732 Allen Park (LO) - INST floodlight	21,359	6,980	0	-28,339
	734 Asquith Reserve - Redevelopment	6,544	0	0	-6,544
	737 Bishop Rd Rsv - Enviro-scape manster pln	56,583	8,451	19,033	-46,001
	752 Hamilton Park - UG irrigation system	0	0	24,395	24,395
	771 Jones Park - Bushfence Bollards Gate&Eco	4,265	849	0	-5,114
	631 Peace Memo Gardens-Renew Bore(38m)	0	46,928	12,689	-34,239
	632 Point Resolution Reserve-Upgrade of fina	0	0	28,600	28,600
	633 Swanbourne Greenway Project	0	6,964	15,614	8,650
	636 Bains Harris and Jones Parks	31,960	0	8,449	-23,511
	637 Daran Park	40,027	0	12,843	-27,184
	641 Montario Quarter	0	0	30,211	30,211
	654 River Foreshore Protection and Access Man	0	0	4,300	4,300
	655 Mt Claremont Oval Bushland Fencing	0	0	5,000	5,000
	656 Lawler Park seats and Exercise Equipment	0	0	11,683	11,683
	687 Charles Court R - Replace Weldmesh Fenci	6,409	0	7,955	1,546
	690 Charles Court R - Replace Flat Bench	0	4,680	17,120	12,440
	691 Charles Court R - Replace Park Bench	0	0	25,579	25,579
	692 Charles Court R- Upgrade Irrigation Syst	0	0	21,450	21,450
	694 Cruickshank Verge repair, Passive Recreat	417	16,065	25,000	8,518
	695 Allen Park - Upgrade Bore and Pump	10,948	12,220	13,365	-9,803



CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 SEPTEMBER 2020

L1	L1 Desc / N L2 - Desc	September Actual YTD	Committed Balance	Annual Budget YTD	Budget Available
	696 College Green Walkway - Upgrade Irrigati	0	0	12,688	12,688
	699 Hamilton Park - Renew Garden Beds	0	0	29,754	29,754
	772 Daran Park - Construct Noise Attention	0	0	45,820	45,820
	Parks & Reserves Construction Total	192,343	201,119	811,370	417,908
15	Plant & Equipment				
	7500 Technical Svs - Engineering	0	0	33,000	33,000
	7502 Development Svs - Building Svs	0	0	34,000	34,000
	7505 Planning & Development Svs - Ranger Svs	0	0	102,000	102,000
	7508 Corporate & Strategy - Finance	0	14	0	-14
	7509 Technical Svs - Parks Svs	110,000	8,182	120,000	1,818
	Plant & Equipment Total	110,000	8,195	289,000	170,805
16	ICT Capital Projects				
	6063 Replace SSD on VDI nodes	9,944	0	0	-9,944
	6065 Administration Booking Softwate	0	0	40,000	40,000
	6066 Administration Comms Rack Cleanup Aups R	24,999	0	0	-24,999
	670 Adobe Acrobat	0	0	25,000	25,000
	671 Azure Migration	0	0	50,000	50,000
	672 IP Phone System Collaboration	0	0	40,000	40,000
	673 Visitor Management System	0	0	10,000	10,000
	674 Cyber Security Review	0	0	15,000	15,000
	675 Video Collaboration	0	0	15,000	15,000
	676 CCTV Management System	0	0	15,000	15,000
	677 Meeting Minutes & Agenda	0	0	40,000	40,000
	678 Website Review	0	0	60,000	60,000
	679 Printers	0	0	130,000	130,000
	680 Finance System	0	0	1,250,000	1,250,000
	ICT Capital Projects Total	34,943	0	1,690,000	1,655,057
18	Furniture & Fixture				
	669 71 Stirling Hwy Admin - Desks & Shelving	0	0	10,000	10,000
	Furniture & Fixture Total	0	0	10,000	10,000
19	Public Art				
	9000 City Wide	0	353	0	-353
	9001 Public Arts Work	0	0	50,000	50,000
	Public Art Total	0	353	50,000	49,647
20	Major Projects - Parks				
	904 Swanbourne Beach Oval - rehabilitation	16,187	213	0	-16,401
	Major Projects - Parks Total	16,187	213	0	-16,401
City of Nedlands Total		1,138,402	1,394,405	8,167,576	5,634,769



CITY OF NEDLANDS
STATEMENT OF NET CURRENT ASSETS
CLOSING FUNDS
AS AT 30 SEPTEMBER 2020

	2020/21 YTD 30 SEPTEMBER 2020	2019/20 YTD 30 SEPTEMBER 2019	2019/20 YEAR END 30 June 2020
Current Assets			
Cash & Cash Equivalents	27,772,172	26,573,014	16,493,227
Receivable - Rates Outstanding (inc Rebates)	11,515,835	10,526,140	1,004,314
Receivable - Sundry Debtors	744,927	716,135	845,430
Receivable - Self Supporting Loan	3,447	10,261	3,447
Receivable - UGP	48,909	86,005	105,251
GST Receivable	412,628	(5,864)	220,871
Prepayments	95,060	48,312	290,591
Less: Provision for Doubtful Debts	(9,282)	(9,282)	(9,282)
Inventories	16,129	10,568	22,816
	40,599,825	37,955,290	18,976,664
Current Liabilities			
Payable - Sundry Creditors	(3,531,731)	(516,661)	(5,766,523)
Payable - ESL	(3,012,473)	(3,121,688)	(46,608)
Accrued Salaries and Wages	(26,288)	(24,105)	(411,724)
Employee Provisions	(2,697,498)	(2,368,637)	(2,652,371)
Borrowings	(1,257,656)	(1,210,044)	(1,750,166)
Deferred Income	0	0	(72,952)
	(10,525,647)	(7,241,135)	(10,700,345)
Unadjusted Net Current Assets	30,074,178	30,714,154	8,276,319
Less: Restricted Reserves	(5,907,841)	(6,132,010)	(5,895,847)
Less: Current Self Supporting Loan Liability	(3,447)	(10,261)	(3,447)
Add Back: Borrowings	1,257,656	1,210,044	1,750,166
Net Current Assets	25,420,547	25,781,927	4,127,192



CITY OF NEDLANDS
STATEMENT OF FINANCIAL ACTIVITY
BY DIRECTORATES
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

Note	2020-21 Annual Budget \$	September 20 YTD Budget \$	September 20 YTD Actual \$	September 20 YTD Variance \$	Variance %
Operating Income					
Governance	180,281	45,070	10,752	(34,318)	0.00%
Corporate & Strategy	25,246,833	24,480,386	24,621,400	141,014	0.58%
Community Development & Services	2,456,550	641,463	797,620	156,157	24.34%
Planning & Development Services	1,705,300	554,862	591,762	36,900	6.65%
Technical Services	3,990,220	3,480,930	3,442,834	(38,096)	-1.09%
	33,579,184	29,202,711	29,464,369	261,658	0.90%
Operating Expense					
Governance	(2,434,067)	(635,435)	(574,658)	60,777	9.56%
Corporate & Strategy	(1,423,900)	(404,153)	(453,708)	-49,555	-12.26%
Community Development & Services	(5,697,823)	(1,367,896)	(1,291,099)	76,797	5.61%
Planning & Development Services	(6,146,380)	(1,439,871)	(1,435,950)	3,921	0.27%
Technical Services	(15,915,179)	(4,193,041)	(3,804,125)	388,916	9.28%
	(31,617,349)	(8,040,396)	(7,559,540)	480,856	5.98%
Capital Income					
Grants Capital	2,180,879		(240,224)		
Capital Contribution	0		144,400		
Proceeds from Disposal of Assets	3,411,163		26,322		
New Borrowings	0		0		
Self Supporting Loan Principal Repayments	17,500		0		
Transfer from Reserve	2,299,388		0		
	7,908,930		(69,502)		
Capital Expenditure					
Land & Buildings	(574,660)		(122,865)		
Infrastructure - Road	(4,656,796)		(662,064)		
Infrastructure - Parks	(947,122)		(208,530)		
Plant & Equipment	(289,000)		(110,000)		
Furniture & Equipment	(1,700,000)		(34,943)		
Principal elements of finance lease payments	(38,987)		0		
Repayment of Debentures	(1,750,166)		(492,510)		
Transfer to Reserves	(4,524,113)		(11,994)		
	(14,480,844)		(1,642,906)		
Total Operating and Non-Operating	(4,610,079)		20,192,421		
Adjustment - Non Cash Items					
Depreciation	4,446,300		1,101,475		
Receivables/Provisions/Other Accruals	0		(541)		
Change in accounting policy	0		0		
(Profit) on Sale of Assets	(182)		0		
Loss on Sale of Assets	30,316		0		
ADD - Surplus/(Deficit) 1 July b/f	997,619		4,127,192		
LESS - Surplus/(Deficit) 30 June c/f	863,974		25,420,547		
	4,610,079		(20,192,421)		



**SUMMARY STATEMENT OF BORROWING ACTIVITY
FOR THE PERIOD ENDING 30 SEPTEMBER 2020**

Purpose

Loan 179 - Road Infrastructures
 Loan 181 - Building and Road Infrastructures
 Loan 182 - Building
 Loan 183 - Building
 Loan 184 - Building
 Loan 185 - Building
 Loan 187 - Underground Power (CON)
 Loan 188 - Underground Power (W.Hollywood Res)
 Loan 189 - Underground Power (Alfred & MTC Res)
 Loan 190 - Underground Power (Alderbury Res)

Self Supporting Loans

Loan 186 - Dalkeith Bowling Club

Total

Actual YTD 30 SEPTEMBER 2020					
Interest Rate Per Annum	Principal 01-Jul-20 \$	New loans \$	Principal Repayment \$	Principal 30-Sep-20 \$	Interest(YTD) \$
6.04%	539,212	0	(30,046)	509,166	7,991
5.91%	256,766	0	(62,786)	193,980	3,485
4.67%	398,479	0	(64,501)	333,978	4,652
2.78%	871,357	0	(40,761)	830,596	5,962
3.12%	791,285	0	(33,109)	758,176	6,000
3.12%	374,498	0	(15,670)	358,828	2,800
2.64%	1,831,084	0	(161,041)	1,670,043	12,085
3.07%	578,626	0	(64,909)	513,717	4,095
3.07%	84,512	0	(9,480)	75,031	598
3.07%	60,019	0	(6,733)	53,287	425
	5,785,837	0	(489,037)	5,296,801	48,091
3.07%	78,815	0	(3,473)	75,342	605
				0	
	5,864,652	0	(492,510)	5,372,142	48,696

Adopted Budget 2020/21		
New loans \$	Principal 30-Jun-21 \$	Interest \$
0	416,277	29,200
0	0	7,320
0	135,922	14,055
0	706,606	22,134
0	657,290	22,434
0	311,081	10,577
0	1,180,514	41,935
0	513,717	17,764
0	75,032	2,595
0	53,286	1,842
0	4,049,725	169,856
0	64,762	2,259
0	4,114,487	172,115



CITY OF NEDLANDS
STATEMENT OF FINANCIAL POSITION
AS AT 30 SEPTEMBER 2020

	2020/2021	2019/2020	2019/2020
	YTD 30	YTD 30	YEAR END
	SEPTEMBER	SEPTEMBER	30 June 2020
	\$	\$	\$
Current Assets			
Cash & Cash Equivalents	27,772,172	26,573,014	16,493,227
Trade & Other Receivables	12,716,464	11,323,396	2,170,031
Inventories	16,129	10,568	22,816
Other - Prepayments & Accruals	95,060	48,312	290,591
Total Current Assets	40,599,825	37,955,290	18,976,664
Non Current Assets			
Other Receivables	1,295,496	1,386,505	1,295,496
Other Financial Assets	142,442	140,137	142,442
Property, Plant & Equipment	338,991,896	345,002,741	339,825,563
Infrastructure	91,172,973	88,458,169	90,302,379
Total Non Current Assets	431,602,807	434,987,552	431,565,880
Total Assets	472,202,632	472,942,841	450,542,546
Current Liabilities			
Trade & Other Payables	6,570,492	3,662,455	6,297,808
Current Borrowings	1,257,656	1,210,044	1,750,166
Employee Provisions	2,697,498	2,368,637	2,652,371
Total Current Liabilities	10,525,647	7,241,135	10,700,345
Non Current Liabilities			
Long Term Borrowings	4,114,484	5,861,752	4,114,485
Deferred Liability	47,251	92,988	47,251
Employee Provisions	264,987	474,196	264,987
Total Non Current Liabilities	4,426,722	6,428,936	4,426,723
Total Liabilities	14,952,369	13,670,072	15,127,068
Net Assets	457,250,263	459,272,769	435,415,477
Equity			
Retained Surplus	103,826,772	99,594,109	82,003,981
Reserves - Cash Backed	5,907,841	6,132,010	5,895,847
Revaluation Surplus	347,515,650	353,546,650	347,515,650
Total Equity	457,250,263	459,272,769	435,415,477



**SUMMARY STATEMENT OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 SEPTEMBER 2020**

Reporting Activity	September 20 YTD Budget	September 20 YTD Actual	Variance Indicators				2020-21 Annual Budget	Var. Scale	Comment Ref
			\$	%	Flag	F/U			
Income:									
Community Leadership	40,070	10,752	(29,318)	(73%)	▶	U	160,281	●	Lower income from Wesroc project
Corporate Administration	170,400	139,987	(30,413)	(18%)	▶	U	733,600	●	Lower interest income
Community Capacity Building	257,598	291,180	33,582	13%	▶	F	678,900	●	
Community Care	380,300	501,371	121,071	32%	▶	F	1,767,300	●	
Libraries	3,565	5,069	1,504	42%	▶	F	10,350	●	
Building & Development Control	445,126	458,886	13,760	3%	▶	F	1,296,000	●	
Environmental Health Services	21,999	35,523	13,524	61%	▶	F	88,000	●	
Rangers & Public Safety	84,043	97,353	13,310	16%	▶	F	282,500	●	
Engineering & Asset Management	1,250	6,399	5,149	412%	▶	F	5,000	●	
Parks & Natural Areas	31,744	22,717	(9,027)	(28%)	▶	U	115,900	●	Lower income from oval and reserve
Roads, Paths & Drains	53,209	53,900	691	1%	▶	F	212,782	●	
Community Building Management	98,967	81,581	(17,386)	(18%)	▶	U	395,884	●	Lower income from council property
Waste Management	3,299,454	3,278,236	(21,218)	(1%)	▶	U	3,299,454	●	
Rates & Property Services	24,314,986	24,481,414	166,428	1%	▶	F	24,533,233	●	
Total Income	29,202,711	29,464,369		1%	▶	F	33,579,184		

*** Note:** Total Income includes Operating Income & Capital Grants but not Asset Sale Proceeds

Legend

Favourable Variance to Budget F ▶
Unfavourable Variance to Budget U ▶

Legend

Favourable Variance > 10% ●
Variance between -10% (U) and +10% (F) ●
Unfavourable Variance > 10% ●



**SUMMARY STATEMENT OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 SEPTEMBER 2020**

Reporting Activity	September 20 YTD Budget	September 20 YTD Actual	Variance Indicators			F/U	2020-21 Annual Budget	Var. Scale	Comment Ref
			\$	%	Flag				
Expenditure:									
Community Leadership	493,735	471,122	22,613	5%	▶	F	1,849,513	●	
Corporate Administration	388,777	413,858	(25,081)	6%	▶	U	1,648,836	●	
Community Capacity Building	433,562	395,512	38,050	9%	▶	F	1,870,959	●	
Community Care	507,717	494,861	12,856	3%	▶	F	2,092,242	●	
Libraries	426,617	400,726	25,891	6%	▶	F	1,734,626	●	
Building & Development Control	846,748	890,133	(43,385)	5%	▶	U	3,426,664	●	
Strategic Urban Planning	22,388	59,228	(36,840)	165%	▶	U	81,244	●	Higher salaries cost off-set by lower professional fees
Environmental Health Services	184,578	158,449	26,129	14%	▶	F	756,523	●	
Rangers & Public Safety	224,650	225,078	(428)	0%	▶	U	983,399	●	
Engineering & Asset Management	93,060	222,957	(129,897)	140%	▶	U	439,336	●	Lower oncost charged out due to lower capital and maintenance work completed
Parks & Natural Areas	1,467,235	1,260,968	206,267	14%	▶	F	5,729,690	●	
Roads, Paths & Drains	1,266,812	1,118,426	148,386	12%	▶	F	4,508,006	●	
Community Building Management	714,894	658,862	56,032	8%	▶	F	2,878,755	●	
Waste Management	812,547	645,974	166,573	21%	▶	F	3,257,938	●	
Rates & Property Services	157,076	143,386	13,690	9%	▶	F	359,618	●	
Total Operating Expenditure	8,040,396	7,559,540		6%	▶	F	31,617,349		
Net Operating Result	21,162,315	21,904,828					1,961,835		

Legend

Favourable Variance to Budget F ▶
Unfavourable Variance to Budget U ▶

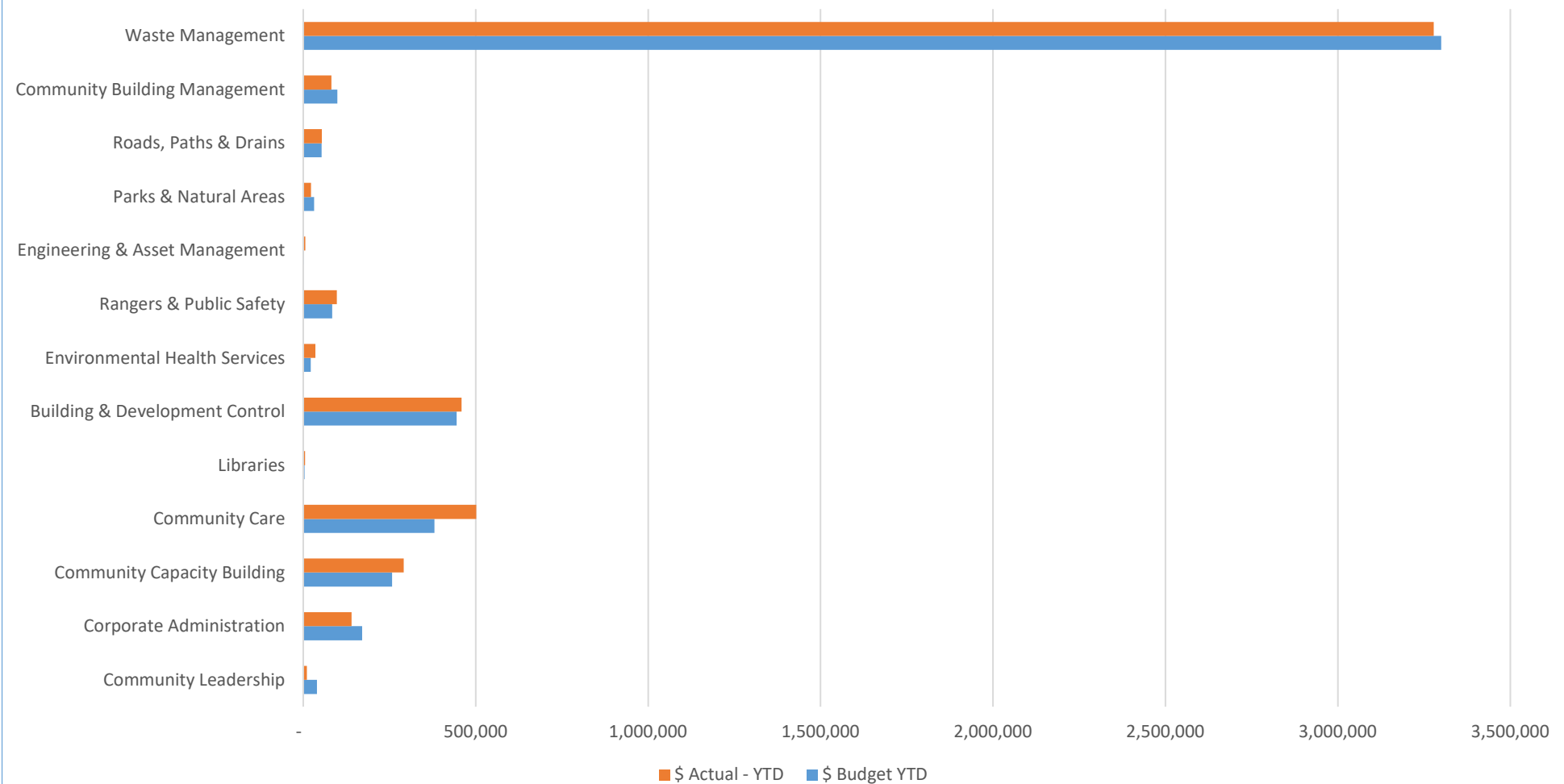
Legend

Favourable Variance > 10% ●
Variance between -10% (U) and +10% (F) ●
Unfavourable Variance > 10% ●



**GRAPHICAL SUMMARY OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 SEPTEMBER 2020**

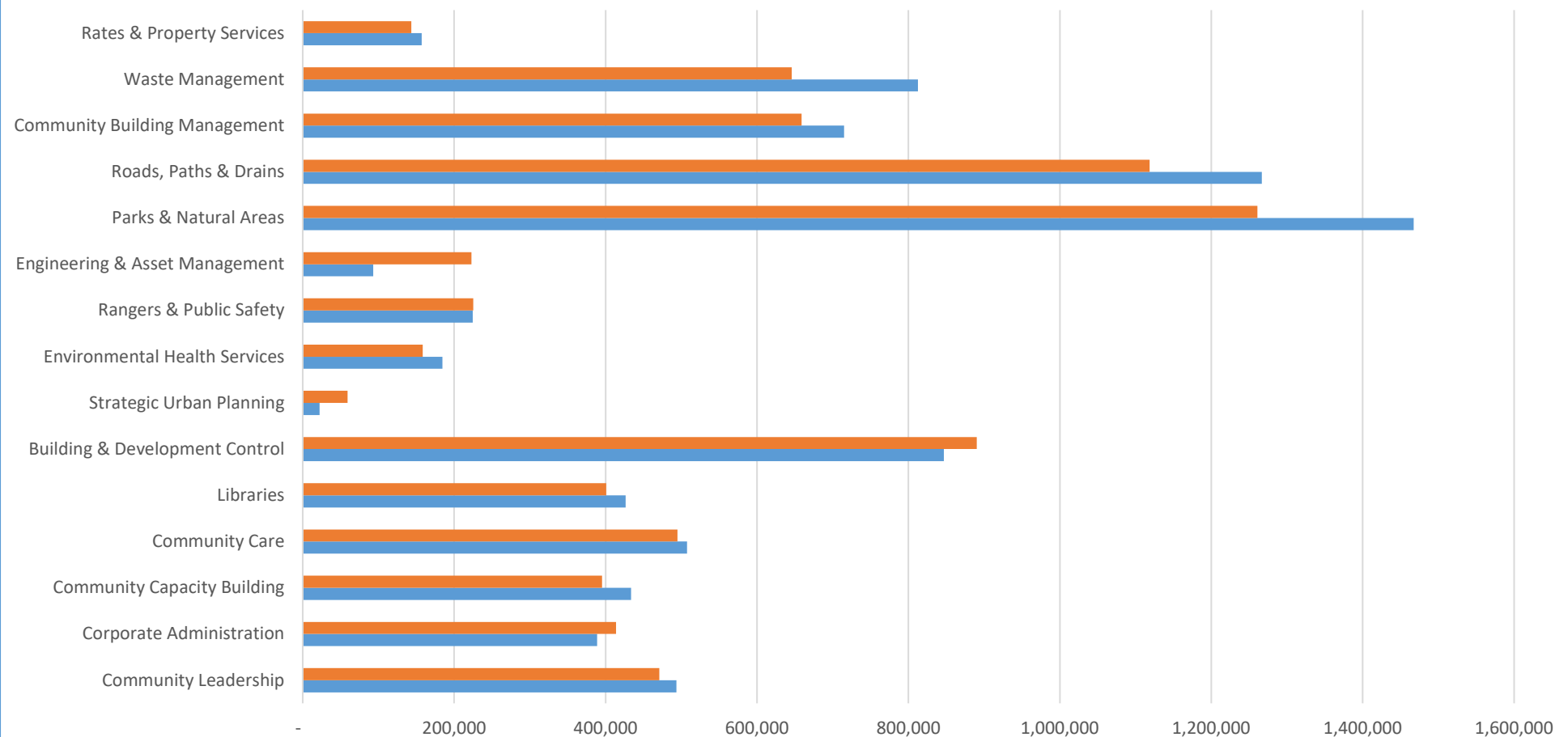
Income - YTD by Reporting Activity (Excluding Rates)





**GRAPHICAL SUMMARY OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 SEPTEMBER 2020**

Operating Expenditure - YTD by Reporting Activity





CITY OF NEDLANDS
SUMMARY STATEMENT OF FINANCIAL ACTIVITY - INCOME
BY REPORTING NATURE & TYPE
FOR THE PERIOD ENDING 30 SEPTEMBER 2020

Reporting Activity

	September 20 YTD Budget	September 20 YTD Actual	Variance Indicators				2020-21 Annual Budget	Var. Scale
			\$	%	Flag	F/U		
Income:								
Operating Income								
Rates	24,314,986	24,481,414	166,428	1%	▶	F	24,533,233	●
Service Charges (UGP)	-	6,399	6,399	0	▶	F	-	●
Fees & Charges	4,120,991	4,292,858	171,867	4%	▶	F	5,965,354	●
Fines & Penalties	78,119	86,343	8,224	11%	▶	F	271,650	●
Interest Revenue	61,000	25,811	(35,189)	(58%)	▶	U	275,000	● Lower interest rate
Operating Grants	368,749	370,124	1,375	0%	▶	F	1,503,100	●
Contributions	201,515	181,121	(20,394)	(10%)	▶	U	784,484	● Lower income from council properties.. Lower income from Building services and Environmental conservation
Other Revenue	57,351	20,298	(37,053)	(65%)	▶	U	246,363	●
Operating Income	29,202,711	29,464,369					33,579,184	
Capital Income								
Capital Grants and Contribution	545,220	(95,824)	(641,044)	(118%)	▶	U	2,180,879	● Difference due to profiling and refund of grants received due to projects not under-taken
Asset Sale Proceeds	852,791	26,322	(826,469)	(97%)	▶	U	3,411,163	● Difference due to profiling
Sub Total - Capital Income	1,398,011	(69,502)					5,592,042	
Total Income	30,600,722	29,394,867		(4%)	▶	U	39,171,226	

Legend

Favourable Variance to Budget F ▶
 Unfavourable Variance to Budget U ▶

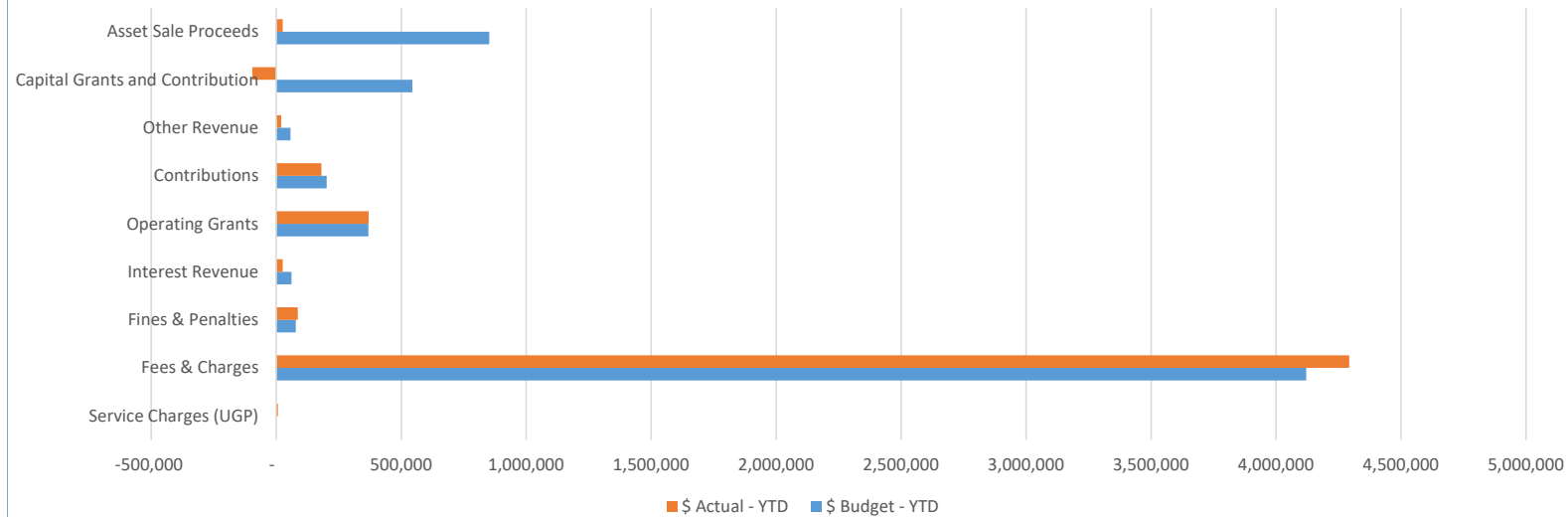
Legend

Favourable Variance > 10% ●
 Variance between -10% (U) and +10% (F) ●
 Unfavourable Variance > 10% ●

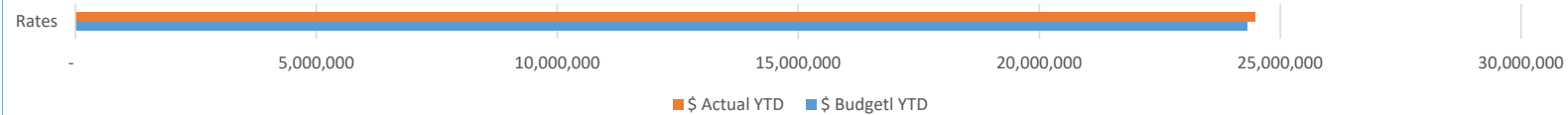


CITY OF NEDLANDS
SUMMARY STATEMENT OF FINANCIAL ACTIVITY - INCOME
BY REPORTING NATURE & TYPE
FOR THE PERIOD ENDING 30 SEPTEMBER 2020

Income - YTD by Nature & Type (Excluding Rates)



Rates Income - YTD



13.6 Monthly Investment Report – September 2020

Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
CEO	Mark Goodlet
Attachments	1. Investment Report for the period ended 30 September 2020

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah
 Seconded – Councillor Hay

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

CARRIED UNANIMOUSLY 13/-

Council Resolution / Recommendation to Council

Council receives the Investment Report for the period ended 30 September 2020.

Executive Summary

In accordance with the Council's Investment Policy, Administration is required to present a summary of investments to Council on a monthly basis.

Discussion/Overview

Council's Investment of Funds report meets the requirements of Section 6.14 of the Local Government Act 1995.

The Investment Policy is structured to minimise any risks associated with the City's cash investments. The officers adhere to this Policy, and continuously monitor market conditions to ensure that the City obtains attractive and optimum yields without compromising on risk management.

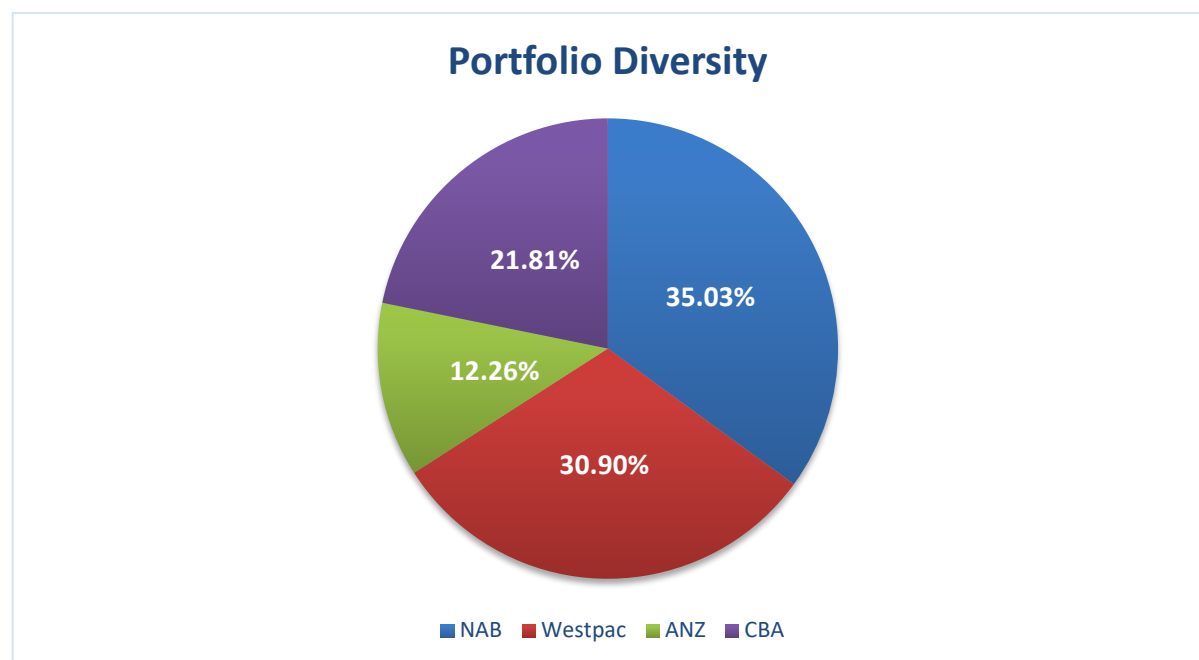
The Investment Summary shows that as at 30 September 2020 and 30 September 2019 the City held the following funds in investments:

	30-Sep-2020	30-Sep-2019
Municipal Funds	\$ 5,910,054	\$ 6,585,966
Reserve Funds	\$ 11,894,191	\$ 15,051,187
Total investments	<u>\$ 17,804,246</u>	<u>\$ 21,637,153</u>

The total interest earned from investments as at 30 September 2020 was \$20,047.

The Investment Portfolio comprises holdings in the following institutions:

Financial Institution	Funds Invested	Interest Rate	Proportion of Portfolio
NAB	\$6,236,298	0.85% - 0.88%	35.03%
Westpac	\$5,501,727	0.85% - 1.05%	30.90%
ANZ	\$2,183,353	0.65% - 0.70%	12.26%
CBA	\$3,882,868	0.56% - 0.76%	33.04%
Total	\$17,804,246		100.00%



Conclusion

The Investment Report is presented to Council.

Key Relevant Previous Council Decisions:

Nil.

Consultation

Required by legislation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Required by City of Redlands policy:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Strategic Implications

The investment of surplus funds in the 2020/21 approved budget is in line with the City's strategic direction.

The 2020/21 approved budget ensured that there is an equitable distribution of benefits in the community

The 2020/21 budget was prepared in line with the City's level of tolerance of risk and it is managed through budgetary review and control.

The interest income on investment in the 2020/21 approved budget was based on economic and financial data available at the time of preparation of the budget.

Budget/Financial Implications

The September YTD Actual interest income from all sources is \$148,007 compared to the September YTD Budget of \$104,503.

The approved budget is prepared taking into consideration the Long Term Financial Plan and current economic situation.

The adopted 2020/21 budget included a 0% rates increase.



**INVESTMENTS REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

Particulars	Interest Rate	Invest. Date	Maturity Date	Period Days	NAB *AA-/Stable/A-1+	Westpac *AA-/Stable/A-1+	ANZ *AA-/Stable/A-1+	CBA *AA-/Stable/A-1+	Total	Interest YTD Accumulated
RESERVE INVESTMENTS										
Plant Replacement	0.47%	24-Sep-20	22-Feb-21	151				34,595.03	34,595.03	\$47.82
City Development - Western Zone	0.47%	24-Sep-20	22-Feb-21	151				174,615.04	174,615.04	\$241.33
City Development - Western Zone	0.70%	21-Jun-20	21-Dec-20	183				65,970.17	65,970.17	\$116.17
Business system reserve	0.47%	24-Sep-20	22-Feb-21	151				142,268.10	142,268.10	\$196.62
All abilities play space	0.47%	24-Sep-20	22-Feb-21	151				97,555.26	97,555.26	\$134.83
North Street	0.69%	20-Sep-20	22-Dec-20	93		374,398.08			374,398.08	\$792.42
Welfare - General	0.47%	17-Aug-20	16-Nov-20	91				319,142.06	319,142.06	\$432.13
Welfare - NCC	0.50%	1-Sep-20	30-Dec-20	120				360,007.64	360,007.64	\$479.29
Welfare - PRCC	0.70%	23-Jun-20	21-Dec-20	181				15,719.80	15,719.80	\$27.68
Services - Tawarri 1	0.69%	20-Sep-20	22-Dec-20	93		68,625.03			68,625.03	\$145.25
Services General	0.70%	28-Aug-20	26-Nov-20	90	25,822.27				25,822.27	\$54.62
Services - Tawarri 2	0.70%	11-Sep-20	11-Dec-20	91			117,273.30		117,273.30	\$203.49
Insurance	0.70%	11-Sep-20	11-Dec-20	91			65,261.19		65,261.19	\$113.24
Undrground power	0.85%	25-Sep-20	21-Jan-21	118	771,703.58				771,703.58	\$1,623.44
Waste Management	0.47%	24-Sep-20	22-Feb-21	151				511,641.45	511,641.45	\$707.10
City Development - Swanbourne	0.47%	17-Aug-20	16-Nov-20	91				134,682.21	134,682.21	\$182.37
City Building - General	0.69%	20-Sep-20	22-Dec-20	93		414,804.71			414,804.71	\$877.94
City Building - PRCC	0.70%	23-Jun-20	21-Dec-20	181				26,127.42	26,127.42	\$46.01
Business system Reserve	0.88%	24-Sep-20	18-Jan-21	116	409,826.44				409,826.44	\$952.17
Public Art Reserves	0.88%	24-Sep-20	18-Jan-21	116	97,604.63				97,604.63	\$211.85
Waste Management Reserve	0.88%	24-Sep-20	18-Jan-21	116	573,149.81				573,149.81	\$1,244.04
City Development Reserve	0.88%	24-Sep-20	18-Jan-21	116	33,850.37				33,850.37	\$73.47
Building Replacement Reserve	0.88%	24-Sep-20	18-Jan-21	116	306,015.48				306,015.48	\$664.22
All ability play space	0.85%	25-Sep-20	20-Jan-21	117	183,634.98				183,634.98	\$384.36
Major projects	0.70%	2-Sep-20	4-Jan-21	124		585,760.48			585,760.48	\$1,185.08
TOTAL RESERVE INVESTMENTS					\$2,401,607.56	\$1,443,588.29	\$182,534.49	\$1,882,324.19	\$5,910,054.53	\$11,136.96
MUNICIPAL INVESTMENTS										
Muni Investment N560	1.05%	31-Jul-20	30-Sep-20	31		1,056,996.37			1,056,996.37	\$2,655.39
Muni Investment #4 - WBC	0.69%	31-Aug-20	30-Nov-20	91		1,000,567.12			1,000,567.12	\$567.12
Muni Investment #6 - WBC	0.70%	15-Sep-20	15-Feb-21	153		2,000,575.34			2,000,575.34	\$575.34
Muni Investment #1 - CBA	0.62%	14-Sep-20	12-Jan-21	120				2,000,543.56	2,000,543.56	\$543.56
Muni Investment #2 - CBA								0.00	0.00	\$199.36
Muni Investment #7 - NAB	0.65%	18-Sep-20	17-Dec-20	90	3,001,647.12				3,001,647.12	\$1,647.12
Muni Investment #150 - ANZ	0.65%	7-Sep-20	7-Dec-20	91			2,000,819.18		2,000,819.18	\$819.18
Muni Investment #8 - ANZ								0.00	0.00	\$100.47
Muni Investment #12 - NAB	0.88%	24-Jun-20	24-Sep-20	92	352,988				352,987.52	\$785.41
Muni Investment #13 - NAB-	0.85%	25-Jun-20	25-Sep-20	92	480,056				480,055.54	\$1,017.78
TOTAL MUNICIPAL INVESTMENTS					3,834,690.19	4,058,138.84	2,000,819.18	2,000,543.56	\$11,894,191.76	\$8,910.75
TOTAL					\$6,236,297.74	\$5,501,727.13	\$2,183,353.67	\$3,882,867.75	\$17,804,246.29	\$20,047.71

13.7 Proposed Children's Hospice

Council	Tuesday, 27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	1. Terms of Reference
Confidential Attachments	1. Survey Information responses - CONFIDENTIAL 2. Site Assessment Working Group – candidate information and selected candidates - CONFIDENTIAL

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Horley

Seconded – Councillor Wetherall

Council Resolution**Council:**

1. notes the results of the community and stakeholder engagement summarised in this report;
2. endorses the Site Assessment Working Group (SAWG) Terms of Reference as per Attachment 1 of this report;
3. endorses the 12 candidates selected from the Ballot Selection Process held on the 14 October 2020 for the SAWG;
4. appoints Councillor Horley to chair this working group and Councillor Smyth as the Deputy Chair; and
5. formally establishes the SAWG.

CARRIED UNANIMOUSLY 13/-

Recommendation to Council

Council:

1. notes the results of the community and stakeholder engagement summarised in this report;
2. endorses the Site Assessment Working Group (SAWG) Terms of Reference as per Attachment 3 of this report;
3. endorses the 12 candidates selected from the Ballot Selection Process held on the 14 October 2020 for the SAWG;
4. appoints Councillor (insert name) to chair this working group; and
5. formally establishes the SAWG.

Executive Summary

This report is to provide an update on the Council Resolutions from the Council meetings held on the 25 August 2020 and on 22 September 2020.

This report focuses on the following:

1. undertake community engagement, in compliance with Council's Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020;
2. simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020.

Discussion/Overview

The City of Nedlands agreed at the Council meeting on 25 August 2020 to proceed with establishing a Site Assessment Working Group (SAWG) for the proposed Perth Children's Hospice. The objectives of SAWG are to:

- Foster stakeholder and community awareness and understanding of the proposed development in Allen Park and discuss any required variation to the Allen Park Master Plan;
- Foster the City of Nedland's awareness of community concerns and aspirations for the respective residence proposal at Allen Park and regularly report the results of this engagement to Council;
- Obtain and provide local input and knowledge into the area as part of the review process;

Terms of Reference were created and will be agreed and finalised at the first SAWG meeting.

The SAWG was established by the City of Nedlands following public invitation for nominations from residents of Swanbourne. The SAWG members were randomly selected from the pool of applicants by City of Nedlands representatives.

The Community Working Group will consist of:

- A Councillor appointed as Chairperson by Council;
- 12 appointed members selected from the pool of applicants received; and
- A secretary, appointed by the CEO.

Key Relevant Previous Council Decisions:

Decision 13.6 - Council Meeting 25 August 2020

Council requests the Chief Executive Officer to:

1. undertake community engagement, in compliance with Council's Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020;
2. advise the Perth Children's Hospital Foundation that joining the project control group, will be subject to a future Council decision to vary the Allen Park Master Plan with the residence project incorporated;
3. simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020;
4. Council requests the Mayor to advise the Minister for Health of its current position in respect to the Allen Park Masterplan and that any changes will be informed by transparent community and stakeholder engagement; and
5. If this proposed land resumption becomes inevitable the CEO is instructed to vigorously pursue a land swap for recreation purposes with the State Government to replace this recreational land.

Decision 14.2 - Council Meeting 22 September 2020

Council requests the Chief Executive Officer to:

1. undertake community engagement, in compliance with Council's Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020, as resolved by Council;

2. advise the Minister for Health and the Chair of the Perth Children's Hospital Foundation that the Council and City of Nedlands acknowledges the State Government decision for the location of the Children's Hospice on the park land previously occupied by the Swanbourne Bowling Club. All land associated with the development (including bushfire protection measures and firebreaks) is to be contained within the site, preserving the adjacent bushland;
3. proceed with formation of the Swanbourne residents site assessment working group by October 2020 and to include in the terms of reference, the provision of feedback to the City on the project development;
4. consider further the invitation from the Chair of the Perth Children's Hospital Foundation for him, or his delegate, to join this Project Control Group as a supporting member ensuring the City is informed as the Hospice development proceeds;
5. recommend to the Chair of the Perth Children's Hospital Foundation that the Deputy Mayor be invited also to join the Project Control Group as a Council representative; and
6. continues to negotiate with the WA Government Minister for LG and Minister for Planning for a parcel of land within the City to replace the recreational land foregone for the Hospice, as there is a critical shortage of such land within the City of Nedlands. If the residence is going to proceed with an excision of the A Class Reserve, all remaining titles within Allen Park including the bushland Lot 150, are to be given A Class Reserve status.

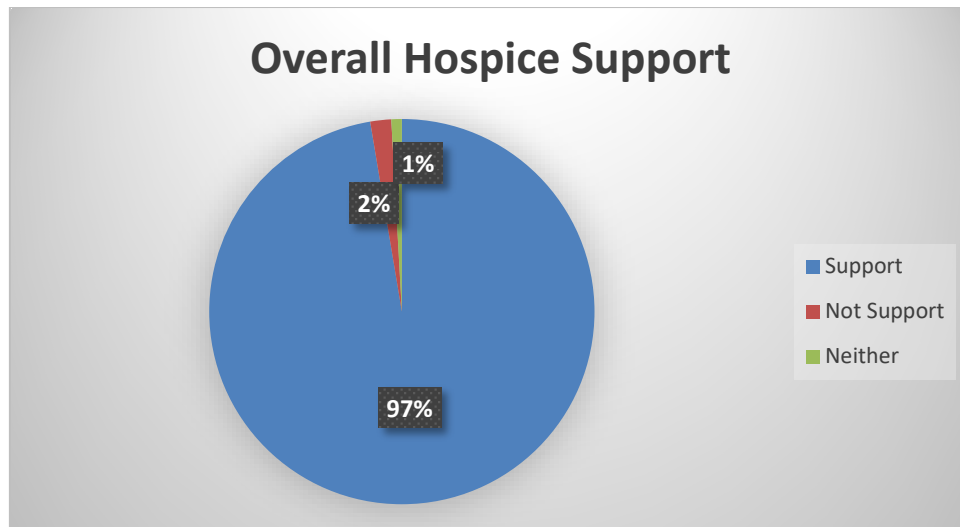
Consultation

Summary of Results from Consultation for the Children's Hospice

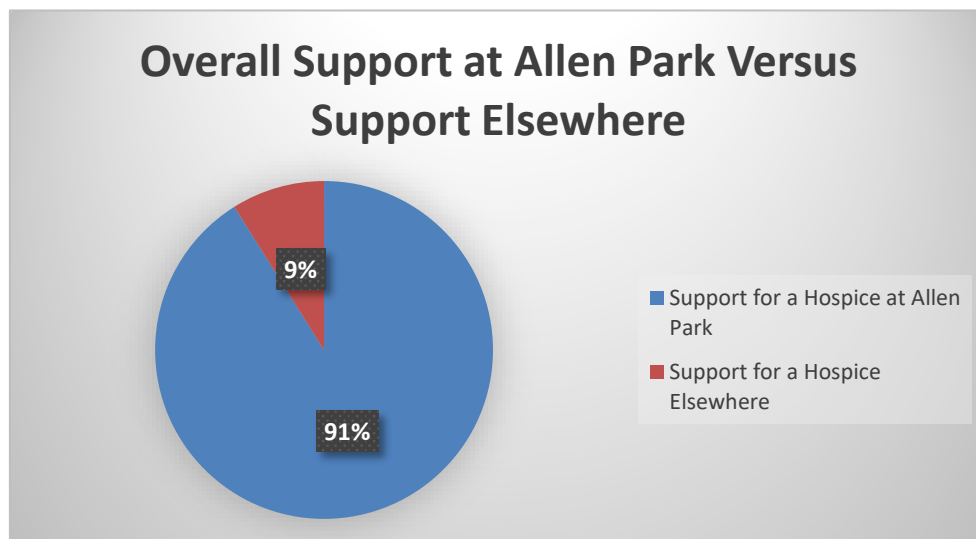
38 respondents were from the City of Nedlands representing 0.18% of the City of Nedlands population.

29 respondents were from Swanbourne suburb (Town of Clareomnt and City of Nedlands) representing 0.71% of the Swanbourne suburb population.

- Of 114 respondents overall, 111 supported the project in principle (97.4% in favour), with 2 not supporting and 1 neither supporting or not supporting

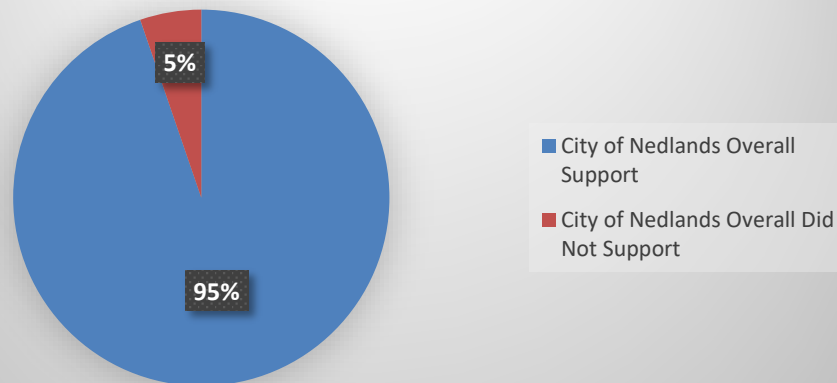


- Of 111 respondents supporting the project in principle, 92 supported the project at Allen Park (82.9%)

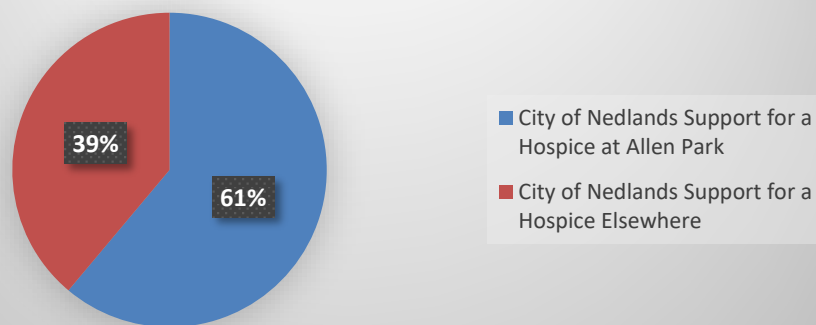


- Of 38 City of Nedlands responses, 36 supported the project in principle (94.7% in favour), 22 supported the project at Allen Park (57.9%)

City of Nedlands - Support Versus Did Not Support a Hospice Overall

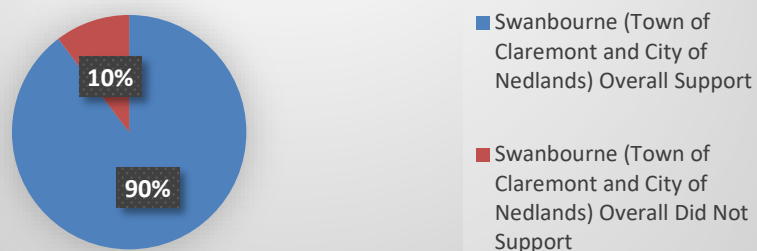


City of Nedlands - Support at Allen Park Versus Support Elsewhere

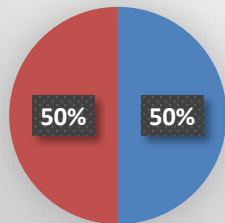


- Of 29 Swanbourne responses (City of Nedlands and Town of Claremont), 26 supported the project in principle (89.7% in favour), 13 supported the project at Allen Park (44.8%)

Swanbourne (Town of Claremont and City of Nedlands) - Support Versus Did Not Support



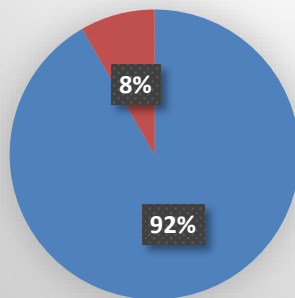
Swanbourne (Town of Claremont and City of Nedlands) - Support at Allen Park Versus Support Elsewhere



■ Swanbourne (Town of Claremont and City of Nedlands) Support for a Hospice at Allen Park

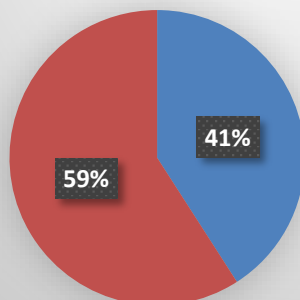
- Of 24 Swanbourne responses (City of Nedlands only), 22 supported the project in principle (91.7% in favour), 9 supported the project at Allen Park (37.5%)

Swanbourne (City of Nedlands) - Support Versus Did Not Support



■ Swanbourne (City of Nedlands) Overall Support
■ Swanbourne (City of Nedlands) Overall Did Not Support

Swanbourne (City of Nedlands) - Support at Allen Park Versus Support Elsewhere



■ Swanbourne (City of Nedlands only) Support for a Hospice at Allen Park
■ Swanbourne (City of Nedlands only) Support for a Hospice Elsewhere

901 letters were mailed to residents located in Swanbourne inviting them to submit an Expression of Interest to join the SAWG which would consist of 12 elected members. 20 responses were received. All 12 successful candidates have now been advised of their selection and accepted a place on the SAWG.

In addition, all other community stakeholders in the Swanbourne area were contacted via email and invited to provide feedback on the proposal.

The Ballot Selection process ensured that all Swanbourne residents had the opportunity to put forward an Expression of Interest (EOI) to join the SAWG. Due to the proposed location of this proposed Perth Children's Hospice, these residents may be the most impacted with this project being located in Allen Park, Swanbourne.

All community members, not just Swanbourne, had the opportunity to provide feedback on the proposed location via the following engagement channels:

- Your Voice page setup with a submission process in place which ran from the 12-26 September 2020.
- Posts placed on Facebook, Twitter and Instagram on the 12 September 2020 and another round of posts a week before the submission period closed. The posts included the link to Your Voice project page and associated documents.
- Advertisement placed in The Post on the 12 September 2020 about the EOI process.

This robust process ensured all community members could provide feedback or elect to be more involved as part of SAWG.

The Minister for Health and the Chair of the Perth Children's Hospital Foundation have been advised of Council's decision of 22 September 2020.

The Deputy Mayor and the Chief Executive Officer or his delegate have been invited to join the Children's Hospice Project Control Group.

Strategic Implications

How well does it fit with our strategic direction?

Council developed a focused vision in 2011 that appropriately responds to the Community's vision aspirations. This vision guides the 2018-2028 Strategic Community Plan.

The Children's Hospice is a departure from the Allen Park Master Plan which set the direction for this land into the future. A review of the Allen Park Master Plan will need to be undertaken at some point in the future.

Having a SAWG will assist the community to have a voice in the process relating to the proposed Perth Children's Hospice.

Who benefits?

The children in need of hospice care and their families will benefit from this facility.

The voice of the residents will be aided by the creation of the SAWG.

Does it involve a tolerable risk?

The City is not the proponent for the Children's Hospice project.

City risk may be mitigated through attendance and input at the Project Control Group and through the SAWG.

Do we have the information we need?

Yes. In terms of the candidate selection process the candidates were selected with two City representatives involved in the selection process and one City staff member acting as an observer.

Community members provided their feedback as part of the community consultation and their comments are confidentially attached for reference.

Budget/Financial Implications

The 2020/21 budget approved a 0.4 FTE administration role to assist the Executive Assistant to the CEO. This role will be a resource to support the SAWG.

No other budget implications are expected as part of this SAWG operating during 2020/21.

Can we afford it?

Costs to the City will include operational administrative assistance. Currently the SAWG will be established for 12 months.

How does the option impact upon rates?

Administrative and operational assistance will costs about 9,600 per annum, or 0.04% of annual rates.

Site Assessment Working Group – Terms of Reference

These Terms of Reference define the role of the Site Assessment Working Group (SAWG) and provide a framework for its establishment and operation. All members of the SAWG will be required to agree to these Terms of Reference.

Introduction

The City of Nedlands is seeking nominations from residents and/or ratepayers (key stakeholders) who live in Swanbourne to be community members for representation on the SAWG that commences in October 2020. The SAWG will assist with the review of the proposed development of the old Swanbourne Bowling Club in Allen Park which has been recommended as the site for the first Perth Children's Hospice in Western Australia.

The SAWG will assist in ensuring that the review of the proposed development considers and responds to key matters of importance to the local community.

The SAWG members will be expected to attend regular monthly meetings facilitated by the City of Nedlands and chaired by a nominated Elected Member/s.

Selection of Key Stakeholders on SAWG

Key stakeholders will be selected through an Expression of Interest (EOI) process, administered by the City. The SAWG members will be randomly selected from the pool of applicants by a City of Nedlands representative with an additional City representative present to oversee the draw.

Key stakeholders will be appointed by the City using the following selection criteria:

- Person is over 16 years of age;
- Is a key stakeholder within the suburb of Swanbourne;
- Person commits to attendance at monthly meetings.

A limit of 1 person per application will be considered. If you are from the same household, you will need to submit two applications. Note, different email addresses for each applicant will need to be used on registering your interest. It will come up with an error if this is used saying that the email address is already used.

Advertising for EOIs will be undertaken via a notice in the local newspaper, the City's website, letters to landowners and occupiers and via Your Voice updates to subscribed users.

An online nomination form will be available on Your Voice to be completed by interested persons who wish to register their EOI for the SAWG.

Background

In February 2020 the City's Chief Executive Officer (CEO) met with the Perth Children's Hospital Foundation (Foundation) CEO and Chair of the Board, where it was advised that they were considering sites in the Western Suburbs for a residence for the purpose of a children's hospice. One site under investigation was in Allen Park Swanbourne, just north of the Bridge Club car park. Figure 1 shows the proposed location.

The City has received notice from the Perth Children's Hospital Foundation that it intends to build and operate a Residence as a children's hospice in Allen Park Swanbourne, just north of the Bridge Club car park. This is supported by the Hon Roger Cook MLA, Deputy Premier, Minister for Health; Mental Health. The City has been invited to participate in this initiative by joining the project development group but wishes to complete its own community engagement before making a decision. The community engagement is being run from 12 September – 26 September 2020.



Figure 1. Proposed Location for the Residence – Satellite Image

Purpose

The establishment of the SAWG will enable the key stakeholders to be directly involved in reviewing the proposal for a Perth Children's Hospice in Swanbourne.

The feedback provided by the SAWG will assist the City of Nedlands and Council in making decisions that respond to community concerns and aspirations and have the best overall outcomes for the community.

Objectives of the SAWG

The objectives of the SAWG are to:

- Foster stakeholder and community awareness and understanding of the proposed development in Allen Park and discuss any required variation to the Allen Park Master Plan;
- Foster the City of Nedlands's awareness of community concerns and aspirations for the respective residence proposal at Allen Park and regularly report the results of this engagement to Council;
- Obtain and provide local input and knowledge into the area as part of the review process;
- To provide feedback to the City on the project development.

The SAWG is an advisory group, not a decision-making group. Decisions relating to the final development of Allen Park are the responsibility of City of Nedlands Council and the State Government.

Membership on SAWG

Participation in the SAWG is voluntary and open to key stakeholders within the suburb of Swanbourne.

The membership for the SAWG will comprise of the following:

- A Councillor appointed as Chairperson by Council;
- Up to 12 appointed members selected from the pool of applicants received; and
- A secretary, appointed by the CEO.

A City secretary will provide administrative assistance to the SAWG. Other administration advice will be provided on an as-needs basis, at the discretion of the CEO.

Conflict of Interest

A conflict of interest arises where the City of Nedlands interests are, potentially or perceived, to be in conflict with the member's private interest and where these may be seen to influence the member's decisions and actions while participating in the SAWG. If an actual or potential conflict of interest arises in relation to a particular topic, SAWG members must inform the City of Nedlands and the rest of the SAWG as soon as practicable.

Protocols

The following code of conduct is expected to be adhered to by all members of the SAWG.

Code of Conduct

- Act with honesty, good faith and integrity;
- Abide by the Terms of Reference as set out in this document;
- Actively participate in meetings;
- Declare any actual or perceived conflicts of interest at the commencement of the meeting;
- Represent the interests of their local community rather than individual interests or issues; and
- Maintain confidentiality of discussions within meetings.

Sharing of Information

Members will not use any information disclosed at meetings for personal purposes or gains for either themselves or others (including financial gains) and maintain confidentiality of all information provided.

In particular, members are required not to use any SAWG for any public lobbying or political purposes, including use of social media to promote specific campaigns or strategies.

Any material breach of this code of conduct may result in immediate termination of membership.

Meeting Procedures

All SAWG members will be required to provide the City with contact details (email and phone number) to ensure that the City is able to communicate with SAWG members throughout its existence and provide updates as and when required.

- Prior to any scheduled meeting, the City of Nedlands will provide all members with any relevant background materials, including meeting agendas and minutes, prior to any scheduled SAWG meetings.
- SAWG members will be given access to a dedicated online engagement portal to access relevant information and to ask any specific questions.
- The format of the meetings, as to where, when and how they will be conducted will be confirmed following appointment of the successful SAWG members.

SAWG facilitation

The City of Nedlands in its capacity of a facilitator agrees to:

- Facilitate SAWG meetings in a fair and unbiased manner;
- Ensure all members have an opportunity to make comments, ask questions and raise issues;
- Manage the meeting so that all agenda items are discussed within a reasonable timeframe and that meetings start and finish at the agreed time; and
- The facilitator may extend the finish time of a meeting or schedule another meeting if it is evident that further discussion on a specific item is warranted.

Members' responsibilities and outcomes:

- Members are appointed to the SAWG to represent their local community. Members will, to the best of their ability:
- Review and understand the background materials (to be provided prior to the meetings). This will help you get up to speed and come to the meetings ready to listen and contribute.
- Attend all meetings and site tours of the SAWG;
- If absence from a meeting cannot be avoided, notify the City of Nedlands of their apology as soon as possible;
- Act in the interests of the local community and/or organisation they represent;
- Discuss feedback being raised by their local community;
- Provide a two-way communication channel between the project and the community, including dissemination of information provided by the City of Nedlands to their local community and/or organisation;
- Should members receive confidential or commercially sensitive information it will be clearly marked as such and must not be disseminated.



Differing views and consensus

The aim of the SAWG is to represent a diversity of viewpoints. It is not a requirement, or anticipated, that consensus will always be reached among members on the topics discussed. Where group members hold a range of perspectives on a topic, the differing viewpoints will be noted and taken into consideration.

Media protocol

SAWG members are not to speak or respond to media enquiries. If you are approached, you must direct the query to the City of Nedlands Communication team who will liaise with the City's spokesperson who is the Mayor and/or CEO for a response.

Privacy

All SAWG members will be required to provide the City of Nedlands with contact details to allow for distribution of meeting notes and communication between meetings.

The City of Nedlands will not provide contact details to any other party without the consent of the SAWG member/s in question.

All SAWG members are free to discuss the outcomes of the meetings with other people, however the specific views and opinions of other reference group members are confidential and not to be shared outside the reference group.

Any published documents relating to the SAWG, including agendas and minutes of the SAWG meetings will have names removed.

13.8 Land Swap Children's Hospice Project

Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Peter Mickleson
CEO	Mark Goodlet
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Council wished to seek inclusion of a larger area of bushland.

Moved – Councillor Smyth

Seconded – Councillor Wetherall

Council Resolution

Council instructs Administration to initiate and negotiate a land swap with the Minister for Health, the Department of Health and the Department of Planning Heritage and Lands for the Children's Hospice Project, by requesting that as much of the land area of Reserve 20074 (but not less than 4,896 m²) immediately adjacent to Shenton Bushland Reserve be exchanged for 5,000 m² of A Class Reserves 7804 and 19349 at Allen Park.

Amendment

Moved - Councillor Horley

Seconded - Councillor Youngman

That a request be made to the Minister for Lands to request the boundary on the north and eastern sides of the proposed excision lot be moved away from the bushland and straightened in order to assist in preserving the bushland.

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. McManus Hodsdon Poliwka
Wetherall Hay & Senathirajah)

The Original Motion was PUT and was

CARRIED 9/4

(Against: Crs. Horley Bennett Mangano & Coghlan)

Recommendation to Council

Council instructs Administration to initiate and negotiate a land swap with the Minister for Health, the Department of Health and the Department of Planning Heritage and Lands for the Children's Hospice Project, by requesting that 4,896 m² of Reserve 20074 immediately adjacent to Shenton Bushland Reserve be exchanged for 5,000 m² of A Class Reserves 7804 and 19349 at Allen Park.

Executive Summary

The Perth Children's Hospital Foundation in partnership with the Department of Health's Child and Adolescent Health Service propose to build a Children's Hospice at Allen Park, Swanbourne. The proposed site consists of 5,000 m² located on A Class Reserves 7804 and 19349 that are currently vested to the City for Parks and Recreation.

To compensate for the loss of the recreational community asset resulting from the development of the Children's Hospice Project at Allen Park, Council has requested Administration pursue a land swap with the State Government. There is Reserve 20074 vested to the Department of Health at Shenton Bushland available for a land swap that would provide a recreational community asset. It is recommended that Council considers a negotiated land swap with the Department of Planning Heritage and Lands (DPHL) for 4,896 m² at Shenton Bushland.

Discussion/Overview

Background

The City received a proposal from the Perth Children's Hospital Foundation to build the first Children's Hospice in Perth on 5,000 m² of A Class Reserves 7804 and 13949 at Allen Park. The State Government fully supports the proposal from the Perth Children's Hospital Foundation and the DPLH placed a Public Notice in The West Australian on Wednesday, 9 September regarding the creation of a new 5,000 m² Lot at Allen Park for the development of the Perth Children's Hospice as shown in Figures 1 and 2 below.



Figure 1: Proposed New Lot at Allen Park for the Children's Hospice



Figure 2: Existing A Class Reserves 7804 and 13949

Councillors were informed of the proposal and its preferred location at a Briefing Session on Tuesday 4 August 2020. The matter was then considered at the Ordinary Council Meeting on Tuesday, 25 August 2020 where Council instructed the Chief Executive Officer to vigorously pursue a land swap with the State Government for recreation purposes in exchange for the recreational land

they want to use for the Children's Hospice at Allen Park. The purpose of this report is to provide information to support a potential land swap.

Shenton Bushland is located on Lemnos Street, Shenton Park and contains A Class Reserve 43161 vested to the City of Nedlands for Conservation and Recreation and covers an area of approximately 21 hectares (ha). Shenton Bushland also contains Reserves 20074 and 53001 vested to the Department of Health for Health Purposes – Hospital and Allied Purposes which cover an area of 8 ha. There is approximately 3.46 ha of bushland on Reserves 20074 and 53001 as shown on Figure 3 below.

A small area of bushland (0.11 ha) is also owned by the Department of Education on the north eastern edge of the Shenton College site. This small portion of bushland is located outside the school boundary fencing and is vested for School purposes.

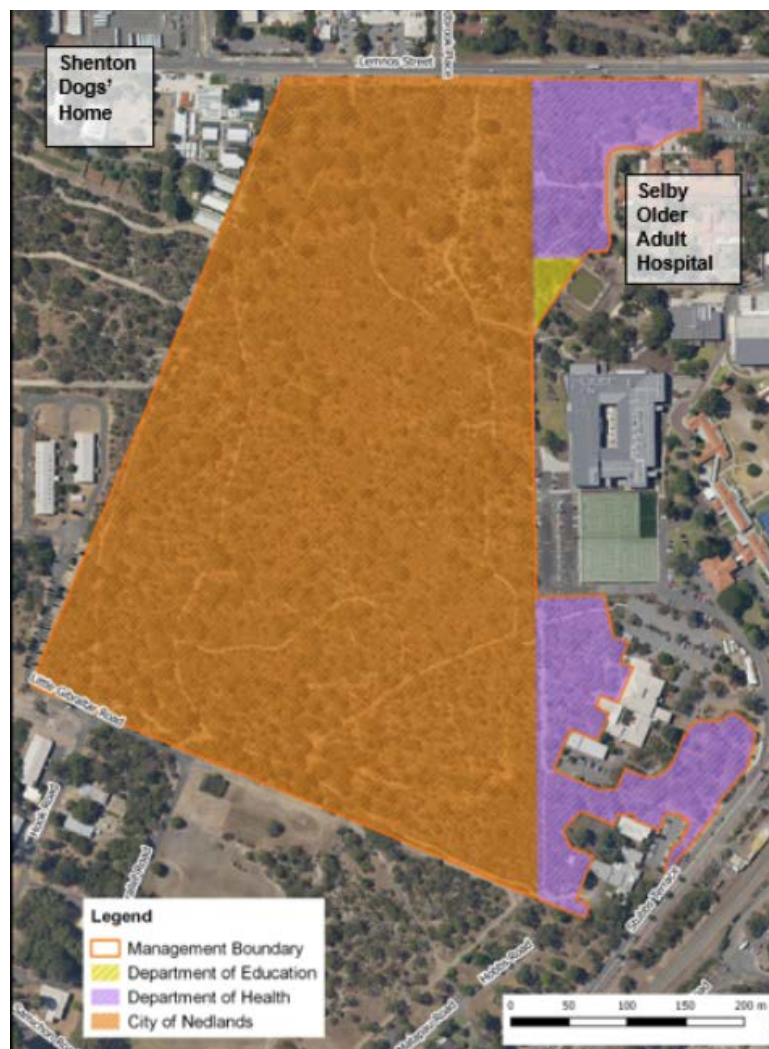


Figure 3: Shenton Bushland Vesting

The area proposed for the land swap is 4,896 m² of Health Department vested crown land situated adjacent to Shenton Bushland as shown in Figure 4.



Figure 4: Proposed Land Swap - Reserve 20074

Community Asset Value of Proposed Land Swap Area

Shenton Bushland is considered high quality bushland, with approximately half the bushland being assessed as *Very Good* condition in the 2018 bushland condition assessment as shown in Figure 5.

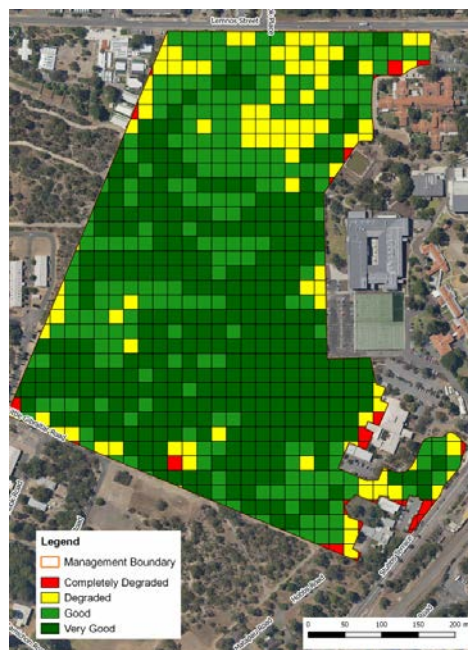


Figure 5: Shenton Bushland Condition Map 2018

The vegetation across the bushland is classed as Banksia Woodland, with the City of Nedlands vested section of the bushland being registered as Bush Forever Site 221.

Following a 2019 survey on Bush Forever Site 221 approximately 14 ha was assessed as the Banksia Woodlands of the Swan Coastal Plain ecological community. The Banksia Woodlands of the Swan Coastal Plain is a threatened ecological community, listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*.

The 3.46 ha of bushland located on Reserves 20074 and 53001 is not a registered Bush Forever Site, however this bushland provides important corridor value as a linkage between two regionally significant bushland areas namely Underwood Avenue Bushland (Bush Forever Site 119) and Shenton Bushland (Bush Forever Site 221). Furthermore, it provides important habitat for Black-Cockatoo species with both the Carnaby's and Forrest Red-Tailed Black-Cockatoos having known roost sites less than 1 km from the bushland.

Like the City of Nedlands vested part of the bushland, the majority of the Health Department vested bushland is classed as *Good to Very Good* condition, with some localised patches classified as *Degraded*.

The local and wider community use the bushland daily, primarily for passive recreation and the Shenton Dogs' Refuge Home use the pathways to exercise their dogs. Furthermore, a number of Universities use the bushland for research projects. The recent development of the Montario Quarter will bring increased recreational use of Shenton Bushland which is likely to put pressure on the bushland as a community asset as well as other recreational assets across the City.

Current Management of Land Swap Areas

Allen Park and Shenton Bushland both have asbestos contamination that the City is managing in accordance with Asbestos Management Plans. The asbestos impact maps for the land swap areas are shown in Figures 6 and 7. The City of Nedlands vested land at Shenton Bushland is currently registered as a contaminated site under the *Contaminated Sites Act 2003*, however the Department of Health vested land is not classified as a contaminated site under the Act. The area is known for historical fly-tipping and such a find would not be unexpected. If material is found an investigation would be required and further investigative works would need to be undertaken to determine suitable methods for remediation.

The Allen Park site for the Children's Hospice is classified as Possibly Contaminated – Investigation Required under the *Contaminated Sites Act 2003*. Asbestos management is currently costing the City \$1,000 on the proposed Children's Hospice site and it is expected that the Shenton Bushland land swap area will costs less than \$1,000 annually. The proposed land swap is anticipated to have little effect on the City's resources in relation to asbestos management although there are risks for the City if asbestos contaminated material is found. On the other hand the City will lose responsibility for the excised contaminated land thereby reducing risk.

There is some equivalency therefore in this proposed land swap, as shown in the figures below.

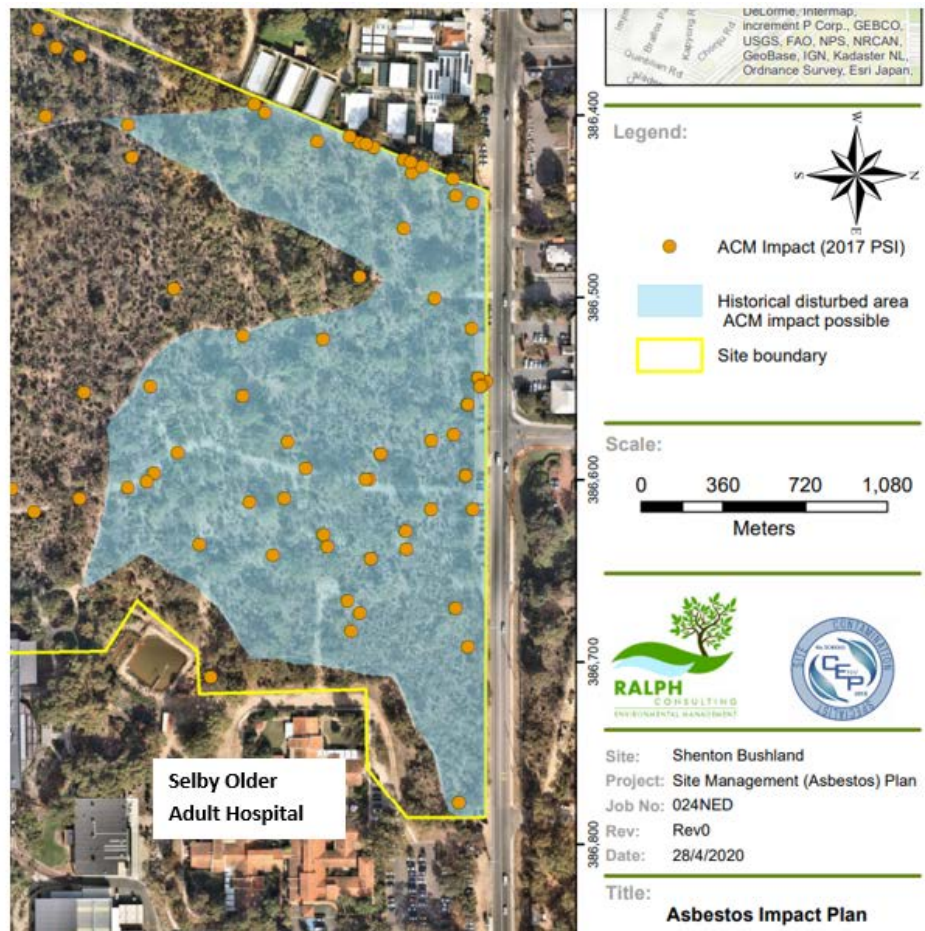


Figure 6: Shenton Bushland Asbestos Impact Plan



Figure 7: Allen Park Asbestos Impact Plan

Shenton Bushland has been collaboratively managed by the City of Nedlands, the Friends of Shenton Bushland and the Department of Health. With Memorandums of Understanding between the City and the Department of Health having been in place since 2013. These Memorandums of Understanding detail the Department of Health's financial contribution towards natural area management on Reserves 20074 and 53001. The current Memorandum of Understanding is due to be reviewed in 2022. Annually the Department of Health provide \$6,356.31 to the City to undertake natural area maintenance on Reserves 20074 and 53001. Some of this would be lost in a land swap.

Key Relevant Previous Council Decisions:

At the Ordinary Council meeting of 25 August 2020, Council resolved:

Item 13.6 – Residence Proposal for Allen Park

Council requests the Chief Executive Officer to:

1. undertake community engagement, in compliance with Council's Community Engagement Policy, on the residence proposal at Allen Park and report the results of this engagement to Council by October 2020;
2. advise the Perth Children's Hospital Foundation that joining the project control group, will be subject to a future Council decision to vary the Allen Park Master Plan with the residence project incorporated;
3. simultaneously advertise for expressions of interest to Swanbourne residents for a site assessment working group, to commence October 2020;
4. Council requests the Mayor to advise the Minister for Health of its current position in respect to the Allen Park Masterplan and that any changes will be informed by transparent community and stakeholder engagement; and
5. If this proposed land resumption becomes inevitable the CEO is instructed to vigorously pursue a land swap for recreation purposes with the State Government to replace this recreational land.

Consultation

The City undertook community engagement as detailed below:

- Residents located in Swanbourne were invited to express interest in joining the City's Site Assessment Working Group by 5pm Saturday 26 September 2020; and
- All community members of the City were invited to provide feedback on the proposal through the City's 'Your Voice' community engagement hub.

The Perth Children's Hospice Foundation undertook engagement with the City and its community as detailed below:

- Introduction of the proposal to the Chief Executive Officer;
- Discussions with some members of the Friends of Allen Park and a small number of Swanbourne residents; and
- Introduction of the proposal to the City of Nedlands Council.

In addition to the above engagement the Perth Children's Hospice Foundation has gained full support from the State Government for the project and initiated a media campaign announcing the commencement of the project. Furthermore, the DPHL undertook engagement with the community by inviting feedback on the creation of a new 5,000 m² Lot for the proposed development as shown in Figure 1.

Strategic Implications

The community will benefit from this project as it will result in no net loss of recreational land assets in the City. Furthermore it will implement the Strategic Community Plan 2018-2028 as the land swap fits well with the City's vision and strategic priorities as the Strategic Community Plan refers to "Great Natural and Built Environment" and includes:

- A vision that "Our city will be environmentally sensitive, beautiful and inclusive place";
- Values that "We protect our enhanced, engaging community spaces, heritage, the natural environment"; and
- Priorities that comprise of "Retaining Remnant Bushland and Cultural Heritage".

Furthermore, key actions were identified in the Strategic Community Plan to contribute to retaining remnant bushland and recreational areas as a strategic priority. They are listed below:

- Revegetate remnant bushland areas;
- Develop greenway corridors;
- Undertake tree planting in public areas;
- Restore coastal and estuarine areas; and
- Maintain parks and other green spaces.

There are minor potential financial risks from taking over management of the Shenton Bushland site. Including the possibility that unknown fly tipped material containing asbestos may be encountered in future. This risk is considered a very low risk as the area has been subjected to a number of asbestos surveys over the years.

Budget/Financial Implications

The area proposed for the Perth Children's Hospice at Allen Park costs approximately \$4,000 annually. The main costs are turf management (\$2,500), management of environmental weeds adjacent to the bushland areas (\$500) and asbestos management (\$1,000).

The expected annual cost to manage the 4,896 m² of bushland at Shenton Bushland is \$4,000 which include \$3,000 for weed management and fuel loading activities and \$1,000 for asbestos management.

Therefore, there would be no net cost to the City of Nedlands resulting from the land swap.

13.9 Investigations into Use of Masons Gardens by Dog Owners and Options for Fenced Dog Parks

Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
CEO	Mark Goodlet
Attachments	Nil
Confidential Attachments	Nil

Regulation 11(da) – Council did not wish to be specific about the terms of discretion applied, but wished the discretion not to apply to uncontrollable or nuisance dogs.

Moved – Councillor Senathirajah
Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

Amendment

Moved - Councillor Poliwka
Seconded - Councillor Bennett

In clause 3. after the word “discretion” delete the words “on compassionate grounds” and after the word “Gardens” add the words “save for uncontrollable or nuisance dogs”;

The AMENDMENT was PUT and was

CARRIED 9/4
(Against: Crs. Horley Mangano Youngman & Hay)

Amendment

Moved - Councillor Mangano
Seconded - Councillor Youngman

That an additional clause 6 be added as follows:

That the CEO investigate a suitable fence be erected around the wetland areas and the children’s playground.

The AMENDMENT was PUT and was

Lost 6/7
(Against: Mayor de Lacy Crs. Smyth McManus Hodsdon)

Wetherall Hay & Senathirajah)

The Substantive Motion was PUT and was

CARRIED 8/5
(Against: Crs. Horley Bennett Mangano
Youngman & Coghlan)

Council Resolution

Council:

- 1. acknowledges the unique place Masons Gardens holds within the City as the only recreational reserve providing community focused amenities and diverse habitat for local wildlife where dogs are permitted on lead only pursuant to the *Dog Act 1976* and the City of Nedlands Dogs Local Law (Local Law);**
- 2. acknowledges that amending the conditions by which dogs are allowed to access Masons Gardens is not in the broader community interest at this time;**
- 3. consents to the CEO applying discretion to withhold or withdraw infringement notices associated with dogs being off lead at Masons Gardens save for uncontrollable or nuisance dogs;**
- 4. acknowledges the future construction of a fenced dog park facility within the approved Stage 2 public open space landscape plan for the Montario Quarter development in Shenton Park; and**
- 5. agrees to development of a set of draft guidelines for the locating, design and management of fenced dog park facilities providing the principles for a planned and coordinated approach to the location and development of new facilities, to be presented to Council for endorsement in early 2021.**

Recommendation to Council

Council:

- 1. acknowledges the unique place Masons Gardens holds within the City as the only recreational reserve providing community focused amenities and diverse habitat for local wildlife where dogs are permitted on lead only pursuant to the *Dog Act 1976* and the City of Nedlands Dogs Local Law (Local Law);**
- 2. acknowledges that amending the conditions by which dogs are allowed to access Masons Gardens is not in the broader community interest at this time;**

3. consents to the CEO applying discretion on compassionate grounds to withhold or withdraw infringement notices associated with dogs being off lead at Masons Gardens;
4. acknowledges the future construction of a fenced dog park facility within the approved Stage 2 public open space landscape plan for the Montario Quarter development in Shenton Park; and
5. agrees to development of a set of draft guidelines for the locating, design and management of fenced dog park facilities providing the principles for a planned and coordinated approach to the location and development of new facilities, to be presented to Council for endorsement in early 2021.

Executive Summary

This item is presented to Council to report the outcome of investigations into the use of Masons Gardens by dog owners and options for the provision of new fenced dog park facilities within the City in accordance with Council's resolution of 23 June 2020.

Discussion/Overview

Background

The City of Nedlands Dogs Local Law (Local Law) was gazetted in 2012 following an extensive statutory process inclusive of a requirement to consult with the community. The Local Law prescribes 51 public reserves as 'Places which are dog exercise areas' and six (6) as 'Places where dogs are prohibited absolutely'. Aside from prescribed dog exercise areas, dogs can only be in a public place on condition they are kept on a lead. A recent compliance matter has resulted in localised interest in regulation of dogs at Masons Gardens.

Local Law Compliance

General Local Law compliance activities are conducted by Rangers and include patrols, education, information, verbal cautions and the issuing of infringement notices as a last resort. Rangers increased patrols of parks in March 2020 to enforce compliance with the State's COVID-19 directions which required closing of certain public facilities such as playgrounds. Between March 2020 and 1 August 2020, Rangers conducted 124 patrols of Masons Gardens. This resulted in 36 verbal cautions, two (2) written cautions and one infringement for having a dog off lead.

Complaints regarding dogs at Masons Gardens that have been received by the City include:

- August 2020 – ducklings living at Masons Gardens and having dogs off lead harassing the native wildlife.
- June 2020 – aggressive and uncontrolled dogs at Masons Gardens.
- June 2020 – dog entering the pond and allegedly attacked a native animal; dog seen with blood on its mouth.
- March 2020 – dogs off lead and requesting for infringement notices to be issued. Complainant commented that a designated dog exercise area is a short distance away at College Park.
- October 2019 – dogs off lead. Complainant was knocked over by dog not being on lead.
- August 2019 – dogs off lead. Comment regarding College park being a dog exercise area.
- August 2019 – dog off lead, not under effective control and harassing complainant. Complainant commented that a designated dog exercise area is a short distance away at College Park.
- August 2019 – dogs being walked off lead.
- March 2019 – dogs off lead and entering the playground.
- December 2018 – dogs being walked off lead contrary to signs.
- October 2018 – dog entering the swamp area and not under effective control.
- March 2017 – dog not under effective control.
- October 2016 – dog off lead chasing ducks and ducklings.
- December 2014 – dogs not being under effective control when City Officers are completing their duties.
- December 2012 – dog attack at Masons Gardens involving two dogs being walked off lead.
- December 2012 – dogs entering the pond and gradual degradation of the fauna due to the animal traffic.
- October 2012 – dogs being off lead and not under effective control.
- June 2012 – dog harassing birds and not under effective control.
- January 2011 – Dog attack at Masons Gardens involving a person.

Safety and Equitable Access to Facilities

The Administration considers it essential to provide opportunities where community members who are not comfortable interacting with dogs can engage in recreation without unwanted contact with dogs off lead. Masons Gardens is the only park in the City catering for a range of family activities that is a dog on lead area.

There is limited recorded evidence of dogs attacking people, other dogs or wildlife at Masons Gardens. It is problematic to draw conclusions from this as it is not clear to what extent the requirement to have dogs on lead has influenced the incidence of dog attacks since enactment of the Local Law. Notwithstanding, the City's statistics indicate a high proportion of dog attacks (90%) are related to dogs being off lead. It would therefore not be unreasonable to conclude the risks associated with dogs at Masons Gardens increases when dogs are off lead.

Following investigation and consideration to all relevant matters, including equitable access to facilities, the Administration does not believe that there is a substantive regulatory imbalance currently that supports changing the arrangements for dog access at Masons Gardens.

Fenced Dog Park Facilities

Provision of more fenced dog park facilities has been identified as a priority in the City's Strategic Community Plan 2018-28. Fenced dog parks are designated fenced facilities providing for off lead exercise and socialisation of dogs. These facilities will not replace existing gazetted dog exercise areas. Their purpose is to provide additional community infrastructure to support an expected increased demand for dog exercise opportunities resulting from increasing urban density, population and dog ownership correlating with decreasing residential block sizes.

There is one dedicated facility in the City at present located at Carrington Park. This facility is extensively used resulting in degradation of turf areas and a history of general management difficulties. Planning is substantially advanced for development of another facility at the new Montario Quarter development in Shenton Park. This facility will be constructed by the developer (DevelopmentWA) and timeframes for construction are yet to be confirmed beyond estimates. The Allen Park Master Plan also identified a suitable and agreed location for a fenced dog park facility. A draft concept has been developed, however, dependent upon eventualities with the proposed Children's Hospice, the project is at risk of not proceeding.

Proposed Guidelines

The Administration proposes to develop a set of guidelines for the locating, design and management of fenced dog park facilities. The objective of the guidelines will be to develop new facilities in a planned and coordinated manner through agreed decision-making principles associated with safe, equitably distributed, accessible, functional and manageable fenced dog park facilities.

The guidelines will be developed in recognition of the demonstrated physical and mental health benefits, opportunities for social interaction and general community wellbeing these facilities provide. It is intended that the draft guidelines will be presented to Council for endorsement, after which priority projects will be developed and integrated into the 5 year Capital Works Program, through the Enviro-scape Master Plan program, for budget consideration.

Key Relevant Previous Council Decisions:

Council meeting – 23 June 2020 – item 14.6, Notices of Motion:

Council Resolution

Council instructs the CEO:

1. to investigate the use of Masons Gardens by dog owners to identify issues associated with the current restrictions of dogs on lead including (but not limited to) the:
 - a. need to protect turtles;
 - b. safe use by children of the playground;
 - c. extent of non-compliance with the Local Law; and
 - d. number of complaints regarding non-compliance;
2. to identify potential options for addressing the issues noting that the City's Strategic Community Plan 2018-28 includes a priority to 'explore options for the provision of more fenced dog parks (provided in addition to existing off-leash areas).';
3. to report to Council in October 2020 with Recommendations to address the issues including an analysis of the social, economic and environmental costs and benefits of each option;

Consultation

Recent consultation and community feedback associated with dog regulation and fenced dog park facilities has primarily occurred through specific issues that have arisen. Broader consultation has occurred through engagement associated with the Strategic Community Plan. Feedback to the City has generally demonstrated support and a demand for fenced dog park facilities, however to what extent this broadly translates across the community is less clear. Further consultation is recommended as part of the process of developing the draft guidelines for locating, design and management of fenced dog park facilities.

Strategic Implications

How well does it fit with our strategic direction?

Adopting guidelines for the locating, design and management of fenced dog facilities to enable progressing the planned and coordinated provision of facilities aligns with several strategic priorities:

- Renewal of Community Infrastructure (roads, footpaths, community and sports facilities)
 - Invest in parks infrastructure in accordance with enviro-scape master plans
 - Explore options for the provision of more fenced dog parks (provided in addition to existing off-leash areas)
- Providing for sport and recreation
 - Increase the level of service for parks, ovals and associated equipment
 - Formulate master plans for strategic recreation areas

Who benefits?

Provision of new community infrastructure that is well planned and coordinated ensuring that it is safe, equitably distributed, accessible, functional and manageable benefits the community broadly.

Does it involve a tolerable risk?

Risks associated with investment in provision of new facilities can be managed through appropriate planning. A project plan would be developed for drafting the guidelines inclusive of investigating demand, project scoping and assessment of a range of risk profiles with development of appropriate risk mitigation strategies and controls.

Do we have the information we need?

Further investigation is required to develop the proposed guideline document, this would be outlined in the project plan.

Budget/Financial Implications

Can we afford it?

There are no substantive budget implications associated with the proposed development of the guideline document. Any recommendations associated with development of fenced dog park facilities will be integrated into the 5-year Capital Works Program to be presented for Council's consideration through the annual budget process.

How does the option impact upon rates?

This proposal will not impact rates in the immediate future. There will be a requirement to consider expenditure impacts as part of adopting future annual capital works program budgets.

**13.10 Reconsideration of Planning Refusal – No. 78 Waratah Avenue, Dalkeith
– Five Grouped Dwellings**

Please note this item was brought forward see page 77.

13.11 18 Doonan Road, Nedlands – x 5 Single houses SAT 20-1093 SAT Matter DR148/2020

Council	27 October 2020
Applicant	Elberton Property 13 Pty Ltd
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Peter Mickleson
CEO	Mark Goodlet
Attachments	1. Council minutes of Item 7.1 from Special Council Meeting 29 September 2020
Confidential Attachments	1. Applicant's justification for the proposed amendments to Conditions 3, 6, 9 and 14

Councillor Horley left the meeting at 8.29 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Councillor Horley returned to the meeting at 8.31 pm.

CARRIED 11/2
(Against: Crs. Smyth & Bennett)

Council Resolution / Recommendation to Council

That Council:

- 1. agrees that the conditions of development approval relating to 18 Doonan Road, Nedlands (SAT Matter DR148/2020, SAT20-1093) applied by its resolution of 29 September 2020 may be altered by:**
 - a) Replacing Condition 3 as follows:**
 - ii. Prior to occupation, the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.**
 - b) Deleting Conditions 6, 9 and 14**

c) Amending Condition 2 to read:

iii. This development approval authorises the use of 5 single houses only.

- 2. authorises the City's solicitors to sign a Minute of Consent Orders providing for the State Administrative Tribunal to vary the conditions in accordance with Recommendation 1.**
- 3. gives the CEO delegated authority to negotiate what he considers to be any other minor and appropriate changes to conditions and instruct the City's solicitors accordingly.**

Executive Summary

Council considered a development application (Reference SAT20-1093, SAT Matter DR148/2020) proposing the construction of five (5) x Single houses at its Special Council Meeting of 29 September 2020. Council was invited to reconsider the application following an order made by the State Administrative Tribunal (SAT) on 9 September 2020, pursuant to section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*.

Council resolved to approve the proposed development, as amended on 23 September 2020, subject to conditions (**Attachment 1**).

Following Council's decision, the Applicant requested that the City modify the wording of Condition 3 to allow Certificates of Title for the five lots to be issued prior to the occupation of the development, and to delete Conditions 6, 9 and 14. Condition 2 also requires an amendment in light of Condition 3, to ensure it relates to the use of land.

The City's current Register of Delegation does not delegate authority to any City of Nedlands officer to agree to the amendment of the conditions as the conditions were imposed via a Council decision.

The purpose of this report is to consider and consent to the modification of Conditions 2 and 3 and deletion of Conditions 6, 9 and 14.

Discussion/Overview

Council considered a development application (Reference SAT20-1093, SAT Matter DR148/2020) proposing the construction of five (5) x Single houses at 18 Doonan Road, Nedlands at its Special Council Meeting on 29 September 2020. Council was invited to reconsider the application following an order made by the State Administrative Tribunal on 9 September 2020, pursuant to section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*.

Council resolved to approve the proposed development, as amended on 23 September 2020, subject to conditions (**Attachment 1**).

Following Council's decision, the applicant requested that the City modify the wording of Condition 3 to allow for titles to be issued prior to the occupation of the development and delete Conditions 6, 9 and 14.

Condition 3 currently requires:

3. Prior to the lodgment of an application for a Building Permit, the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.

The Applicant requests amendments to Condition 3 that would enable Certificates of Title to be issued for the new lots prior to occupation of the dwellings. The effect of this request is that construction of the dwellings would not be held up by the issuing of titles.

The justification for the Applicant's request is included in **Confidential Attachment 1**. The reasons are provided as a confidential attachment given the nature of 'without prejudice' discussions between the Applicant, the SAT and the City.

Accordingly, proposed Condition 3 is to read:

3. Prior to occupation ~~the lodgment of an application for a Building Permit,~~ the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.

The City's current Register of Delegation does not delegate authority to any City of Nedlands officer to agree to the amendment of the conditions as the conditions were imposed via a Council decision.

The Applicant's request is considered below.

Proposed amendment to Condition 3

Condition 3 was originally intended to ensure that the development is completed as Single houses in accordance with Council's approval, rather than Grouped dwellings. If it eventuated that the development was constructed without new titles being created, the development may become a Grouped dwelling development (five dwellings on a single lot).

The condition originally required that the new titles be created prior to the commencement of development (prior to the issue of a building permit) to ensure that any works being carried out would not be works associated with a Grouped Dwelling development.

However, in light of the WAPC subdivision approval and the Applicant's current subdivision works program, Administration is satisfied that the risk new titles would not be created is low. Subdivision works must first be undertaken prior to seeking clearances for the relevant subdivision conditions and then making application for Certificates of Title.

In the event that titles are not created, the development would likely be in contravention of Conditions 1 and 2, which reference the fact that the approved development and use pertains to five (5) x Single houses only.

It is also noted that subdivision works have been delayed due to road works relating to the Safe Active Streets (SAS) program. Administration understands that the SAS roadworks have prevented the Applicant from accessing the site in order to commence subdivision works until mid-October 2020.

In principle, Administration is still of the view the Condition is reasonable. However, in interests of practicality, and in recognising recent delays to subdivision works, the likely low risk associated with titles not being created in the future and existing Conditions 1 and 2 (as amended – see below), Administration supports the proposed modification to Condition 3.

Proposed deletion of Conditions 6, 9 and 14

Conditions 6, 9 and 14 include the following requirements:

Condition 6. Prior to the lodgment of an application for a Building Permit, an amended landscaping plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.

Condition 9. This approval is limited to the construction of 5 single houses only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.

Condition 14. The location of any bin stores shall be behind the street alignment so as not to be visible from a street or public place and constructed in accordance with the City's Health Local Law 1997 (refer advice note 'u').

The Applicant requests that Conditions 6, 9 and 14 be deleted for reasons provided in **Confidential Attachment 1**. The reasons are provided as a confidential attachment given the nature of 'without prejudice' discussions between the Applicant, the SAT and the City.

Administration supports the proposed deletion of the above conditions for the following reasons:

- A landscape plan was originally submitted with the application dated 20 May 2020 and Condition 6 sought to ensure that the original landscape plan was updated with the revised dwelling layout shown in the amended plans dated 23 September 2020. That notwithstanding, landscape plans are not generally required for Single house development applications. They are generally required for Grouped or Multiple dwelling applications, as per the R-Codes Volume 1 in order to assess the development against clause 5.3.2 Landscaping. Given the development approval relates to 5 x Single houses and not Grouped or Multiple dwellings, it is not imperative to endorse a landscape plan or require the installation or maintenance of landscaped areas in accordance with the plan. As such, the condition can be deleted.
- Condition 9 is a standard condition imposed by the City generally to ensure that approval is obtained for any relevant site works additional to those approved under the development approval. It is noted site works undertaken in addition to those permitted under the development approval would contravene Condition 1. The condition can be deleted.
- Condition 14 is generally applied to Grouped and Multiple dwelling developments. No bin stores are proposed for the Single houses and the City's Health Local Law 2017 refers to bin stores being provided for developments of three or more dwellings (Part 4 Refuse, clause 35). This condition can be deleted.

Proposed amendment to Condition 2

Condition 2 states *"This development approval pertains to the construction of 5 single houses only."*

In accordance with the proposed replacement of Condition 3, to enable development to commence prior to titles issuing, it is recommended that Condition 2 be amended to authorise the use, rather than construction, of five (5) Single houses.

It is proposed that Condition 2 be replaced with:

This development approval authorises the use of 5 single houses only.

Key Relevant Previous Council Decisions:

Council considered the development application (Reference SAT20-1093, SAT Matter DR148/2020) proposing the construction of five (5) x Single houses at its Special Council Meeting of 29 September 2020 (Item 7.1) where it resolved that Council:

"approves the development application dated 20 May 2020, as amended 23 September 2020, for the development of five (5) x Single houses at 18 Doonan Road, Nedlands, subject to the following approval conditions and advice notes."

The minutes of this meeting are attached as **Attachment 1**.

Consultation

There is no requirement to engage with the community in respect of the proposed modification to Conditions 2 and 3 and deletion of Conditions 6, 9 and 14.

Strategic Implications

How well does it fit with our strategic direction?

The proposal will enable the realization of Council's resolution and the construction of 5 x Single houses at 18 Doonan Road, Nedlands without additional delays relating to the issue of titles. The development will contribute to the diversification of housing options in the City of Nedlands.

Who benefits?

The Applicant will directly benefit from the proposed amendment to Conditions 2 and 3 and deletion of Conditions 6, 9 and 14. The proposed amendments will allow construction to commence (pending the issue of a building permit) without the prior creation of Certificates of Titles for the five (5) lots. The deletion of Conditions 6, 9 and 14 will simplify the development approval. The community will indirectly benefit through the delivery of increased housing diversity.

Does it involve a tolerable risk?

There is no risk associated with the proposed modifications to Conditions 2 and 3 given that the dwellings, even if constructed, cannot be occupied prior to the issue of the new Certificates of Title. There is no risk associated with the deletion of Conditions 6, 9 and 14 given existing Condition 1 still applies, and a landscape plan or bin stores are not required for Single houses.

Do we have the information we need?

All required information has been provided.

Budget/Financial Implications

Should Administration's recommendation be adopted as proposed, Council's resolution will ensure that the conditions are amended, and that the scheduled hearing for SAT Matter DR148/2020 can be vacated and resolved via a consent order to vary the conditions. If Council does not agree to the proposed amendments to the conditions, any conditions or matters still in dispute would need to be considered by the SAT, possibly on the papers and with short written submissions. This would result in additional legal costs to the City.

Administration's recommendation will not impact the City's Long-Term Financial Plan or Council rates.

Moved – Councillor Coghlan
 Seconded – Councillor Wetherall

That item 7.1 be considered in open Council.

CARRIED UNANIMOUSLY 13/-

7. Confidential Items

7.1 18 Doonan Road, Nedlands – X 5 Single Houses SAT Section 31

Council	29 September 2020
Applicant	Summit Developments
Landowner	Elberton Property 13 Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
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	SAT Matter DR148/2020
Previous Item	Nil
Delegation	In accordance with the State Administrative Tribunal Order made pursuant to s31(1) of the State Administrative Tribunal Act dated 9 September 2020, Council is invited to reconsider its decision (Deemed Refusal) relating to 18 Doonan Road, Nedlands
Confidential Attachments	<ol style="list-style-type: none"> 1. Applicant's justification report dated May 2020 2. Summary of submissions 3. Original application plans including landscape plan dated 20 May 2020 4. Amended plans received 24 August 2020 5. Amended plans submitted 23 September 2020 6. Copy of Submissions 7. WAPC approved subdivision plan 8. Assessment

Moved – Councillor McManus
Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

Lost 2/11

(Against: Crs. Horley McManus Smyth Bennett Mangano Youngman Hodsdon
Poliwka Wetherall Coghlan & Senathirajah)

Regulation 11(da) – Council determined that the inconsistencies of this development with the Local Planning Framework were not sufficient to refuse the application and therefore approved it.

Moved - Councillor Hodsdon
Seconded – Councillor Youngman

Council Resolution

That Council approves the development application dated 20 May 2020, as amended 23 September 2020, for the development of five (5) x Single houses at 18 Doonan Road, Nedlands, subject to the following approval conditions and advice notes:

- 1. 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.**
- 2. This development approval pertains to the construction of 5 single houses only.**
- 3. Prior to the lodgement of an application for a Building Permit, the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.**
- 4. Prior to the lodgement of an application for a Building Permit, a revised site plan incorporating the following modifications shall be submitted to the satisfaction of the City of Nedlands:**
 - a. The current Safe Active Streets road upgrades to Doonan Road and Jenkins Avenue,**
 - b. Driveways must have a minimum 0.5m offset from each lot boundary;**
 - c. Crossovers may only have a maximum 1:4 angle changes within the property; and**
 - d. Crossover splays to have 0.5m width to minimize the conflict area with on-street parking vehicles.**
- 5. All boundary walls shown on the approved plans are to be constructed simultaneously.**

- 6. Prior to the lodgement of an application for a Building Permit, an amended landscaping plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 7. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**
- 8. 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 or in:**
 - a. Face brick,**
 - b. Painted render,**
 - c. Painted brickwork; or**
 - d. Other clean material as specified on the approved plans**
 - e. and maintained thereafter to the satisfaction of the City of Nedlands.**
- 9. This approval is limited to the construction of 5 single houses only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.**
- 10. Any fences within the primary street setback area shall not exceed 1.8m in height from natural ground level and are to be visually permeable in accordance with the Residential Design Codes (v1, 2019) above 1.2m in height from natural ground level (refer to advice note s).**
- 11. Any secondary street fence is not to exceed 1.8m in height from natural ground level.**
- 12. Prior to occupation, each 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.**
- 13. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note 't').**
- 14. The location of any bin stores shall be behind the street alignment so as not to be visible from a street or public place and constructed in accordance with the City's Health Local Law 1997 (refer advice note 'u').**

- 15. A deep soil zone, is to be established and maintained around each existing tree shown for retention, outlined in red on the approved plans for the duration of the development to the satisfaction of the City of Nedlands. The following restrictions and conditions apply to the tree protection zone:**
 - a. Install protective fencing to prevent any damage to the trees in general accordance with Section 4.3 of AS4970-2009.**
 - b. Provide signage identifying the 'Tree Protection Zone' on exclusion fencing;**
 - c. No materials are to be stored within the TPZ;**
 - d. No vehicles or machines are to be driven or parking within the TPZ;**
 - e. Ensure trees are protected from harm during works on site; and**
 - f. No tree roots within the TPZ are to be cut or damaged.**
- 16. If works are required within the tree protection zone, a tree protection plan shall be prepared by the applicant's arborist to the City's specifications and approved by the City of Nedlands prior to works commencing. A tree protection plan shall also be prepared if tree roots outside of the TPZ are proposed to be cut.**

Advice Notes:

- 1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.**
- 2. This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.**
- 3. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
- 4. This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.**

- 5. There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.**
- 6. The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.**
- 7. Where building works are proposed a building permit shall be applied for prior to works commencing.**
- 8. The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.**
- 9. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above approved ground levels.**
- 10. The dwellings shall not be used as a display home without obtaining further development approval.**
- 11. The proposed buildings shall not be used as an ancillary dwelling or short-term accommodation without obtaining further development approval.**
- 12. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall 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.**

- 13. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.**
- 14. 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).**
- 15. The existing crossover is to be removed and the nature-strip / verge reinstated with grass or landscaping.**
- 16. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.**
- 17. 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.**
- 18. In relation to (condition 6) the landscaping plan is to include but is not limited to information relating to species selection, reticulation, details of existing vegetation to be retained, treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc) and soil depth.**
- 19. Visually permeable is a term used in reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:**
 - a. continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;**
 - b. continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or**
 - c. a surface offering equal or lesser obstruction to view.**
- 20. In relation to condition 13, the applicant is advised that all downpipes from guttering shall 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 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**

21. All units are to be provided with a bin store which meets the following requirements:

- a. Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;**
- b. 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;**
- c. Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;**
- d. Easily accessible to allow for the removal of the receptacles; and**
- e. Provided with a tap connected to an adequate supply of water.**

CARRIED 10/3

(Against: Mayor de Lacy Crs. Horley & Bennett)

Recommendation to Council

That Council:

1. refuses to approve the development application dated 20 May 2020, as amended 23 September 2020, for the development of five (5) x Single houses at 18 Doonan Road, Nedlands due to non-compliances with the following elements of the R-Codes as they relate to Lot 1 and Lot 2:
 - a. Clause 5.1.4 Open space, Design principle P4;
 - b. Clause 5.3.1 Outdoor living areas, Design Principle P1.1; and
 - c. Clause 5.4.2 Solar access for adjoining sites, Design Principles P2.1 and P2.2.
2. advises in principle support for a further modified development application for the development of five (5) x Single houses at 18 Doonan Road, Nedlands, which addresses the non-compliances identified, and so as to provide adequate solar access to the development. The modifications may include:
 - a. An east facing window to the ground level living area on Lot 2;
 - b. Permeable east and west walls on south facing level 1 balconies (Lots 3 to 5); and
 - c. Improved effective solar access and protection for Lot 2.
3. gives the CEO delegated authority to approve a modified development application which is generally in accordance with Recommendation 2,

subject to the following approval conditions and advice notes, or alternative or additional conditions the CEO deems appropriate:

- a. 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.
- b. This development approval pertains to the construction of 5 single houses only.
- c. Prior to the lodgement of an application for a Building Permit, the lots subject to the subdivision approval dated 17 February 2020, are to be created as green title lots, with Titles being issued.
- d. Prior to the lodgement of an application for a Building Permit, a revised site plan incorporating the following modifications shall be submitted to the satisfaction of the City of Nedlands:
 - i. The current Safe Active Streets road upgrades to Doonan Road and Jenkins Avenue,
 - ii. Driveways must have a minimum 0.5m offset from each lot boundary;
 - iii. Crossovers may only have a maximum 1:4 angle changes within the property; and
 - iv. Crossover splays to have 0.5m width to minimize the conflict area with on-street parking vehicles.
- e. All boundary walls shown on the approved plans are to be constructed simultaneously.
- f. Prior to the lodgement of an application for a Building Permit, an amended landscaping plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
- g. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
- h. 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 or in:
 - i. Face brick,
 - ii. Painted render,
 - iii. Painted brickwork; or
 - iv. Other clean material as specified on the approved plans
 - v. and maintained thereafter to the satisfaction of the City of Nedlands.

- i. This approval is limited to the construction of 5 single houses only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.
- j. Any fences within the primary street setback area shall not exceed 1.8m in height from natural ground level and are to be visually permeable in accordance with the Residential Design Codes (v1, 2019) above 1.2m in height from natural ground level (refer to advice note s).
- k. Any secondary street fence is not to exceed 1.8m in height from natural ground level.
- l. Prior to occupation, each 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.
- m. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note 't')
- n. The location of any bin stores shall be behind the street alignment so as not to be visible from a street or public place and constructed in accordance with the City's Health Local Law 1997 (refer advice note 'u')
- o. A deep soil zone, is to be established and maintained around each existing tree shown for retention, outlined in red on the approved plans for the duration of the development to the satisfaction of the City of Nedlands. The following restrictions and conditions apply to the tree protection zone:
 - i. Install protective fencing to prevent any damage to the trees in general accordance with Section 4.3 of AS4970-2009.
 - ii. Provide signage identifying the 'Tree Protection Zone' on exclusion fencing;
 - iii. No materials are to be stored within the TPZ;
 - iv. No vehicles or machines are to be driven or parking within the TPZ;
 - v. Ensure trees are protected from harm during works on site; and
 - vi. No tree roots within the TPZ are to be cut or damaged.
- p. If works are required within the tree protection zone, a tree protection plan shall be prepared by the applicant's arborist to the City's specifications and approved by the City of Nedlands prior to works commencing. A tree protection plan shall also be prepared if tree roots outside of the TPZ are proposed to be cut.

Advice Notes:

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
2. This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
3. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
4. This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.
5. There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.
6. The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.
7. Where building works are proposed a building permit shall be applied for prior to works commencing.
8. The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early

liaison with the City's Planning Department is encouraged prior to lodgement.

9. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above approved ground levels.
10. The dwellings shall not be used as a display home without obtaining further development approval.
11. The proposed buildings shall not be used as an ancillary dwelling or short-term accommodation without obtaining further development approval.
12. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall 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.
13. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.
14. 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).
15. The existing crossover is to be removed and the nature-strip / verge reinstated with grass or landscaping.
16. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.
17. 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.
18. In relation to (condition 6) the landscaping plan is to include but is not limited to information relating to species selection, reticulation, details of existing vegetation to be retained, treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc) and soil depth.

19. Visually permeable is a term used in reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:
 - a. continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
 - b. continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - c. a surface offering equal or lesser obstruction to view.
20. In relation to condition 13, the applicant is advised that all downpipes from guttering shall 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 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
21. All units are to be provided with a bin store which meets the following requirements:
 - a. Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - b. 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;
 - c. Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - d. Easily accessible to allow for the removal of the receptacles; and
 - e. Provided with a tap connected to an adequate supply of water.

1.0 Executive Summary

The purpose of this report is for Council to reconsider the proposed development application for five (5) Single houses at 18 Doonan Road, Nedlands.

The land was approved for a five lot, green title subdivision by the Western Australian Planning Commission (WAPC) on 17 February 2020. A reconsideration request to remove original condition 4 relating to vehicle crossovers was subsequently approved by the WAPC on 14 May 2020. Administration did not initially accept this application in April and May 2020 because:

- the information submitted for the application was considered incomplete;
- the parent lot had not been formally subdivided to accommodate the five (5) x Single house development as proposed; i.e. titles had not yet been created; and

- the application was contrary to the City's adopted Local Planning Policy-Doonan Road Laneway and Built Form Requirements.

Administration's position was interpreted as a 'Deemed Refusal' of the application. On 9 July 2020, the Applicant applied to the State Administrative Tribunal (the SAT) for a review of the City's decision on the original application dated 20 May 2020 (**Attachment 3**).

The matter was listed for consideration at a Directions Hearing on 31 July 2020, during which the Tribunal ordered that the Applicant confirm the landowner's consent to the development application and the predevelopment site levels. The matter was then programmed through to a final hearing on 27 October 2020.

Amended development plans were received by the City on 24 August 2020 (**Attachment 4**) and advertising commenced for a period of 14 days on 27 August 2020. Three (3) submissions were received relating to overdevelopment, deficiency in open space and green areas, and consequent heat island effect, excessive crossovers and increased risk to pedestrians and cyclists.

A preliminary assessment by the City's officers was carried out on 27 August 2020 for the purpose of advertising. In the event the development application is accepted as pertaining to five (5) Single houses and is conditioned to ensure that the titles are created for the five lots prior to the issue of a building permit, the following deficiencies were identified:

1. Inconsistency with the Council adopted Local Planning Policy – Doonan Road Laneway and Built Form Requirements,
2. Inconsistency with clause 32.3 of LPS 3 'Ceding of rights-of-way and laneway widening,
3. Inconsistency with the Safe Active Streets Program,
4. Inconsistency with the deemed-to-comply requirements and non-compliance with the Design Principles of R-Codes Vol. 1 in relation to the following design elements:
 - a. Clause 5.1 Context objectives
 - b. Clause 5.1.3 Lot boundary setback deemed-to-comply requirements C3.1(i) for buildings setback from lot boundaries and C3.2 for building on boundary and Design Principles P3.1 and P3.2
 - c. Clause 5.1.4 Open space deemed-to-comply requirement C4 and Design Principle P4
 - d. Clause 5.3.1 Outdoor living areas deemed-to-comply requirement C1.1 and Design Principle P1.1
 - e. Clause 5.4.2 Solar access for adjoining sites deemed-to-comply requirement C2.1 and Design Principle P2.1 and P2.2
5. Inconsistency with SPP7.0 Design of the Built Environment with respect to Element 4 – Functionality and build quality and Element 6 – Amenity.

On 9 September 2020 and following discussions between the parties, the SAT ordered that pursuant to section 31(1) of the State Administrative Tribunal Act 2004 (WA), the respondent be invited to reconsider its decision at its meeting on 29 September 2020.

At the Ordinary Council Meeting on 22 September 2020, Council resolved to revoke the City's LPP - Doonan Road Laneway and Built Form Requirements.

On 23 September 2020, the Applicant submitted amended plans addressing the identified inconsistencies with the R-Codes Vol.1 (**Attachment 5**).

Notwithstanding the WAPC's approval of the five (5) lot subdivision in February 2020 and the revocation of proposed and the revoked LPP – Doonan Road Laneway and Built Form Requirements and the design modifications proposed in the amended plans, Administration recommends that Council:

1. Refuses to approve the development application dated 20 May 2020, as amended 23 September 2020, for the development of five (5) x Single houses at 18 Doonan Road, Nedlands due to non-compliances with the following elements of the R-Codes as they relate to Lot 1 and Lot 2:
 - a. Clause 5.1.4 Open space, Design principle P4;
 - b. Clause 5.3.1 Outdoor living areas, Design Principle P1.1
 - c. Clause 5.4.2 Solar access for adjoining sites, Design Principles P2.1 and P2.2
2. Advises in principle support for a further modified development application for the development of five (5) x Single houses at 18 Doonan Road, Nedlands, which addresses the non-compliances identified, and so as to provide adequate solar access to the development. The modifications may include:
 - a. An east facing window to the ground level living area on Lot 2;
 - b. Permeable east and west walls on south facing level 1 balconies (Lots 3 to 5); and
 - c. Improved effective solar access and protection for Lot 2.
3. Gives the CEO delegated authority to approve a modified development application which is generally in accordance with Recommendation 2, subject to approval conditions and advice notes, or alternative or additional conditions the CEO deems appropriate.

2.0 Background

3.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	994sqm
Land Use	Five (5) x Single houses
Use Class	P

3.2 Subject site

The land the subject of the application, 'the site,' comprises Lot 13, No. 18 Doonan Road, Nedlands. It has an area of 994sqm and a regular rectangular configuration. The land benefits from dual road frontages, to Jenkins Avenue to the south and Doonan Road to the west. The land was formerly occupied by a Single house but is now vacant having been recently cleared of all structures and vegetation. The land has an existing crossover to Jenkins Avenue. The predevelopment site levels have been modified through demolition and the site falls gently to the south-west corner.

3.2 Subdivision

The land was approved for a five lot, green title subdivision by the Western Australian Planning Commission (WAPC) on 17 February 2020. The subdivision plan is still awaiting the clearance of conditions imposed by the WAPC and therefore Certificates of Title have not yet been issued for the approved lots. The approved Subdivision Plan is included as **Attachment 7** to this report.

The City's Administration supported the initial subdivision when it was referred in 2019. A reconsideration request to remove original condition 4 relating to vehicle crossovers was subsequently approved by WAPC on 14 May 2020. Administration did not support the reconsideration request due to conflict between the proposed crossovers and the construction/objectives of the Safe Active Streets Program along Jenkins Avenue.

The WAPC approved plan of subdivision allows for the creation of five green title lots ranging in size from 192sqm to 201sqm. Two of the lots (Lot 1 and Lot 2) have an east-west orientation and front Doonan Road. The remaining lots, Lot 3 to 5, are north-south oriented lots with a street frontage to Jenkins Avenue.

Although the proposal is for five (5) Single houses and the individual lots have not yet been titled, it is possible that if supported, the application be conditioned to ensure that a building permit is not issued until titles have been issued.

3.3 Site surrounds

The land interfaces with single houses to the north (16 Doonan Road), north-east (19 Vincent Street), to the west and north west (17 and 15 Doonan Road respectively) and south (19 and 22 Doonan Street and 23 Vincent Street).

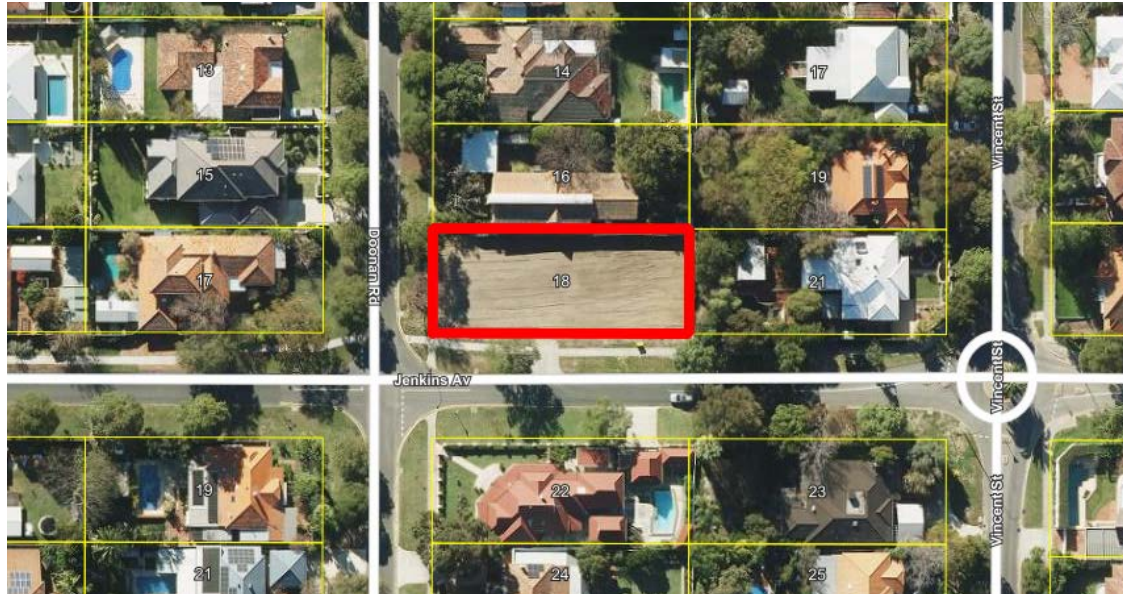


Figure 1 – Aerial Plan

The land immediately surrounding the site comprises a traditional residential neighbourhood, characterised by detached, single and two storey Single houses, sited between generous vegetated front and rear gardens. Vehicle access for corner lots fronting Jenkins Avenue comprises either one crossover to Jenkins Avenue or one to the secondary street (Doonan Road, Vincent Street or Martha Road). The Jenkins Avenue verge incorporates a footpath on the northern side and is well vegetated with limited hard landscaping (paved crossovers). This contributes significantly to Nedlands existing 'leafy green' streetscape character.

Future character is informed by the site's density code and proximity to Stirling Highway. The site is located approximately 200m to the south of Stirling Highway. It, together with the properties located between 8 and 16 Doonan Road and 15 and 21 Vincent Street, sit within the Second Transition Area under the City of Nedlands Local Planning Strategy having been up coded from Residential R10 to Residential R60 when LPS 3 was gazetted in April 2019. The land further north, and up to Stirling Highway, is zoned Residential R160 and Mixed Use Zone RAC-1 respectively. The interfacing land to the immediate south and south-east of the site on Jenkins Avenue is zoned Residential R10. The land to the south-west is zoned Residential R12.5 under LPS 3. The application site, therefore, provides a transition, stepping down from the mixed use and high density residential land to the north and the low density traditional residential neighbourhood to the south.

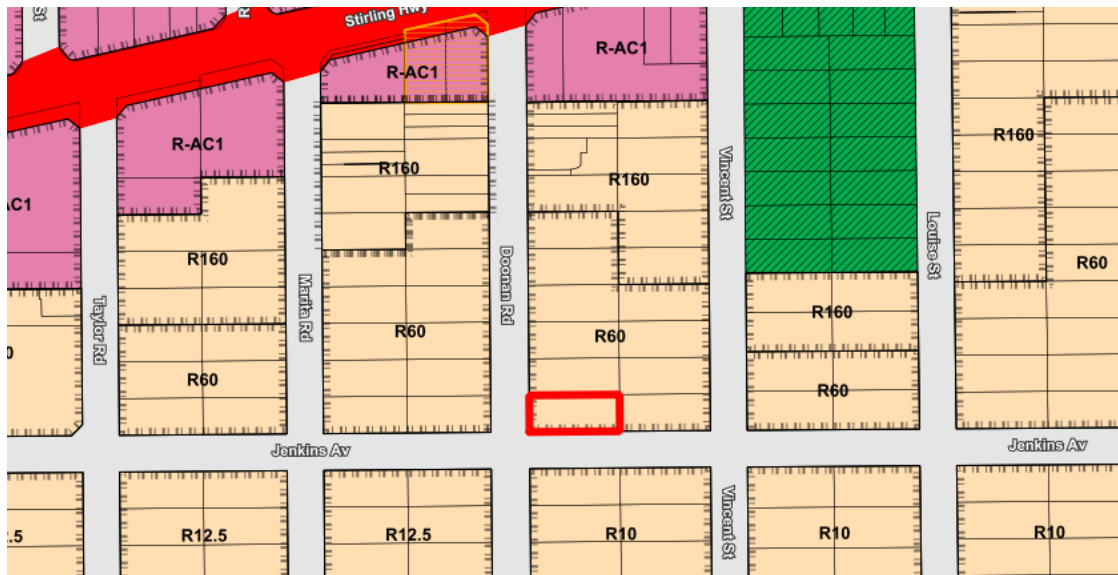


Figure 2 – Zoning Map (Excerpt)

Indicative evidence of the emerging future character of the surrounding area is provided in Figure 3 below which identifies recent WAPC subdivisions approvals (green) and current applications under assessment (blue). The application site is shown in red.



Figure 3 – WAPC subdivisions recent approved (green) or under assessment (blue) (August 2020)

Jenkins Avenue, together with Elizabeth Street, also forms the identified 'Safe Active Streets' route within the City of Nedlands. The programme is a joint initiative between the Department of Transport and the City which commenced in 2018 and is designed to allow pedestrians, motorists and bike riders to travel safer and easier. Jenkins Avenue comprises Stage 2 of the programme which modifies the existing road to encourage slow traffic speeds via:

- Introducing a 30km/h speed zone
- Raising platforms at intersections
- Narrowing lane widths by introducing embayed parking and plantings
- Changing stop/give-way signs to give priority to movements along the safe active street

- Using traffic islands and medians to restrict car movements at intersections, while allowing movements in all directions for people on foot and on bikes
- Introducing new pedestrian or bike crossings.

Plans for the section of Jenkins Avenue in the vicinity of the application site show a parking embayment and a speed hump located along the site's southern road frontage. The embayment is in the location of proposed crossovers to Jenkins Avenue.

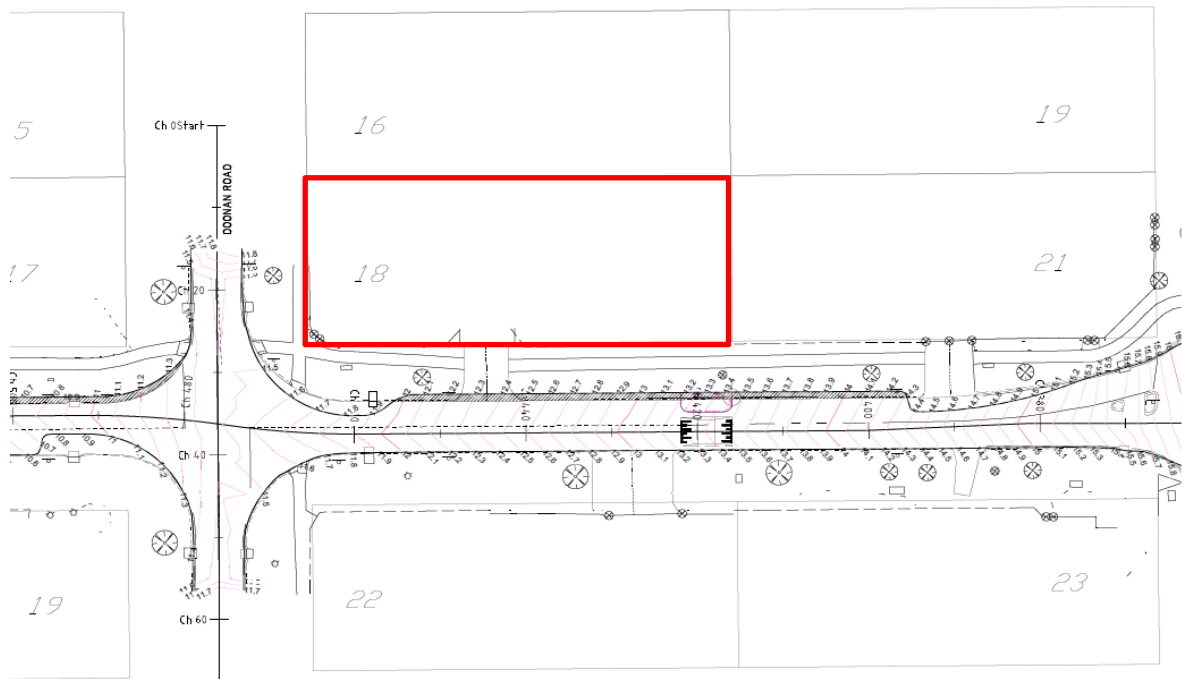


Figure 3 – Safe Active Streets current design for No. 18 Doonan Road

3.0 Application Details

The Applicant seeks development approval for the construction of five (5) two storey, Single houses. Each dwelling comprises:

- An open plan living, dining and kitchen at ground level and three bedrooms, a sitting area and study nook above.
- A store with future lift provision is provided for each dwelling.
- Vehicle parking is provided in the form of a double car garage.
- An alfresco area is accessible from the ground floor living area and is covered by the cantilevered upper floor.
- Each main bedroom is also provided with a balcony that overlooks the street.
- Five (5) new crossovers are proposed; one (1) to Doonan Road (Lot 1) and four (4) to Jenkins Avenue. The existing crossover is to be removed.
- The existing verge street trees will be retained on Doonan Road and Jenkins Avenue and two new street trees are proposed on Jenkins Avenue.

- The dwellings feature a contemporary design including a variety of roof forms included pitched rooves and are to be primarily constructed of brick, render and Colorbond.
- The rear and side boundary setbacks are intended to be landscaped with a mix of small shrubs in planters. Limited landscaping opportunity is provided in the primary street setback.

The applicant originally attempted to submit a justification report in May 2020 in support of the application. This is provided as **Attachment 1** to this report. A copy of the plans dated 20 May 2020 is provided as **Attachment 3**.

On 23 September 2020, amended plans (**Attachment 5**) were submitted to the City which featured the following modifications:

- | | |
|-------------|--|
| Lot 2 | <ul style="list-style-type: none"> • Increased dining room window on south elevation (2.91m wide x 2.4m high). • Increased living room window on west elevation (2.4m wide x 2.4m high). • Glazed front door. • Increased (by 0.4m) north boundary setback (laundry and powder room) |
| Lots 3 to 5 | <ul style="list-style-type: none"> • An additional window (approx. 0.6m wide x 2.1m high) to the northern wall on the eastern end in each dining room. • Glazed front door. |
| Lot 4 | <ul style="list-style-type: none"> • Reversed townhouse design to co-locate boundary walls and the proposed crossover on adjoining lots. • Glazed front door. |

4.0 Consultation

Upon receipt of the amended application plans on 24 August 2020 (**Attachment 4**), the application was were assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1) (the ‘R-Codes’). The application seeks assessment under various Design Principles of the R-Codes, the following of which triggered advertising under the City’s Local Planning Policy - Consultation:

- Clause 5.1.3 – Lot boundary setbacks
- Clause 5.1.4 – Open space

The amended application was also considered against the City’s Local Planning Policy – Doonan Road Laneway and Built Form Requirements. It was deemed to be inconsistent with the policy given the absence of a rear laneway which would provide vehicle access from Doonan Road and avoid crossovers to Jenkins Avenue. It is noted that this policy was revoked by Council on 22 September 2020.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals by way of letter and online notice for a period of 14 days. The application was advertised to eight (8) owners and occupiers adjoining or adjacent to the site.

During the consultation period, three (3) objections were received, none of which were identified as relating directly to immediate adjoining occupants or owners. The key issues raised in the submissions were:

- Overdevelopment (density, bulk and scale)
- Character (streetscape and built form)
- Open space
- Lack of green areas
- Amenity (noise, ventilation)
- Overshadowing
- Vehicle access (number of crossovers)
- Increased traffic flow, conflict and adverse parking impacts

A summary of submissions is attached separately, as **Attachment 2** to this report which outlines the comments received and Administration's response to each submission.

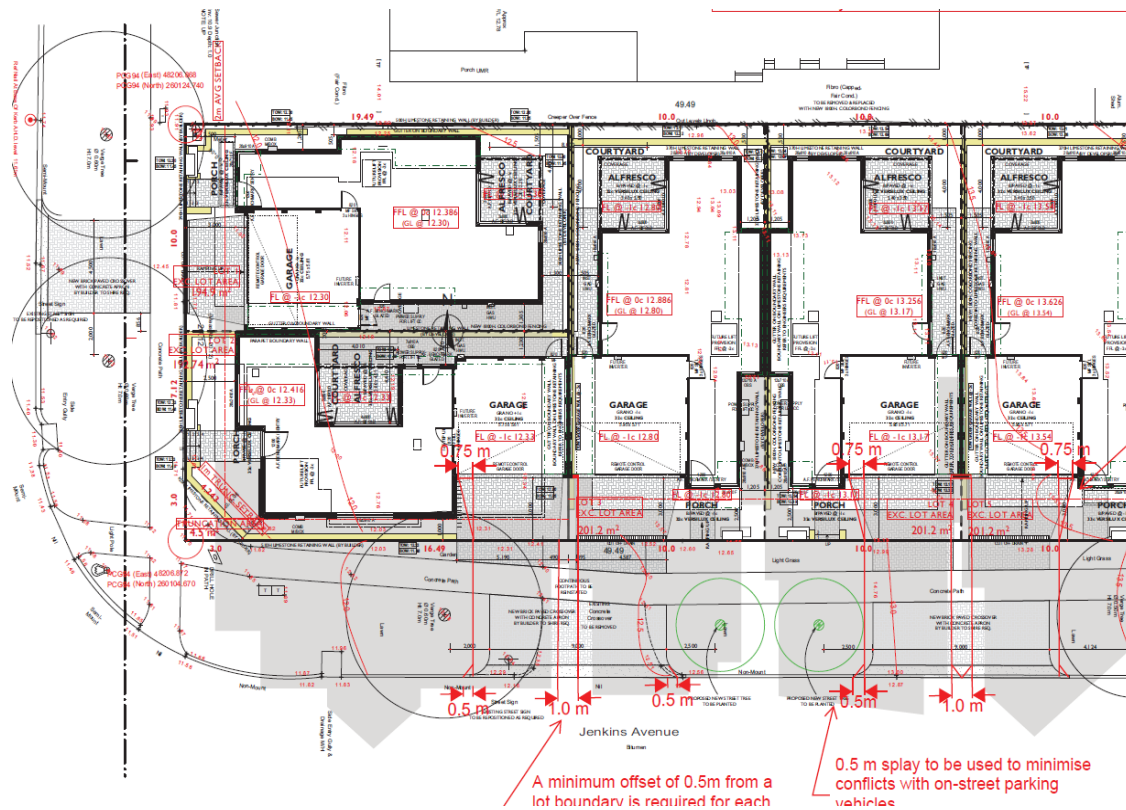
Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

The amended application was also referred internally for comment by the City's Building, Environmental Health and Technical Services and Parks Departments. No concerns were raised by Building. Parks indicated that:

- The northern most street tree on Doonan Road is dead and is to be removed by the City.
- The crossover between Lots 2 and 3 should be modified to include a green break and avoid a continuous 9m crossover length as required by the R Codes.



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5.0 Assessment of Statutory Provisions

5.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 'Deemed Provisions,' Part 9, clause 67 (Matters to be considered by local government) identifies those matters that are required to be given due regard in the consideration of the subject application. The City has assessed the application in accordance with Schedule 2, the assessment of which is provided in the table below:

Provision	Assessment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	Refer to Section 6.2.1 below for an assessment against of clause 9 of LPS 3 – Aims of Scheme.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The development proposal, if modified as per the recommendation to council, will either achieve the deemed-to-comply requirements or adequately satisfy all the relevant design principles of the R-Codes. It has a form and scale generally consistent with the future character within the Residential R60 density code.
(c) any approved State planning policy;	<p>The development proposal is assessed against State Planning Policy 7.0 – Design of the Built Environment, with a detailed assessment provided against the 10 Design Principles under Section 6.3.1 of this report.</p> <p>The development proposal is assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1), with a detailed assessment provided against the 10 Design Principles under Section 6.3.2 and Attachment 1 of this report.</p>
(g) any local planning policy for the Scheme Area	The proposal is considered to be compliant with the City of Nedlands Residential Development Local Planning Policy. The <i>Local Planning Policy – Doonan Road Laneway and Built Form Requirements</i> was revoked at the Council meeting of 22 September 2020.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely	<p>The Zoning Table in LPS 3 classifies all residential development as a 'P' use in the Residential Zone.</p> <p>If supported, each of the dwellings are recommended to be conditioned to require the simultaneous construction of boundary walls. The proposed modifications in the September 2020 amended plans realign the</p>

<p>effect of the height, bulk, scale, orientation and appearance of the development;</p>	<p>boundary walls on Lots 3 to 5 improving the internal and external amenity. These modifications bring the proposal into closer compliance with the deemed-to-comply requirements and or Design Principles relating to lot boundary setbacks under the R-Codes. The development satisfies the default building height and design principles for street setbacks.</p> <p>The development is consistent with the expected built form of the medium density code (R60) to which it relates.</p>
<p>(n) the amenity of the locality including the following —</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; 	<ul style="list-style-type: none"> (i) The proposal can be supported with a condition requiring an updated landscaping plan to be submitted to the City for approval in accordance with the design modifications in the amended plans dated 23 September 2020. (ii) The proposed two storey Single houses are examples of a 'low rise' compact built form on green titles where three storey multiple or grouped dwellings could otherwise be developed. The building design responds to the future character of this locality, providing a transition between high density development anticipated along Stirling Highway and the lower density, traditional residential neighbourhoods to the south. The building typology is consistent with the objective for the Second Transition Zone under the City's Local Planning Strategy. (iii) The development will contribute to housing diversity, providing smaller single house options on green title lots. The development provides an opportunity for existing residents in the City of Nedlands to downsize in the area and live within walking distance of a range of recreation, community and commercial and public transport services. The proposal will also generate additional activity and activation along Jenkins Avenue, traditionally a secondary street with limited activation, via windows and pedestrian access points oriented to Jenkins Avenue. Greater opportunity for passive

	surveillance reinforces the aims of the Safe Active Streets Programme.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved.	<p>The site has been recently cleared with all vegetation being removed. A landscape plan was included in the May 2020 submission which included a planting schedule and identified landscaping opportunities to the rear and sides of the lots. Limited opportunity is provided for landscaping in the front setback.</p> <p>A condition is recommended to require the submission of an updated landscape plan consistent with amended plans and internal referral comments to provide a green break between the crossovers for Lots 2 and 3. It is noted that the proposal does not require the removal of any street trees and supplements the existing verge plantings with two new small canopy trees. The dead street tree on Doonan Road will be replaced by the City.</p>
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	<p>The development is not considered to adversely affect the community vision for the development of the district given it is broadly consistent with the endorsed Local Planning Strategy.</p> <p>The proposed development contributes to the provision of additional dwellings that addresses changing demographic needs in the area. It will provide more diverse housing options to help existing residents downsize and remain in the area, as well as enabling new residents to enter the area, moving into more affordable houses as compared to the large traditional dwelling lots. The increased density will be delivered in a location proximate to Stirling Highway and is well serviced by a range of commercial, educational, and recreational facilities nearby.</p>

5.2 Local Planning Scheme No. 3

Requirement	Proposal	Satisfies
a) Protect and enhance local character and amenity	<p>The surrounding area is characterised by detached brick and tile Single houses set between generous vegetated front and rear gardens and accessed by one crossover per lot. The surrounding existing character reflects the previously R10 density coding. The future character is informed in part by the current R60 density code under LPS 3 and the Second Transition Zone under the City's Local Planning Strategy.</p> <p>Whilst the proposed two storey single houses (on green title lots) reference built form characteristics and design elements common to the local character, the development also recognises the site's strategic role providing a transition to and integrating with the residential hinterland to the south. The amended plans dated 23 September 2020 together with recommended relevant conditions improve the proposal's consistency with the local character and reduce amenity impacts.</p>	Yes
b) Respect the community vision for the development of the district;	The development will not adversely affect the community vision for the development of the district as it is consistent with the endorsed Local Planning Strategy. The proposed development is also seen to complement the City of Nedlands Strategic Community Plan 2013 – 2020 in that the development contributes to the provision of additional dwellings and an increased density in a location proximate to parks, schools, commercial services, and public transport.	Yes
c) Achieve quality residential built form outcomes for the growing population;	The built form of the development has been assessed and is considered to achieve the relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding.	Yes
d) To develop and support a hierarchy of activity centres;	The site's proximity to Stirling Highway ensures the proposal will contribute to the consolidation of the future development of the corridor, including the Nedlands Town Centre.	Yes

e) To integrate land use and transport systems;	The development is located on Jenkins Avenue, an identified Safe Active Street route. The proposal will support greater connectivity between the residential neighbourhoods and local amenities and encourage use of non-motorised transport modes. The medium density site is within walking distance (approx. 200m) of high frequency public transport services that operate along Stirling Highway.	Yes
f) Facilitate improved multi-modal access into and around the district;	The subject site is located close to walking and cycle networks. Jenkins Avenue and Elizabeth Street is the Safe Active Streets route in the City of Nedlands. Jenkins Avenue was deemed the preferred location due to existing low traffic volumes and low traffic speeds to allow for the implementation of the safest and most coherent route that will promote access to the greatest number of local amenities (schools, shops, university, sports fields, parks).	Yes
g) Maintain and enhance the network of open space	The proposed development does not impact the City's network of open space.	Yes
h) Facilitate good public health outcomes;	The development is not considered to adversely affect the desired public health outcomes.	Yes
i) Facilitate a high-quality provision of community services and facilities;	The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability.	Yes
j) Encourage local economic development and employment opportunities;	The development is considered to positively contribute to the support of local businesses, during and post-construction, including support for businesses located along Stirling Highway and within the Nedlands Town Centre.	Yes
k) To maintain and enhance natural resources;	The development retains all verge trees, one of which (north on Doonan Road) is dead and will be replaced by the City of Nedlands. The additional planting of street trees will make a positive contribution to reinforcing streetscape character and is supported.	Yes

l) Respond to the physical and climatic conditions;	<p>The development makes provision for solar panels and seeks to optimise the lot's northern aspect. The amended plans include additional north facing windows to ground level dining rooms in units 3 to 5 at to improve solar access to the dwellings and an enlarged windows and glazed door are proposed to optimise sun and daylight to the dwelling on Lot 2. Additional modifications are recommended to better provide and protect solar access to the development and in particular Lot 2. The cantilevered upper floors will provide shade to the alfresco open spaces in the summer months.</p> <p>The dwelling design makes provision for cross ventilation and adequate ceilings to allow for effective air circulation.</p>	Yes
m) Facilitate efficient supply and use of essential infrastructure;	The development can be adequately serviced and does not negatively impact this objective.	Yes

6.2.2 – Clause 16: Residential Zone Objectives

Requirement	Proposal	Satisfies
a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal makes a positive contribution to the City's housing diversity.	Yes
b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	With further modifications relating to solar access to unit 2, the development will achieve an acceptable design, with a built form that responds to the R60 density code. The modifications already proposed (to reverse the design on Lot 4) make notable improvements to the streetscape character. These changes consolidate vehicle access, increase fenestration to Jenkins Avenue and Doonan Road, provide greater activation and opportunity for passive surveillance. These changes also improve the utility of on-street car parking and maximise opportunity for contiguous verge planting.	Yes

	<p>The proposed Single houses are intended to be developed on green title lots. It is noted that whilst a multiple or grouped dwelling outcome may have achieved a smaller footprint and allowed a greater proportion of landscaping at the subject site, it would introduce a different building typology and a three storey scale of development. This outcome would contrast noticeably with the typical single or two storey dwelling found in traditional residential neighbourhoods.</p>	
<p>c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;</p>	<p>This objective is not applicable to the subject application as this application only proposes the use of the land for Residential purposes.</p>	N/A
<p>d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;</p>	<p>The two storey, green title, brick /render and Colorbond Single house development achieves a balance between the existing streetscape character and the future character of this area, as informed by the R60 density code.</p> <p>The City considers that the amended plans of 23 September 2020 better complement and enhance the local character. It generally, with the exception of solar access to unit 2, improves internal and external amenity through the consolidation of crossovers, co-location of boundary walls, increased number of north facing windows, and improved size of existing windows to the street interface on Lot 2.</p> <p>With further modifications relating to solar access on Lot 2, the proposal is considered able to adequately satisfy the relevant Design Principles as detailed in Section 6.3.2 of this report.</p>	Yes

5.3 Policy/Local Development Plan Consideration

8.3.1 State Planning Policy 7.0 – Design of the Built Environment

The intent of State Planning Policy 7.0 is to address design quality and built form outcomes in Western Australia. The Policy aims to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes in the State.

Administration has assessed this application against the 10 Design Principles of the State Planning Policy 7.0 in the table below:

Design Principle	Officer Comment
<p>1. Context and Character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<p>In light of the five lot WAPC subdivision approval in February 2020, the subsequent five (5) single houses development, as amended on 23 September 2020, adequately references attributes of the existing character whilst meeting the future built form expectations for an R60 coded site. The subject land was up coded following the gazettal of LPS 3 from R10 to R60. The up coding represents a significant jump in respect of scale and density. It also reflects the site's strategic transitional function, integrating the higher density development at the Stirling Highway edge and the traditional R10-R12.5 residential neighbourhood to the south. Whilst the land could have been developed for three storey apartments or grouped dwellings, the proposal retains a partially detached, two storey scale and design features (articulated and varied pitched and skillon roofscape, porch entries and driveways, materials and finishes brick/render and Colorbond) common to traditional nearby residential neighbourhoods.</p> <p>In respect of landscaping, the existing character is heavily influenced by the 'green' treed streetscape composed of street trees and unbroken planted verges. The existing character is also noted for generous vegetated front setbacks. Other than a portion of the upper level at unit 2, the proposed development meets the deemed-to-comply requirements for street setbacks under the R Codes as they relate to the R60 density code. Whilst open space calculations, as applied consistent with the City's recent practice, demonstrate the proposal does not comply with the deemed-to-comply pathway, the proposal adequately meets the Design Principles for all dwellings other than unit 2. Modifications to unit 2 are recommended to enable</p>

	<p>the development to fully achieve this design principle.</p> <p>The proposal, as amended, also consolidates access points, maximises the planted verge and on-street parking opportunities. The proposal is supported by a landscape plan, which is to be modified in accordance with the amended plans of 23 September 2020 by way of condition and includes the planting of two new street trees along Jenkins Avenue.</p> <p>The amended design will make a positive contribution to the emerging future character of the streetscape and surrounding area.</p>
<p>2. Landscape Quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<p>In making its recommendation to Council, Administration has considered the proposed landscape plan dated May 2020, and the Applicant's intention to retain existing street trees, plant two additional small canopy trees along Jenkins Avenue, and consolidate crossovers to Lots 4 and 5 under the amended plans submitted in September 2020. Whilst the landscaping treatments contrast with the existing character of effectively R10 residential development under TPS2, the proposal meets the landscape requirements under the R Codes Vol 1 for Single house developments in the R60 density code. The retention, replacement, and reinforcement of street trees through new plantings is a good design outcome which recognises the landscaping significance of the trees to local character, providing shade and reducing the urban heat island effect.</p>
<p>3. Built form and scale</p> <p>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.</p>	<p>The proposal is seen to provide an appropriate built form and scale for an R60 density, with two-storey single houses that are designed to reference elements of existing development and the emerging future character in the locality.</p> <p>Although some boundary setback variations to the deemed-to-comply requirements are required, the magnitude of the variations are limited to no more than 0.5m. Where boundary walls are proposed, the design maximises the co-location of the boundary walls, which are recommended to be simultaneously constructed by condition. The parapet walls are located behind the front setback areas and designed to optimise solar access ventilation and reduce building bulk on adjoining properties. The proposal satisfies the Design Principles relevant to clause 5.1.2 Lot boundary setbacks.</p>

<p>4. Functionality and build quality</p> <p>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.</p>	<p>The development has been designed with aging-in-place in mind, with all dwellings having capacity for a lift should the need arise. The provision of the lifts enables the dwellings to be flexible and adaptable to maximise their utilisation and accommodate appropriate future requirements without the need for major modifications. Equally, each of the dwellings contain three bedrooms and multiple internal living spaces to accommodate the needs of different demographics.</p> <p>All rooms are of an appropriately size and the layout is legible providing a functional environment and spaces suited to their intended purpose. The principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality, and serviceability of the dwellings.</p> <p>Although the outdoor alfresco is covered by the cantilevered upper floor and there is limited 'open' space as compared with traditional residential single house developments, the format of the proposed open space is acceptable to the R60 density code and appropriate to the likely future residents of the development. Opportunity for planting in retained planters also exists.</p>
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p>	<p>The development retains two trees on the Jenkins Avenue verge, provides two additional street trees and some, albeit limited, additional landscaping generally along the side and rear boundaries. The May 2020 landscape plan makes provision for the incorporation of drip feed irrigation to planter beds. The September 2020 design modifications provide improved solar access to habitable living rooms (units 3 to 5) and daylight (unit 2) via additional fenestration and support the use of natural light and ventilation. The cantilevered alfresco spaces will ensure outdoor spaces are shaded during the summer months.</p> <p>This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation and natural ventilation.</p>
<p>6. Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while</p>	<p>The proposed design generally provides a successful mix of indoor and outdoor living areas, having regard to the likely demographic and downsizing needs of future residents. Modifications made in September 2020 to increase the number of ground level north facing openings will improve solar</p>

<p>optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</p>	<p>access for future residents. Additional modifications are recommended to unit 2 to provide and protect solar access to this dwelling and outdoor living area.</p> <p>The development itself contributes to the vitality of the locality, providing improved passive surveillance of the street edges and supports the medium-density housing options proximate to Stirling Highway.</p> <p>The modified design of unit 2 (in amended plans dated September 2020) seeks to offset shadow impacts and constrained solar access through increased openings to both Doonan Road and Jenkins Avenue. Whilst these openings and glazed front door will not significantly increase solar access, they will provide greater daylight into the dwellings.</p> <p>Given the lot layout approved under the WAPC subdivision approval, significant solar access improvements on Lot 2 are only likely to be achieved through the redesign of the upper level on Lot 1 and the relocation of the alfresco area to the east on Lot 2. Costs associated with these works include the likely loss of a bedroom on Lot 1 and the loss of the southern street tree on Doonan Road should the garage and crossover be relocated to this street edge.</p> <p>With further modifications, the September 2020 amended design is capable of achieving reasonable internal and external amenity outcomes on each of the five lots. In general, the dwelling design is functional and includes the provision of appropriate levels of acoustic protection, visual privacy, adequate storage space, accessibility.</p>
<p>7. Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p>	<p>All dwellings have clear street access via a defined pedestrian path. Each dwelling provides a major opening from a habitable room of the dwelling facing the street and pedestrian and vehicular driveway.</p> <p>This principle has been met as the design makes the site easy to navigate, with recognisable entry and exit points and being well-connected to Doonan Road and Jenkins Avenue.</p>
<p>8. Safety</p> <p>Good design optimises safety and security, minimising</p>	<p>Each dwelling has a major opening or balcony facing the driveway or street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.</p>

<p>the risk of personal harm and supporting safe behaviour and use.</p>	<p>Although the proposal provides crossovers over the Safe Active Streets on-street parking embayment, if approved, the application will not be conditioned to require the removal of the embayment. Rather the crossovers are intended to, in practical sense, extend out over the embayment to the road reserve. Line marking and signage can be used to prohibit the general public from parking across adjacent to the crossover in the embayment space. The September 2020 amended plans proposed the consolidation of the crossovers for Lots 4 and 5. This modification is supported given that it will result in a longer embayment space and avoid two undersized on-street parking spaces that would otherwise result in encroachment of the crossovers by standard sized cars.</p> <p>This principle has been met as safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm.</p>
<p>9. Community</p> <p>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.</p>	<p>The development contributes to medium density housing diversity within the City, improving the range of housing availability in the area and accommodating for a wider range of demographics.</p> <p>The provisions of lifts in each of the units also encourages 'aging in place' and attracting residents looking to downsize in the local area.</p> <p>This principle has been met as the new development has the capacity to adapt to changing demographics, an ageing population, new uses and people with disability. The design provides a housing choice for different demographics and accommodating all ages and abilities.</p>
<p>10. Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places</p>	<p>The proposed materials are considered high-quality and the development is consistent with the contemporary style of residential development in the surrounding area.</p> <p>The retention of the two existing street trees, planting of two new street trees in the Jenkins Avenue verge and some albeit limited landscaping in the front setback area supports the 'green' 'treed'</p>

that engage the senses.	streetscape. The streetscape is important because it frames and softens the development as viewed from the street.
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The applicant has also provided an assessment against the 10 Design Principles of the State Planning Policy 7.0 which is contained in **Attachment 1** to this report.

6.3.2 State Planning Policy 7.3 – Residential Design Codes (Volume 1)

Volume 1 of the R-Codes apply to single dwellings. The document provides a comprehensive basis for control of residential development. When assessing applications for development the City must have regard to the following policy objectives:

- to provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives;
- to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local amenity and place;
- to encourage design that considers and respects heritage and local culture; and
- to facilitate residential development that offers future residents the opportunities for better living choices and affordability.

With the exception of solar access to unit 2, the development satisfies the objectives cited above. It is generally of an appropriate design for the R60 density code, balances the existing streetscape character with the planned character of a medium-rise transitional area between an R-AC3 zoning to the north and an R10 zoning to the south. The development proposal will cater for a wider range of demographics and responds to the local context by retaining a two-storey built form, consistent with surrounding single houses and grouped dwellings in the vicinity. With recommended conditions and modifications, the proposal is capable of satisfying all relevant scheme and Regulations provisions as well as all relevant Design Principles under the R Codes for each of the proposed dwellings.

The application requires assessment under the Design Principles of the R-Codes for as addressed in the below tables:

Clause 5.1.2 – Street setbacks

Design Principles
<p>P2.1 - Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings;

<ul style="list-style-type: none"> • accommodate site planning requirements such as parking, landscape and utilities; and • allow safety clearances for easements for essential service corridors.
Deemed-to-Comply Requirement
C2.2: Buildings set back from the primary (2m) and secondary street (1m) boundary in accordance with Table 1.
Proposed
<p>The applicant seeks assessment under the Design Principles which are as follows:</p> <ul style="list-style-type: none"> • Lot 2 upper level is set back 0.62m from the secondary street (Jenkins Avenue) in lieu of 1m.
Administration Assessment
<p>Having regard to Design Principles P2.1 and P2.2, the proposed secondary street setback modified in September 2020, adequately satisfies the Design Principles for the following reasons:</p> <ul style="list-style-type: none"> • The non-compliance is minor, at 0.38m, and limited to the length of the upper floor sitting room only. It will not be readily discernible from street views along Jenkins Avenue and will not adversely impact the future streetscape character. • The non-compliance is at the upper level and will not prejudice the provision of side boundary landscaping as indicated in the May 2020 landscape plan. • The non-compliance will not impact visual privacy, parking, or provision of utilities. • The minor encroachment is offset by façade articulation including fenestration, a varied palette of materials and finishes and landscaping. Increased fenestration at ground level provides increased activation and opportunity for passive surveillance.

Clause 5.1.3 – Lot Boundary Setbacks

Design Principles
<p>P3.1 - Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 - Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1;

<ul style="list-style-type: none"> • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.
Deemed-to-Comply Requirement
<p>Buildings deemed-to-comply where they are set back:</p> <ul style="list-style-type: none"> • clause C3.1 (i) buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b (refer to Figure Series 3 and 4); • clause C3.1 (ii) unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level • clause C3.1(iv) minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and <p>Boundary walls are only deemed-to-comply:</p> <ul style="list-style-type: none"> • clause 3.2 (i). where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension; • clause 3.2 (iii) in areas coded R30 and higher, where walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the lot boundary behind the front setback and to one side boundary only
Proposed
<p>The proposal includes the following variations:</p> <p>Lot 1:</p> <ul style="list-style-type: none"> • 1.3m setback is proposed on the ground floor (south – laundry to dining), whereas 1.5m is deemed to comply; • 1.21m setback is proposed on the first floor (north - balcony to store), whereas 1.5m is deemed to comply; • 1.21m setback is proposed on the first floor (south – balcony to ensuite), whereas 1.3m is deemed to comply; • 2.01m setback is proposed on the first floor (south – sitting to bath 1), whereas 2.2m is deemed to comply; and • 2.01m setback is proposed on the first floor (north - study nook), whereas 2.1m is deemed to comply. <p>Lot 3</p> <ul style="list-style-type: none"> • 2.01m setback is proposed on the first floor (west-bath to sitting), whereas 2.2m is deemed to comply. <p>Lot 4</p> <ul style="list-style-type: none"> • 1.16m setback is proposed on the ground floor (west – alfresco to laundry), whereas 2.0m is deemed to comply; • 2.01m setback is proposed on the first floor (east – study nook), whereas 2.3m is deemed to comply;

- 1.21m setback is proposed on the first floor (east – store to balcony), whereas 1.5m is deemed to comply; and
- 2.01m setback is proposed on the first floor (west – bath to sitting), whereas 2.3m is deemed to comply.

Lot 5

- 1.5m setback is proposed on the ground floor (west – alfresco to laundry), whereas 2.0m is deemed to comply;
- 2.01m setback is proposed on the first floor (east – study nook), whereas 2.1m is deemed to comply; and
- 2.01m setback is proposed on the first floor (west – bath to sitting), whereas 2.2m is deemed to comply.

All lots propose two boundary walls rather than to one side boundary only and do not satisfy deemed-to-comply requirement 5.1.3C3.2iii. However, the boundary walls on Lots 3 and 4 are co-located under the September 2020 amended plans, and if conditioned to be simultaneously constructed, will satisfy the deemed to comply requirement of C3.2(i). The boundary wall non-compliance will be limited to Lot 1, Lot 2 and Lot 5 where two boundary walls are proposed and the average wall height for Lot 5 exceeds 3m (by 0.46m).

Administration Assessment

Having regard to Design Principles P3.1 and P3.2, the proposed lot boundary setbacks as modified by amended plans dated 23 September 2020, are considered to adequately satisfy the Design Principles for the following reasons:

- Notwithstanding the number of non-compliances with boundary setback deemed-to-comply requirements, in most instances the magnitude of the variations required are minor, varying between 0.09m and 0.5m (Unit 4, Ground Floor alfresco to laundry on west elevation).
- Further and with respect to existing adjoining properties, there are only two northern boundary setback variations (0.09m to 0.29m balcony to store and study nook) and one eastern side boundary setback variation on Lot 5 (0.09m study nook at upper level) which are unlikely to generate unreasonable external amenity impacts (building bulk, solar/daylight access, shadow, ventilation). All other variations are internalised and limited to the proposed Single houses which are intended to, and recommended to, be conditioned for simultaneous construction.
- The September 2020 modifications reversed the design for unit 4 such that:
- The garage wall now aligns with the garage boundary wall on Lot 5; and the kitchen and laundry boundary wall aligns with the kitchen boundary wall on Lot 3.

Consequently, the boundary walls which exceed the average 3m height relate to the garages walls only and these are now co-located (Lots 2 and 3 and 4 and 5)

- The common alignment of boundary walls makes more efficient use of the site area, reduces the potential for building (visual) bulk and therefore minimises adverse amenity impacts between dwellings. It also provides greater physical separation between dwellings and consequently, opportunity for ventilation and sunlight to the dwelling and open spaces. The common alignment of the garages also results in the consolidation of crossovers, which maximises the opportunity for planted verge area, street tree planting and retention, and optimises the future use of the Safe Active Streets embayed car parking area as a longer single parking area (rather than two undersized small car bays) is achieved.
- Further where a future condition is imposed to require the simultaneous construction of the boundary walls, most of the proposed lots, with the exception of Lot 1 (both walls) and Lot 5 (eastern boundary wall) would meet deemed-to-comply requirement C3.2(i).
- The proposed boundary walls (particularly the east facing wall on Lot 5) do not contain any major openings on the walls and do not pose a risk of overlooking or loss of privacy on adjoining properties. None of the submissions received were identified as being made by the adjoining owner / occupant.
- The (garage) boundary wall on Lot 1 will contribute to restricted solar access on Lot 2 (which is considered an adjoining property by definition under the R Codes). Although additional design measures (larger windows to the south and west and increased north boundary setback) have been proposed for unit 2 in the September 2020 amendments, further changes may be contemplated by Council to ensure maximum solar access to Lot 2 within the constraints of the approved subdivision plan. Refer to detailed discussion at Element 5.4.2 of the R-Codes Vol. 1 below.

Clause 5.1.3 – Open space

Design Principles
<p>P4 – Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework • provide an attractive setting for the buildings, landscape, vegetation and streetscape;

<ul style="list-style-type: none"> • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within and around the site; and • provide space for external fixtures and essential facilities.
Deemed-to-Comply Requirement
C4: Open space provided in accordance with Table 1 (refer Figure Series 6) which equates to 40% open space in the R60 code.
Proposed
<p>The proposal includes the following variations:</p> <p>Lot 1: Unit 1 – 195m² Site Cover – 127.12m² Covered Outdoor Living Area – 9.6m² Total Site Cover – 65.2% Open Space – 34.8%</p> <p>Lot 2: Unit 2 – 192m² Site Cover – 129.25m² Covered Outdoor Living Area – 4.68m² Total Site Cover – 67.32% Open Space – 32.68%</p> <p>Lot 3: Unit 3 – 201m² Site Cover – 132.79m² Covered Outdoor Living Area – 9.94m² Total Site Cover – 66.1% Open Space – 33.9%</p> <p>Lot 4: Unit 4 – 201m² Site Cover – 132.91m² Covered Outdoor Living Area – 8.67m² Total Site Cover – 66.06% Open Space – 33.94%</p> <p>Lot 5: Unit 5 – 201m² Site Cover – 132.1m² Covered Outdoor Living Area – 6.78m² Total Site Cover – 65.72% Open Space – 34.28%</p> <p>None of the dwellings proposed satisfy the deemed-to-comply requirement.</p>
Administration Assessment
<p>Having regard to Design Principles P4 the proposal can be considered to adequately satisfy the Design Principle for all lots, other than Lot 2, for the following reasons:</p> <ul style="list-style-type: none"> • One of the main reasons why the proposal does not meet the deemed-to-comply requirement of 40% relates to the City's adopted practice of calculating open space. Open space is defined under the R-Codes as:

“Generally, the area of a lot not occupied by any building and includes:

- Open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;*
- Areas beneath eaves;*
- Verandas, patios and other such roofed structures not more than 0.5m above natural ground level, unenclosed on at least two sides and covering not more than 10 percent of the site area or 50sqm whichever is the lesser;*
- Unroofed open structures such as pergolas; and*
- Uncovered driveways including access aisles in car parking areas and uncovered car parking spaces.*

But excludes:

- Non-accessible roofs, verandas, balconies and outdoor living areas over 0.5m above natural ground level; and/or*
- Covered car parking spaces and covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.”*

The City’s practice in calculating open space, as informed by advice from the Department for Planning, Land and Heritage (DPLH)’s R-Codes Team, is to exclude alfresco areas that are covered by cantilevered upper levels. The R-Codes remain silent on the application of the definition to exclude covered alfresco spaces and the application of the definition in this way has not to Administration’s knowledge been tested at the SAT. That notwithstanding, it has been considered a reasonable practice that aims to avoid large, covered spaces to deliver ‘open space’ on a site. It avoids covered open space that contributes more to site cover rather than areas that are ‘open to the sky’ or simply minor roofed outdoor areas (verandas, patios). In the event that SAT were to find that the proposed application of the open space definition is incorrect or unreasonable, the alfresco spaces would likely be compliant with the deemed-to-comply requirement. The alfresco spaces are less than 50sqm or 10 percent of the lot area.

- Leaving the application of the open space definition to one side, the proposed Single houses development will:
 - Contribute to a vegetated and landscape setting for the dwellings, which although not comparable to traditional residential neighbourhood coded R10 or R12.5, is adequate to the site’s strategic function, the R60 code and the likely demographic of future residents.
 - The proposed open spaces, particularly as achieved in the amended plans dated 23 September 2020, will:
 - contribute to improved separation between the buildings and reduce the potential for building bulk;
 - provide space external to the dwelling for outdoor pursuits (alfresco and rear and side boundary planters) and access around the dwellings; and
 - provide space for external fixtures and essential facilities.

- In relation to the existing or desired streetscape character, the City has not yet established a desired future character for this area, other than as guided by the development expectations applicable under the R-Codes. In this case, given the proposed Single house use, the R-Codes Volume 1 is the operative assessment tool. The proposal is compliant with front and secondary street setbacks and generally meets the deemed-to-comply requirements, other than the upper level southern setback to Lot 2. The limited front and side street setbacks afford limited capacity for landscaping and contribution to streetscape character comparable to traditional residential dwellings with a 9m front setback.
- The originally submitted landscape plan makes provision for some albeit limited landscaping in the front setback respond to site's density code and strategic transitional function. In addition, the proposal will not require the removal of existing street trees and proposes the planting of two additional street trees. It also provides consolidated crossovers to Jenkins Avenue which supports maximum verge planting capacity. These initiatives reinforce the green leafy feel and will enhance the landscaped 'frame' for the development site.
- With respect to access to natural sunlight, unit 1 and units 3 to 5 have north facing alfresco and landscaped areas, although it is noted that in these instances, the cantilevered upper levels will restrict the capacity for natural sunlight to permeate into the dwelling's ground level habitable spaces via the alfresco.

In order to address this issue and maximise access to natural sunlight for each dwelling, the amended plans received in September 2020 include:

- an additional north facing window to the ground level dining room and glazed front doors in units 3 to 5
- glazed front door to Lot 1
- an additional south and west facing ground level window and a glazed front door on Lot 2.

It is noted that the dwellings are also recessed from at least one side boundary, and through design modifications that co-locate boundary walls, the development provides greater opportunity for western (Lot 3 and 5) and eastern solar access (Lot 4).

The modifications proposed for unit 1 and units 3 to 5 are supported and will adequately address the Design principle relating to natural sunlight. With regard to unit 2, the detailed shadow analysis prepared by the application demonstrates that the alfresco space will not receive solar access even at 12pm in mid-Summer. It does show however that the adjoining open space receives sunlight at 12pm in the summer and therefore an additional east facing window to the ground floor living area would improve natural sunlight to the dwelling on Lot 2. Together

with the glazed front door, expanded west facing window, the east facing window would ensure the design principle P4 is satisfied for unit 2.

If Council were so minded, it may resolve to support the proposal with the additional east facing ground level living room window to improve solar access to Lot 2.

5.3.1 Outdoor living areas

Design Principles
<p>P1.1 – Outdoor living areas which provide spaces:</p> <ul style="list-style-type: none"> • capable of use conjunction with a habitable room of the dwellings; • open to winter sun and ventilation; and • optimise the northern aspect of the site. <p>P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible open to winter sun.</p>
Deemed-to-Comply Requirement
<p>C1.1 requires 16sqm of outdoor living space to be provided on R60 coded land. The space is to be behind the street setback area, directly accessible from a habitable room of the dwelling, have minimum length and width of 4m and be without permanent cover for at least two-thirds of the required area.</p>
Proposed
<p>Each of the dwelling's outdoor living spaces have permanent cover greater than one-third.</p> <p>Unit 1 – 22.16m² provided Min dimension of 4.69m Access from living/dining 55% uncovered Complies - No</p> <p>Unit 2 – 16.42m² provided. Min dimension of 4.0m. Access from living. 33% uncovered. Complies - No</p> <p>Unit 3 – 24.09m² provided Min dimension of 4.79m Access from living/dining 51% uncovered Complies – No</p> <p>Unit 4 – 24.09m² provided Min dimension of 4.79m Access from living/dining</p>

51% uncovered

Complies – No

Unit 5 –

24.09m² provided

Min dimension of 4.79m

Access from living/dining

51% uncovered

Complies – No

Administration Assessment

Having regard to Design Principles P1.1 and P1.2, the proposal adequately satisfies the Design Principle, other than in respect of Lot 2, for the following reasons:

- Outdoor living space is defined as “the area external to a single house to be used in conjunction with that dwelling such that it is capable or active or passive use and is readily accessible from the dwelling.”
- Each dwelling is provided with:
 - a ground level alfresco area that is directly accessible from an open plan living/dining/kitchen area; and
 - an upper level balcony directly accessible from a habitable room (bedroom).
- All alfresco areas have a northern aspect and ready ventilation being open on two sides and or recessed from the side or rear lot boundaries. In respect of Lot 1 and Lots 3 to 5, the alfresco areas can be expected to receive some level of winter sun, noting that the upper level cantilevers above the alfresco space.
- In respect of Lot 2 however, the east-west lot orientation, the siting of the alfresco space at the centre of Lot 2 and 1.6m from the northern boundary is problematic to achieving winter or summer solar access. The alfresco area has a partial interface with the garage boundary wall on Lot 1 and a double height wall (6.99m) on Lot 1 which will result in a shadow being cast of approximately 77% of Lot 2.

More detailed shadow analysis was prepared by the applicant which examines the extent sunlight may penetrate the ‘alfresco’ outdoor living area. It indicates the area will be completely shaded in the winter months and even at mid-summer, will not receive direct sunlight. Some sunlight will be received to the ‘open space’ in the north setback area only. The solar collectors are also identified to be in shadow. It is noted that this analysis was limited to midday and that solar analysis over the course of the day, and or at the Spring/Autumn equinoxes, was not provided. On the basis of the information provided, the design for Lot 2 even as amended in September 2020, does not appear reasonably able to satisfy Design Principle P1.1.

If Council was so minded, it may resolve to support the proposal with additional modifications that would improve solar access to the dwelling and outdoor living area on Lot 2. Refer to the discussion at Clause 4.5.2 Solar access for adjoining sites.

- With respect to P1.2, the upper level balconies to Lots 1 and 2 are oriented to the west and will allow direct winter sunlight into the master bedrooms. The balconies provided to Lot 3 to 5 are south facing and enclosed and therefore are not open to direct sunlight (in winter or summer).

P1.2 only suggests that the upper level balconies be *possibly* open to winter sun; it is not a mandated requirement. If Council was so minded, it may consider supporting proposal with a further design modification to provide a more permeable east and west upper level balcony interface that allows morning and afternoon sun into the otherwise south facing balconies.

Clause 5.3.7 and 5.3.8 – Site works and Retaining walls

Design Principles
P7.1 – Development that considers and responds to natural features of the site and requires minimal excavation/fill
P7.2 – Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.
P8 – Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered, and landscaped having due regard to clauses 5.3.7 and 5.4.1.
Deemed-to-Comply Requirement
C7.1: Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.
C8.1: Retaining walls set back from lot boundaries in accordance with the setback provisions of Table 1.
Proposed
<ul style="list-style-type: none"> • Modification of NGL within the front setback area to a maximum height of 0.73m addressing Jenkins Ave from Unit 2 (Corner of Jenkins and Doonan) • Retaining proposed addressing primary/secondary street boundary
Administration Assessment
Administration considers that Design principles P7.1 and P7.2 and P8.1 have been met as the extent of the variation is limited to (0.23m) and retaining/ site works will be indiscernible when compared to deemed-to-comply primary street fencing. The proposed retaining addressing Doonan Road and Jenkins Avenue will not result in any adverse amenity impact on adjoining properties

and are capable of supporting landscape treatments as demonstrated in the May 2020 landscape plan.
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5.4.2 Solar access to adjoining properties

Design Principles
<p>P2.1 – Effective solar access for the proposed development and protection of the solar access.</p> <p>P2.2 – Development designed to protect solar access for neighbouring properties taking account of the potential to overshadow existing:</p> <ul style="list-style-type: none"> • Outdoor living areas • North facing major openings to habitable room windows, within 15 degrees of north in each direction; or • Roof mounted solar collectors.
Deemed-to-Comply Requirement
<p>C2.1: Development in climatic zone 4, 5 and 6 of the State shall be so designed that its shadow case at midday, 21 June onto any other adjoining property does not exceed 50% of the site area on adjoining properties coded higher than R40.</p>
Proposed
<p>Unit 1 is estimated as proposing 77% (148.22m²) overshadowing of Unit 2.</p>
Administration Assessment
<p>Adjoining property is defined under the R-Codes as “Any lot:</p> <ul style="list-style-type: none"> - On which any dwelling for which provision is made in the R-Codes may be constructed under the scheme; and - Which shares a boundary or portion of a boundary with a lot on which there is a proposed residential development site or is separated from that lot by a right-of-way, vehicle accessway, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6m in width. <p>Having regard to Design Principles P2.1 and 2.2, the proposal is considered to adequately meet the Design principles on Lots 3 to 5 as has been identified above. On these lots, the development has provided a northern aspect to alfresco areas and north facing dining room windows on Lots 3 to 5 which will enable effective solar access. The north-south oriented lots ensure there is no adverse impact on the protection of solar access to an adjoining lot – shadow falls to the street.</p> <p>In respect of Lot 1, which it retains effective solar access, it does not ‘protect’ the solar access to neighbouring Lot 2 and therefore along with Lot 2, it cannot reasonably satisfy P2.1 or P2.2.</p> <p>As discussed above, solar access issues relating to Lot 2 are heavily influenced by:</p> <ul style="list-style-type: none"> - the east-west lot orientation which was approved by the WAPC. - the upper level design of Lot 1 which extends to within 1.3m of the eastern (rear) boundary. - the design of the dwelling on Lot 2 which centralises the alfresco space, with a 1.6m setback to the northern boundary.

These factors together mean the design as amended still does not adequately 'protect' or provide 'effective' solar access to the alfresco (outdoor living area), dwelling and the solar collectors on Lot 2 as is required by Design Principles 2.1 and 2.2. It is noted however that an alternative solution to the solar collectors (relocation/inverter system selection) may be readily available.

In respect of P2.1, the design modifications to unit 2 to enlarge the west facing living room window and provide clear glazing to the door would go some way to ensuring 'effective' solar access to the dwelling on Lot 2. However, an additional modification to include an east facing window to the ground floor living area would better provide effective solar access to the dwelling. The applicant's shadow analysis demonstrates that at least at mid-summer, this window will provide direct sunlight to a main living space. If Council was so minded, it may consider supporting the development with the additional east facing window.

In respect of P2.2 and notwithstanding the east-west lot orientation was cast by the WAPC's subdivision approval, it is not unreasonable to expect the future dwelling design to adequately respond to the site context and appropriately address the design principles.

It is acknowledged that significant redesign would be required to Lot 1 and 2 to ensure the proposal adequately addresses the protection of effective solar access (P2.2) on Lot 2. This may include:

- Relocating the alfresco area to the north-east of Lot 2.
- Relocating the garage and crossover on Lot 2 to align with Lot 1.
- Increasing the rear boundary setback on Lot 1 at level 1 to create a corridor of open space to allow sunlight into the north facing alfresco area on Lot 2.
- Internal redesign of Lots 1 and 2.

A consequence of the above changes may also be the loss of one bedroom on Lot 1 and the existing (southern) street tree on Doonan Road. There may be other implications for lot boundary setbacks also.

Whilst the current amended plans do not adequately respond to the design principles in respect of Lot 2, if Council was so minded, it may consider supporting the development subject to design modifications and or further analysis that demonstrate improved protection for solar access to the outdoor living area on Lot 2.

6.4.3 Local Planning Policy – Local Planning Policy – Doonan Road Laneway and Built Form Requirements

In accordance with Council's resolution of 22 September 2020, the adopted Local Planning Policy – Doonan Road Laneway and Built Form Requirements has been revoked and no longer to be considered in respect of development proposed along Doonan Road.

6.0 Conclusion

This proposal is an intense form of development as compared to the site's surrounds and the existing local character. However, the application site is coded R60 and has a strategic transitional role to play integrating higher density development along Stirling Highway and lower density R10 and R12.5 neighbourhoods to the south. The proposal is a low scale development, with a two-storey height, and references design characteristics common to the area. The proposal is generally consistent with the development expectations of the R60 density code and has been amended to respond positively to the streetscape with respect to the consolidation of crossovers and street tree planting. The proposal with the exception of solar access relating to Lot 1 and Lot 2, satisfies the design principles of the Residential Design Codes, does not prejudice the intent of the zone or objectives of the Scheme and is unlikely to have a significant adverse impact on the local amenity of the area.

Having regard to the protection and effective access to solar on Lot 2, significant modifications and or further analysis is likely required to demonstrate the design of Lots 1 and 2 can satisfy clause 5.1.4 Open space, 5.3.1 Outdoor living areas and clause 5.4.2 Solar access for adjoining sites.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 8.13 pm.

13.12 Local Planning Scheme No.3 – Infrastructure Contributions

Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Peter Mickleson – Director Planning & Development
CEO	Mark Goodlet
Attachments	1. Draft State Planning Policy 3.6 - Infrastructure Contributions. 2. Draft State Planning Policy 3.6 – Infrastructure Contributions Guidelines.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Mayor de Lacy

Seconded – Councillor Poliwka

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Amendment

Moved - Councillor Senathirajah

Seconded - Councillor McManus

That clause 3 be deleted.

The AMENDMENT was PUT and was

Lost 6/7

(Against: Mayor de Lacy Crs. Hodsdon Smyth Bennett
Youngman Poliwka & Coghlan)

The Original Motion was PUT and was

CARRIED UNANIMOUSLY 13/-

Council Resolution / Recommendation Council

Council:

1. instructs the CEO to commence preparation of an Infrastructure Contributions Framework under Local Planning Scheme 3;

2. allocates funds of \$40,000 to enable work to commence on the Infrastructure Contributions Framework under Local Planning Scheme 3, with a budget adjustment to be made in the 2020-21 mid-year budget review;
3. considers allocating \$50,000 in the 2021-22 budget for the completion of the Infrastructure Contributions Framework under Local Planning Scheme 3; and
4. instructs the CEO to arrange a Councillor workshop prior to Council's consideration of the report to formally initiate the Local Planning Scheme amendment to introduce the Infrastructure Contributions Framework.

ABSOLUTE MAJORITY REQUIRED FOR RECOMMENDATION 2

Executive Summary

This report examines the formulation of an Infrastructure Contributions Framework under Local Planning Scheme No.3 and outlines the process (including indicative timing and funding) for development and adoption of this framework.

Discussion/Overview

Background

On 16 April 2019, the City's Local Planning Scheme No.3 (LPS3) was gazetted. LPS3 contains no provisions to enable infrastructure contributions to be obtained from development, despite facilitating significant additional housing development that will transform specific areas of the City with intensive development of activity nodes and along the Stirling Highway corridor.

The State Government's strategic planning document, Perth and Peel at 3.5 million establishes minimum housing targets for each local government area. For the City of Nedlands this *minimum* target for additional new dwellings is 4,400 (anticipated by the year 2050).

Prior to the formulation and ultimate gazettal of LPS3, the City prepared a Local Planning Strategy. This document was advertised and subsequently endorsed by the Western Australian Planning Commission (WAPC) on 26 September 2017. The Local Planning Strategy provides the long-term strategic direction for land use and development of the City of Nedlands. For purposes of this report and the future development of an infrastructure contributions framework, it also provides an assessment of the future infrastructure needs of the City's growing community. This assessment is contained in Part 1 – Section 5 and Part 2 – Section 10 and in Appendix D – Community Facilities Audit.

Infrastructure contributions are controlled by State Planning Policy 3.6 (SPP3.6) – Development Contributions for Infrastructure. The current version of the policy, gazetted in November 2009 is currently at an advanced stage of review by the WAPC. In July 2019, the WAPC advertised a revised version of SPP3.6 (Attachment 1) together with detailed guidelines (Attachment 2). Recent advice from the Department of Planning Lands and Heritage (DPLH) is that the updated SPP3.6 is anticipated to be considered by the WAPC for finalisation by the end of 2020. Importantly, a key feature of the July 2019 draft SPP3.6 is a recognition that infrastructure contributions may be required to support infill areas planned to undergo significant intensification and redevelopment. The current version of SPP3.6 was more focused around infrastructure contributions for greenfield subdivision development, which had been a more dominant form development in Perth in the past. Another key aspect of the July 2019 draft SPP3.6 is the emphasis placed on linking the need for contributions to a Local Government's Strategic Community Plan and 10-year Long Term Financial Plan. This provides a greater level of transparency and certainty regarding infrastructure need and delivery. This report has been prepared using the July 2019 draft SPP3.6 as the basis for consideration of an infrastructure contributions framework.

For the City of Nedlands, several detailed informing plans and strategies are important to the formulation of an Infrastructure Contributions Framework. These include the previously mentioned Strategic Community Plan, the 10-year Long Term Financial Plan and the Local Planning Strategy. It also includes the City's Asset Management Plan, Strategic Recreation Plan, Town Centre Precinct Plans (such as for the new Nedlands Town Centre), and Public Open Space Strategy (currently in development and anticipated to be considered by Council in the second quarter of 2021). These plans identify in more detail the infrastructure needs directly related to the significant increases in development attributed to LPS3.

Draft State Planning Policy 3.6 – Infrastructure Contributions (July 2019)

It is important to appreciate the complexity of the Infrastructure Contributions approach established by the WAPC in SPP3.6 and the detailed requirements for justification of a contributions plan and for ongoing financial management, transparent reporting and delivery obligations placed on a local government.

It is also important to fully understand the basis upon which infrastructure contributions can be charged. Draft SPP3.6 outlines contributions for all infrastructure must be levied in accordance with the following principles:

- a) Need and the nexus: The need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- b) Transparency: Both the method for calculating the infrastructure contribution and the way it is applied should be clear, transparent, and simple to understand and administer.
- c) Equity: Infrastructure contributions should be levied equitably from all identified stakeholders within a contribution area.

- d) Certainty: The scope, timing, and priority for delivering infrastructure items, and the cost of infrastructure contributions and methods of accounting for escalation, should be clearly identified and agreed.
- e) Consistency: The system for infrastructure contributions for apportioning, collecting and spending contributions should be consistent, efficient and transparent.
- f) Accountable: That there is accountability in the way infrastructure contributions are determined and expended.

Draft SPP3.6 establishes two types of local infrastructure for which contributions can be raised and notes local Infrastructure is fundamental to the economic and social wellbeing of any community. For the purposes of SPP3.6, local infrastructure includes (detailed examples are outlined in draft SPP3.6 – refer Attachment 1):

- Development Infrastructure (as detailed in draft SPP3.6 Schedule 1) – infrastructure required to facilitate development and to support the orderly development or redevelopment of an area.
- Community Infrastructure (as detailed in draft SPP3.6 Schedule 2) – infrastructure required for communities and neighbourhoods to function effectively.

For the City of Nedlands, development and community infrastructure are applicable when considering an infrastructure contributions framework. It is important to note that for community infrastructure the State Government proposes to cap the amount of contributions that can be raised at \$2,500 per dwelling (with the cap increased to \$3,500 per dwelling where a combination of local, district and regional community infrastructure is required and justification is supported by the WAPC). The draft SPP3.6 policy guidelines advises, “notwithstanding, the extent to which existing and future communities should be expected to contribute to the funding of community facilities should be limited, as it is considered that funding of such infrastructure should largely be sourced from other funding mechanisms”.

For all infrastructure contributions Draft SPP3.6 also emphasises that contributions from development should not be identified as the sole source of funding unless the need and nexus for entire funding can be fully justified. In the case of infill development (as is occurring in the City of Nedlands) infrastructure contributions can be levied where there is significant change in the type or intensity of land use to achieve urban consolidation objectives of the State Government, that may require new infrastructure and facilities, or upgrades or capacity increases of existing infrastructure and facilities.

There are several approaches to obtaining contributions for infrastructure identified in draft SPP3.6:

1. Standard Contributions – consistent with the requirements of draft SPP3.6 (refer Attachment 1 - Schedule 1 for Standard Infrastructure Contributions) and applied directly via standard conditions of subdivision,

strata subdivision or development, or other methods detailed in a local planning scheme.

2. Development Contribution Plans – where cost-sharing arrangements are proposed to deliver Development or Community Infrastructure consistent with the requirements of draft SPP3.6 (refer Attachment 1 - Schedule 1 for standard Development Infrastructure Contributions; and Schedule 2: Community Infrastructure items).
3. Developer Agreements – in limited circumstances, and pursuant to a request from the landowner or developer.

This report will address Development Contribution Plans. There will be instances where it is appropriate to impose standard conditions on development approval (on the WAPC imposing conditions on sub-division) that require standard infrastructure requirements to be delivered through the development because there is a direct requirement for the development to provide this infrastructure.

It is also likely the City will need to negotiate development agreements (such as for infrastructure for the Nedlands Town Centre) where a landowner/developer is required to deliver development or community infrastructure as part of their development or require the City to do so and have agreed to fund (or part-fund) the required works. These development agreements are not subject to WAPC approval or guided by SPP3.6 as they are a direct legal agreement between a developer and an infrastructure owner (e.g. a Local Government).

Other financial ‘contributions’ relating to cash-in-lieu for car parking or cash-in-lieu for open space are also not the subject of development contribution arrangements but separate decision making processes administered by the City (and supported by the WAPC in the case of open space). Similarly, financial contributions towards public art are also not applicable to development contributions arrangements but can be achieved through a relevant Local Planning Policy and Public Art Strategy adopted by Council.

Development Contributions Plans

The implementation of Development Contribution Plans into LPS3 must follow the statutory process outlined in draft SPP3.6 (as detailed in Figure 1 below):

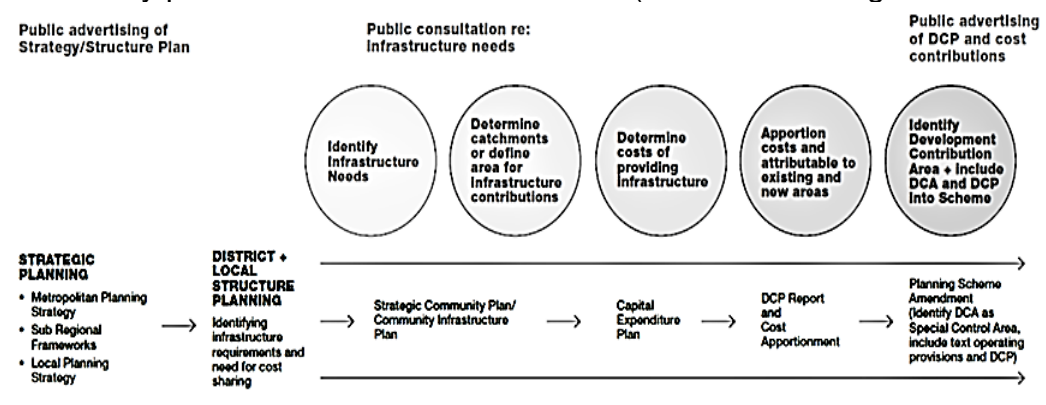


Figure 1 – Process for Preparing Development Contribution Plans under SPP3.6

This process of introducing a Development Contributions Plan involves extensive up-front detailed work by a local government to:

1. Identify infrastructure needs – this includes Development Infrastructure and Community Infrastructure and should be incorporated into the City's adopted Strategic Community Plan or a Council adopted Community Infrastructure Plan.
2. Determine the catchments/area where infrastructure contributions will be collected – this requires the local government to logically set out development contribution areas with common characteristics so that contributions reflect future development potential.
3. Determine the cost of providing the infrastructure – this includes obtaining professional estimates of cost for identified infrastructure and incorporating this into a capital expenditure plan, such as a Council adopted 10-year Financial Plan.
4. Apportion cost contributions - in the case of infill development (as is occurring in the City of Nedlands) it is necessary to transparently apportion infrastructure costs between new development areas and existing areas, as the Development Contribution Plan can only be applied to infrastructure (or that portion of it) required as a direct result of new development areas (underpinned by the key principles of 'Need and Nexus').
5. Formally include Development Contribution provisions into LPS3, including defining development contribution areas – this involves initiating a Complex Scheme Amendment to LPS3 which is required to be publicly advertised to introduce the development contribution areas as Special Control Areas in LPS3. At the same time supporting documents (which do not form part of the Scheme) should also be advertised including the DCP Report and Cost Apportionment Schedule for each Development Contribution Area (DCA) which identifies:
 - the strategic basis for inclusion of each infrastructure item in the DCP;
 - the details of each infrastructure item, including the construction standards identified in the DCP;
 - the authority responsible for delivering the infrastructure, and the priority and timing for the provision of infrastructure;
 - the methodology by which the demand for proposed infrastructure is apportioned between existing development, future development beyond the lifespan of the DCP, and new development within the DCA; and
 - the infrastructure contribution rate for each infrastructure network and the applicable unit of infrastructure demand set out in detail the calculation of the cost contribution for each owner in the DCA.

It should also be noted that Development Contributions Plans are required to have a defined timeframe (usually up to 10 years) and that infrastructure works detailed in the plan are expected to be delivered during life of the plan.

Plans are required to be updated and reported on annually to ensure there is a high level of transparency for all those who are required to make contributions. The City can recoup the administration costs associated with the operation of the Development Contributions Plan (this includes staff time and accounting/auditing costs and costs for annual updates of infrastructure cost estimates).

Preliminary Identification – Infrastructure Contribution Opportunities under a Development Contributions Plan

An initial review of LPS3 indicates a number of areas in the City that infrastructure contributions can be levied as there has been a significant change in the type or intensity of land use in these areas as a result of urban consolidation objectives of the State Government (consistent with draft SPP3.6):

- Stirling Highway (the areas coded R-AC1, R160 and R60 areas) including transition areas.
- Nedlands Town Centre Precinct (as guided by the draft/future Precinct Plan).
- Hampden Road (west side)/Monash Avenue (the areas coded R-AC3, R60 and R40) including transition areas.
- Broadway (west side) (the areas coded R-AC3, R160 and R60) including transition areas.
- Waratah Avenue precinct (the area coded R-AC3) and surrounding transition areas.

An initial analysis of infrastructure contributions includes:

- New Nedlands Town Centre – Florence Road Plaza streetscape, laneway/s, stormwater drainage and other local road upgrades;
- Local Public Open Space – Nedlands/Stirling Highway (including land acquisition and open space development – including local facilities and landscaping) as this is identified as deficient in local POS provision and is subject to significant intensification of development;
- Local Roads – in intensification precincts, includes elements such as car bays, streetscape upgrades, street trees, drainage, lighting, and laneways. For each precinct, this will require further analysis and scoping.
- Community Infrastructure – including contributions to new community centre (which can serve multiple purposes) and library. It should be noted that development contributions for community infrastructure are proposed under draft SPP3.6 are proposed to be capped at \$2500 per dwelling and are not intended to fully fund community infrastructure, but will assist the City to provide facilities suitable to meet the needs of its growing population.

Key Relevant Previous Council Decisions:

At the Council meeting of 28/30 July 2020 Council considered the Nedlands Town Centre Florence Road Plaza and in respect to a future Development Contributions Framework resolved that Council:

“Instructs the CEO to provide a further report to Council on the development of a contribution framework/plan for public and community infrastructure associated with Local Planning Scheme No 3 by October 2020.”

Consultation

Should Council resolve to commence the preparation of a Development Contributions Framework under Local Planning Scheme 3, public consultation will be required when an amendment is initiated by Council to the City’s Local Planning Scheme.

Strategic Implications

The City of Nedlands Strategic Community Plan 2018-2028 identifies the estimated dwelling growth anticipated in the City of Nedlands (with a State Government minimum target of 4400) and identifies that infrastructure investment will be required to support the City’s existing and growing community, including public open space and a high standard of urban design in growth areas.

The City’s Strategic Community Plan also strongly emphasises the importance of community facilities to meet the needs of the City’s current and future community and aligns the City’s 10 year financial plan with the need to fund the infrastructure needs of the community. While a Development Contributions Plan will not fully fund all required infrastructure in the growth areas of the City, it is an important element in the funding mix.

Budget/Financial Implications

A preliminary analysis of the scope of work required to prepare a Development Contribution Plan is detailed below:

1. Identify infrastructure needs – using existing City of Nedlands information. Each infrastructure element will need be documented with an outline of scope. It is proposed that this be done in house with some consultant assistance. If additional community needs research is required, further studies may be necessary.
2. Determine the catchments/area where infrastructure contributions will be collected – based on redevelopment areas identified in LPS3.

3. Determine the cost of providing the infrastructure – utilising professional services of a cost consultant (quantity surveyor or suitably qualified engineer).
4. Apportion cost contributions – this will be completed with a clear methodology developed for each development contribution area or key infrastructure project.
5. Development Contribution Complex Scheme Amendment to LPS3, including defining development contribution areas (DCAs) and DCP Report and Cost Apportionment Schedule for each Special Control Area for Development Contribution (SCA) and preparation of Amendment documentation, DCP Report and the Cost Apportionment Schedule for each SCA, information for stakeholders, advertising all the documentation, and consideration of public submissions, liaison with the DLPH and the WAPC.

It is estimated that steps 1 to 4 above, which precedes initiating the Scheme Amendment required to introduce Development Contribution Plans would take 6 to 8 months to prepare. The formulation, advertising and consideration of the associated LPS3 Amendment documentation could take at least 12 months to reach ultimate finalisation by the Minister for Planning and gazettal. The total project timeframe is estimated to take 18 to 20 months. A more detailed project plan would be prepared should Council support the development of a Development Contributions Plan.

The estimated costs to prepare Development Contributions Plans under LPS3 are expected be in the order of \$70,000 to \$90,000, spread over two (possibly three) financial years. The final costs involved will be dependent on the complexity and number of Development Contribution Plans required. The cost of preparation of the Plan and its future administration can be recouped by the City as part of the Development Contribution arrangements.

In order to initiate the preparatory work that is required for a Development Contributions Plan under LPS3, it is recommended that Council allocate funding of \$40,000 in 2020/21 to enable a significant amount of preparatory work to be undertaken as soon as possible, commencing this financial year. The necessary budget funding adjustments would be recognised through City's mid-year budget review. At this stage, without the formulation of the development contributions plans, it is not possible to estimate the financial value of contributions the City could generate for infrastructure over the 10-year life of a development contributions plan. However, the following points should be considered:

- **Standard Infrastructure Contributions**
Significant costs of land acquisition for public open space can be recouped (at least in part) through strata subdivision associated with the development of new multiple dwellings (equivalent to 10 per cent of the land area or cash in lieu). Standard infrastructure contributions can be applied for the landscaping and reticulation of new local open space and

the necessary upgrading of open space (aligned with comprehensive planning undertaken by a local government). Essential infrastructure works to facilitate development (such as laneways and drainage works associated with the proposed supermarkets in the Nedlands Town Centre) can be included in standard infrastructure contributions. Standard infrastructure contributions can also be applied to required infrastructure upgrades where road widening, or treatments are required because of traffic increases.

- **Community Infrastructure Contributions**
Based on the State Government's minimum dwelling target of 4400 new infill dwellings for the City of Nedlands by approximately 2050 (or 1470 dwellings over a 10-year period aligned with the timeframe of an initial Development Contribution Plan (and assuming most of the new infill dwellings are located in the growth areas of a Development Contribution Plan) the City could potentially raise up to \$3.675 million over 10 years given a proposed \$2500 contribution cap of per dwelling for local infrastructure. These funds can be applied to local community infrastructure as detailed in a development contribution plan and consistent with draft SPP3.6.



Department of Planning,
Lands and Heritage



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Western Australia.*

Draft State Planning Policy 3.6 Infrastructure Contributions

July 2019

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1 CITATION

This is a draft State Planning Policy made under Part Three of the *Planning and Development Act 2005*. This policy can be cited as State Planning Policy 3.6 Infrastructure Contributions (SPP 3.6).

2 POLICY INTENT

The careful planning and coordination of infrastructure is fundamental to the economic and social well-being of any community. New development and redevelopment need to ensure the cost-efficient, and appropriately-timed provision of infrastructure and facilities such as roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health, community and recreation facilities.

The provision of essential infrastructure influences the standard of living, mobility and lifestyle choices of a community and underpins the ability to achieve compact, connected and consolidated urban growth. The delivery of essential infrastructure requires a co-ordinated commitment from State and local government, in partnership with the private sector.

The purpose of this policy is to set out the principles and requirements that apply to infrastructure contributions in new and established urban areas. It also provides a system that enables the coordination and delivery of infrastructure that will provide opportunities for development of new communities in greenfield locations, infill locations, activity centres, corridors and high-frequency public transport routes, industrial nodes and station precincts.

3 BACKGROUND

In Western Australia, contributions for infrastructure are an established part of the planning system. They may be levied by local governments under local planning schemes towards the cost of infrastructure necessary to accommodate urban growth. Contributions are generally levied directly through the subdivision and development process, or where there are multiple landowners, through Development Contribution Plans (DCPs).

Infrastructure contributions are just one of a number of ways that can be used to meet the physical and social infrastructure needs of growing urban communities. Where contributions are sought beyond the standard requirements for infrastructure, mechanisms such as DCPs may be considered in cases where other mechanisms and funding streams cannot achieve a co-ordinated approach to the delivery of necessary infrastructure.



4 APPLICATION OF THE POLICY

The policy applies throughout Western Australia across all development settings, including greenfield growth areas and existing urban areas; industrial areas; regional towns; and other land identified through strategic planning instruments to accommodate and facilitate population and economic growth.

The policy is supplemented by supporting Infrastructure Contribution Guidelines that provide additional information regarding the preparation and operation of DCPs in areas where coordinated development of infrastructure and cost-sharing is required.

5 POLICY OBJECTIVES

The objectives of this policy are:

- to promote the efficient and effective provision of public infrastructure and facilities that are essential to meet the demands arising from population growth and development
- to provide a system for the coordinated delivery of infrastructure necessary to facilitate new urban growth opportunities to achieve compact, consolidated towns and cities
- to ensure that the requirements for infrastructure contributions cater to all development settings to enable the development of sustainable communities
- to provide clarity on the acceptable methods of collecting and coordinating contributions for infrastructure
- to establish a system for apportioning, collecting and spending contributions for infrastructure that is transparent, equitable, accountable and consistent.

6 POLICY MEASURES

6.1 Principles underlying infrastructure contributions

Contributions for all infrastructure must be levied in accordance with the following principles:

- a) **Need and the nexus:** The need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- b) **Transparency:** Both the method for calculating the infrastructure contribution and the manner in which it is applied should be clear, transparent, and simple to understand and administer.
- c) **Equity:** Infrastructure contributions should be levied equitably from all identified stakeholders within a contribution area.
- d) **Certainty:** The scope, timing, and priority for delivering infrastructure items, and the cost of infrastructure contributions and methods of accounting for escalation, should be clearly identified and agreed.
- e) **Consistency:** The system for infrastructure contributions for apportioning, collecting and spending contributions should be consistent, efficient and transparent.
- f) **Accountable:** That there is accountability in the manner in which infrastructure contributions are determined and expended.



6.2 Types of Local Infrastructure

Local Infrastructure is fundamental to the economic and social wellbeing of any community. For the purposes of this policy, local infrastructure includes:

- a) *Development Infrastructure* – infrastructure required to facilitate development and to support the orderly development or redevelopment of an area.
- b) *Community Infrastructure* – infrastructure required for communities and neighbourhoods to function effectively.

6.3 Where infrastructure contributions can be sought

Contributions can be sought from developers and landowners for infrastructure items to support the orderly development of an area to cater to additional demand from increased population, or to facilitate development and redevelopment of areas identified in strategic planning instruments for consolidated urban growth. This includes:

- a new item of infrastructure
- land for infrastructure
- an upgrade in the standard of provision of an existing item of infrastructure
- an extension to an existing item of infrastructure to avoid unnecessary duplication of facilities to meet the additional demand of new residents in a defined catchment
- the total replacement of infrastructure once it has reached the end of its economic life
- other costs reasonably associated with the preparation, implementation and administration of a DCP.

The contributions are for the initial capital requirements only and not for ongoing maintenance or operating costs of the infrastructure, beyond that required of developers through the subdivision and development process.

6.4 Scope

Infrastructure contributions for local infrastructure can be sought for the following:

- a) *Development Infrastructure*: may be imposed through the subdivision and development process without the need for a DCP; items are listed in Schedule 1: Development Infrastructure - Standard Infrastructure Contribution Requirements. Standard Infrastructure items may be included in a DCP when cost-sharing arrangements are proposed.
- b) *Community Infrastructure*: items that may be considered for inclusion in a DCP are listed in Schedule 2: Community Infrastructure: Items for inclusion in a Development Contribution Plan.

6.5 Form of infrastructure contributions

An infrastructure contribution may be provided by one or any combination of the following methods:

- ceding land for roads, public open space, primary school sites, drainage and/or other reserves
- constructing infrastructure works to be transferred to a relevant Government agency on completion (in-kind contributions)
- monetary contributions, to be used by the local government or Government agency or utility provider to acquire land or undertake works (either directly through the subdivision and development process, or through a DCP)

- some other method acceptable to the relevant Government agency or infrastructure provider
- a combination of the above.

6.6 Variable and maximum costs levied

Costs levied are either variable or capped, depending on the type of infrastructure:

- a) For *Development Infrastructure* – where a DCP applies, costs may be variable depending on the infrastructure requirements and location of the development area. Costs should be established based on industry benchmarks for specifications and standards for infrastructure items, where applicable.
- b) For *Community Infrastructure* – a maximum levy for local infrastructure of \$2,500 per dwelling shall apply, with items to be justified through a Community Infrastructure Plan. Where district and/or regional infrastructure is also proposed, consideration may be given to increasing the maximum levy by an additional \$1000 per dwelling, to a total of \$3,500 for a combination of local, district and regional Community Infrastructure, subject to adequate justification and the support of the Western Australian Planning Commission (WAPC).

A lesser amount may be imposed where infrastructure costs do not require the maximum amount to be applied, however, any amount exceeding the maximum levy cannot be imposed.

Local governments will be required to set priorities, following consultation with the community, on the delivery of Community Infrastructure to meet the demands of a growing population. It is expected that additional funding to deliver the full range of required



Community Infrastructure will come from other sources including general local government revenue, and State and Federal funding.

6.7 Imposition of infrastructure contributions

Contributions for Local Infrastructure are generally calculated and applied via the following mechanisms:

- a) *Standard Contributions* – consistent with the requirements of this policy (refer Schedule 1 for Standard Infrastructure Contribution requirements) and applied directly via standard conditions of subdivision, strata subdivision or development, or other methods detailed in the local planning scheme.
- b) *Development Contribution Plans* – where cost-sharing arrangements are proposed to deliver Development or Community Infrastructure consistent with the requirements of this policy (refer Schedule 1 for standard Development Infrastructure contribution requirements; and Schedule 2: Community Infrastructure items).
- c) *Developer Agreements* – in limited circumstances, and pursuant to a request from the landowner or developer.

6.7.1 Standard contributions

Standard contributions are made by developers, or landowners, for new or upgraded infrastructure and may relate to the requirements of public utility providers, State Government requirements and the requirements of local government.

This includes the accepted standard requirements for infrastructure contributions levied through the subdivision and development process (refer Schedule 1 - Standard Development Infrastructure Contribution requirements) including:

- land contributions for public open space, foreshore reserves, primary schools and roads
- infrastructure works for public utilities and roads
- monetary contributions for standard servicing and utility charges.

In existing urban areas, identified in strategic or statutory planning instruments to accommodate increased densities, upgrades to roads and streets may include infrastructure necessary to deliver integrated multi-modal transport and land use development outcomes. This includes infrastructure to support sustainable transport and streetscape upgrades, as defined in Schedule 1.

6.7.2 Development Contribution Plans

6.7.2.1 When a DCP is required

DCPs are an arrangement between a local government and a specified landowner(s) to share the costs involved with delivering new infrastructure within a specific area (Development Contribution Area or DCA).

Where a local government seeks infrastructure contributions beyond the standard development infrastructure outlined in Schedule 1, or where cost-sharing arrangements are proposed, it must be supported by a DCP. Standard infrastructure items can be included in a DCP where costs are to be equitably shared across landowners.

Infrastructure contributions can only be for the provision of capital items. The costs associated with design and construction of infrastructure (including land costs) and the cost of administration are considered capital items and can be included in the DCP.

6.7.2.2 Timing of DCPs to align with comprehensive planning

Where a structure plan, or similar planning instrument, has been prepared and cost-sharing arrangements are identified as being required to deliver infrastructure necessary for development, a DCP should be prepared concurrently with, or within six (6) months following approval of the structure plan, to ensure that the DCP has been prepared ahead of subdivision and development, and that all parties are aware of cost liabilities associated with the delivery of necessary infrastructure.

If cost-sharing arrangements are identified in a district structure plan, the timing of the preparation of the DCP will align with the preparation of a more detailed local structure plan, as the DCP preparation will require a sufficient level of detail usually contained in a local structure plan to identify the proposed shared infrastructure.

6.7.2.3 Requirements of a DCP

DCPs are to ensure:

- a) there is a clear and sound basis with linkages to the local government's strategic and financial planning processes - infrastructure items must be included in a local government strategic community plan and capital works program



- b) the need for that infrastructure, based on an analysis of the demand generated, and the nexus, and where the relationship between the need for infrastructure and the new development is clearly established
 - c) there is justification for the infrastructure and construction standards identified in the DCP, and the authority responsible for providing the infrastructure must be identified
 - d) the costs of infrastructure must be transparent, appropriate and reviewed at least annually
 - e) estimated costs of infrastructure should be based on the recommended reference rates, or indices, detailed in the policy and supporting guidelines, and relevant references or industry standards used in estimating costs are stated in the DCP Report
 - f) there is a commitment to providing the infrastructure in a reasonable period, and other commitments to funding are detailed in the DCP
 - g) the DCA to which the DCP applies must be appropriate and within an identified growth area or location identified in a strategic planning document
 - h) cost-sharing arrangements between owners in the DCP area must be transparent, fair and reasonable.
- d) the method and formula to be applied in determining the cost contribution of each property owner in the DCA (or unit of charge as determined in the DCP)
 - e) the priority and timing of staging and delivery of each item of infrastructure including the responsibility for delivery of infrastructure
 - f) the term for which the DCP is to have effect
 - g) the applicable review process for the DCP, the DCP Report, and infrastructure cost estimates, including the method to be used, indexing mechanisms for credits accrued by a developer or property owner, and land valuations
 - h) the policies, plans and other supporting documents providing justification for the infrastructure items proposed for inclusion in the DCP.

To ensure consistency in the application of the development contribution system across Western Australia, and to provide certainty for system users, the DCP template in Schedule 3 should be used and will be incorporated into the local planning scheme. Any departure from the model format will need to be justified based on individual circumstances.

The content of each DCP shall be as specified in Schedule 4, including the setting of maximum contingencies, and must be accompanied by a Capital Expenditure Plan (CEP), a Cost Apportioning Schedule (CAS), and a DCP Report. Templates for DCP Reports and the CAS are included in the Guidelines for Infrastructure Contributions.

6.7.2.4 Form and content of a DCP

The DCP shall include or specify the following:

- a) the DCA to which the DCP applies including details of land or development to be excluded
- b) the infrastructure and administrative items to be funded through the DCP
- c) details of funding, including the percentage being funded by the DCP, and the percentage from other funding sources

6.7.2.5 Management and administration of a DCP

The local government is to establish and maintain an interest-bearing reserve account, that will operate as the Development Contribution Fund (DCF), in accordance with the *Local Government Act 1995* for each DCA, into which cost contributions for that DCA will be credited, and from which all payments for the infrastructure and administrative items within that DCA will be made. The purpose of the reserve account and the use of money in the reserve account must be limited to the application of funds for the DCA.

Information on the interest earned on reserve accounts shall be made available to the public by the local government upon request, and any interest earned on cost contributions credited to a reserve account should be applied in the DCA to which the reserve account relates.

Administrative items may be included as a DCP item; however, they must relate directly to the work local government must do to prepare and implement the DCP. All administration items shall be individually itemised in the DCP.

Costs that may be included are detailed in the Schedule 4 and may include: technical consultant fees for other studies, plans, reports, and project management associated with the development of land if required to inform the preparation of the DCP

6.7.2.6 Consultation requirements

Prior to undertaking advertising and consultation as part of the statutory requirements for an amendment to the local planning scheme, early consultation on the proposed content of the DCP should be undertaken with



relevant stakeholders, including key landowners in the DCA, providers of any infrastructure to be included in the DCP, and State Government planning agencies.

To ensure the principles of transparency and equity are maintained, the DCP Report, including the CAS, that provide detail of the infrastructure costs and estimates, and the priority and timing of the delivery of each item of infrastructure, shall be formulated and advertised concurrently with the Scheme Amendment Report.

6.7.2.7 Operative Scheme Provisions

A DCP does not have effect until it is incorporated into a local planning scheme. Prior to (or concurrent with) identification of the first DCA within a local government area, and associated formulation of a DCP, operative scheme provisions must be included in the relevant local planning scheme to provide the framework for formulating and implementing a DCP, as provided in the Planning and Development (Local Planning Schemes) Regulations 2015.

6.7.2.8 Delivery of infrastructure

Identification of infrastructure as a contribution item in a gazetted DCP implies an agreement by local government to deliver that infrastructure, and should align with the local government's long-term (10 year) financial plan. While it is acknowledged that some level of flexibility in delivery timeframes is a realistic requirement, it is important that local government adheres to the estimated delivery timeframes for infrastructure for which development contributions have been made to ensure that the principles of equity and accountability are upheld.

6.7.2.9 Prioritisation of infrastructure in a DCP

A DCP may identify infrastructure that:

- a) needs to be actioned with the first development in a DCA, such as a major road extension/connection
- b) is predominantly located on the property owners' land, such as construction of a recreation facility, or acquisition of public open space, to service the larger DCA.

6.7.2.10 Early acquisition of public purpose sites

The DCP should give priority to the acquisition of land for public purposes early in the development process, to ensure that those landowners whose land has been identified for a public purpose, such as public open space, are not disadvantaged or unduly impacted by the rate of development.

In the case of primary school sites, early consultation with the Department of Education is required through the local structure plan process to establish commitment to timing of purchase of the land. It is noted that primary school sites are not included in DCPs as the acquisition of land is a separate process undertaken by the Department of Education.

Consideration is to be given by the local government to requests from landowners for early acquisition of land in cases of hardship, where land is identified for public open space in the DCP area.

The Department of Planning, Lands and Heritage (Department) may, in certain circumstances, pre-fund a DCP for the purposes of acquiring land in hardship cases where the local government has provided evidence to the Department that it does not have the funds to acquire

the land. Once funds are available in the DCP fund, the Department will be reimbursed for the cost of acquiring land with interest.

6.7.2.11 Cost contributions based on estimates

The determination of infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

Where a cost apportionment schedule contains estimated costs, such estimated costs are to be prepared and reviewed at least annually by the local government.

A local government shall provide all available information upon request, including: the DCP Report, the CAS, and supporting information such as valuation advice, all calculations and methodology used to determine the costs, or adjustment of costs.

When an owner objects to the amount of a cost contribution, the owner may give notice to the local government within 28 days after being informed of the cost contribution, and this must be accompanied by supporting evidence prepared by a suitably qualified person detailing the basis of the objection, and include proposed alternative costs for consideration. The review of the amount of the cost contribution shall be undertaken by a suitably qualified person (independent expert) agreed by the local government and the owner, at the owner's expense.

If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined by either any method agreed between the local government and the owner;



or if the local government and the owner cannot agree on a method, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government, on behalf of the DCP, and owner.

6.7.2.12 Contribution credits

Where a developer has pre-funded infrastructure within a DCA, or land has been ceded to allow early infrastructure delivery, the following shall apply:

- a) Where an owner has agreed, or been required to pre-fund an item of infrastructure, or to cede land early to allow early infrastructure delivery, this pre-funding is to be held as a credit against future contributions due from that owner, and the local government and an owner must negotiate a fair and reasonable outcome in relation to this credit.
- b) Where a developer has other land holdings in the development contribution area, the credit is held by the local government until it is required to be used by the developer to offset future contributions.
- c) Where a developer has no further holdings in the DCA, the amount is held by the local government as a credit to the developer until payments into the DCP are received from subsequent developers to cover the credited amount. The credit is then reimbursed to the developer as soon as circumstances permit.
- d) Where the DCP fund is in credit from developer contributions already received, the credit should be reimbursed as soon as the circumstances permit on completion of the works/ceding of land and having regard to the priority and timing of DCP works.

- e) Contribution credits applied as a result of a pre-funding arrangement for the cost of the infrastructure item shall be:
 - i) as identified in the CEP and CAS
 - ii) based on the infrastructure being constructed to the same standard as was costed in the CEP.
- f) The provision of infrastructure to a higher standard than this will require the relevant Government agency, or developer if on a voluntary basis, to meet the gap in costs.
- g) If the actual amount of expenditure incurred when pre-funding an infrastructure item unexpectedly varies significantly from that identified in the CEP and CAS, the local government shall:
 - i) establish why the variation exists and whether such costs are justified
 - ii) determine whether the CEP and CAS need to be reviewed.
- h) If a review of the CEP and CAS is required as a result of the cost contribution per unit of charge changing significantly, a formal review of the DCP is required to ensure the principle of equity is upheld.
- i) The reimbursement of pre-funded works, and early ceding of land for acquisition, through the DCP should be given priority according to timing that the infrastructure was delivered, as soon as adequate funds have been collected in the DCP having regard to the priority and timing of DCP works.
- j) Where a developer seeks to prefund works in advance to the priorities and scheduling identified in the DCP, there should be a broader demonstrated benefit to the DCP for indexation to be applied to

such works and applied to other owners' liabilities within the DCP. Indexation of pre-funding works should be discussed with the local government and detailed in the DCP report.

- k) Credits are only available for infrastructure items included as an item in a DCP, including land acquisition.
- l) Indexing shall apply to contribution credits to incorporate escalation. At the time the credit/liability is calculated, the index agreed between the parties should be used until the liability is paid in full.

6.7.2.13 Review of infrastructure cost estimates

A review of infrastructure cost estimates should be undertaken at least annually.

An annual review may be undertaken by:

- i) applying the recommended Indexes detailed in this policy, or as published by the WAPC
- ii) reviewing each DCP component and undertaking a full annual review of cost estimates.

The method of the review of cost estimates should be detailed in the DCP.

The review of cost estimates and/or application of indexing should be undertaken by a suitably qualified professional.

There may be circumstances where there is a substantial reduction in the cost contribution liability, due to factors including an overestimation of contingencies



and component costs. In such cases, including where a liability has been paid in full, the local government, on behalf of the DCP fund shall:

- i) reconcile and adjust the liability for each unit of charge, and refund excess monies to owners that paid over the adjusted amount, as soon as circumstances permit
- ii) in cases where it is not reasonably practicable to identify owners and issue their entitled amount of refund, any excess in funds shall be held in the DCP fund until all cost contributions have been made or accounted for and applied to the provision of additional facilities or infrastructure improvements in that DCA.

6.7.2.14 Indexation

Indexing ensures cost contributions remain consistent with changing infrastructure costs. To achieve consistency in the use of indexing across local governments, the following indices are to be used, where appropriate, as reference rates for DCP components including administration, development and community infrastructure, and land.

Indexation may be used in the annual review of cost estimates and/or as applied to credits and shall be detailed in the DCP. Indexation may be used for updating final cost contributions as required after gazettal of the DCP. The WAPC, from time to time, may approve the use of alternative indexing to those listed in this policy.

Community Infrastructure

- Australian Bureau of Statistics (ABS) Producer Price Index for Non-Residential Building Construction
- Australian Bureau of Statistics (ABS) Construction Work Done, Australia

- WALGA Local Government Cost Index (Non-Residential Building Construction)

Development Infrastructure

- Australian Bureau of Statistics (ABS) Producer Price Index for Road and Bridge Construction
- Australian Bureau of Statistics (ABS) Engineering Construction Activity
- WALGA Local Government Cost Index (Road and Bridge Construction)

Land

- Valuation advice from a licenced valuer

Credits

- As per relevant index as, detailed above; or
- Reserve Bank of Australia (RBA) - Cash Rate

If a local government considers that the indexation isn't keeping pace with the true costs of a particular item, then the local government should revise the cost estimates for that component/item, with the approval of the WAPC.

6.7.2.15 Monitoring and reporting

In addition to the annual review/ updating of costs, an annual report, or status report, is to be prepared by the local government providing an overview of progress of the delivery of infrastructure specified in the DCP including:

- the timing and estimated percentage delivery of an infrastructure item against that stated in the DCP, arising from review of the local government's Capital Expenditure Plan

- the financial position of the DCF (an audited annual statement of accounts for each DCA reserve account as soon as practicable after the statement becomes available) including interest that has been accrued in the DCF
- a summary of the review of the estimated costs in the CAS, including any changes in funding and revenue sources, and include relevant indexation.

A model template for the annual report is provided in Schedule 5. It is intended that the annual reporting provide a snapshot, or high-level summary, of the progress of the DCP.

The annual report shall be published by the local government on its website; a copy is to be held at the offices of the local government; and the annual report and any supporting documentation will be made available for inspection by the Minister for Planning, the Department of Local Government or the Department of Planning, Lands and Heritage upon request.

6.7.3 Developer Agreements

Contributions may also be implemented in limited circumstances through Developer Agreements or by a voluntary agreement between a landowner or developer and the relevant local government, pursuant to a request from the landowner or developer. Limited circumstances include large-scale, single ownership projects with a long development timeframe, or in regional areas where a formal DCP is not considered by local government and contributing owners to be necessary to achieve desired infrastructure delivery outcomes.



Notwithstanding that Developer Agreements do not form part of the scheme, infrastructure contributions prepared under this arrangement should be consistent with the principles outlined in this policy and any decision to deviate from these principles, including the provision of facilities of a higher quality or specification than standard, should be a voluntary decision by all parties to the agreement.

6.8 Infrastructure contributions not to be imposed as a condition of rezoning

Local governments are not to impose infrastructure contributions beyond the scope of WAPC policy as conditions or prerequisites for rezoning. Infrastructure contributions must be formulated through an open and transparent process, with the opportunity to provide comment, or through DCPs or voluntary agreements that are transparent and follow the due planning process.

6.9 Transitional arrangements

The following transitional arrangements apply:

- Existing DCPs will continue to remain valid for the lifespan of the DCP, however, all DCPs regardless of the approval dates, shall adhere to all operational, monitoring and reporting requirements of the LPS Regulations and SPP 3.6.
- Existing DCPs that do not have a lifespan or review period shall be amended no longer than three (3) years after this policy comes into effect, to include the anticipated lifespan of the DCP and priority and timing for delivery of infrastructure.

- DCPs that have been prepared prior to the gazettal of this policy and are considered a seriously entertained proposal having been submitted to the WAPC for approval, are deemed to be DCPs prepared under the 2009 version of SPP 3.6.
- Any DCP prepared on, or after the day of gazettal of this policy will be subject to the standards detailed in this policy.

6.10 Implementation

Implementation of this policy will be primarily through statutory instruments including, structure plans, local planning schemes or improvement schemes and the day-to-day consideration of scheme amendment, subdivision, strata subdivision and development proposals and applications, together with the actions and advice of agencies in carrying out their responsibilities.

7 REVIEW OF POLICY

This policy shall be reviewed within three (3) years of the date that it is published in the Government Gazette.

8 DEFINITIONS/ INTERPRETATIONS

Definitions and interpretations for Infrastructure Contributions and DCPs, unless otherwise stated in a local planning scheme, should be as per the definitions and interpretations contained in the Planning and Development (Local Planning Schemes) Regulations 2015, Part 1, Part 7 and Schedule 1 Model Provisions.



SCHEDULES

SCHEDULE 1: DEVELOPMENT INFRASTRUCTURE – STANDARD INFRASTRUCTURE CONTRIBUTION REQUIREMENTS

Infrastructure items that may be required as an infrastructure contribution in any development setting imposed through the subdivision and development process, or contained within a Development Contribution Plan in cases where cost-sharing arrangements are proposed.

	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
Public purposes			
1	Land for Public Open Space (Local and District)	Public open space equivalent to 10% of the gross subdivisible area, or as proposed in approved Structure Plan or other adopted planning instrument, or alternatively, a cash-in-lieu contribution, in accordance with WAPC policies and the <i>Planning and Development Act 2005</i> .	Land <u>or</u> monetary contribution
2	Development of Public Open Space	Basic Development – Development of public open space consistent with the requirements of Liveable Neighbourhoods – including full earthworks, basic reticulation, grassing of key areas, pathways that form part of the overall pedestrian and/or cycle network, trees, drainage, lighting, basic seating, and maintenance for two summers, and post water monitoring and establishment period of infrastructure such as living streams where required by WAPC policy Additional facilities for public open space may be provided at the discretion of the landowner/developer and may include provision of basic playground equipment, water fountains/ features, litter bins. Upgrading of existing POS areas where comprehensive planning has been undertaken and public realm upgrade requirements are set out in Structure Plan, or similar planning instrument, to align with objectives of strategic planning instruments.	Construction of infrastructure <u>or</u> monetary contribution
3	Foreshore reserves	Land for foreshore reserves on the coast, rivers and lakes in accordance with WAPC policies	Land (ceded free of cost to the State as per WAPC policy) <u>or</u> If included in a DCP, monetary contribution based on need/nexus
4	Foreshore reserve management plan and/ or upgrades	As part of development of public open space	Delivery by and at discretion of developer/relevant government agency <u>or</u> If included in a DCP, monetary contribution based on need/nexus



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
5	Wetlands	<p>Note: Wetlands are not suitable for inclusion in a DCP purely for environmental protection purposes. Such land should provide a community recreation benefit to be considered for inclusion, and any valuation of the land should reflect the lack of development potential resulting from its environmental constraints.</p> <p>Inclusion in a DCP can only be for recreation purposes as part of the overall public open space network consistent with the provisions of Liveable Neighbourhoods.</p> <p>May include initial rehabilitation works and costs for maintenance/ management that are required of landowners/ developers through the subdivision and development process.</p>	<p>Land (ceded free of cost to the State as per WAPC policy or as part of allowable 2% restricted public open space, if useable for recreational purposes)</p> <p><u>or</u></p> <p>monetary contribution based on demonstrated need/nexus</p>
6	Primary schools	Land for government primary schools identified in approved structure plan.	<p>Land (ceded free of cost to the State as per WAPC policy)</p> <p><u>or</u></p> <p>pro-rata contribution by landowners in catchment via condition of subdivision</p>
Movement network			
7	Primary distributor roads (proposed)	<p>Land for primary distributor roads including primary regional roads and railway reserves only where justified by a new subdivision/ development i.e. in special circumstances where super-lots are created on the urban fringe to allow for future subdivision.</p> <p>In other circumstances, land to be acquired by appropriate authority.</p>	Delivery by relevant government agency
8	District distributor roads (proposed) - including intersection treatments	<p>Where district distributors abut or are included within an area of subdivision or are required to connect to existing major roads outside the subdivision area but within the same landholding.</p> <p>Construction including earthworks for the whole road reserve, the construction of one carriageway comprised of two lanes and associated drainage works and shared paths or other works if shown in the structure plan.</p>	<p>Land <u>and</u> Construction of infrastructure</p> <p><u>or</u></p> <p>monetary contribution based on infrastructure demand</p>
9	Local /neighbourhood distributor and local roads (proposed)	Land for new local streets where required. All roads and traffic works required within a subdivision and linked to a constructed public road, including intersection treatments, and drainage. These roads provide access to individual lots and allow utility services to be reticulated in the road reserves.	<p>Land <u>and</u> Construction of infrastructure</p> <p><u>or</u></p> <p>monetary contribution based on infrastructure demand</p>
10	Existing roads (land for widening)	<p>Where the proposal induced additional traffic movements and/ or benefits from it; and or where development is a significant traffic generator.</p> <p>In other circumstances, land to be acquired by appropriate authority.</p>	<p>Land (ceded free of cost to the State as per WAPC policy, or acquired by relevant government agency, or subject to injurious affection)</p> <p><u>or</u></p> <p>monetary contribution based on infrastructure demand.</p>



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
11	Existing roads (upgrades including intersection treatments)	Where existing roads are inadequate to accommodate traffic generated by proposal; and or where development is a significant traffic generator. Upgrading, construction and widening of existing roads and laneways to accommodate additional demand generated by a subdivision or development.	Construction of infrastructure <u>or</u> monetary contribution based on infrastructure demand
12	Shared paths/cycle paths/footpaths/PAWs	Required as part of items 6-9, or if included in approved Structure Plan, or similar planning instrument.	Land <u>and</u> Construction of infrastructure <u>or</u> monetary contribution based on infrastructure demand
13	Sustainable transport	For existing urban areas and only where comprehensive planning has been undertaken and requirements are set out in Structure Plan, or similar planning instrument, and to align with objectives of strategic planning instruments: <ul style="list-style-type: none"> includes works and undertakings for the purpose of providing public transport infrastructure and associated walking and cycling infrastructure, including public transport stops and shelters, signs and signals, public transport lanes, and any associated works/ designs streetscape and public realm upgrades - includes street furniture, trees, landscaping, planting, other elements to transition to 'Complete Streets' model 	Land <u>and</u> Construction of infrastructure <u>or</u> monetary contribution based on infrastructure demand
14	Grade separated and at grade pedestrian crossings	Only in limited circumstances where set out in Structure Plan for the area.	Land <u>and</u> Construction of infrastructure <u>or</u> if included in a DCP, monetary contribution based on
Utilities and services			
15	Public utilities (on site infrastructure)	Infrastructure for – <ul style="list-style-type: none"> water sewerage drainage works electricity supply infrastructure – initial provision and upgrades to existing services This covers on-site works as well as off-site capital works such as major pump stations, trunk sewers or transmission lines that are necessary to, or contribute to, the subdivision and/or development, and the planning and implementation of urban water requirements.	Land <u>and</u> Construction of infrastructure <u>or</u> if included in a DCP, monetary contribution based on infrastructure demand Note that these works are in addition to monetary charges by the Water Corporation and Western Power for off-site major infrastructure.



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
16	Public utilities (off-site infrastructure works)	Where not pre-funded by government agency. Standard water, sewerage and drainage headworks charges for off-site major infrastructure works. Offsite wastewater supply infrastructure may include buffers. If an area is in fragmented ownership, monetary or in-kind contributions can be required in lieu of land or infrastructure works with reimbursement for other owners where costs are shared.	Land <u>and</u> Construction of infrastructure <u>or</u> if included in a DCP, monetary contribution based on infrastructure demand
17	Other contributions as provided for in WAPC policies.		



SCHEDULE 2: COMMUNITY INFRASTRUCTURE: ITEMS FOR INCLUSION IN A DEVELOPMENT CONTRIBUTION PLAN

Contributions for infrastructure items sought beyond *Development Infrastructure: Standard Infrastructure Contribution Requirements* (refer Schedule 1) where the demand for such facilities, and the need and nexus can be demonstrated. Contributions for Community Infrastructure can be levied up to a maximum of \$2,500 per dwelling for local infrastructure, with consideration given to increasing the maximum levy by an additional \$1000 per dwelling, to a total of \$3,500 for a combination of local, district and regional community infrastructure, subject to adequate justification and the support of the WAPC. Community infrastructure requires the preparation of a Development Contribution Plan.

	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
1	Specialist sporting facilities	For exclusive use by specialist sport or recreation club eg lawn bowls, aquatic centre, gymnasium, surf club, golf course, boating facilities.	Delivery by and at discretion of developer/relevant government agency <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand
2	Local sports grounds and facilities (at local / neighbourhood parks)		Land <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1
3	Foreshore reserves		Land <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1
4	Multi-purpose district sport grounds and facilities and/ or pavilion/building (at district open space)	Sports grounds – including grassed playing surfaces, multipurpose hard surface outdoor courts, lighting and fencing) Buildings/pavilion - including toilets, change rooms, basic kiosk facilities	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1.



	ITEM	STANDARD REQUIREMENT	DELIVERY METHOD
5	Multi-purpose District Community building and basic facilities	Includes meetings rooms, indoor recreation rooms, small scale flexible performance space, kitchen facilities, toilets	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand Note: Land for Public Open Space is a Standard Infrastructure Item under Schedule 1.
6	District library building and basic facilities	Excluding specialist interior fit-out and technology	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand
7	Indoor sports facilitie		Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand
8	Child care/after school centre buildings and basic facilities	Community-run centres only, excluding interior fit-out and technology	Land (in some circumstances as part of provision of public open space) <u>and</u> Construction of infrastructure <u>or</u> If included in a DCP, monetary contribution based on infrastructure demand



SCHEDULE 3: DEVELOPMENT CONTRIBUTION PLAN TEMPLATE

Reference No.	DCP X
Area name	DCA XX
Relationship to other planning instruments	The development contribution plan generally conforms to the Plan for the Future, the 10 year Financial Management Plan and the Community Infrastructure Plan.
Infrastructure and administrative items to be funded	<ol style="list-style-type: none"> District community centre <ul style="list-style-type: none"> Single storey, xm^2, plot ratio floor area building with x parking spaces situated on lot x, x street, x suburb <ol style="list-style-type: none"> planning and design site acquisition earthworks and site (including servicing) construction of facility (including associated tender) associated parking associated landscaping Administrative costs including: <ul style="list-style-type: none"> costs to prepare and administer the plan during the period of operation (including legal expenses, valuation fees, proportion of staff salaries, computer software or hardware for purpose of administering the plan) costs to prepare Annual Report and monitoring costs to prepare and review cost estimates and the cost apportionment schedule valuation costs
Method for calculating contributions	<p>The contributions outlined in this plan have been based on the need for community infrastructure and/or non-community infrastructure generated by additional development in the development contribution plan. The local government's Community Infrastructure Plan identifies the community infrastructure needs that impact on the development contribution plan. The method for calculating contributions excludes the:</p> <ul style="list-style-type: none"> demand for a facility that is generated by the current population demand created by external usage - the proportion of use drawn from outside of the main catchment area future usage – the proportion of usage that will be generated by future development outside of the development contribution plan timeframe <p>$C = [ID \times CR] \times I$,</p> <p>Where</p> <p>C = Cost Contribution</p> <p>ID = Infrastructure Demand – calculated using cost Apportionment Schedule</p> <p>CR = Contribution Rate - as set out in the Cost Apportionment Schedule</p> <p>I = Indexation factor.</p>



Reference No.	DCP X
Period of operation	X years
Timing and priority	A summary of the estimated timing and priority for the delivery of each item of infrastructure - details to align with the Development Contribution Plan Report and the Council's long-term strategic plan and infrastructure plan
Review process	<p>The plan will be reviewed five (5) years from the date of gazettal of the local planning scheme or amendment to the local planning scheme to incorporate the plan, or earlier should the local government consider it appropriate having regard to the rate of development in the area and the degree of development potential still existing.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p>
Reporting requirements	An annual report must be prepared by the responsible authority each financial year and published no later than three (3) months after the end of the financial year reported on in accordance with the template in Schedule 5.



SCHEDULE 4: DEVELOPMENT CONTRIBUTION PLANS – REQUIRED INFORMATION

SCHEDULE 4 – REQUIREMENTS AND CONTENT OF A DEVELOPMENT CONTRIBUTION PLAN	
Required Information for all DCPs	<p>A DCP must be accompanied by a DCP Report which is to contain a Capital Expenditure Plan (CEP) and a Cost Apportioning Schedule (CAS), and, which between them:</p> <ul style="list-style-type: none"> • identify the strategic basis for inclusion of each infrastructure item in the DCP • specify the details of priority, staging and timing for the provision of infrastructure • detail the methodology for land valuation, and or basis for a standard or specification used for items of infrastructure • set out in detail the calculation of the cost contribution for each owner, or other unit to be charged such as per dwelling, in the DCA, based on the methodology provided in the development contribution plan • include all supporting documentation, such as technical reports, that support or justify any aspect of the DCP to be included as Appendices to the DCP Report <p>These documents do not form part of the scheme but provide important justification for the content of each DCP. Templates are provided in the Infrastructure Contribution Guidelines detailing the recommended form and content of the DCP Report and CAS.</p> <p>The DCP Report (and Appendices) and CAS must be adopted for advertising to all owners at the same time the related scheme amendment is advertised for comment.</p>
Documentation to support Community Infrastructure items	<p>Where a local government is seeking contributions for community infrastructure, these need to be supported by:</p> <ul style="list-style-type: none"> • a community infrastructure plan for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments) • a capital expenditure plan (with at least five (5) out years) which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision • projected growth figures, including the number of new dwellings to be created at catchment level (suburb or district) • a methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas.
Documentation to support Sustainable Transport items	<p>Where a local government is seeking contributions for Sustainable Infrastructure including public transport facilities, and streetscape upgrades, these need to be supported by:</p> <ul style="list-style-type: none"> • evidence that the subject area has been identified to accommodate consolidated growth and aligns with local or state strategic planning instruments • evidence that the comprehensive planning necessary for coordination of development or redevelopment has occurred <p><i>Where planned growth for an area is in accordance with the State Planning Framework and identified as a public transport priority route supporting higher densities, then consideration should be given to the transport modelling already undertaken prior to a request for additional modelling.</i></p>



SCHEDULE 4 – REQUIREMENTS AND CONTENT OF A DEVELOPMENT CONTRIBUTION PLAN	
Lifespan	<p>A DCP must specify the period of operation.</p> <p>For DCPs in a greenfield development setting, lifespan should be linked to completion of development or subdivision, and a maximum lifespan of 10 years applies. A lifespan of longer than 10 years for DCPs in greenfield settings will only be considered in limited circumstances, if justification for such a timeframe can be demonstrated and linked to a capital works and staging program, and subject to the principle of equity being upheld.</p> <p>For DCPs in an infill development setting, a lifespan of 10 years applies. A longer lifespan may be considered in limited circumstances for the delivery of city-wide community infrastructure or specific strategic urban projects, which will have a longer timeframe for delivery.</p> <p>Selected timeframe shall correspond with any related strategic and infrastructure planning, and financing cycles; reflects anticipated development growth rates; and provide certainty that the identified infrastructure items can be delivered within the stipulated timeframe of the DCP.</p>
Infrastructure items considered inappropriate for inclusion in a DCP	<p>Infrastructure items considered inappropriate for inclusion in a DCP, and where other funding mechanisms should be sought include:</p> <ul style="list-style-type: none"> • regional drainage • wetland management (including any rehabilitation) – note that maintenance/ management costs may be included as required of developers by Council's through the subdivision and development process. • high school + other education - land acquired by relevant government agency or provider • technical college (TAFE)/ university - land acquired by relevant government agency or provider • non-government schools - land acquired by relevant or provider • administration costs associated with office accommodation and facilities for staff undertaking DCP administration shall not be included • marketing features (eg estate boundary walls or fencing, entry statements, public art, signage, artificial lake or waterway with no drainage function) – an exception to this includes Industrial DCPs which may include features such as entry statements and signage in DCP costs • other – CCTV and business incubator units • regional sports grounds and facilities (at 'regional open space' designated in Region Scheme) - for local governments that are not subject to a region scheme, infrastructure at 'regional sports grounds' may be considered as 'district' grounds and facilities for the purposes of this policy • specialist community facilities (for exclusive use by specialist organisations eg interest/hobby clubs, performing arts facilities, health centre) • council offices / civic centre



SCHEDULE 4 – REQUIREMENTS AND CONTENT OF A DEVELOPMENT CONTRIBUTION PLAN	
Infrastructure items considered inappropriate for inclusion in a DCP	<p>Administrative items may be included as a DCP item, however, must relate directly to the work local government must do to prepare and implement the DCP:</p> <ul style="list-style-type: none"> • costs to prepare and review DCP cost estimates • costs to prepare DCP cost apportionment schedule • costs for undertaking valuations for DCP • fees for professional services directly linked to preparation and implementation of DCP (eg legal and accounting fees) • costs for computer software and/or hardware upgrades necessary to enable DCP preparation • proportion of staff salaries directly related to DCP administration – ‘management fees’ should directly relate to the cost of labour to manage the DCP, rather than a percentage of total DCP costs • financial institution fees and charges associated with administration of DCP funds • interest charged on loans taken out to pre-fund items included in DCP (established based on lending rates at the time DCP is prepared)
Infrastructure items considered inappropriate for inclusion in a DCP	<p>Consistent with industry standards, the estimated cost of items may include the following maximum contingency amounts for construction:</p> <ul style="list-style-type: none"> • community and recreation construction items – 15% of the estimated project cost • construction of roads or road intersections – 15% of the estimated project cost • construction of bridges – 20% of the estimated project cost.



SCHEDULE 5: ANNUAL REPORT TEMPLATE FOR DEVELOPMENT CONTRIBUTIONS PLANS

Name of DCP -

Report date -

Financial Year –

Table 1: Summary of delivery of infrastructure

Item of infrastructure	Scheduled delivery/ priority in DCP	Progress/status (% complete)	Expected delivery	Reasons for delay (if applicable)

Table 2: Financial position of DCF

	Received /value contributions collected or land area	DCF funds expended/ value	Current balance of DCF	Value of credits	Interest earned on DCF funds (if applicable)
Monetary component in levies (\$)					
Works in kind					
Land contribution					
TOTAL					

Has the DCF account be independently audited (Yes/No) (Insert date)

Has a review of Cost Apportionment Schedule (CAS) and Cost Estimates been undertaken (Yes/No)

(Frequency/ insert date)



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Lands and Heritage



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Draft State Planning Policy 3.6 Infrastructure Contributions Guidelines

July 2019

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1 INTRODUCTION

1.1 Purpose of document

These Guidelines provide guidance on the practical application of the infrastructure contributions system in Western Australia and additional information on aspects of the infrastructure contributions system for Local Infrastructure as established in State Planning Policy 3.6 Infrastructure Contributions (SPP 3.6).

SPP 3.6 provides a consistent, accountable and transparent system for infrastructure contributions either as a standard item of infrastructure via the subdivision and development process or where infrastructure costs are to be shared, via Development Contribution Plans (DCPs). While these Guidelines provide an overview of how infrastructure contributions may be imposed, for the most part they address the preparation and operational aspects of DCPs.

Careful consideration should be given in determining the suitability and use of DCPs to deliver infrastructure, as this is just one of a number of mechanisms that can be used to meet the physical and social infrastructure needs of growing communities.

Although in some circumstances infrastructure contributions may recover the full costs of individual items where there is a clear nexus between the infrastructure and the development, they are not intended to cover the costs of delivering the full suite of infrastructure required to respond to pressures from urban growth. Infrastructure contributions must be seen as one element within the

strategic planning process, in which the infrastructure needs of a community are identified and strategies are devised and then implemented to meet those needs.

Other streams of funding need to be considered prior to seeking infrastructure contributions beyond that which is a standard contribution, including State Government taxes, local government property rates and special area rates; State and Federal grants, and user and access fees and charges.

1.2 Infrastructure Contributions system in Western Australia

Throughout Australia, governments face increasing pressure on the services they provide. These pressures arise from population and economic growth, and increasing expectations of the community for new and upgraded facilities.

Often, different development settings require specific infrastructure needs to accommodate and facilitate growth, including:

- greenfield development setting (new communities) - infrastructure necessary to meet the needs of a sustainable community in the first 10 years of development
- infill development settings (redevelopment within existing communities) – where there is significant change in the type or intensity of land use to achieve urban consolidation objectives of the State Government, that may require new infrastructure and facilities, or upgrades or capacity increases of existing infrastructure and facilities

- regional growth areas – infrastructure required to meet specific needs and expectations of regional communities, including new infrastructure and facilities, or replacement and upgrades to existing infrastructure and facilities.

SPP 3.6 provides a system that allows infrastructure contributions to be applied to all land in different development contexts, including greenfield, infill, regional and industrial land, if they are consistent with its principles, objectives and requirements.

In Western Australia, contributions for infrastructure have long been accepted as an essential part of the planning system. Previous policy and advisory documents that have informed the infrastructure contribution system include:

- WAPC Planning Bulletin No.18 (1997) Developer Contributions for Infrastructure
- Planning Bulletin No.41 (2000) Draft Model Text Provisions for Development Contributions
- SPP 3.6 Development Contributions for Infrastructure (2009)
- Planning Bulletin 100 (PB 100) - background to the development contributions system in Western Australia, and the intent of the policy established in SPP 3.6 (2009).

The development of SPP 3.6 (2009) took into account the recommendations of the Public Accounts Committee – Inquiry into Developer Contributions for Costs Associated with Land Development (2004). The inquiry recommended that local governments should have the capacity to recoup infrastructure costs and that this should be by way of provisions in local planning schemes.



The underlying principles for infrastructure contributions, the process and operation of DCPs, and the model provisions for schemes remain largely the same, with the current system including additional checks and balances for reporting and monitoring to ensure the system remains transparent and accountable.

The process for levying infrastructure contributions has evolved over the past 15 years, and while it is generally well understood and soundly based, the infrastructure contribution framework has needed to evolve to align with the strategic planning objectives for consolidated

urban growth patterns, and be applicable to a broader range of development settings in addition to greenfield areas, including existing urban areas that are expected to accommodate significant growth and infill targets.

INFRASTRUCTURE CONTRIBUTION FRAMEWORK			
Act and Regulations	Local Planning Schemes	State Planning Policy 3.6 Infrastructure Contributions	Infrastructure Contribution Guidelines
<p>The power to require infrastructure contributions derives from the <i>Planning and Development Act 2005</i> (as amended), and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (LPS Regulations).</p> <p>The LPS Regulations (including proposed amendments) include provisions relating to contributions for infrastructure as follows:</p> <ul style="list-style-type: none"> Part 1 – Definitions Part 7 – Development Contribution Plans – provisions relating to the requirement, content and effect of Development Contribution Areas and Plans; and the requirements for Reporting and Monitoring Model Provisions – Part 5A Development Contribution Plans – Model Scheme provisions for the administration and operation of DCPs 	<p>Local Schemes are to incorporate provisions from Schedule 1 - Model Provisions – Part 5A Development Contribution Plans . (note: subject to amendments to the Regulations being finalised).</p> <p>Model provisions set out the statutory provisions to operate Development Contribution Areas and Plans including:</p> <ul style="list-style-type: none"> principles purpose operation monitoring and review arbitration 	<p>Establishes the scope and process for contributions towards infrastructure required for urban development and community facilities.</p> <p>SPP 3.6 sets out:</p> <ul style="list-style-type: none"> the principles underlying contributions for infrastructure requirements for Local Infrastructure imposition of infrastructure contributions the Form, Content and Process for the preparation of a DCP administration and operational requirements of DCPs <p>Includes:</p> <ul style="list-style-type: none"> Schedule 1 – List of Development Infrastructure Schedule 2 – List of Community Infrastructure Schedule 3 – Development Contribution Plan Template Schedule 4 – Required Information for Development Contribution Plan Schedule 5 – Annual Reporting Template 	<p>The Guidelines are a companion document to SPP 3.6 to provide further guidance for users on how the infrastructure contributions system in Western Australia is to be applied, focussing on the preparation and operation of DCPs.</p> <p>The Guidelines are not statutorily enforceable, however, provide clarification and supporting information on fundamental aspects of SPP 3.6.</p> <p>The Guidelines set out:</p> <ul style="list-style-type: none"> how the Infrastructure contribution system works the processes and considerations in the preparation of a DCP an explanation of operational aspects of DCPs, including interim arrangements (Deed of Agreements) and guidance on the closing of a DCS <p>Includes:</p> <ul style="list-style-type: none"> Appendix A – Development Contribution Plan Report Template Appendix B – Cost Apportionment Schedule Template Appendix C – Guide to Catchments and Standards Appendix D – Deed of Agreement template



2 INFRASTRUCTURE CONTRIBUTIONS SYSTEM

2.1 Principles

Six overarching principles guide the process for determining infrastructure contributions and the preparation of DCPs:

1. Need and the nexus
2. Transparency
3. Equity
4. Certainty
5. Consistency
6. Accountable

These principles are the cornerstone of the infrastructure contributions system. They should apply to the way the need for any proposed infrastructure item is determined and to the method of calculating the level of contributions to be levied. It is essential that the overall principles form the basis for seeking infrastructure contributions, including the preparation of every DCP as required.

2.2 Local Infrastructure

Local Infrastructure is primarily delivered by local governments, utility providers or a developer, and is fundamental to the economic and social well-being of all communities.

SPP 3.6 distinguishes between the different types of Local Infrastructure, namely:

- *Development Infrastructure* – infrastructure required to facilitate development and required to support the orderly development or redevelopment of an area
- *Community Infrastructure* – infrastructure required for communities and neighbourhoods to function effectively.

This is consistent with the existing references to types of Local Infrastructure, sometimes referred to as ‘hard’ and ‘soft’ infrastructure respectively.

This distinction is required given the different requirements that apply when preparing a DCP that includes Community Infrastructure.

2.3 Imposition of infrastructure contributions

Infrastructure contributions are legally enforceable contributions that a developer or property owner may be required to make to provide essential infrastructure works and facilities for new and existing communities. Contributions are generally calculated and applied via the following mechanisms:

(i) Standard Infrastructure Contributions

Infrastructure required as standard is contained in Schedule 1 of SPP 3.6 and includes land contributions, infrastructure works or monetary contributions. The requirements for such infrastructure is imposed via standard conditions of subdivision or development, under the *Planning and Development Act (2015)*, and can be defined as those items that are essential to the development of land.

The standard infrastructure contribution requirements include on-site physical infrastructure, such as water supply, sewerage and drainage, road and power; and some community infrastructure including public open space and primary school sites, which are recognised as an essential prerequisite to development. In addition, headworks contributions also apply and are charged by utility service providers such as the Water Corporation for water supply, sewerage and, where applicable, main drainage.

The items of infrastructure contained in Schedule 1 of SPP 3.6 have been consistently applied for over 20 years. A review of SPP 3.6 highlighted the need to also provide opportunities for sustainable transport options in areas experiencing transformational change. The application of contributions for sustainable transport is limited to infill development settings, and is intended to ensure appropriate infrastructure can be delivered to align with areas of increased density identified through strategic planning instruments.

Contributions for proposed works for sustainable transport considered necessary to support transformational change are required to be identified in a structure plan, or similar planning instrument, and must align with local and State planning frameworks that have been identified to accommodate growth.

(ii) Development Contribution Plans (DCPs)

Development Contribution Plans (DCPs) are used to levy contributions for planned infrastructure. A council collects development contribution levies through an approved DCP.



Infrastructure that would normally be required as standard (Schedule 1 of SPP 3.6) may be able to be included as an item in a DCP, so that costs can be shared across owners, and infrastructure can be delivered in a timely manner.

The capacity of local governments to provide the additional physical infrastructure and community facilities necessary to accommodate future growth and change is limited. As a result, local governments are increasingly seeking to use DCPs to fund the construction of infrastructure items and facilities beyond the standard requirements, particularly for Community Infrastructure such as community centres, recreation centres, sporting facilities, libraries, child care centres, and other such facilities.

Notwithstanding, the extent to which existing and future communities should be expected to contribute to the funding of community facilities should be limited, as it is considered that funding of such infrastructure should largely be sourced from other funding mechanisms.

Schedule 2 provides a list of Community Infrastructure that may be considered for inclusion in a DCP. To ensure consistency in the levying of contributions for Community Infrastructure across the metropolitan area, it is proposed that the levy be capped at \$2,500 per dwelling for Local Infrastructure. Where district and/or regional infrastructure is also proposed, consideration may be given to increasing the cap by an additional \$1000 per dwelling, to a total of \$3,500 for a combination of local, district and regional community infrastructure, subject to adequate justification and the support of the Western Australian Planning Commission (WAPC).

Flexibility has been provided to local governments to determine the type of infrastructure considered necessary to meet the needs and expectations of their local community. It is expected that the requirements for Community Infrastructure will differ depending on the needs of the existing and future communities, and this should be determined following consultation with the community.

Consideration will also need to be given to the extent to which a DCP can contribute to the funding of the required infrastructure, taking into consideration the maximum capped cost that can be imposed.

Levies for Development Infrastructure will continue to be variable, depending on the infrastructure requirements and location of the development area.

(iii) Developer Agreements

Developer Agreements may be considered in limited circumstances – usually large-scale projects under single ownership – and pursuant to a request from the landowner or developer. Developer Agreements are voluntary and fall outside the formal infrastructure contributions system, and do not require State Government assessment or approval. Any agreement for infrastructure contributions via a Developer Agreement should be consistent with the principles outlined in SPP 3.6 and any decision to deviate from these principles, including the provision of facilities of a higher-quality or specification than standard, should be a voluntary decision by all parties to the agreement.



3 DEVELOPMENT CONTRIBUTION PLANS

3.1 Purpose

The purpose of preparing DCPs relating to specific Development Contribution Areas (DCA) is provided for in Part 7 of the LPS Regulations 2017, and is summarised as follows:

- a) to provide for the equitable sharing of the costs of infrastructure and administrative costs between owners
- b) to ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the DCA
- c) to coordinate the timely provision of infrastructure.

3.2 Statutory implementation

Under SPP 3.6, DCPs provide an equitable system for planning and charging infrastructure contributions across defined areas, and provide certainty to developers, infrastructure providers and the community about the charges which apply and how the funds will be spent.

A DCP does not have effect until it is incorporated into a local planning scheme. Each DCP must be associated with a specific DCA, identified as a Special Control Area under the scheme.

Prior to (or concurrent with) identification of the first DCA within a local government area, and associated formulation of a DCP for that DCA, scheme text provisions must be included in the relevant local planning scheme to provide the framework for formulating and administering a DCP.

Local Planning Policies (LPPs) prepared by local governments to address any aspect of infrastructure contributions, including the preparation, administration or operation of DCPs should be consistent with the intent and requirements of both SPP 3.6 and these supporting Guidelines.

3.3 Preparation of a Development Contribution Plan

3.3.1 General considerations

To meet DCP requirements, a local government should consider the following prior to and during formulation of a DCP.

Need and nexus

- The need for the infrastructure included in the DCP must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- There must also be a clear and sound basis for the proposed infrastructure with linkages to the local government's strategic and financial planning processes, with all assumptions documented and justified;

Beneficiary pays

- Contributions collected through a DCP will only fund the infrastructure and facilities which are reasonable and necessary for the new development and to the extent that the infrastructure and facilities are necessary to service the new development.
- To fund the proportion of infrastructure costs that cannot be recovered through the DCP (existing and future demand), additional funding and revenue sources need to be considered in addition to funding from the DCP.

Ensuring reasonable cost

- The infrastructure items to be funded through a DCP, and total cost of infrastructure contributions imposed, should be reasonable and align with the needs of the community and consider the impact on housing affordability.

Timing of infrastructure provision

- Items of infrastructure identified as being needed by the community should align with the DCP timeframe. Consideration should be given to the type of infrastructure needed and the development context in which it will be delivered.
- The authority responsible for providing the infrastructure must be identified in the DCP Report.
- Alternative funding contingencies should be considered to ensure timely provision of infrastructure if sufficient infrastructure contributions are not collected.
- Progress of delivery of infrastructure against DCP priority and timing estimates, and a high-level summary of the financial position of the DCP is to be reported on annually.

Consultation and transparency

- The timing for the preparation and public advertising of a DCP should align with the comprehensive planning undertaken for an area, to ensure that all stakeholders are aware of their obligations for cost contributions to infrastructure prior to subdivision and development.
- All information and inputs that have informed the preparation of the DCPs, and apportionment of costs, shall be made available for review by contributing owners within the DCA.



Formulation requires resources and expertise

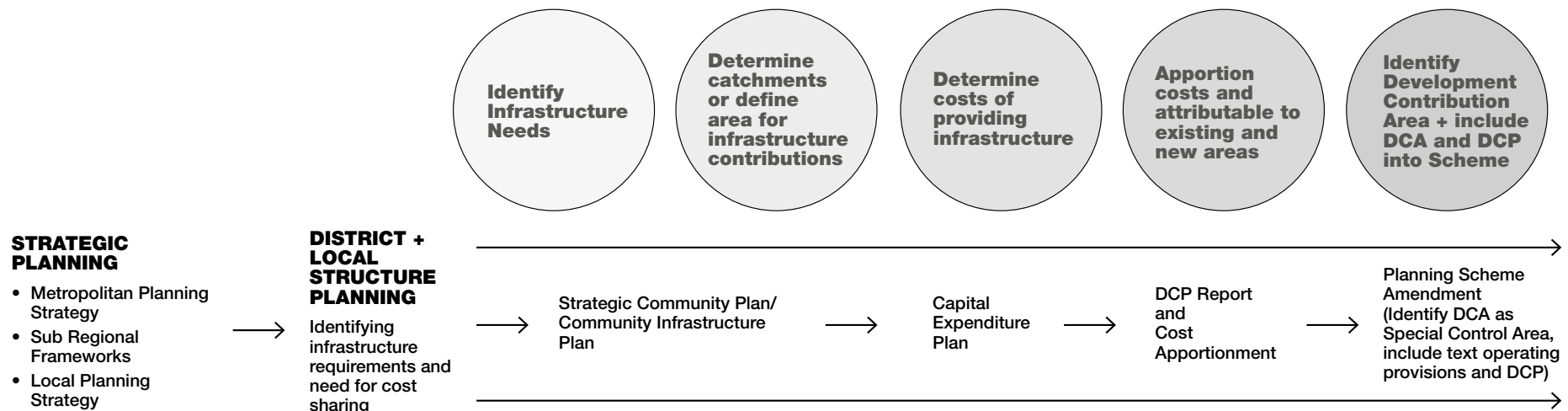
- Consideration should be given to ensuring the local government is equipped in time and expertise to prepare necessary DCPs prior to contributions being needed, or, outsourcing of resourcing should be considered.

Process for preparing development contribution plans

Public advertising of Strategy/Structure Plan

Public consultation re: infrastructure needs

Public advertising of DCP and cost contributions





3.3.2 Content overview

Each DCP for either Development or Community Infrastructure, or both, is to be included in the relevant local planning scheme in the format provided at Schedule 3 of SPP 3.6.

Each DCP must also be accompanied by a DCP Report, that includes a Cost Apportionment Schedule (CAS), which together identify matters including:

- the strategic basis for inclusion of each infrastructure item in the DCP
- the details of each infrastructure item, including the construction standards identified in the DCP, the authority responsible for delivering the infrastructure, and the priority and timing for the provision of infrastructure
- the methodology by which the demand for proposed infrastructure is apportioned between existing development, future development beyond the lifespan of the DCP, and new development within the DCA
- the infrastructure contribution rate for each infrastructure network and the applicable unit of infrastructure demand
- set out in detail the calculation of the cost contribution for each owner in the DCA.

These documents do not form part of the Scheme, however, provide important justification for the content of each DCP, and should be advertised at the same time as the Scheme Amendment for the DCP.

To ensure consistency in application of the infrastructure contribution system across Western Australia, and to provide certainty for system users, it is preferred that the template DCP Report and CAS templates provided at Appendix C and D of these Guidelines are used.

Any departure from this format will need to be justified based on individual circumstances.

3.3.3 Defining the Development Contribution Area

Apportionment of infrastructure costs based on an area assumes that the land concerned has fairly common characteristics. Therefore, DCAs should be identified, as far as possible, with common characteristics so that cost contributions reflect future development potential.

Where it is not possible to identify land with fairly common characteristics throughout the whole of a DCA, consideration should be given to dividing the area into contribution precincts or cells. Land that has been identified as not generating demand for infrastructure should be excluded from the DCP area, and may include:

- a) roads designated under a region scheme as primary regional roads and other regional roads
- b) existing public open space
- c) areas identified as having environmental values (unless providing community recreation benefit included in functional POS)
- d) existing and planned Government primary and secondary schools
- e) any other land specified in the DCP, including land and/or development that has been identified as not generating demand for infrastructure.

In infill or brownfield DCAs, it may be appropriate to also exclude the total land area of local roads, and the total land area of any non-residential development, from the total DCA. Such an approach will need to be considered and justified on a case by case basis.

A local government should give consideration to forms of development, of a minor or incidental nature, that should be excluded from triggering liability to pay a contribution (such as minor development, the clearing of land or erection of a boundary fence, or a change of use which does not generate additional infrastructure demand).

3.3.4 Establishing a lifespan

A DCP must specify the period during which it is to operate. The timeframe will depend on factors associated with the characteristics of each DCA.

The recommended lifespan is generally 10 years. A lifespan longer than 10 years may be considered appropriate in limited circumstances, if justification can be demonstrated.

When considering an appropriate lifespan for a DCP, local government should aim to ensure that the selected timeframe corresponds with any related strategic and infrastructure planning, and financing cycles; that it reflects anticipated development growth rates; and that there is some certainty that the identified infrastructure items can be delivered within the chosen timeframes.

Any extension of the period of operation of an already existing DCP requires a scheme amendment which will, in turn, require the approval of the Minister for Planning.

3.3.5 Determine current and future infrastructure and administrative needs

Determining infrastructure needs and specifications for new communities (greenfield contexts) should be based on development industry standards, and include an analysis of existing provision, considering any necessary upgrading or replacing of existing infrastructure, and



through a calculation of future requirements, including type and capacity. The relative demand for infrastructure from existing and future populations will need to be determined in later cost apportionment stages.

DCP infrastructure items should not include infrastructure that would otherwise be delivered by individual developers and required via conditions of subdivision approval i.e the construction of local roads or other infrastructure that is not a 'shared cost'. To ensure the overall DCP costs are not inflated, only the more significant items of infrastructure where costs are to be shared should be included in a DCP. The inclusion of local infrastructure delivered by a developer directly via the subdivision process as a DCP cost can negatively impact on housing affordability and project viability, and can result in issues arising in returning excess funds at the end of a DCP.

Confirming the need for Community Infrastructure items is part of the more detailed planning process necessary for community infrastructure DCPs, outlined at section 3.3.11.

Predicting the additional infrastructure needs of infill areas may be more complex as these areas already have a basic level of infrastructure for everyday needs. Two types of infrastructure are required to facilitate and support urban consolidation policy objectives, including increased densities:

- *Lead infrastructure* is required upfront to increase the amenity of an area, such as street upgrades, public realm upgrades, and public transport improvements. There are many examples where the State Government has invested in upfront infrastructure to enable a redevelopment of an urban infill area, and has in some cases recouped money from this initial investment. Examples include Subiaco redevelopment with a new

underground train station, Scarborough with foreshore works, Elizabeth Quay and East Perth with an inlet. Without this upfront infrastructure, the increase in density and population would be difficult to achieve.

- *Lag infrastructure* is provided after the population has increased, to meet an increased community need. Lag infrastructure in an urban infill context could include significant upgrades to local urban parks including skate parks, swimming pools and other community facilities. The provision of lag infrastructure, that is, once the population has increased, would generally be funded through local government property rates, or other mechanisms.

3.3.6 Establish infrastructure priority and timing

It is important to determine and specify in the planning scheme and DCP Report the priority and estimated timing of delivery for each infrastructure item.

Some flexibility is required when attempting to calculate timings for delivery of development. Notwithstanding, the general infrastructure priorities and estimated timing of delivery should be specified in the DCP that is inserted in the local planning scheme. Such timeframes and priorities may be identified in general terms i.e. 1-3 years (short term); 3-5 years (medium term) and 5-10 years (longer term).

Regular reviews of the CEP and the Cost Apportionment Schedule (CAS) will identify in more detail if infrastructure delivery timing changes significantly enough to affect infrastructure costings, which may require a modification to the DCP itself through the formal amendment process.

3.3.7 Identification of required infrastructure in Capital Expenditure Plan

A Capital Expenditure Plan (CEP) is required in support of a DCP to clearly demonstrate the projected capital costs of delivery of each identified item of infrastructure, the timing of infrastructure delivery, and the revenue sources and programs by which these costs will be met. Infrastructure contributions can be sought for:

- capital costs of providing or replacing infrastructure, including land and construction costs
- costs of financing infrastructure, if delivered before all relevant contributions have been provided
- costs associated with design of an infrastructure item.

Contributions may not be sought for ongoing maintenance or operating costs of an item of infrastructure, or any other recurrent costs.

The CEP should establish the intended sources of funding for each infrastructure item. All potential sources must be explored, remembering that infrastructure contributions are only one of the ways in which infrastructure can be funded, and that contributions should not be seen as a replacement for other sources of capital. Infrastructure contributions are intended to supplement traditional sources of infrastructure funding including local government rates, State and Federal funding, reserve funds and grants.

The CEP should, however, only include external funding that is known to be available at the time the DCP is prepared. If additional external funding is obtained following commencement of the DCP, the CEP can be reviewed to reflect this, with a likely consequent reduction in infrastructure contributions. This is a preferable



scenario than if the availability of external funding was overestimated at the time of DCP preparation, with infrastructure contributions needing to be increased at a later date as a result.

3.3.8 Estimating infrastructure costs

The determination of infrastructure and administrative costs should be based on estimated timing of delivery of each infrastructure item, and the timing and lead times for each project should be documented to ensure clarity of costing assumptions whenever the document is reviewed.

Cost estimation should be undertaken:

- a) in the case of land to be acquired, the value of such land is to be determined by a licensed valuer to determine the fair market value of the land
- b) in all other cases, in accordance with the best and latest information available to the local government.

There is a range of industry standards that provide estimated costs of construction for a range of infrastructure. Common industry standards include Rawlinsons Construction Cost Guide or Cordell Cost Guides.

Cost estimates for infrastructure should be undertaken by a quantity surveyor or construction cost consultant or other suitably qualified expert, and should determine costs for each component.

It is expected that costs estimates will incorporate a level of contingency allowance. While such contingencies are a realistic aspect of project budgeting, it is important to recognise the impact on cost estimates of an over-conservative contingency allowance. Excessive contingencies will result in development contribution amounts being set higher than is needed, and a likely

excess of funds being available at the end of the life of the DCP. This impacts both project viability, and housing affordability.

While local governments are obliged to minimise risk in terms of the financial management of a DCP, and ensure the DCF adequately covers the DCP administration and operation, the local government should not profit from a DCP, and any excess funds should either be returned to the contributing owners within the DCA at the close of the DCF, or should be expended on the provision of additional facilities or improvements in that DCA (refer Model Scheme Provisions). Excess funds should not be incorporated or transferred into a local government general revenue account.

To maintain the principle of equity, it is important that any contingencies are set at realistic levels, consistent with development industry standards, and subject to monitoring as part of the overall CEP review process. A general guide to maximum contingencies is as follows. Contingencies set above the following should be justified in the DCP Report:

- Community and recreation construction items – 15 per cent of the estimated project cost
- Construction of roads or road intersections – 15 per cent of the estimated project cost
- Construction of bridges – 20 per cent of the estimated project cost.

Cost estimates also need to consider the preparation and ongoing administration required to operate the DCP. Administrative items that can be included are detailed in Schedule 4 of SPP 3.6 and must relate directly to the work local government must do to prepare and implement

the DCP, and can include legal, accounting, planning, engineering, and other professional advice and any associated fees. Certain financial institution fees, charges and interest rates may also be reflected in the relevant DCP.

Costs associated with any other technical consultant work undertaken as part of the land development process should not be included in a DCP, unless in limited cases of fragmented land-ownership where inclusion in a DCP is the only way to facilitate subdivision.

The inclusion of a management fee as an administration costs should not be applied on a percentage basis of overall cost of the DCP, and should directly relate to the real labour costs of administering the DCP and DCF.

3.3.9 Prepare Cost Apportionment Schedule (CAS)

The CAS accompanies each DCP Report and must be advertised along with the DCP, and published in final form within 90 days of gazettal of the DCP.

The CAS outlines the methodology by which costs are attributed proportionate to demand for infrastructure generated by existing/external development; future growth beyond the lifespan of the DCP, and that generated by the new development, which can be included in a DCP. It also establishes the total apportioned DCP infrastructure costs for each infrastructure network; the unit of charge to be used for calculating individual contributions; and the required contribution amount per unit of charge. All assumptions relating to the calculation of levies within the CAS must be documented and expressed in a way that can be clearly understood by all stakeholders (an example template CAS is provided at Appendix B).



Demand proportions

To ensure that the principles of need and nexus and equity (beneficiary pays) are upheld, the cost of an infrastructure item must be met by all those who generate its need. This may include the existing local community, future populations, and any users from outside the DCA itself.

The DCP may only include the proportion of infrastructure costs associated with demand generated by new development within the DCA. Costs that cannot be included in the DCP (existing demand and future development beyond the lifespan of the DCP) will need to be funded from alternative sources such as local government rates, State and Federal funding, reserve funds and grants.

It is worth noting that some infrastructure facilities will be designed with excess capacity to service future needs beyond the lifespan of a DCP. Just like any existing or external demand, the proportion of costs associated with this long-term demand should not be included when calculating required infrastructure contributions.

Unit of charge

Infrastructure costs are apportioned by dividing the total cost of an item by each unit of charge (having already excluded those portions of total demand generated by existing, external and future communities). Each landowner's total infrastructure contribution will depend on how many demand units their development generates.

Units of charge may include: per dwelling, per lot, per hectare, or per m² of floorspace. It is recommended, for the purposes of most DCPs, that cost apportionment is based on a per dwelling unit of charge, rather than a per

land area unit. While this will result in higher contributions being paid by developers of higher-density development, it is considered to be the most equitable approach which best reflects actual demand for infrastructure. A high-density development is likely to produce more infrastructure users than a medium or low-density development would.

A DCA may include land zoned for a variety of residential and non-residential land uses. DCPs may include infrastructure such as public open space or community facilities where the demand is only generated from the residential land uses. DCPs may need to incorporate multiple methodologies, to reflect differing infrastructure demand generated by residential and non-residential land uses.

Development contribution calculation

Cost contributions are determined by multiplying the respective infrastructure contribution rate by the number of infrastructure units of charge, and then indexing this figure to take account of inflation or other matters relevant to the future capital cost of infrastructure.

These Guidelines do not set a standard or maximum contribution rate for Development Infrastructure. In a State as extensive and diverse as Western Australia, different local governments will deal with DCAs with widely varying infrastructure needs and associated costs, and to set a standard or maximum contribution rate for development Infrastructure would fail to reflect these variations.

Notwithstanding that Development Infrastructure will be variable, a capped rate for Community Infrastructure has been introduced to provide consistency across all local governments, while also providing flexibility in the type of infrastructure that may be required for different

communities. Further to a review of existing infrastructure contributions for Community Infrastructure across a number of local governments, a capped levy per dwelling is proposed. This is intended to provide certainty to the broader community and stakeholders regarding potential liabilities, and also ensures that new or upgraded community facilities are being delivered by a combination of methods including local government rates or other funding sources which may be more appropriate and efficient.

3.3.10 Prepare a DCP Report

A DCP Report should be prepared to accompany the DCP and include:

- a Cost Apportionment Schedule for the area (CAS), that outlines the methodology by which costs are attributed proportionate to existing and future growth
- a Capital Expenditure Plan (CEP) (with at least five years) which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision

which between them:

- identify the strategic basis for inclusion of each infrastructure item in the DCP
- specify the details of priority, staging and timing for the provision of infrastructure
- detail the methodology for land valuation, and or basis for a standard or specification used for items of infrastructure
- set out in detail the calculation of the cost contribution for each owner, or other unit to be charged such as per dwelling, in the DCA, based on the methodology provided in the DCP



- include all supporting documentation, such as technical reports, that support or justify any aspect of the DCP to be included as Appendices to the DCP report.

These documents do not form part of the planning scheme, but provide important justification for the content of each DCP. Templates detailing the recommended form and content of the DCP Report and CAS are provided in Appendices A and B. The DCP Report, supporting documentation and CAS must be prepared and adopted for advertising to all owners at the same time that the related scheme amendment is advertised for comment. This is to ensure that all information considered essential for a DCP, including costs, has been prepared and advertised together so that both local government and owners within DCAs are aware of potential liabilities, prior to the scheme amendment being gazetted.

Once a DCP has been approved via the gazettal of the scheme amendment, the local government is to adopt and make available a DCP report and CAS to all owners in the DCA, including any updates, within 90 days of a DCP coming into effect.

The specified 90 days is to allow time for the documents to be finalised, adopted by local government, and published. It is not to be interpreted as an opportunity to complete or make significant modifications to the document. The DCP report and CAS detail should be substantially complete and align with the contents of the scheme amendment documents at the time of advertising and final endorsement by the Minister, to ensure transparency and accountability.

3.3.11 DCPs for Community Infrastructure

The preparation of a DCP for Community Infrastructure is the same as that for Development Infrastructure, however, additional information is required to support Community DCPs. To require infrastructure contributions for Community Infrastructure items, a local government must establish a clear strategic framework as justification.

Schedule 2 of SPP 3.6 provides a list of Community Infrastructure that may be considered for inclusion in a DCP. Each local government will need to determine its infrastructure requirements based on the needs of existing and future communities, following consultation with the community. Consideration will also need to be given to the extent to which a DCP can contribute to the funding of the required infrastructure, taking into consideration the capped levy per dwelling that can be imposed.

In addition to the DCP Report being prepared that includes a CAS and CEP, and other supporting information detailed in Schedule 4 of SPP 3.6, DCPs for Community Infrastructure must also be supported by:

- a Strategic Community Plan/ Community Infrastructure Plan, identifying the services and facilities required over the life of the DCP (supported by demand analysis and identification of service catchments)
- a methodology for determining the proportion of costs of Community Infrastructure to be attributed to growth and the proportion to be attributed to existing areas (cost apportionment methodology).

Community Infrastructure items may only be included in a DCP if those items are first identified as being necessary in a local government's Strategic Community Plan and corresponding CIP.

In summary, preparation of a CIP requires completion of key tasks:

1. Documenting the demographic profile of the existing community
2. Analysing current infrastructure provision and standards
3. Establishing any gaps or excess in current infrastructure provision
4. Confirming current infrastructure needs in relation to existing community profile
5. Estimating future development and population growth
6. Projecting any shift in community demographic profile resulting from growth
7. Calculating future infrastructure needs according to future community profile
8. Establishing a list of necessary new or replacement infrastructure

Each DCP for Community Infrastructure must be supported by projected growth figures including the number of new dwellings to be created per catchment. The cost apportionment between each existing and future owner will rely on these figures so it is important that this analysis work is undertaken as accurately as possible.

Setting facility standards

Community Infrastructure planning requires not only the identification of which facilities are required, but the setting of standards for the construction and fit-out of those facilities.



A number of local governments have prepared Local Planning Policies setting out the applicable hierarchy, construction standards, and function of facilities, including ratios to determine the number, size and type of facilities in various locations, based on population or catchment distance. These policies may be useful in DCP preparation. A general guide to catchments and hierarchy and function of facilities is included in Appendix C of these Guidelines.

It is the position of the WAPC that infrastructure contributions for Community Infrastructure may be sought based on the cost of infrastructure constructed and fitted-out to a standard that would meet basic and reasonable community needs and expectations for such a facility.

It is at the discretion of the relevant Government agency to deliver infrastructure facilities to a higher standard than that necessary to meet basic needs, however the gap between the basic and higher delivery costs would need to be met by the relevant agency, and may not be included as a infrastructure contribution requirement.

Notwithstanding that levies for cost contributions for Community Infrastructure are capped, the local government will still be required to provide adequate justification for inclusion of the infrastructure items contained in the DCP that are required to meet the needs to the growing population.

3.4 Endorsement and publication of a DCP

A DCP does not have effect until it is incorporated into a local planning scheme, either as part of a new scheme, or through an amendment to a scheme. Each DCA should be identified as a Special Control Area on the scheme map and in the scheme text, and a DCP for each DCA included as a schedule to the scheme text.

Any change to the proposed standards of infrastructure and facilities after a DCP is finalised and included in a local planning scheme can only be incorporated in a DCP through an amendment to that scheme (with associated formal scheme amendment processes, including public advertising).

While a DCP Report and accompanying CAS are not included in the planning scheme, and can therefore be reviewed without going through a formal amendment process, any changes to either of these documents that result in changes to the DCP itself will require the DCP to be formally amended.

3.5 Administration and operation of a DCP

The provisions for administration and operation of a DCP are provided in both SPP 3.6 and the Schedule 1 Model Provisions of LPS Regulations, and should be incorporated into local planning schemes. In summary, the following should be noted regarding the levying of infrastructure contributions by local governments:

Imposition of contribution

- Where there is an existing DCP included in a gazetted local planning scheme, a condition of subdivision will be applied to the effect that the relevant landowner should contribute towards the costs of providing infrastructure in accordance with the relevant DCP.
- Where a DCP has not yet been included in a local planning scheme via a gazetted amendment, but has been advertised as an amendment to the scheme, and the submissions have been considered by the local government and sent to the WAPC for final approval, the WAPC will support imposition of a condition of

subdivision or strata subdivision to the effect that the relevant landowner should contribute towards the costs of providing infrastructure in line with the DCP, once the relevant amendment has been gazetted.

This condition effectively anticipates some form of contribution being required, but acknowledges that the exact nature of that contribution cannot be known until the DCP has been endorsed by the Minister in its final form and included in a local planning scheme. Infrastructure contribution requirements are to be imposed on subdivision via one of the WAPC Model Subdivision Conditions. Further guidance regarding Deed of Agreements is provided in this document.

- In accordance with Part 7 of the LPS regulations, a local government shall not withhold its support for subdivision or strata subdivision, or refuse to approve a development application, solely for the reason that there is no gazetted DCP for the subject land or that there is no other arrangement with respect to an owner's contribution towards the provision of infrastructure. It is expected that local governments will prepare DCPs in a timely manner that aligns with the strategic planning of an area.

Trigger for liabilities

- The trigger for payment of infrastructure contributions include conditions of subdivision or development, as part of the subject subdivision clearance process; before the WAPC endorses its approval on the relevant deposited plan or strata plan; prior to commencement of the subject development or change of use; or other triggers for liabilities identified in the local scheme. Contributions are generally only payable for the portion of land within the plan being requested for clearance.



Method of payment

- The method by which an infrastructure contribution may be provided is detailed in SPP 3.6, and may include ceding or transfer of land; in-kind contributions (construction of infrastructure by the developer); monetary contributions; or other methods identified as acceptable to the local government including a contribution being made at a different time to that identified in the DCP and/or proposed to be paid in instalments. Agreements to such alternative arrangements are at the discretion of both parties.

Interim arrangements for DCP contributions

- In accordance with Part 7 of the LPS Regulations (2015), the WAPC or local government must not grant approval to either a subdivision or development application subject to a condition that requires a person to make a contribution to the provision of infrastructure or facilities for the area, if a DCP is “not in place” for the area (“not in place” being the granting of final approval and gazettal). Likewise, the WAPC or local government cannot refuse an application for subdivision or development unless the DCP has already been advertised.
- There may be circumstances where an interim arrangement for contribution of costs may be required. This typically occurs where a developer or land owner seeks approval to subdivide or develop land, after the DCP has been advertised, but prior to finalisation and gazettal. In these circumstances, a Deed of Agreement is often the mutually-agreed approach to ensuring that development and /or subdivision is not unduly held up, and the local government has confidence that the required contributions will be paid, and financial risk has been managed.

- In such circumstances, it is recommended that the condition of development/ subdivision approval includes reference to the requirement for the landowner to enter into a Deed of Agreement to contribute to the cost of providing community and/or development infrastructure; reference to the planning instrument the contributions are based on (i.e. draft DCP informed by structure plan or similar instrument); and reference to the requirement for the contributions to be consistent with State Planning Policy 3.6 Infrastructure Contributions.
- A Deed of Agreement should include, at a minimum:
 - a) A provisional cost contribution amount, mutually agreeable to both parties. The agreed amount should reflect a negotiated amount that both parties consider reasonable. If an amount is in dispute, the figure should reflect the average of the estimated contribution as determined by both parties. The WAPC is to become the clearing authority on the condition of subdivision or development requiring the landowner to enter into a Deed of Agreement.
 - b) The timing of reconciliation of final payment should occur after gazettal of the Scheme Amendment, and once final costs have been finalised (within 90 days of gazettal). Notice should be given of the final contribution amount, and reconciliation should occur within 60 days. Resolution of final costs and reconciliation of final liabilities will occur at gazettal of the scheme amendment, limiting risks to both parties.

- c) A sunset clause that defines a time period of the Deed, as agreed between the parties. A minimum 18-month period is recommended to allow time for the Scheme Amendment and DCP to be granted final approval and be gazetted.
- It is recommended that the template provided in Appendix D for a Deed of Agreement for interim arrangements is used by all local governments to ensure consistency and efficiency.

Estimated costs

- Where cost contributions have been calculated on the basis of estimated costs, a local government may either accept a monetary cost contribution based on an estimated cost as a final cost contribution from an owner, or adjust the required cost contribution of any owner in accordance with revised estimated costs resulting from certified and published annual CAS reviews. Payment of a cost contribution based on estimated costs in a manner acceptable to the local government constitutes full and final discharge of the owner’s liability.

Monitoring and reporting

- Infrastructure costs should be reviewed at least annually to ensure the cost contributions are keeping pace with actual costs of infrastructure. This includes an audited annual statement of accounts for each DCA reserve account, and a summary of the review of estimated costs in the CAS, including any changes to funding sources



- At the end of each financial year, the local government is to prepare an Annual Report of the DCP that contains a high-level snapshot or “health check” of the progress of the DCP, including the delivery of infrastructure against anticipated timing, and financial position of the DCF.
- The Annual Reporting template provided in Schedule 5 of SPP 3.6 is to be used and the report is to be published on the local government website, with a copy held at the offices of the local government. To ensure the principles of transparency and accountability are upheld, the report and any supporting documentation that has informed the high-level summary shall be made available for inspection by the Minister for Planning, the Department of Local Government, or the Department of Planning, Lands and Heritage.

Closing a Development Contribution Fund Account

- Once infrastructure in a DCP has been delivered, the DCF account will need to be closed. This should occur within 12 months following the delivery of all items of infrastructure.
- If there are excess funds available when all cost contributions have been accounted for, the local government is to refund the excess funds to contributing owners for that DCA. If there are items of infrastructure that are not required, or it has been determined will not be delivered, the funds allocated to this infrastructure are considered excess funds and shall be returned to contributing owners within the DCA.

- The following steps are recommended to ensure all efforts have been made to refund excess monies, and to ensure the principles of accountability and equity have been upheld.
 1. The local government is to notify the contributing landowners within the DCA of the intent to return excess funds at the close of the DCF.
 2. If contributing landowners cannot be identified and/or notified, the local government is to publicly advertise the intent to close the DCF for a period of 30 days, and for any entitlements to excess funds is to be submitted to the local government for consideration.
 3. If it is not reasonably practicable to identify contributing owners or allocate entitlement, the excess funds are to be spent on the provision of additional facilities or improvements within the DCA.
 4. The local government should make information publicly available regarding the details of any spending of excess funds.

For Community Infrastructure DCPs, it may be difficult and impractical to return excess funds to contributing land owners, given the significant number of landowners. In such cases, the local government should advertise the intended use of the excess funds, and all funds are to be spent within the DCA.

Arbitration and appeals

- Provisions relating to dispute resolution are included in the Model Provisions, and should be included in individual local planning schemes along with the other infrastructure contribution-enabling provisions. The provisions are summarised as follows:

- With the exception of disputes relating to land valuation, any dispute between an owner and the local government regarding the cost contribution required to be made by an owner is to be dealt with initially by seeking a review of the amount by an independent expert, however if agreement cannot be reached, then by arbitration in accordance with the *Commercial Arbitration Act 1985*.
- Disputes relating to land valuations are initially dealt with between the owner and the local government by obtaining a review of the valuation by a licensed valuer. If agreement cannot be reached on the valuation figure, then the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.



4 SUMMARY

The key principle in the application of infrastructure contributions is that the beneficiary pays. Sometimes benefits will be largely confined to the residents of a new development. Sometimes, the benefits will accrue to both existing and new residents. Consistent with this principle, contributions collected will only fund the infrastructure and facilities which are reasonable and necessary for the new development, and to the extent that the infrastructure and facilities are necessary to service the development.

Where cost-sharing of infrastructure has been identified as being necessary to facilitate orderly planning of an area, and where there are no other mechanisms considered suitable, a local government may want to prepare a DCP to enable infrastructure costs to be shared. DCPs need to identify growth trends based on service catchment areas, translate these trends into the infrastructure and facilities necessary to meet these increasing needs within the catchment, and allocate the costs to existing residents and new residents proportional to their demand generated for the infrastructure and facilities. This will help foster fairness and equity.

A fundamental prerequisite of these plans is that local government will need to plan ahead. The DCP must have a strategic basis and be linked to the local planning strategy and strategic infrastructure plan and program which identify the infrastructure and facilities required over the life of the DCP (generally up to 10 years for new greenfield development, or longer for the delivery of city-wide Community Infrastructure), and the cost and revenue

sources for the provision of the infrastructure. In this way, those contributing towards the DCP will be assured that the funds will contribute to the local government's longer-term planning and programming of infrastructure in an integrated and coordinated way.



APPENDICES

APPENDIX A: DEVELOPMENT CONTRIBUTION PLAN REPORT TEMPLATE

Note: This report does not form part of the planning scheme but provides the rationale and justification for the Development Contribution Plan (DCP), the calculation of costs, and the cost apportionment schedule specifying the costs for each owner.

(insert name) Development Contribution Plan Report

Development contribution area	The Development Contribution Area is shown on the scheme map as: DCA X.
Purpose	<p>The purpose of this DCP Report is to -</p> <ul style="list-style-type: none">a) enable the applying of infrastructure contributions for the development of new, and the upgrade of existing infrastructure which is required as a result of increased demand generated in the DCAb) provide for the equitable sharing of the costs of infrastructure and administrative items between ownersc) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the DCAd) coordinate the timely provision of infrastructure. <p>This section should also include reference to any higher-order strategic plans/structure plans which have identified infrastructure proposed to be provided through the DCP.</p>
Period of the plan	X years from June 30 20XX to June 30 20XX
Operation of DCP	<p>The plan has been prepared in accordance with State Planning Policy 3.6 Infrastructure Contributions. It will come into effect on the date of gazettal of the local planning scheme or amendment to the local planning scheme to incorporate the plan.</p> <p>The plan will operate in accordance with the provisions of section X of the local planning scheme.</p>
Application requirements	Where an application for subdivision, strata subdivision, development or an extension of land use is lodged which relates to land to which this plan applies, the local government shall take the provisions of the plan into account in making a recommendation on or determining that application.



Items included in the plan	<p>This section should list each of the administrative and infrastructure items, including land acquisition if required, and include a sufficient description of what each item is and the basis for its inclusion in the DCP.</p> <p>The need and nexus for each item is to be outlined clearly in this section. There may be a need for additional appendices to be included supporting information such as population projections, community infrastructure plans, traffic modelling or the like which has been used to demonstrate need and nexus for items.</p> <p>The section should also include reference to a Spatial Plan in an Appendix which shows the location of proposed infrastructure.</p> <p>Details of the cost apportionment can be seen in the cost apportionment schedule.</p>
Estimated costs	<p>Refer to Schedule of costs of each item of infrastructure and administrative items in Appendices. Schedule of costs should be detailed and give a clear description of what the total cost of each infrastructure item is comprised of, for example, all costs associated with the design and contribution of infrastructure, including cost of land acquisition of required and relevant contingencies.</p> <p>The schedule should include an asset ID for each infrastructure item which cross-references to the spatial plan showing the location of each item of infrastructure.</p>
Method of calculating contribution	<p>Detailed methodology of, and formula for, calculating an owner's cost contribution. Refer to Cost Apportionment Schedule in Appendices.</p>
Priority and timing of infrastructure delivery	<p>Detail when infrastructure is expected to be provided and what triggers this is based on (eg. threshold of population or additional dwellings). Details of the priority and timing can be seen in the Capital Expenditure Plan contained in Appendices.</p>
Payment of contributions	<p>This section is to outline how payment of contributions is to occur and should reference relevant scheme provisions.</p> <p>The section may also outline a local government's approach to dealing with payments of cost contributions as provided for by the local planning scheme provisions, including conditions and method of calculating offsets.</p>
Review	<p>The plan will be reviewed five years from the date of gazettal of the local planning scheme or amendment to the local planning scheme to incorporate the plan, or earlier should the local government consider it appropriate having regard to the rate of development in the area and the degree of development potential still existing.</p>
Appendices	<p>The estimated infrastructure costs as shown in the CAS will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p> <ol style="list-style-type: none"> 1. Spatial Plan depicting DCA and location of proposed infrastructure items 2. Schedule of Costs of infrastructure and administrative items 3. Cost Apportionment Schedule 4. Capital Expenditure Plan

Note: This schedule does not form part of the planning scheme –
TEMPLATE TO BE FINALISED FOLLOWING ADVERTISING WITH STAKEHOLDERS .

[illegible]



APPENDIX C: CATCHMENTS AND HIERARCHIES

TO BE FINALISED FOLLOWING ADVERTISING WITH STAKEHOLDERS

Catchments

- Local/neighbourhood: 5-15,000 residents
- District: 25-75,000 residents
- Regional: 75,000+ residents

Open space hierarchy

- Regional open space - means land defined under a region scheme, regional structure plan or sub-regional structure plan as a parks and recreation reserve or as regional open space reserve, to accommodate active and passive recreation such as major playing fields and/or regional conservation and environmental features.
- District open space - means an area of public open space notionally serving three neighbourhoods, generally between 2.5 to 7 hectares, which will accommodate a combination of informal play areas, formal playing fields and hard surfaces for organised sports. Accessibility catchment 2km.
- Neighbourhood Park - means an area of public open space, generally less than 5,000m², designed and located for local children's play, rest places, pedestrian connectivity, informal active recreation and play, and passive recreation. Accessibility catchment 800m.
- Local park means an area of public open space, generally between 0.4-1 ha, designed and located for local children's play, rest places, pedestrian connectivity, informal active recreation and play, and passive recreation. Accessibility catchment 300m.

Cycle infrastructure

- Principal Share Paths (PSPs) – previously referred to as 'regional paths', located primarily along freeways and railways and are generally a State responsibility.



APPENDIX D: DEED OF AGREEMENT FOR INTERIM ARRANGEMENTS TEMPLATE

TO BE FINALISED FOLLOWING ADVERTISING WITH STAKEHOLDERS

13.13 Responsible Authority Report - 39 Kirwan Street, Floreat – Mixed Use Development Comprising Seven Multiple Dwellings and office

Please note this item was brought forward see page 109.

14. Elected Members Notices of Motions of Which Previous Notice Has Been Given

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Councillor Mangano left the meeting at 8.44 pm.

14.1 Councillor Smyth – Street Tree Replacement – 24 Godetia Gardens, Mt Claremont

On the 13 October 2020 Councillor Smyth gave notice of her intention to move the following at this meeting.

Moved – Councillor Smyth
Seconded – Councillor Youngman

Council instructs the Chief Executive Officer to:

1. investigate a new request by the owner/occupier of 24 Godetia Gardens, Mt Claremont for the removal of a Liquidambar (Liquidambar styraciflua) street tree and its replacement with a NZ Christmas Tree (Metrosideros Excelsa), and
2. provide a report to the Council by December 2020 with recommendations including mitigating any adverse impacts, particularly concerning the safety risks raised by the occupant.

Lost 6/7
(Against: Mayor de Lacy Crs. Hodsdon Bennett Mangano
Youngman Poliwka & Hay)

Justification

A request to remove the street trees at 22 & 24 Godetia Gardens came to Council in October 2017 and was narrowly defeated. Now with a new repeated request, Administration is not prepared to interpret Policy in a way that contravenes a previous resolution of Council, hence the matter needs to be brought to Council for reconsideration.

In the intervening 3 years the situation has escalated due to:

- a) attempts at pruning have proved unsuccessful at lessening debris;
- b) the age of the occupant and increased fall risk;
- c) increased targeting of tree by Carnaby birds foraging for nuts;
- d) increasing size of the tree has outgrown site;
- e) the determination of the occupant to take the matter to SAT.

Administration's report to Council in October 2017 stated: "Given the size and growth characteristics of this species, and the general requirement to accommodate a large planting zone to mitigate root damage, the Liquidambar is a poor selection of street tree for this location and could be considered unsuitable."

Godetia Gardens is a narrow entry road (off Camellia Ave) to the 1990's keyhole subdivision known as Poplar Grove in Mt Claremont. The houses at 22 and 24 Godetia Gardens were built as display homes in partnership with Homes West to demonstrate an innovative approach to sustainable public / private housing development. I emphasise this background because it highlights that this area is an exception to the "standard Nedlands streetscape parameters". The roads are narrow, verges minimal, houses and garages have confined setbacks and there is no room to accommodate debris or litter overburden.

The trees I am told are Canberra Gem Liquidambar and are approximately 25 years old. Both residents have previously requested their removal and replacement due to the volume of the seed pods they drop. The seed pods accumulate on paths and the driveways of their properties causing a danger due to their numbers and size. Both property owners have indicated they have had falls and have limited capacity to remove the seed pods because of their personal age and the volume and frequency at which the debris drops. Previous requests have been made seeking removal of the trees, however they have been advised due to provisions relating to tree litter in Council's Street Trees policy, removal and replacement cannot be authorised by Administration. Pruning of the trees has been undertaken by Administration to try to improve the situation, but to date this has not appreciably alleviated seed pods dropping onto the paths and driveways within the properties.

Given the extended period of time that this matter has been causing problems for the occupant, and the stalemate that has been reached with Administration due to policy limitations, it would be prudent for Council to reconsider the matter. Particularly in light of Administration's report to Council in October 2017 that stated:

"Given the size and growth characteristics of this species, and the general requirement to accommodate a large planting zone to mitigate root damage, the Liquidambar is a poor selection of street tree for this location and could be considered unsuitable."

Attachment 1 – Email from Owner Occupant John Dunn with concerns and photos of tree debris. October 2020.

Attachment 2 – Emails July 2020 between Occupant and Manager Parks Services.

Administration Comment

Council and the Administration have previously considered this matter at Council's meeting of 24 October 2017. Having reviewed the previous advice on this matter provided by Administration, this has not fundamentally changed.

The basis for the original request to remove the street tree (*Liquidambar*) in 2017 was made on the basis it drops a substantial volume of large seed pods which the property owner is unable to clear effectively due to their age and the proliferation of seed drop. *Liquidambar*s are deciduous and produce an annual crop of seeds of up to 8 cm in diameter, consequently tree litter is often objectional to residents in urban areas. The previous request stated that the seeds cause a hazard to pedestrian access on their crossover, driveway and entrance paths. Administration has previously pruned the street tree to help alleviate the occurrence of seeds dropping onto pedestrian hardstand areas on the nature strip and within the adjacent property and this assisted, at least in the short term, to some degree. The Current request also cites the prevalence of Black Cockatoo's foraging on the tree, between December 2019 and May 2020, and causing a nuisance as a contributing factor for their request.

Council's Street Trees policy contains a provision relating to requests to remove street trees associated with leaf, nut and flower drop cited below:

"Council will not be asked to decide requests for street tree removals that rely solely on the following reasons:

- Leaf, flower, nut or bark falling or accumulating or being blown by the wind;"

As previously advised, *Liquidambar*s (*Liquidambar styraciflua*) are native to eastern USA and can grow to a height of more than 20 metres at maturity in cultivated situations. This specimen is yet to reach maturity and is best described as a 'Juvenile' specimen. The species require a sizeable growing space to accommodate a large and vigorous root system which is rated as having a high potential for causing damage. The tree is located in a constrained verge of 14 metres by 4 metres.

At present there are no significant observable impacts on adjacent built environs. The proximity of the tree to hardstand areas within the streetscape would suggest there is a high likelihood of damage occurring in the future as the tree matures. Given the size and growth characteristics of this species, and based on criteria the City applies to matching suitable trees to site constraints, the *Liquidambar* is a poor selection of street tree for this location and would be considered unsuitable if assessed for planting presently. The resident has requested the tree be removed and replaced with what the City would consider a more suitable choice of species for the location which, to some extent, has merit whilst the current tree remains juvenile.

24 Godetia Gardens
Mt Claremont WA 6010

20 July 2020

copy

Manager Parks Services
City of Nedlands
PO Box 9, Nedlands WA 6909

Attention: Mr Andrew Dickson

Dear Andrew,

Street Tree Adjacent to 24 Godetia Gardens, Mt Claremont (Your refce TECH 367225847-3245)

I refer to my letter of 3 August 2017, your response of 17 August 2017 and my discussion with the City Parks Coordinator (Arboriculture), Mr Chris Batcham on 21 August 2017.

At that time I requested replacement of this Liquidambar verge tree due to the hazard to my safety arising from the heavy preponderance of spiky nut drops which fall for several months of each year onto my paved driveway, access path and the grass verge and front lawn. I am elderly (76 in October) and these seed nuts up to 8cm in diameter present a real hazard to me because of the danger of slipping on them on the driveway and front pathway..especially when the ground is wet.

In 2017 I requested replacement of the tree with a more suitable and safer alternative. The City chose not to agree with the replacement citing its Street Trees Policy but which relates to the inconvenience to residents of having to remove tree debris rather than addressing the safety hazard issue raised. Your department did agree to undertake a " light pruning" of the tree but this removal of several branches was completely ineffective in reducing the seed nut fall volume and did nothing to eradicate the safety issue.

I again brought up this issue with Council on 24 October 2017 (copy of Council Minutes attached) with Council by a narrow margin deciding not to replace the tree. What is very relevant from these minutes , however, is the acknowledgement by the City Administration that the relevant location is an "exception to the standard Nedlands streetscape parameters". More importantly from a legal viewpoint is the written acknowledgement that.."The proximity of the trees to built environs and hardstand areas within the streetscape would suggest there is a high likelihood of damage occurring in the future as the trees mature. Given the size and growth characteristics of this species, and the general requirement to accommodate a large planting zone to mitigate root damage, the Liquidambar is a poor selection of street tree for this location and could be considered unsuitable."

The situation has deteriorated significantly over the past year in particular due to the loss of feeding habitat for the protected Carnaby Cockatoo bird species (red and white tail) caused apparently by the removal of bushland at the former Shenton Park Rehabilitation Hospital site for residential development. Over the period December 2019 to May 2020 while the ripe green seed nuts were prevalent on the subject verge

tree, I was besieged at least 4 times daily commencing around 6am through to just before dark, by noisy groups of these large birds stripping branches up to 10mm thick with their powerful beaks to feed on the seeds and in the process heavily littering my property and the verge with whole and shredded seed nuts, branches and foliage necessitating my having to clean up 4 and sometimes more times per day to remove the hazard of the nut and branches fall to my safe walking access.

Quite frankly these birds have made my life hell; they have significantly increased the risk of my slipping on seed nuts or tripping on fallen branches and for those 6 months I am denied the fundamental legal right to "peaceful enjoyment" of my own home. All of this is due to the "unsuitable" verge tree either planted or agreed to by the City with the original subdivision developer.

I therefore am again requesting the replacement of this tree by the City. I do not agree that I should be responsible for any cost relating to such replacement due to the incorrect decision by the City in imposing such an unsuitable tree.

I await your response and earnestly hope this matter can be resolved amicably.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'John F Dunn', with a large, stylized loop at the end.

John F Dunn

0408 991 822

Email: 35dunn@gmail.com

John Dunn

From: Andrew Dickson <adickson@nedlands.wa.gov.au> on behalf of Council
<council@nedlands.wa.gov.au>
Sent: Tuesday, 28 July 2020 4:16 PM
To: 35dunn@gmail.com
Subject: Street tree - 24 Godetia Gardens, Mt Claremont
Attachments: Street Trees Policy.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mr Dunn

The City confirms it is in receipt of your letter dated 20 July 2020 regarding the above mentioned matter.

The City's Administration is bound by the provisions of Council's Street Trees policy (Policy) with respect to resolving requests associated with the City's street trees. I have attached a copy of the Policy for your reference. The City's Administration is not authorised to approve removal of the street tree based on the reasonings provided in your letter as this would contravene Policy. The City is able to provide pruning of the street tree to reduce or limit any encroachment over your property boundary and can organise this if requested.

Obtaining approval to remove the street tree on the grounds requested would require a decision of Council who have authority to disregard Policy. Council made a determination on 24 October 2017 with respect to your request to have the street tree removed. Council did not authorise the removal of the street tree having considered all relevant matters that were presented. The City's Administration does not believe the circumstances with respect to your request have substantively altered since Council's determination on 24 October 2017. Consequentially, the City's Administration considers it is bound by Council's previous decision and does not intend to submit to Council to reconsider removal of the street tree.

You may wish to raise the matter with your elected ward representatives on Council to see if there is a willingness to reconsider your request, contact details are available on the City's website noting you reside in the Coastal Ward - <https://www.nedlands.wa.gov.au/your-council/mayor-and-councillors>

If you have any questions regarding this matter, please contact the City's Parks Services department to discuss these:

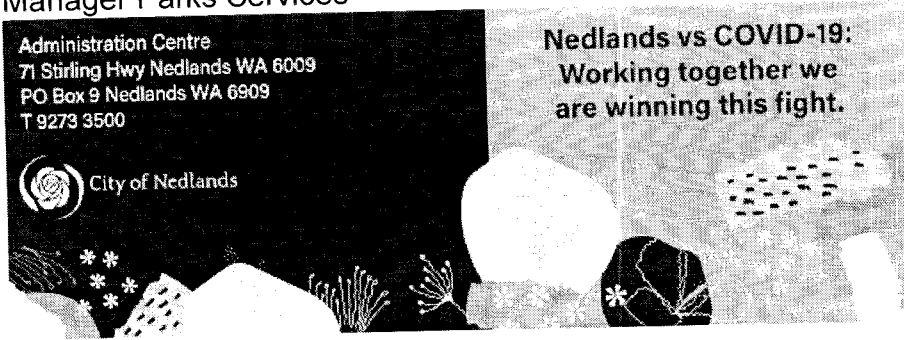
E: council@nedlands.wa.gov.au

P: 9273 3500

Regards

THIS RESPONSE DOES NOT
ADDRESS THE SAFETY
ISSUE ARISE - WHICH IS
THE CRITICAL ISSUE!

Andrew Dickson
Manager Parks Services



If you are not the intended recipient of this message, please delete it and notify the sender. This e-mail (including attachments) may contain confidential and legally privileged information. Any confidentiality or privilege is not waived in case this e-mail is sent to the wrong recipient. Any distribution or use of this communication by anyone other than the intended recipient is prohibited.

14.2 Councillor Youngman – Point Resolution Childcare Centre – Fee Increase

On the 15 October 2020 Councillor Youngman gave notice of his intention to move the following at this meeting.

Moved – Councillor Youngman

Seconded – Councillor Hay

That the Council increases the operational period for the Point Resolution Childcare Centre to December 2021 and increases the cost per day by \$15 per child under the provisions of the Local Government Act.

Councillor Horley left the meeting at 9.04 pm and returned at 9.08 pm.

Amendment

Moved - Councillor Mangano

Seconded - Councillor Poliwka

That the cost per day be increased by \$22.50.

The AMENDMENT was PUT and was

Councillor Smyth left the meeting at 9.18 pm.

Lost 5/7

(Against: Mayor de Lacy Crs. Horley Hodsdon Youngman
Wetherall Coghlan & Senathirajah)

Councillor Smyth returned to the meeting at 9.22 pm

The Original Motion was PUT and was

**CARRIED 12/1
(Against: Cr. Coghlan)**

Council Resolution

That the Council increases the operational period for the Point Resolution Childcare Centre to December 2021 and increases the cost per day by \$15 per child under the provisions of the Local Government Act.

Justification

The reasons are:

- An unintended consequence of extending the operational period until March 2021 before a review is that there can be no certainty PRCC will continue its services.
- The parents of children intending to enrol in 2021 need to know that they will have a place for the entire year. Otherwise parents will be forced to enrol in other childcare operations to make certain they have a position from April 2021 until the end of the year, otherwise they may have a risk with their ongoing employment.
- By increasing the cost per child by \$15 per day the council will make significant inroads to reducing the operating loss the centre is currently experiencing.
- Other centres are charging more than PRCC for a service the PRCC parents tell us is inferior to PRCC.
- Some parents are subsidised up to 85% for childcare services that is means tested and funded by the Federal Government. Zero subsidy is a household income of approximately \$350,000.

Administration Comment

1. This action can be carried out, however the increase in fees will need to follow the LG Act 1995 for advertising and a further decision by Council.
2. The previous occasion a price increase was implemented resulted in a drop in child numbers, and a corresponding inability to cover costs, which was a Council requirement.
3. The CEO Key Result Area for a reduction in employee numbers will be compromised.

14.3 Councillor Mangano – CGM Communications Contract Termination

On the 15 October 2020 Councillor Mangano gave notice of his intention to move the following at this meeting.

Moved – Councillor Mangano

Seconded – Councillor Bennett

Council instructs the CEO to immediately terminate and pay out the CGM Communications contract and thank them for their work to date.

Mayor de Lacy left the meeting at 9.28 pm and returned at 9.30 pm.

Councillor Horley left the meeting at 9.33 pm.

Councillor Hay left the meeting at 9.34 pm.

Councillor Horley returned to the meeting at 9.35 pm.

Councillor Hay returned to the meeting at 9.36 pm.

Lost 5/8

(Against: Mayor de Lacy Crs. Horley McManus Smyth
Hodsdon Poliwka Wetherall & Senathirajah)

Justification

1. The contract was awarded in May 2020, before Council were advised and approved it as part of the 2020/21 budget.
2. That the company concerned has close ties to the Labor Party and the State Government who imposed LPS3 on the City, therefore has a major conflict of interest.
3. That their consultation with the community could potentially be detrimental to the relationships between Administration, the Council and the Community.

Administration Comment

The notice of motion is not supported. The following considerations are provided.

1. Is CGM a lobbyist?

Yes. The Public Sector Commission administer the register of official lobbyists <https://lobbyists.wa.gov.au/about-register> to (not for) the State Government. CGM is a registered lobbyist <https://lobbyists.wa.gov.au/lobbyist/58503/view>. They are required to provide a client list which includes.

- Lifeline WA
- Royal Flying Doctor Service
- Crossbay Pty Ltd
- Rio Tinto
- MGC Building and Maintenance Pty Ltd
- TransAltad
- Golden Group
- Murujuga Aboriginal Corporation
- GPA Pty Ltd
- MG Corporation
- Joondalup Health Campus
- DMG (Management) Pty Ltd
- Satterley
- South West Aboriginal Medical Service (SWAMS)
- George Weston Foods
- Gascoyne Gateway Ltd
- Rehawk Property group Pty Ltd
- Downer
- Litt Global
- United Petroleum

Rehawk Property group Pty Ltd is a developer. As shown above CGM lobby government across a range of industries. As such they have a good understanding of how lobbying works and through their expertise can advise on this or even undertake this for the City if needed.

2. How likely is it that most of the reputable engagement firms in WA have represented a developer or the State Government?

Extremely likely. This is Perth. The alternative companies assessed have also worked for developers and the State Government. An inability to attract an engagement consultant with such prerequisites will compromise the CEO Key Result Areas on engagement.

3. What is CGM doing for the City?

Working with Council and the community to review how the City goes about engagement to help do this better. The aim is to have a top-notch engagement specialist help the City with one of its most significant issues – engagement. They are helping to produce an engagement strategy.

4. Was the engagement of CGM carried out correctly and are the right measures in place to ensure a prevention of conflict of interest?

A robust procurement process was conducted and this was done under the oversight and advice of the City's Procurement Coordinator. A formal Request for Quote process was conducted with probity and due diligence at all stages.

Three consultancies were requested to provide a submission and three were received. They were evaluated by the CEO and the Communications Coordinator with guidance from the Procurement Coordinator.

The evaluation panel was highly experienced and competent to assess the submissions on merit and concluded that CGM offered the best outcome to the City. The Procurement Coordinator was satisfied that Probity, equity and transparency was met by the process and a consultancy contract was drafted and presented to CGM. This contract used AS 4122-2010 - the Australian Standard General Conditions of Contract for Consultants and was duly executed by all Parties.

These contract conditions contain provisions which require the Consultant to:

1. 'Perform the Services to the standard of skill, care and diligence of a skilled and competent professional practicing in the particular fields relevant to the Services'
2. "The Consultant represents that to the extent reasonably ascertainable at the commencement of this Contract, after making all reasonable enquiries, no conflict of interest exists or is likely to arise except as set out in Item 17"
3. "The Consultant must notify the Client immediately on becoming aware of a conflict of interest or a significant risk of a conflict"

Note * Item 17 refers to any dealings with subcontractors and usually refers to works contracts.

The City cannot terminate the contract at no cost without reasonable cause, although it is noted that the terms are on a schedule of rates basis so only work complete is billable.

Councillor Hay retired from the meeting at 9.49 pm.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 24 November 2020

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Notices of motion for consideration at the Council Meeting to be held on 24 November 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

Nil.

16. Urgent Business Approved By the Presiding Member or By Decision

Nil.

17. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.51 pm.