



# Agenda

## Special Council Meeting 12 April 2022

### Notice of Meeting

#### To Mayor & Councillors

A Special Meeting of the City of Nedlands is to be held on Tuesday, 12 April 2022 in the Council chambers at 71 Stirling Highway Nedlands commencing at 5 pm for the purpose of considering the following items:

1. Tender Award – RFT Civil Rehabilitation of Portland Street, Nedlands;
2. Tender Award – RFT Alfred / Rochdale Roads Intersection Rehabilitation, Mount Claremont; and
3. Consideration of Responsible Authority Report for Multiple Dwelling Development at 1A Thomas Street, Nedlands

A handwritten signature in blue ink, appearing to read 'Bill Parker'.

Bill Parker  
Chief Executive Officer  
7 April 2022

## Information

Special Council Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing Council or attending meetings please contact the Executive Officer on 9273 3500 or [council@nedlands.wa.gov.au](mailto:council@nedlands.wa.gov.au)

## Public Question Time

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member or Employee.

Questions should be submitted as early as possible via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

## Addresses by Members of the Public

Members of the public wishing to address Council in relation to an item on the agenda must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

## Disclaimer

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

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

## Table of Contents

1.	Declaration of Opening.....	4
2.	Present and Apologies and Leave of Absence (Previously Approved).....	4
3.	Public Question Time .....	4
4.	Addresses by Members of the Public .....	4
5.	Disclosures of Financial Interest.....	4
6.	Disclosures of Interests Affecting Impartiality .....	5
7.	Declarations by Members That They Have Not Given Due Consideration to Papers.....	5
8.	TS06.04.22 RFT 21-22.02 Civil Rehabilitation of Portland Street, Nedlands .....	6
9.	TS07.04.22 RFT 21-22.03 Alfred and Rochdale Road Intersection Rehabilitation, Mount Claremont .....	10
10.	Consideration of Responsible Authority Report for Multiple Dwelling Development at 1A Thomas Street, Nedlands.....	15
11.	Declaration of Closure .....	24

## 1. Declaration of Opening

The Presiding Member will declare the meeting open at 5 pm and will draw attention to the disclaimer below.

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

**Leave of Absence  
(Previously Approved)**

Councillor J D Wetherall

Hollywood Ward

**Apologies**

None as at distribution of this agenda.

## 3. Public Question Time

Public questions submitted to be read at this point.

## 4. Addresses by Members of the Public

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

## 5. Disclosures of Financial Interest

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

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

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

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

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

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

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

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

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

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

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

Members who have not read the business papers to make declarations at this point.

**8. TS06.04.22 RFT 21-22.02 Civil Rehabilitation of Portland Street, Nedlands**

<b>Meeting &amp; Date</b>	Special Council Meeting - 12 April 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Peter Gaitskell - Project Manager
<b>Director/CEO</b>	Andrew Melville – Acting Director Technical Services
<b>Attachments</b>	1. CONFIDENTIAL - Tender award RFT21-22.02 Portland Street

### **Purpose**

The purpose of the report is for Council to accept the evaluation and recommendation for award of the RFT 21-22.02 Civil Rehabilitation of Portland Street contract to WCP Civil.

### **Recommendation**

That Council:

1. **approves the award of the contract for Rehabilitation of Portland Street, to WCP Civil, in accordance with the City's Request for Tender number RFT 21-22.02 No. and comprising of that request, the City's Conditions of Contract, the WCP Civil 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 WCP Civil to be executed; and**
3. **instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.**

### **Voting Requirement**

Simple Majority.

## Background

The City commenced a tender process to test the market and publicly invited bids from suitably qualified and experienced contractors to provide civil construction services for the rehabilitation of Portland Street, Nedlands. Portland Street rehabilitation forms part of the Capital Works Program for renewal in 2021/22.

The request for tender was advertised in the WALGA e-quotes system during the period 11 February – 9 March 2022. The City approached 7 companies and received a total of 2 submissions.

## Discussion

Subsequent to the closure of the tender period, the evaluation panel completed the analysis and evaluation of the submissions. At the conclusion of the process WCP Civil was nominated as the preferred supplier for this package of works. The submissions were rated against the following criteria, Relevant experience (30%), Key personnel skills and experience (30%) and Project Methodology (40%).

WCP Civil demonstrated a sound capacity to deliver the proposed works and have completed similar local government projects. WCP Civil have experienced and qualified personnel, giving confidence that they can complete the works safely and to an appropriate standard.

Officers identified that there was significant cost overrun with the original submission from the tenderer. There is currently a high demand for civil contractors within the market, and this is reflected in the lack of submissions for the works and higher than estimated tendered prices.

Works are expected to start by May and finish in July 2022.

References were provided by the City of Joondalup and the City of Albany, where both recommended WCP Civil services as both have engaged this Contractor for similar works with a positive outcome.

Following the due diligence processes that the City has undertaken, the City is confident that WCP Civil are capable of completing the scope of work to the required standards, and that their offer represents good value for money to the City within the market.

## Consultation

No consultation is required as part of these works. Notification will be provided to all affected residents, schools and businesses prior to the works starting.

## Strategic Implications

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

<b>Vision</b>	Our city will be an environmentally-sensitive, beautiful and inclusive place.
<b>Values</b>	<p><b>Healthy and Safe</b> Our City has clean, safe neighbourhoods where public health is protected and promoted.</p> <p><b>High standard of services</b> We have local services delivered to a high standard that take the needs of our diverse community into account.</p> <p><b>Easy to Get Around</b> We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.</p>

## Priority Area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Working with neighbouring Councils to achieve the best outcomes for the western suburbs as a whole

## Budget/Financial Implications

The Budget allocated for these works is \$539,090. The submitted tender of \$688,116.34 is higher than the allocated budget due to the current high demand for civil construction contractors.

Due to the requirement for further a budget allocation, the project commencement will be delayed ensuring works are completed across the 2021/22 and 2022/23 financial years.

The project will be managed to ensure that \$539,090 will be spent in the 2021/22 financial year, and the remaining required budget of \$150,000 will be included in the 2022/23 Capital Works Program. This is to ensure sufficient budget is available to complete the entire project.

If Council agree to this proposed project timeline then the additional budget allocation will need to be approved as part of the 2022/23 budget deliberations.

## Legislative and Policy Implications

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



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

## Decision Implications

Road users, pedestrians and homeowners in the area benefit from the award of this contract, as it will ensure the City's roads, pathways, driveway aprons and drainage are well maintained and perform to a high standard. By approving the award of this Tender the City will be able to undertake repairs and improvements on Portland Street.

By not endorsing the recommendation the works will not be able to be undertaken, and the road will continue to degrade, presenting undue safety risks to road users and community.

## Conclusion

WCP Civil have completed road rehabilitation and civil services for other metropolitan local governments, have the required skills and experience necessary to complete the works, and are therefore the recommended tenderer for this package of works.

WCP Civil will provide an as new road pavement, pathways, kerbing, driveway aprons, drainage, and parking bays.

In order to continue to provide effective ongoing maintenance, to preserving the safety and condition of the road pavement and associated infrastructure, it is recommended that Council approve the award of a contract to WCP Civil.

## Further Information

N/A

**9. TS07.04.22 RFT 21-22.03 Alfred and Rochdale Road Intersection Rehabilitation, Mount Claremont**

<b>Meeting &amp; Date</b>	Special Council Meeting - 12 April 2022
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Peter Gaitskell - Project Manager
<b>Director/CEO</b>	Andrew Melville – Acting Director Technical Services
<b>Attachments</b>	1. CONFIDENTIAL Tender award RFT21-22.03 Alfred and Rochdale Rd intersection

**Purpose**

The purpose of the report is for Council to accept the evaluation and recommendation for award of the RFT 21-22.03 Alfred and Rochdale Rd Intersection Rehabilitation contract to CIVCON.

**Recommendation**

**That Council:**

- 1. approves the award of the contract for Rehabilitation of Alfred and Rochdale Rd Intersection, to CIVCON, in accordance with the City's Request for Tender number RFT 21-22.03 and comprising of that request, the City's Conditions of Contract, the CIVCON 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 CIVCON to be executed; and**
- 3. instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.**

**Voting Requirement**

Simple Majority.

## Background

The City commenced a tender process to test the market and publicly invited bids from suitably qualified and experienced contractors to provide civil construction services for the rehabilitation of Alfred and Rochdale Rd intersections. Alfred and Rochdale Rd intersection rehabilitation forms part of the Capital Works Program for renewal in 2021/22.

The Request for Tender was advertised in the WALGA e-quotes system during the period 11 February – 14 March 2022. The City approached 7 companies and received a total of 2 submissions.

## Discussion

Subsequent to the closure of the tender period, the evaluation panel completed the analysis and evaluation of the submissions. At the conclusion of the process CIVCON was nominated as the preferred supplier for this package of works as the WCP submission was considered non-conforming. The submissions were rated against the following criteria, Relevant Experience (30%), Key Personnel Skills and Experience (30%) and Project Methodology (40%).

CIVCON demonstrated a good capacity to deliver the proposed works and have completed similar local government projects. CIVCON have experienced and qualified personnel, giving confidence that they can complete the works safely and to an appropriate standard.

Officers identified that the submission exceeded the allocated budget. There is currently a high demand for civil contractors within the market, and this is reflected in the lack of submissions for the works, and higher than estimated tendered prices.

Works are expected to start in May and finish in July 2022.

References provided by the City of Gosnells and the Public Transport Authority both recommended CIVCON services, and both have engaged this Contractor for similar works.

Following the due diligence processes that have been undertaken, the City is confident that CIVCON are capable of completing the scope of work to the required standards, and that their offer represents value for money to the City within the conditions of the current civil construction market.

The City has an estimated backlog of road rehabilitation works valued at approx. \$18M. The Administration recommends proceeding with this project within this difficult market, as delaying these works will increase number and value of projects that have accumulated, limiting the need for ongoing maintenance work and their proportionally higher costs.

If the City continues to accumulate a backlog of road project works, the accumulation will take longer to complete and this will adversely impact long term maintenance requirements in addition to the road user experience.

The condition of the intersection warrants intervention in the very short term, to prevent pavement failure and ensure that road user safety is not compromised. Pavement failure would mean that a long term shut down of the intersection is required until the works can be procured and delivered. If rehabilitation works are not undertaken in the very short term, an increase in reactive maintenance costs will be experienced until the rehabilitation works are undertaken.

Administration recommends undertaking works in the current market conditions to ensure the backlog is being actively reduced, and the City's road network bring brought up to acceptable standards.

## Consultation

Consultation is not required as part of these works. Notification will be provided to all affected residents, schools and businesses prior to the works starting.

## Strategic Implications

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

<b>Vision</b>	Our city will be an environmentally-sensitive, beautiful and inclusive place.
<b>Values</b>	<p><b>Healthy and Safe</b> Our City has clean, safe neighbourhoods where public health is protected and promoted.</p> <p><b>High standard of services</b> We have local services delivered to a high standard that take the needs of our diverse community into account.</p> <p><b>Easy to Get Around</b> We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.</p>

## Priority Area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Working with neighbouring Councils to achieve the best outcomes for the western suburbs as a whole

## Budget/Financial Implications

The Budget allocated for these works is \$280,000. The submitted tender of \$582,201 is higher than budget due to the current high demand for civil construction contractors.

This project has an allocation of Metropolitan Regional Road Group Funding, valued at \$106,633. A six month extension has been granted, with the requirement that works commence in the 2021/22 financial year. If the project is deferred the City may lose this grant allocation.

Due to the requirement for a further budget allocation, the project commencement will be delayed in part ensuring works are completed across the 2021/22 and 2022/23 financial years.

The project will be managed to ensure that \$280,000 will be spent in the 2021/22 financial year, and the remaining required budget of \$302,000 will be included in the 2022/23 Capital Works Program. This is to ensure sufficient budget is available to complete the entire project.

If Council agree to this proposed project timeline then the additional budget allocation will need to be approved as part of the 2022/23 budget deliberations.

## Legislative and Policy Implications

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

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

## Decision Implications

Road users, pedestrians and homeowners in the area benefit from the award of this contract, as it will ensure the City's roads, pathways, driveway aprons and drainage are well maintained and perform to a high standard. By approving the award of this Tender the City will be able to undertake repairs and improvements on the intersection of Rochdale and Alfred Road.

Delaying these works will increase accumulated project backlog, that will take longer to complete, adversely impact long term maintenance requirements and the road user experience.

By not endorsing the recommendation the asset will continue to degrade, risk failure and increase unplanned maintenance costs, presenting safety risks to road users and the community.

The condition of the intersection warrants intervention in the very short term, to prevent pavement failure and ensure that road user safety is not compromised.

Pavement failure would mean that a long term shut down of the intersection is required until the works can be procured and delivered. If rehabilitation works are not undertaken in the very short term, an increase in unplanned reactive maintenance costs will be experienced until the rehabilitation works are undertaken.

## **Conclusion**

CIVCON have completed road rehabilitation and civil services for other metropolitan local governments, have the required skills and experience necessary to complete the works, and are therefore the recommended tenderer for this package of works.

CIVCON will provide an as new road pavement, pathways, kerbing and driveway aprons.

In order to continue to provide effective ongoing maintenance, to preserving the safety and condition of the road pavement and associated infrastructure, it is recommended that Council approve the award of a contract to CIVCON.

## **Further Information**

N/A

## 10. Consideration of Responsible Authority Report for Multiple Dwelling Development at 1A Thomas Street, Nedlands

<b>Meeting &amp; Date</b>	Special Council Meeting – 12 April 2022
<b>Applicant</b>	RAD Architecture
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director/CEO</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. RAR and Attachments 2. CONFIDENTIAL ATTACHMENT - Petition

### Purpose

The purpose of this report is for Council to consider the Development Assessment Panel application for a 9 storey building containing 27 multiple dwellings at 1A Thomas Street, Nedlands. Council is requested to make its recommendation to the Metro Inner-North Joint Development Assessment Panel as the Responsible Authority. Council's recommendation will be incorporated into the Responsible Authority Report and lodged with the DAP Secretariat on 13 April 2022.

### Recommendation

That Council:

Adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of twenty seven multiple dwellings at 1A Thomas Street, Nedlands as follows:

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

1. Approve DAP Application reference DAP/22/02163 and accompanying plans dated 16 March 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No. 3 subject to the following conditions:

#### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
4. The landscaping in the Thomas Street road reserve does not form part of this approval and is deleted from the plans.
5. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

#### Engineering and Design

6. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the City. The approved Demolition and Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
7. Prior to the commencement of excavation works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:
  - Lots 59 and 60 (No. 1B) Thomas Street, Nedlands
  - Lot 50 (No. 60) Stirling Highway, Nedlands
  - Lot 1 (No. 56 and 1/39) Stirling Highway, Nedlands

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

8. Prior to the issue of a building permit, a Geotechnical Report covering the development area is to be prepared by a suitably qualified practitioner at the applicant's cost, to the satisfaction of the City of Nedlands. The report will give due consideration to any potential impacts on neighbouring properties including but not limited to: ground water management, excavation or modifications to existing ground levels; vibration or consolidation of material throughout the demolition and construction phase of the project. The Geotechnical Report will identify any remedial treatments required to mitigate any adverse impacts and will be lodged with



the building permit application, together with certification that the design is suitable for the site conditions as outlined in the Geotechnical Report.

9. Prior to the issue of a building permit, a minimum of 20% (6) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation to the satisfaction of the City of Nedlands.

#### Landscaping

10. Prior to commencement of excavation works, the owner shall take reasonable endeavours to obtain agreement from the property owners at 1/39-56 Stirling Highway, Nedlands, and 60 Stirling Highway, Nedlands to undertake an Arborist Report investigating opportunities to minimise adverse health effects to the trees retained within the property boundaries of 1/39-56 Stirling Highway, Nedlands, and 60 Stirling Highway, Nedlands. If agreement is achieved with the owner(s) of the above addresses, a copy of the Arborist Report shall be provided to the City of Nedlands prior to construction commencement and be included in the appointed contractor's Construction Management Plan.
11. Prior to occupation, all communal and private open space areas with landscaping shall include a tap connected to an adequate water supply for the purpose of irrigation.
12. Prior to occupation, landscaping shall be completed in accordance with the approved plans prepared by Plan \ E dated received 16 March 2022 or any approved modifications to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
13. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.

#### Acoustics and Visual Privacy

14. Prior to the issue of a building permit, an Acoustic Report shall be submitted by a suitably qualified and licenced acoustic practitioner demonstrating compliance of the development with the requirements of the Environmental Protection (Noise) Regulations 1997, with all recommendations within the report to be detailed on the building permit plans to the satisfaction of the City of Nedlands.

15. Prior to occupation, the direct southern elevations of balconies of units 402, 403, 502, 503, 602 and 702; and the direct northern elevations of balconies of units 501, 601 and 701 as shown in red on the approved plans, shall be screened in accordance with the Residential Design Codes by either;
- fixed and obscured glass to a height of 1.6 metres above finished floor level; or
  - fixed screening devices to a height of 1.6 meters above finished floor level that are at least 75% obscure and made of a durable material; or
  - a minimum sill height of 1.6 metres above the finished floor level; or
  - an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

16. Prior to occupation, a notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be created at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

*'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'*

The above requirement is a provision outlined in the State Planning Policy 5.4 ' Road and Rail Noise.'

### Sustainability

17. Prior to occupation, the recommendations contained within the CADDs Group Sustainable Design Strategy dated 15 December 2021, or any approved modifications, are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
18. Prior to issue of a building permit, all units are to demonstrate achievement of their respective NatHERS "Upgraded Star Rating" shown in Table 4 of the CADDs Group Sustainable Design Strategy dated 15 December 2021, or any approved modifications, to the satisfaction of the City of Nedlands.

### Parking and Waste

19. The development shall comply with the approved Waste Management Plan prepared by Talis dated 11 March 2022 to the satisfaction of the City of Nedlands. Any modification to the approved Waste Management Plan will require further approval by the City.
20. Prior to the occupation of the development, a Parking Management Plan must be submitted to, and approved by, the City of Nedlands. The Parking

Management Plan is to address allocation of dwelling car bays and how larger vehicle parking will be managed. The plan is to be adhered to for the life of the development.

21. Prior to occupation, all bicycle racks shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.
22. Prior to occupation, new or modified vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Nedlands.
23. Prior to occupation of the development, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
24. Prior to occupation, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Nedlands.
25. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
26. The car stacking equipment depicted on the plans shall comply with Australian Standard AS5124:2017 (as amended) and be maintained for the life of the development.

#### **Screening and Lighting**

27. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.
28. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties in accordance with Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

#### **Voting Requirement**

Simple Majority.

## Background

### Land Details

<b>Metropolitan Region Scheme Zone</b>	Urban
<b>Local Planning Scheme Zone</b>	Residential
<b>R-Code</b>	R-AC1
<b>Land area</b>	1014m <sup>2</sup>
<b>Land Use</b>	Multiple dwellings
<b>Use Class</b>	'P' – Permitted Use

### Application Details

The application proposes a 9 storey building containing 27 multiple dwellings.

## Discussion

### Assessment of Statutory Provisions

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

- Building height
- Street setbacks
- Plot ratio
- Building separation
- Tree canopy and deep soil area
- Visual privacy
- Car and bicycle parking
- Solar and daylight access
- Managing the impact of noise

The development meets the Element Objectives for the above matters subject to conditions of approval and is supported.

## Consultation

The application was advertised for 28 days from 14 January to 11 February 2022 by the following:

- Letters posted to all landowners and occupiers within a 200m radius of the site;
- A sign on site was installed at the site's street frontage for the duration of the advertising period;
- An advertisement was published on the City's website with all documents relevant to the application made available for viewing during the advertising period;

- Notice placed in the “Post” local newspaper;
- Posted on the City’s social media platforms;
- Notice on the Noticeboard at the City’s Administration Office; and
- Community information session held on 3 February 2022.

Upon conclusion of advertising, a total of 17 responses were received comprising 11 objections, four submissions in complete support, three partially supportive but with concerns, and one petition objecting to the development signed by 33 people. The key concerns in the objections related to:

- Height
- Traffic and car parking
- Landscaping
- Solar access
- Waste
- Design
- Demolition of the existing house
- Construction Management

These matters have been addressed within the Responsible Authority Report. All submissions on this proposal have been given due regard in this assessment in accordance with Clause 67(y) of the Planning and Development (Local Planning Schemes Regulations) 2015.

### Design Review Panel

The development was reviewed by the City’s Design Review Panel on two occasions, being October 2021 and February 2022. The DRP summary is as follows:

3	<i>Supported</i>	
2	<i>Supported with conditions / Further Information required</i>	
1	<i>Not supported</i>	
	<u>Original</u> October 2021	<u>Amendment</u> February 2022
1. Context and Character		
2. Landscape Quality		
3. Built Form and Scale		
4. Functionality and Built Quality		
5. Sustainability		
6. Amenity		
7. Legibility		
8. Safety		
9. Community		
10. Aesthetics		

## Strategic Implications

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

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

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

### Priority Area

- Urban form - protecting our quality living environment

## Budget/Financial Implications

N/A

## Legislative and Policy Implications

Council is requested to make a recommendation to the JDAP in accordance with Regulation 12(5) of the [Planning and Development \(Development Assessment Panels\) Regulations 2011](#). Council may recommend to approve, refuse or defer the application.

## Decision Implications

Council's recommendation will be incorporated into the Responsible Authority Report (RAR) and lodged with the DAP Secretariat on the 13 April 2022. The recommendation noted above is the officer recommendation that is also included in the RAR. In the event that Council does not adopt the officer recommendation, Council's recommendation will be located at the front of the RAR as the Responsible Authority Recommendation and the officer recommendation will be contained in the rear of the report. In the event that Council does not make a recommendation, the RAR will be forwarded to DAP on 13 April 2022 with the Officer Recommendation only.

## Conclusion

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

The development is generally well designed and sits comfortably within the built form outcomes anticipated by Volume 2 of the R-Codes. The siting, mass and scale of the building

is sympathetic to the streetscape and surrounding lots and is consistent with the form of expected development within the immediate locality. Conditions are recommended to ensure the development adheres to the proposed outcomes in regard to sustainability, noise management, waste management, etc., and to ensure that the construction process is well managed to minimise detrimental amenity impacts to residents along the street.

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

### **Further Information**

N/A

## **11. Declaration of Closure**

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