



City of Nedlands

MINUTES

Special Council Meeting

Tuesday, 30 January 2024

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.



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

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

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1. Declaration of Opening

The Mayor acknowledged the Traditional Owners of the Land the Whadjuk Noongar people and paid respect to Elders past, present and emerging.

The Mayor made the following announcement:

“Before we begin, I have a very special announcement. I would like to congratulate Councillor McManus on the wonderful achievement of receiving an Order of Australia Medal for his services to local government and the community. Congratulations Councillor McManus very well deserved.”

The Presiding Member declared the meeting open at 6pm and drew attention to the disclaimer on page 2 and advised that the meeting is being livestreamed and recorded.

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

Councillors	Mayor F E M Argyle (Presiding Member)	
	Councillor B G Hodsdon	Hollywood Ward
	Councillor L J McManus	Hollywood Ward
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor H Amiry	Coastal Ward
	Councillor K A Smyth	Coastal Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward

Staff	Mr T G Free	Acting Chief Executive Officer
	Mr M R Cole	Director Corporate Services
	Ms J Scott	Acting Director Technical Services
	Mr R A Winslow	Acting Director Planning & Development
	Mrs N M Ceric	Executive Officer
	Ms L J Kania	Coordinator Governance & Risk

Public There were 15 members of the public present and 0 online.

Press Nil.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.



4. Public Question Time

Public questions submitted to be read at this point.

Nil.

5. Address by Members of the Public

Addresses by members of the public who had completed Public Address Registration Forms were made at this point.

Mr David Read, spoke in opposition to the recommendation for item 9.1 – PD01.01.24 Consideration of Development Application – Additions and Alterations to Single House at 89 Watkins Road, Dalkeith.

Mrs Jennifer Roughan, spoke in opposition to the recommendation for item 9.1 – PD01.01.24 Consideration of Development Application – Additions and Alterations to Single House at 89 Watkins Road, Dalkeith.

Suspension of Standing Orders

Moved - Councillor Youngman

Seconded - Councillor Smyth

That Standing Order No. 3.4(4) be suspended for the purpose of allowing additional speakers in opposition of item 9.1 and Standing Order No. 3.4(5) to extend the public address session longer than 15 minutes to allow all public addresses.

CARRIED UNANIMOUSLY 9/-

Mr Phillip Dobson, spoke in opposition to the recommendation for item 9.1 – PD01.01.24 Consideration of Development Application – Additions and Alterations to Single House at 89 Watkins Road, Dalkeith.

Mr Ben Doyle, spoke in support of the recommendation for item 9.1 – PD01.01.24 Consideration of Development Application – Additions and Alterations to Single House at 89 Watkins Road, Dalkeith.

Mr Danny Pavlovich, spoke in support of the recommendation for item 9.1 – PD01.01.24 Consideration of Development Application – Additions and Alterations to Single House at 89 Watkins Road, Dalkeith.



6. Disclosures of Financial Interest

The Presiding Member reminded 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.

6.1 Acting CEO Tony Free

Mr Tony Free, Acting CEO disclosed a financial interest in Item 10.1 – CEO01.1.24 CONFIDENTIAL CEO Selection and Recruitment – Appointment of Recruitment Specialist, Facilitator and Independent Person for Recruitment and Selection Panel, his interest being that the item relates to the Acting CEO the position he currently holds. Mr Tony Free declared that he would leave the room during discussion on this item.

7. Disclosures of Interest Affecting Impartiality

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

There were no disclosures affecting impartiality.

8. Declaration by Members That They Have Not Given Due Consideration to Papers

Nil.



9. Divisional Reports

9.1 PD01.01.24 Consideration of Development Application – Additions and Alterations to Single House at 89 Watkins Road, Dalkeith

Meeting & Date	Special Council Meeting – 30 January 2024
Applicant	Design Management Group
Information Provided	All relevant information required has been provided.
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. Zoning Map 2. Development Plans 3. CONFIDENTIAL ATTACHMENT - Submissions

Regulation 11(da) – Council agreed to refuse the development application due to the setbacks and building bulk impacts on the adjoining properties.

Moved – Councillor Amiry
Seconded – Councillor Smyth

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

Lost 4/5
(Against: Crs. Amiry Bennett Brackenridge McManus & Youngman)

Moved – Councillor Bennett
Seconded – Councillor Youngman

Council Resolution

That Council in accordance with Clause 68(2)(c) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, refuses to grant development approval in accordance with the plans date stamped 17 October 2023 for additions and alternations to a single house at 89 Watkins Road Dalkeith (DA22-81970) for the following reason:

1. The development is inconsistent with the design principles of clause 5.1.3 Lot boundary setback of the R-Codes as the rear lot boundary setbacks are insufficient to reduce impacts of building bulk on adjoining properties.



CARRIED 5/4
(Against: Mayor Argyle Crs. Amiry Smyth Coghlan)

Recommendation

That Council in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 17 October 2023 for additions and alterations to a single house at 89 Watkins Road, Dalkeith (DA22-81970), subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 17 October 2023. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.
2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
3. 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.
4. 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.
5. Prior to occupation, walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean finish as specified on the approved plans.

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

6. 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.



7. Prior to occupation, a deed of agreement or other suitable arrangements, are to be made for the payment of funds to the City of Nedlands for the implementation and maintenance of the landscaping within the Parks and Recreation reserve for a period of ten (10) years as shown on the approved landscape plans. The agreement shall be prepared by the City's solicitors, to the satisfaction of the City, and at the landowner/applicants cost.
8. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands. Prior to the issue of a building permit the applicant is to submit stormwater drawings to demonstrate that stormwater infrastructure is be designed to accommodate the 1%AEP rainfall event fully on site without any overflow into the road reserve or adjacent properties.
9. All vegetated landscaping planted as screening of the neighbouring property to the north is to be planted prior to occupation and maintained at all times to the satisfaction of the City of Nedlands.

DBCA Conditions

10. Within twelve (12) months of the completion of the approved works, an amended landscape plan is to be implemented to the satisfaction of the City of Nedlands on the advice of the Department of Biodiversity, Conservation and Attractions.
11. The applicant shall take appropriate preventative measures to ensure that no construction material, sediment (including as a result of stormwater run-off), or rubbish enters the Parks and Recreation reserve or river as a result of the works.
12. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated.
13. No wastewater/backwash from the swimming pool is to be discharged onto the land, into the river or the local government drainage system.

Purpose

The purpose of this report is for Council to consider a development application for additions and alterations to a single house at 89 Watkins Road, Dalkeith.

The proposal was presented to the 12 December 2023 Ordinary Council Meeting, where Council deferred its decision to allow for further negotiation between the proponent and the owners of the neighbouring property to the north on design changes to reduce the impact of bulk, scale and height.

Council is advised that no advice has been received indicating any further changes to the plans as a result on any negotiation.



Voting Requirement

Simple Majority.

This report is of a quasi judicial nature as it is a matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R12.5
Land area	6409m ²
Land Use	Residential – Single House
Use Class	‘P’ – Permitted Use

The site is located at 89 Watkins Road, Dalkeith, on the corner of Victoria Avenue. The site is made up of six green title lots with a total area of 6,409m². This development application occurs over three of the lots closest to the river, lots 274 – 276. For the purposes of assessment, these three lots are considered the subject site. The subject site is 3,397m² in area, with a frontage of 74m. The site abuts the Swan Canning Development Control Area and a Metropolitan Region Scheme (MRS) “Parks and Recreation” reserve on its western boundary. To the north, the site abuts the Local Government boundary with the Town of Claremont.



Figure 1: Aerial image of 89 Watkins Road, Dalkeith

Application Details

The application seeks development approval for additions and alterations to a single house at 89 Watkins Road, Dalkeith. The works include a new garage, *porte cochere* and parcel drop off building in the front setback area, and a new pavilion, pool, pool store and landscaping to the north-west of the site.

The application was originally lodged on 19 October 2022. Following the initial consultation period, the applicant submitted multiple revisions of amended plans to address concerns raised by the City, Department of Biodiversity, Conservation and Attractions (DBCA) and public submissions. The final plans for determination were received on 17 October 2023 (**Attachment 2**).

The changes proposed by the amended plans are summarised as follows:

- Reduction in height of eastern boundary wall from 6.8m-8.3m to 5.7m-8.2m.
- Introduction of varying materials and glazing into the existing eastern boundary wall.
- Increase in pool setback from eastern boundary from nil to 1.5m.
- Increase in pavilion setback from the northern boundary from nil to 1.5m.
- Increase in screen wall setback from the northern boundary from 1.5m to 2.3m.
- Provision of landscaping plan for the abutting foreshore reserve.

Previous additions and alterations to the single house have been approved by the City for partial demolition, internal layout changes, roof replacement and eaves additions and minor alterations to ground and first floor external walls. These works are currently being undertaken.



The proposal was presented to the 12 December 2023 Ordinary Council meeting, where Council deferred its decision to allow for further negotiation between the proponent and the owners of the neighbouring property to the north on design changes to reduce the impact of bulk, scale and height.

Council is advised that since the last meeting there have been no further negotiations between the proponent and owners and therefore no changes to plans.

Discussion

Assessment of Statutory Provisions

If a proposal does not satisfy the deemed to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes), Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the R-Codes. Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

Local Planning Scheme No. 3

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

State Planning Policy 7.3 - Residential Design Codes – Volume 1

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

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

Street Setback (Clause 5.1.2)

The development proposes a garage, carport (*porte cochere*) and outbuilding (parcel drop off) within the 9m street setback area. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties and streetscape, providing adequate open space for dwellings and site planning features. The proposed street setback is considered to meet the design principles for the following reasons:



- The Watkins Road frontage contains an existing solid street fence along the entire length, which varies in height between 1.0m and 4.8m given the slope of the land. Where the garage is to be located with nil setback, this has been designed to match the height of the existing fence and thereby will not be visible from the street.
- The six lots of 89 Watkins Road occupy the entire street block between the foreshore reserve and Victoria Avenue. In this regard the proposed street setback will not impact on any directly adjoining properties.
- In relation to the carport, this is setback a minimum of 3.9m from Watkins Road which lessens the impact to the street. Whilst the carport is larger in size than a typical carport, it is considered appropriate in the context of the large landholding.
- In relation to open space, the proposal meets the deemed-to-comply open space provisions thereby maintaining adequate open space for residents, parking, landscaping and utilities.

Eastern Lot Boundary Setback (Clause 5.1.3 and DBCA).

The development proposes to alter the existing limestone boundary wall on the western (riverfront) lot boundary. The existing wall is approximately 6.8m in height for a majority of its length, and 5.2m in height to the northern portion. This is proposed to be increased in height to 8.2m around the pool lounge area and to 5.7m to the pool planter area. A portion of the wall is also proposed to be decreased in height from 6.6m to 5.7m (see Figure 2). There are no provisions for deemed-to-comply boundary walls in the R12.5 code. This boundary wall is abutting the Swan Canning Development Control Area, and assessment of this wall is against State Planning Policy 2.10: Swan-Canning River System and Swan Canning Development Control Area policies. Officers from the DBCA have assessed the application against relevant policies and have advised that they have no objections to the proposal, subject to conditions being applied by the City in the event of approval.

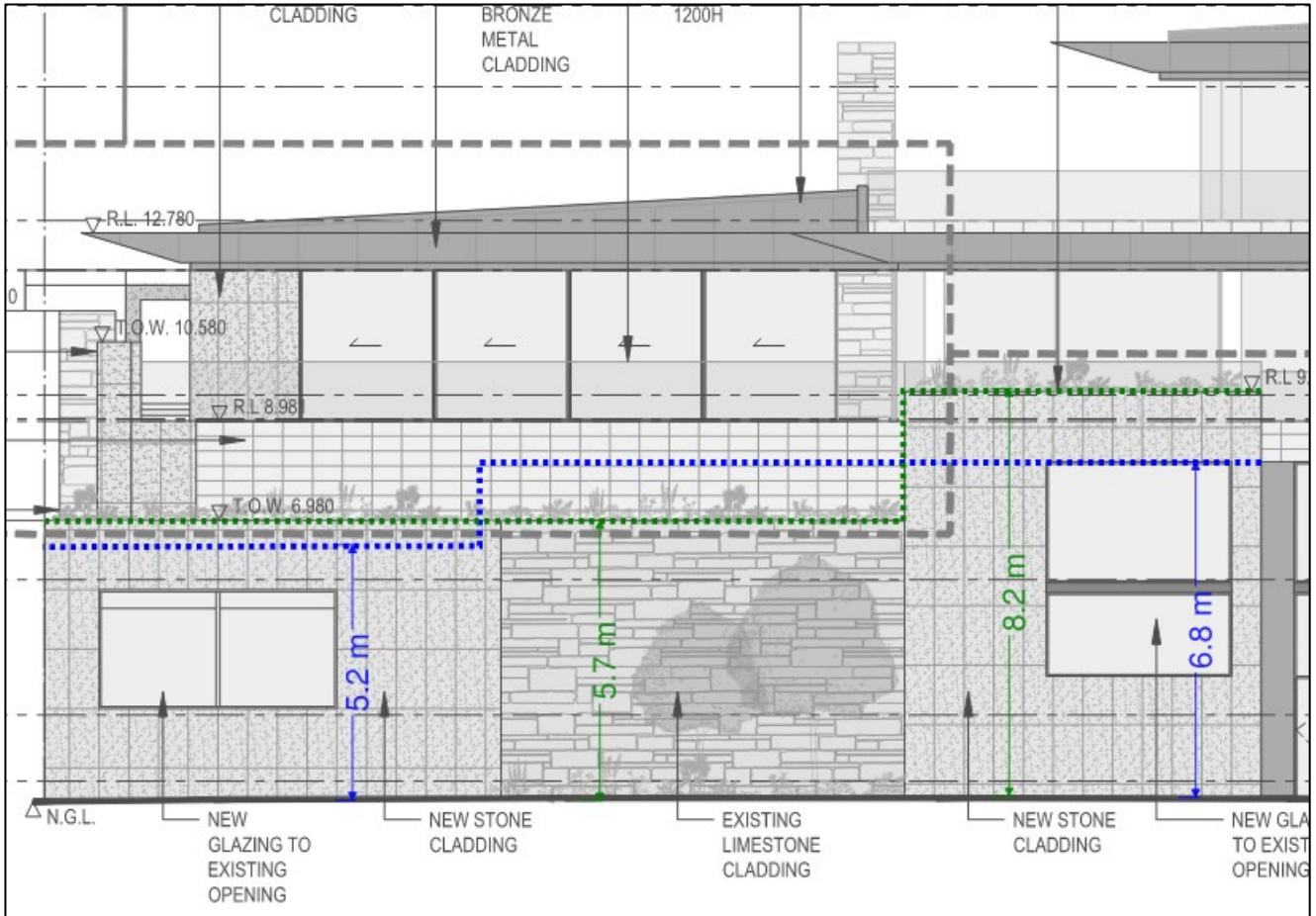


Figure 2: Diagram of existing western boundary wall height (blue) and proposed boundary wall height (green).

In addition to standard conditions, DBCA Officers have requested that the applicant implement landscaping within the adjoining 'Parks and Recreation' reserve to improve and soften the appearance of the development when viewed from the foreshore and the Swan River. It is acknowledged that the existing wall has a harsh interface with the reserve, and that this may be exacerbated by the proposed development. It is recommended that a condition be placed on any approval granted by Council for the applicant to provide funding for the planting of landscaping and its ongoing maintenance for a period of 10 years. Condition 7 has been recommended to this effect. In addition to the landscaping, the existing wall is proposed to be altered to introduce a variety of materials and additional glazing to aid in breaking up the visual bulk of the wall as viewed from the river and foreshore reserve.

Rear Lot Boundary Setback (Clause 5.1.3)

The development proposes a pavilion and screen wall within the 6m rear setback area to the northern lot boundary. The existing boundary wall on the eastern boundary is proposed to be increased in height by 0.4m. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation and minimising overlooking. The proposed northern lot boundary setback is considered to meet the design principles for the following reasons:



- This setback has been assessed as a rear setback as per the strict definition of the R-Codes. It is acknowledged that the orientation and design of the existing house relates to this lot boundary more as a typical side boundary. Were the screen wall to be assessed as a side boundary, this would meet the deemed-to-comply provisions, thereby indicating that it is generally acceptable in terms of bulk and scale. The screen wall is designed to minimise overlooking to the northern adjoining property.
- In relation to the pavilion, the 1.5m setback measurement has been taken to the overhanging eaves. The solid portion of wall is set back a minimum of 4.1m from the lot boundary. The large eaves proposed are open beneath thereby limiting the extent of building bulk imposed to the northern adjoining property, and ensuring adequate natural ventilation is maintained. The pavilion addition meets the deemed-to-comply visual privacy setbacks and does not result in overlooking of the adjoining property.
- The setbacks of the pavilion and screen wall are commensurate with the side setbacks of the adjoining property which is setback from the boundary between 1.5m to 2.4m. In this regard the proposed setbacks are consistent with the existing pattern of development.
- The increase in height to the existing boundary wall is to match the planter height on the eastern elevation. A portion of the wall is also proposed to be decreased in height by 0.3m. On balance the proposed alteration to the wall has minimal building bulk impact on the adjoining property. This portion of wall relates to a non-trafficable planter thereby not resulting in any visual privacy concerns.
- All overshadowing from the proposed additions will fall within the subject site at midday 21 June, thereby there is no loss of natural sun to the adjoining property.

Visual Privacy (Clause 5.4.1)

The development proposes a raised pool deck with a 3.2m visual privacy setback from the northern adjoining property. The design principles for visual privacy consider the impact of any direct overlooking into active habitable spaces and outdoor living area. The proposed pool deck is considered to meet the design principles for the following reasons:

- The area of overlooking falls upon a non-active undercroft area. It does not impact any major openings or active habitable spaces. The pool terrace has included a screen wall to minimise direct overlooking, and the remaining area of overlooking is oblique.
- Furthermore, the affected neighbour has noted within their submission that this area of overlooking 'is not a significant amenity concern'.

Minor Variations

The key elements of the development proposal which require Council consideration have been outlined in this report. The application also involves technical variations to street walls and fences (Clause 5.2.4), sightlines (Clause 5.2.5), site works (Clause 5.3.7) and outbuildings (Clause 5.4.3). These are all technical variations with no adverse impact on the amenity of adjoining properties or surrounding area.

Consultation

The application is seeking assessment under the design principles of the R-Codes for street setback, lot boundary setback and visual privacy.



The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to ten properties. The application was advertised for a period of 14 days from 19 January to 3 February 2023. At the close of the advertising period, one objection was received. Administration engaged directly with the objector and conducted a site visit to their property. They were invited to provide comment on the amended development plans dated 17 October 2023. The submission from this landowner remains unchanged.

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

1. Objection to rear (north) setback in relation to bulk and scale, access to natural ventilation and impact to views.

The northern setback has been increased since the initial public consultation period to mitigate the impact of building bulk to the adjoining property. Consideration of the rear setback is outlined above.

2. Objection to northern boundary wall and concerns with boundary alignment.
A condition of approval is recommended to ensure all works are wholly located within the lot boundaries of the subject site.

3. Objection to western setback in relation to bulk and scale and dominance over public realm.

The visual impact of the western elevation of the property has been the focus of assessment by the DBCA and has led to a series of plan changes over the life of the application. The current plans subject to Council consideration are the culmination of this liaison with the DBCA and have been supported by the Department, subject to conditions.

4. Visual privacy concerns from the pool

The R-Codes specifically exclude unenclosed swimming pools from the definition of 'habitable room/space', and therefore they are not subject to visual privacy controls. As outlined in the report above, the proposal does seek exercise of discretion in relation to visual privacy from the pool terrace. The neighbour submission has acknowledged this stating that it 'is not a significant amenity concern'.

Strategic Implications

This item is strategically aligned to the City of Nedlands Council Plan 2022-23 vision and desired outcomes as follows:

Vision Sustainable and responsible for a bright future

Pillar Place

Outcome 6. Sustainable population growth with responsible urban planning.



Budget/Financial Implications

Nil.

Legislative and Policy Implications

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

Decision Implications

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

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

Conclusion

The application for additions and alterations to a single house has been presented for Council consideration due to an objection being received. The proposal is considered to meet 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 proposal has been assessed and satisfies the design principles of the R-Codes in relation to being consistent with the immediate locality and streetscape character.

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

Further Information

Nil.



- Labels
 - House Numbers
 - Road Names
- Boundaries
 - Nedlands LGA Boundary
 - Surrounding LGAs
- LPS3 RCodes
- Property Boundaries
- LPS3 Zones
 - Residential
 - Metropolitan Region Scheme
 - Parks and recreation
 - Waterways

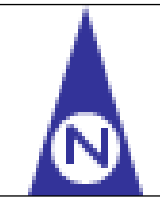


The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

Zoning Map

7/11/2023

1:1000



LOT No: 276 AREA : 1004m ² C/T VOL: 1945/636	LOT No: 275 AREA : 1201m ² C/T VOL: 1945/635	LOT No: 274 AREA : 1192m ² C/T VOL: 1945/634	LOT No: 273 AREA : 1004m ² C/T VOL: 1987/682	LOT No: 272 AREA : 1004m ² C/T VOL: 1987/684	LOT No: 271 AREA : 1004m ² C/T VOL: 1987/683
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City of Nedlands
Amended Plans Received
17 October 2023

TITLE DETAILS	
LOT NOS: 271 - 276	C/T VOL: see plan
PLAN: 2784	FOL: see plan

SURVEYOR SITE INSPECTION REPORT

ELECTRICITY: UNDERGROUND	GAS: YES
TELECOM: YES	WATER: YES
SEWERAGE: YES (SEE THIS PLAN FOR DEPTHS TO JUNCTIONS)	
ROAD: HOTMIX	
KERB: SEMI MOUNTABLE / BARRIER	
FOOTPATH: CONCRETE	
VEGETATION: ESTABLISHED GARDENS, TREES & PALMS	
SOIL: SAND & POSSIBLE LIMESTONE AT DEPTH	
VIEWS: RIVER	
REPEG: SEE PLAN	REPEG TYPE: OLD SURVEY AREA

ONLY OBVIOUS VISIBLE SERVICES HAVE BEEN LOCATED. PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DEMOLITION THE RELEVANT SERVICE AUTHORITIES MUST BE CONTACTED TO CONFIRM THE LOCATION OF ALL UNDERGROUND SERVICES.

LEGEND	
NON PIT	TREE
TELECOM PIT	PALM TREE
COMMUNICATION PIT	GRASS TREE
ELECTRICITY	TREE STUMP
POWER DOME	BOLLARD
POWER POLE	STREET LAMP
FENCE END	GRATED DRAIN
COLUMN	SIDE ENTRY PIT
PILLAR	DRAINAGE MANHOLE
TOP OF WALL	TOP OF PILLAR
TOP OF RETAINING WALL	TOP OF FENCING
	TOP OF FOOTING
	GAS
	IRRIGATION
	HYDRANT
	STOP VALVE
	PRE-LAID WATER PIPE
	WATER METER
	SEWERAGE MANHOLE
	SEWERAGE INSPECTION LID

NOTES

BLOCK LOCATED MORE THAN 1 KILOMETRE FROM THE OCEAN. This lot may be subject to 100 YEAR FLOOD PLAIN.

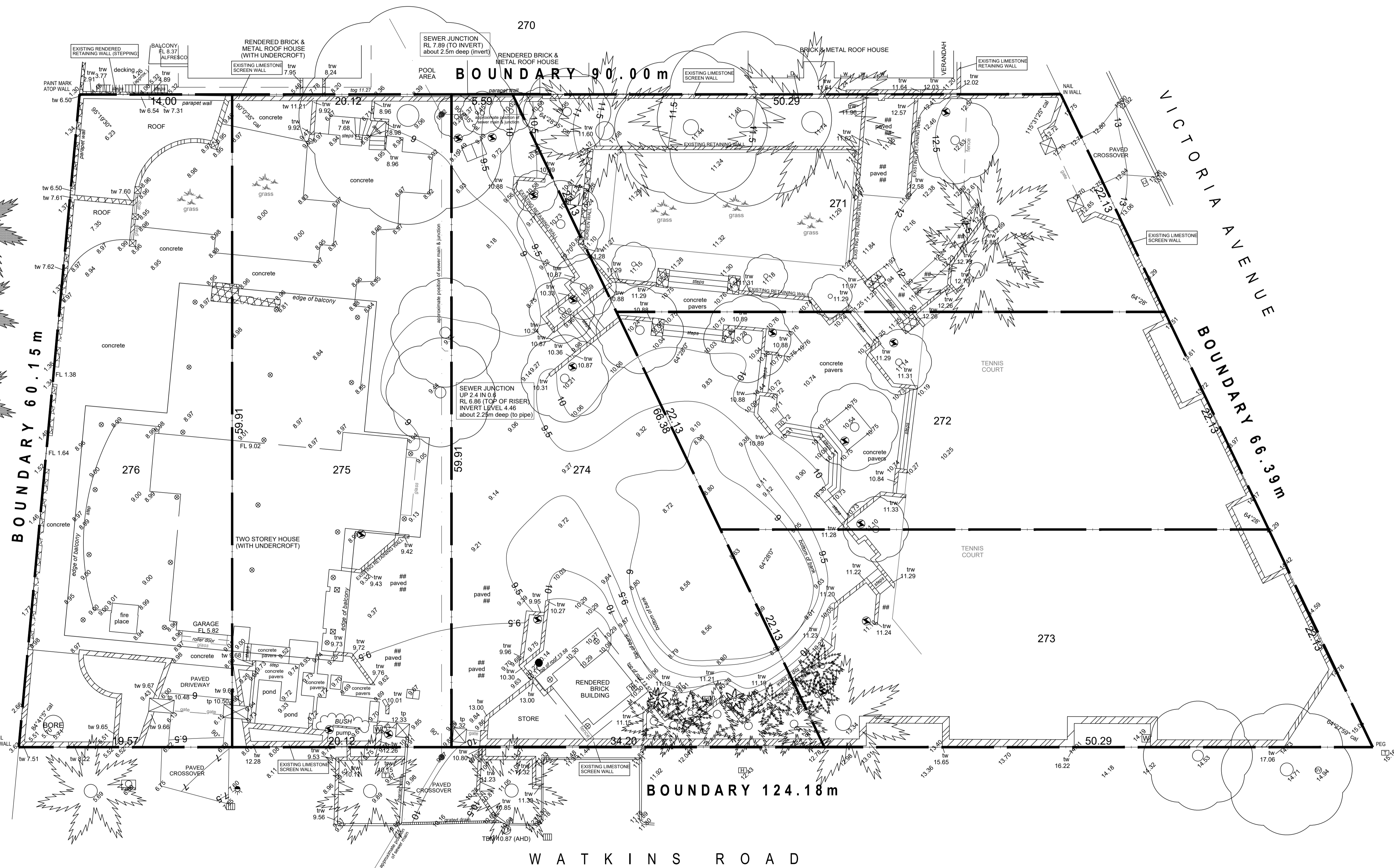
ALL SEWER DETAILS PLOTTED FROM INFORMATION SUPPLIED BY WATER CORPORATION SPATIAL INFORMATION MANAGEMENT. REFER TO THE DISCLAIMER NOTE ON WATER CORP E-PLAN.

PLUMBING CONTRACTORS TO CONFIRM SEWER DEPTHS BEFORE PIPE LAYING.

CHECK TITLE FOR EASEMENTS, CAVEATS & COVENANTS.

POSITION OF FEATURES HAVE BEEN SURVEYED IN RELATION TO CADASTRE BOUNDARIES.

REPEG RECOMMENDED PRIOR TO CONSTRUCTION.



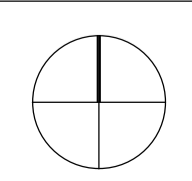
FEATURE SURVEY
SCALE 1:200
SURVEY BY R. G. LESTER & ASSOCIATES

SCALE

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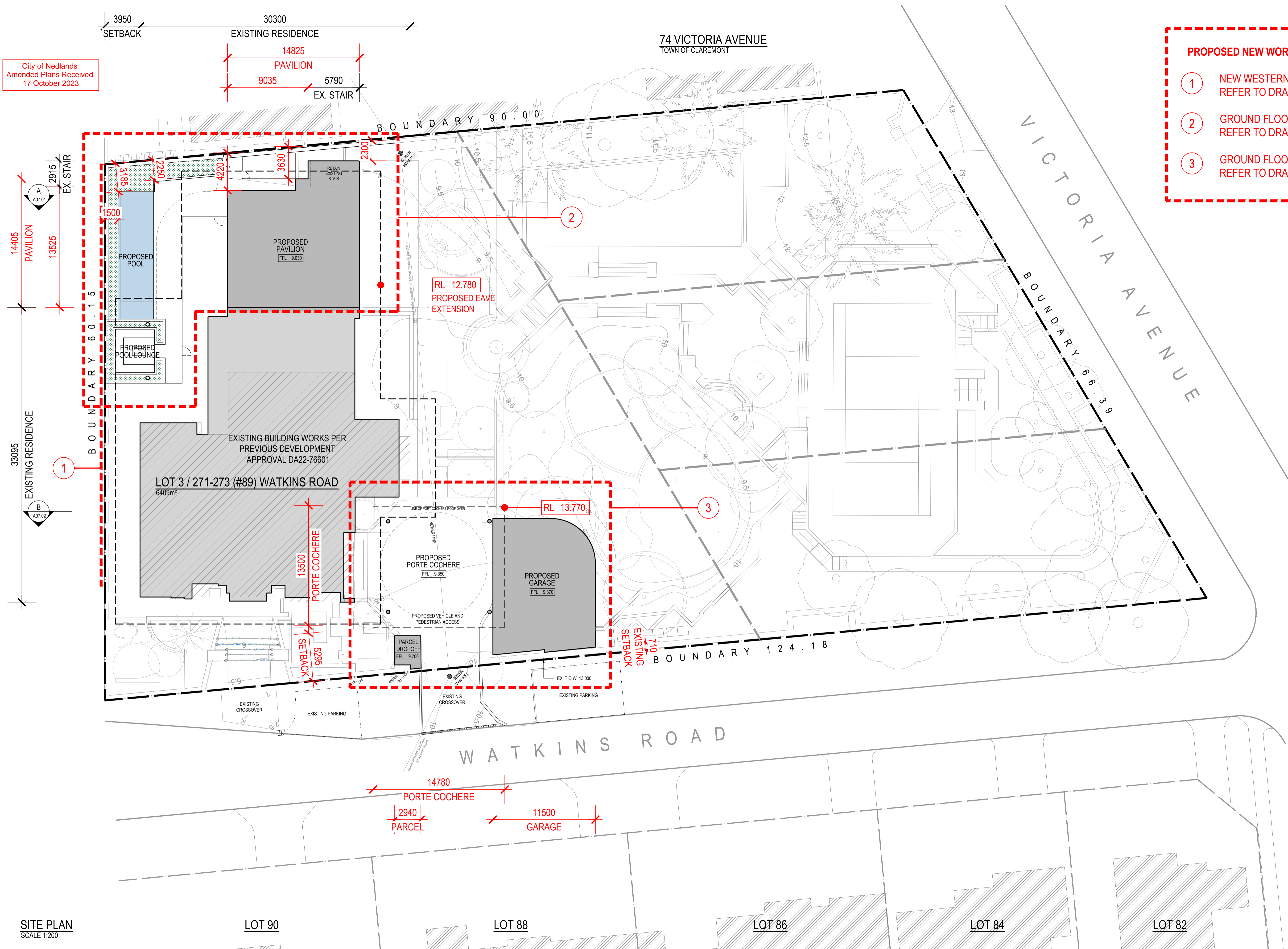
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20044
DRAWING #
A01.01

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Amended Plans Received
17 October 2023

74 VICTORIA AVENUE
TOWN OF CLAREMONT

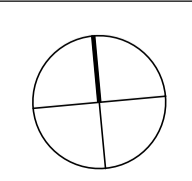


- PROPOSED NEW WORKS:**
- 1 NEW WESTERN FACADE DESIGN. REFER TO DRAWINGS A02.01 AND A06.01.
 - 2 GROUND FLOOR POOL AND ENTERTAINING. REFER TO DRAWING A02.02.
 - 3 GROUND FLOOR ENTRY AREA. REFER TO DRAWING A02.03.

SITE PLAN
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SCALE
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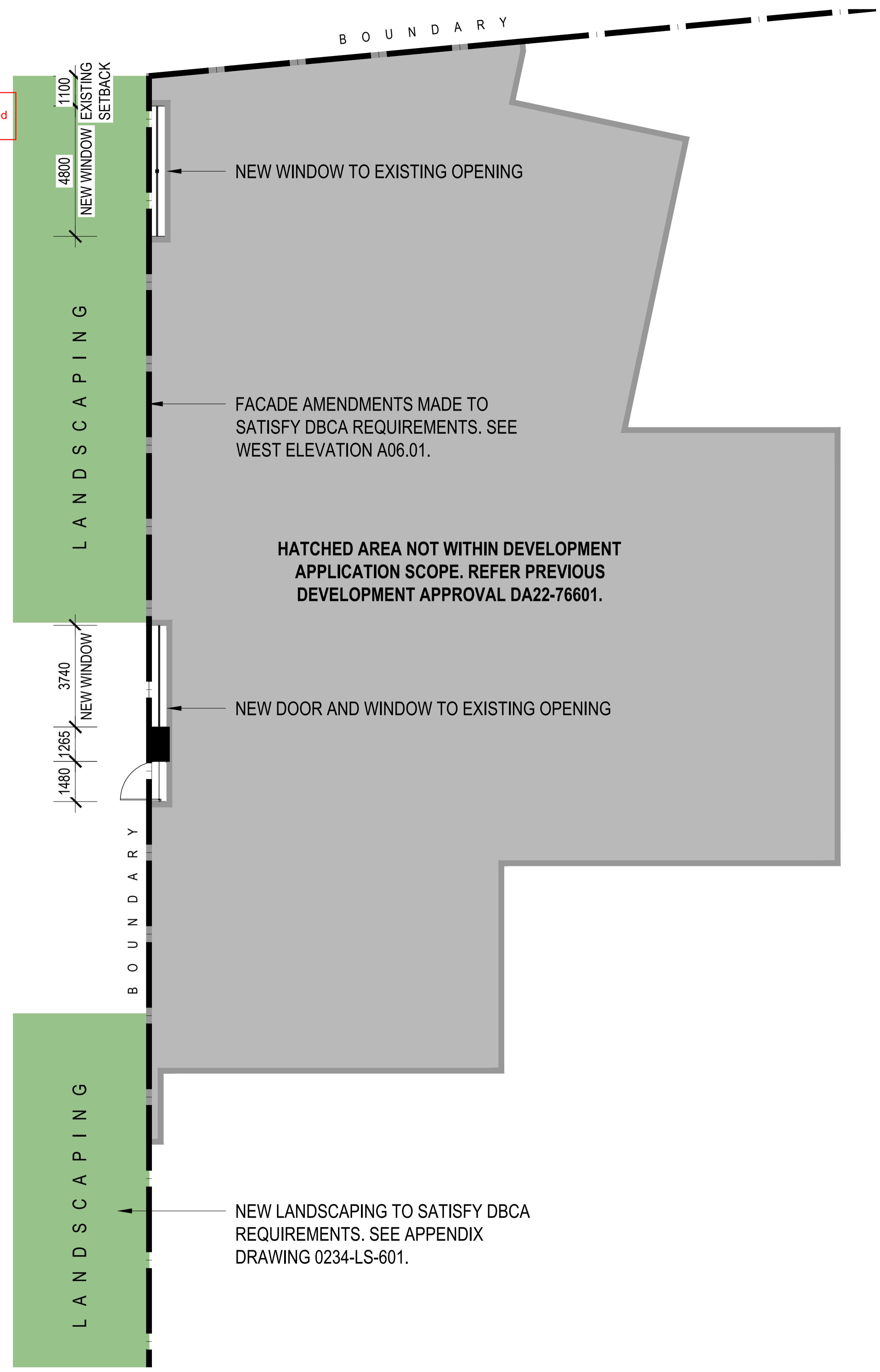


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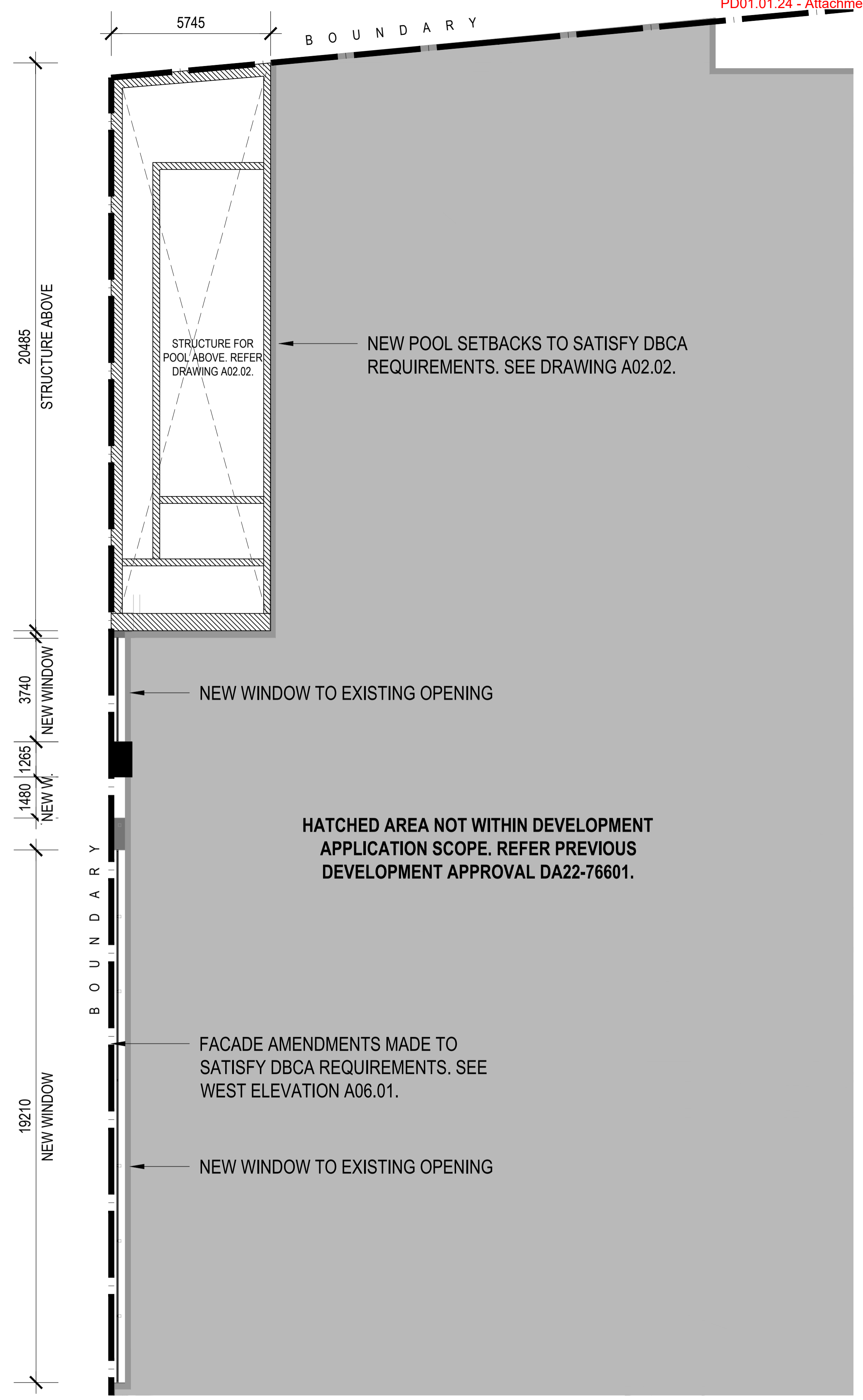
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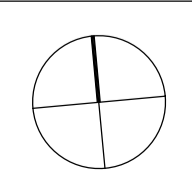
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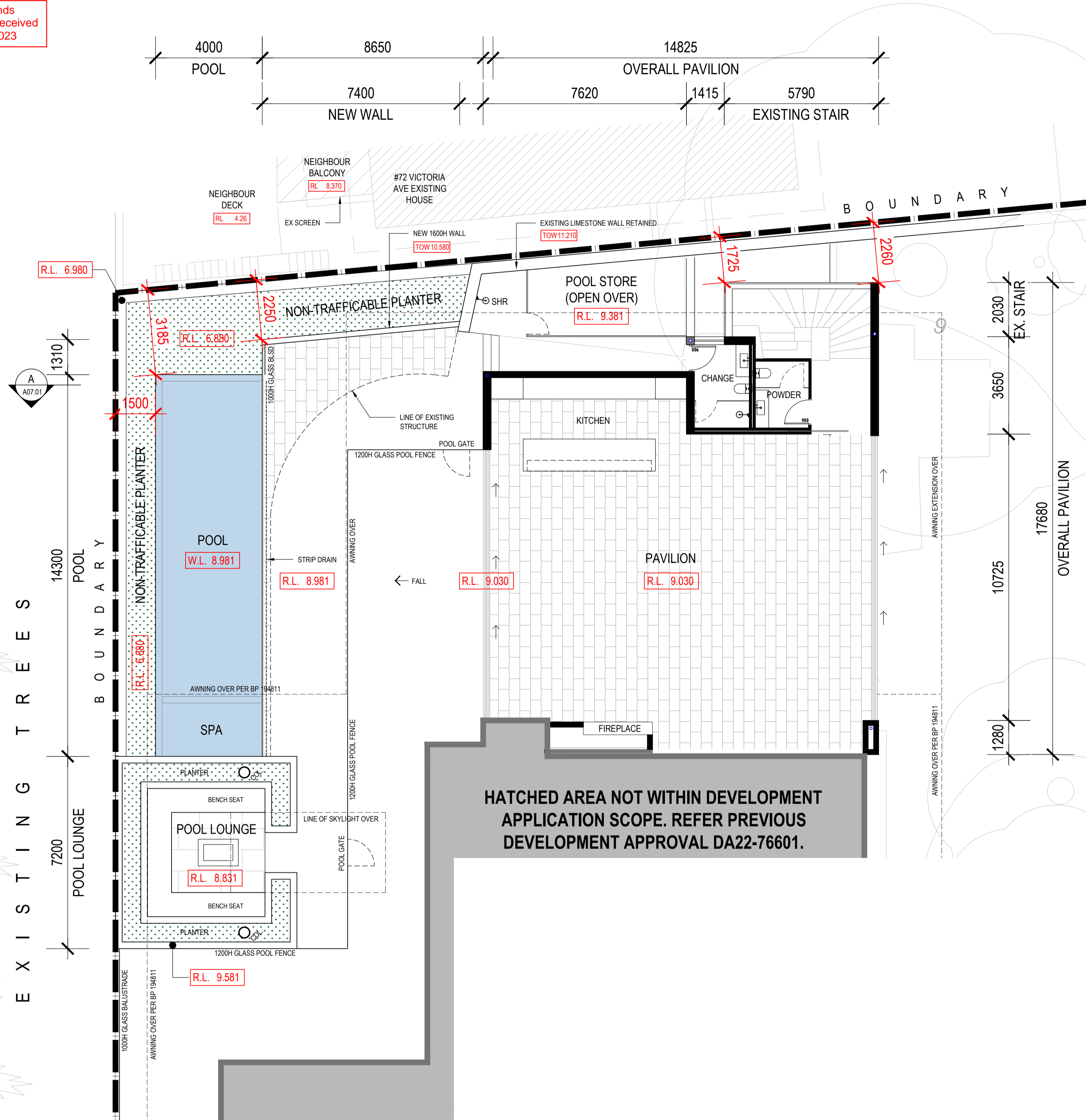
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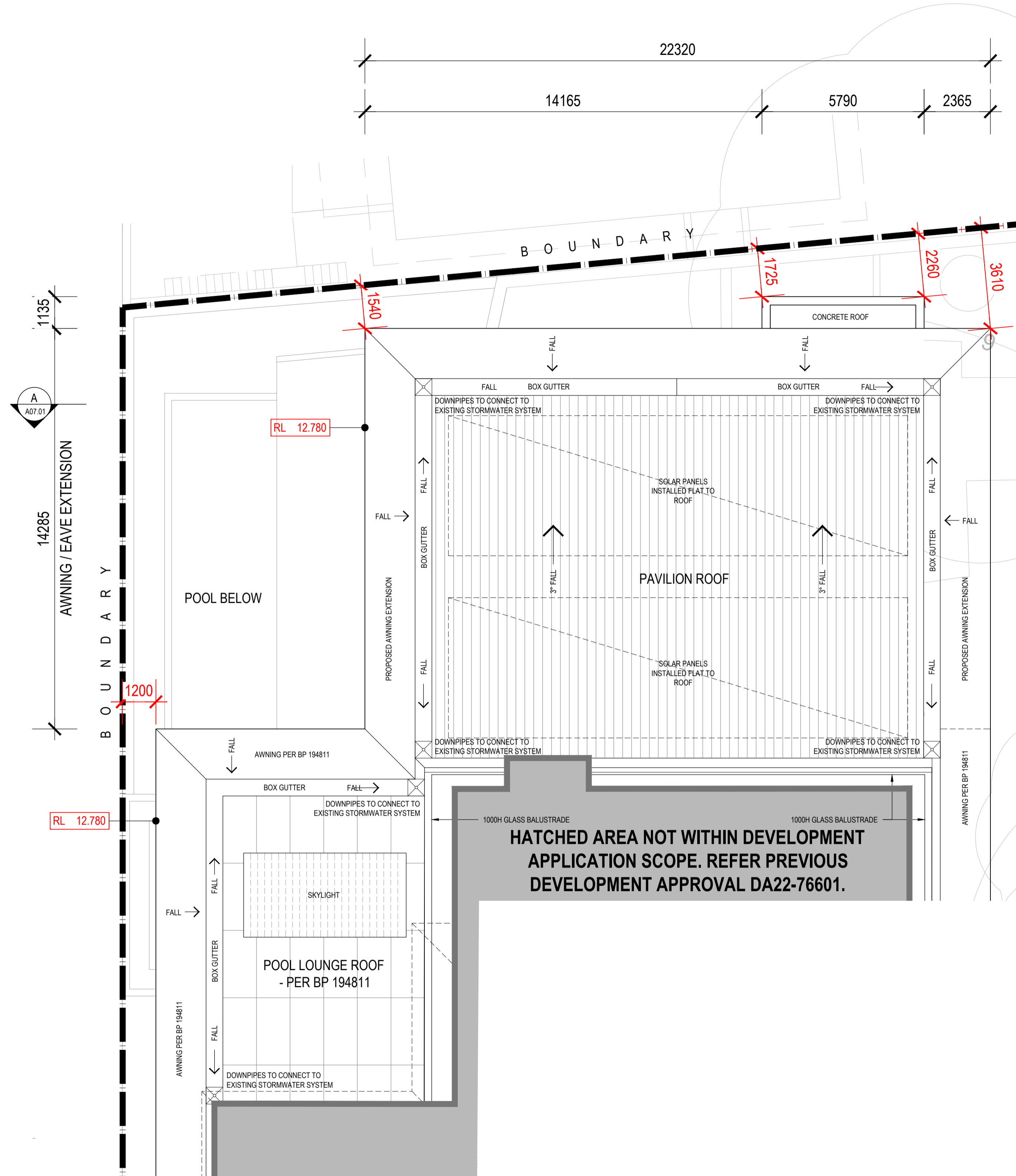
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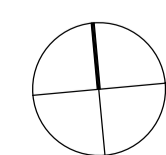
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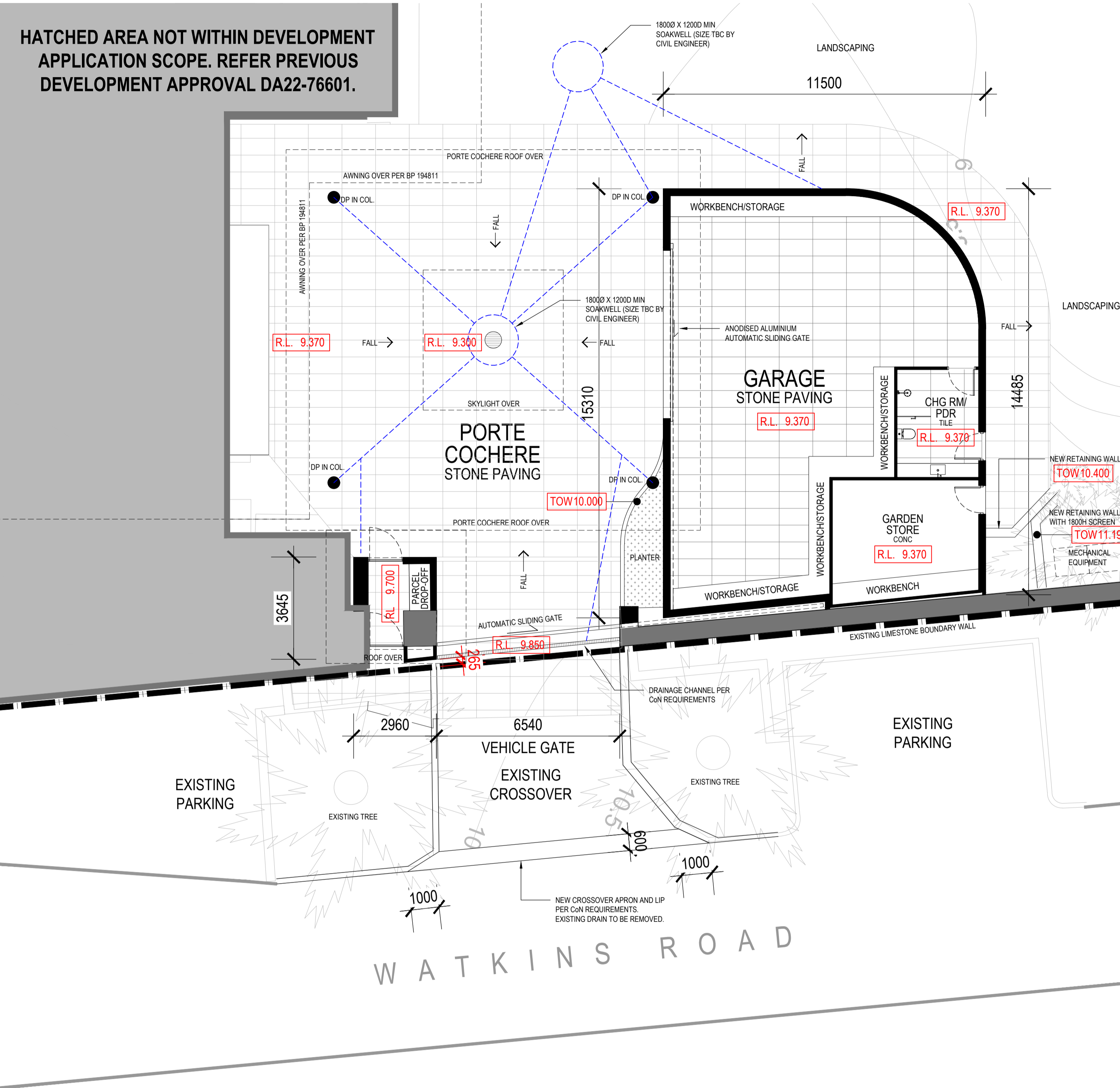
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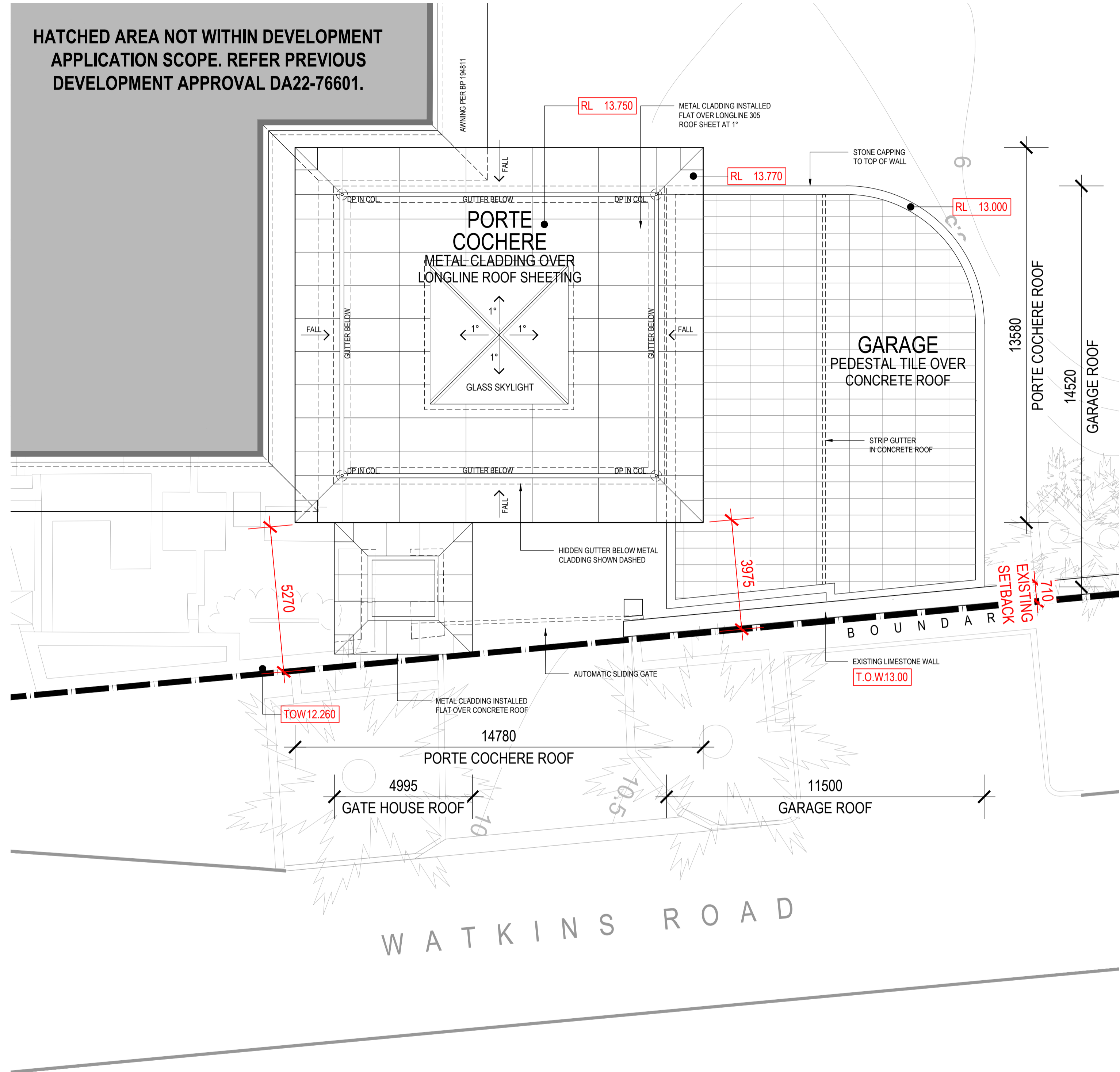
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SCALE 1:100



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GROUND FLOOR PLAN - ITEM 3
SCALE 1:100



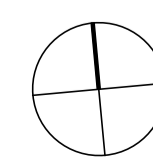
ROOF PLAN - ITEM 3
SCALE 1:100

SCALE

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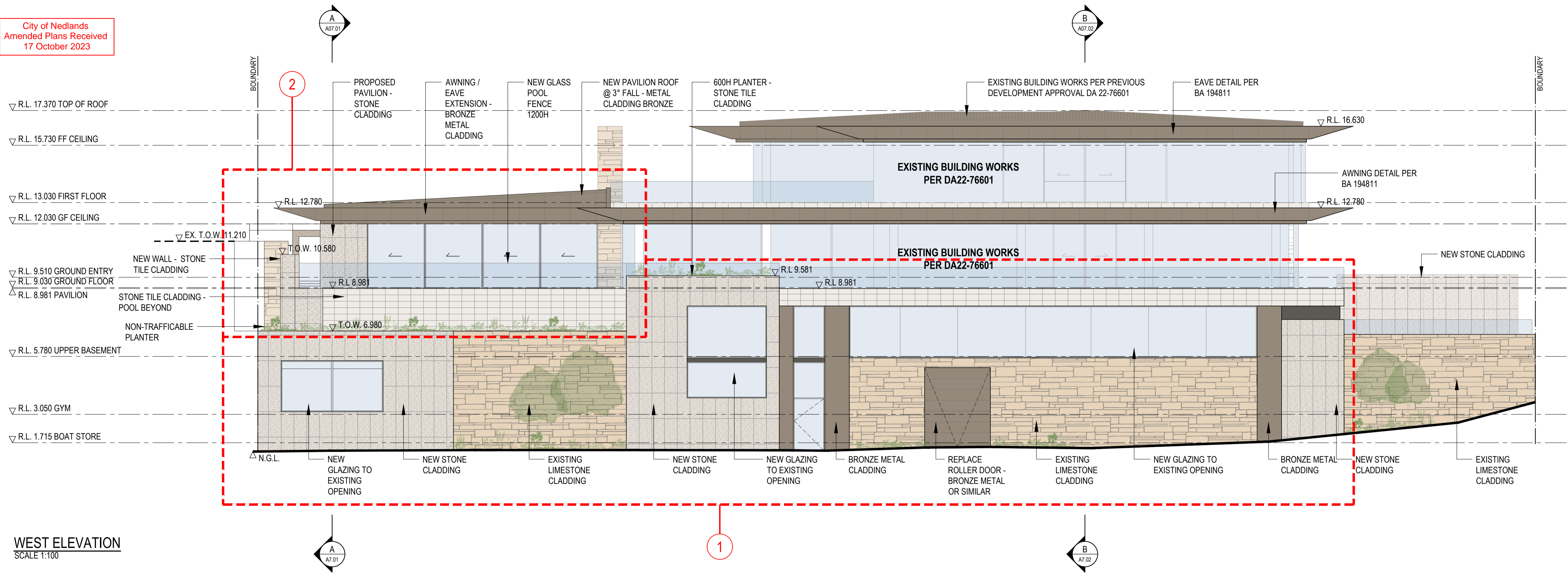
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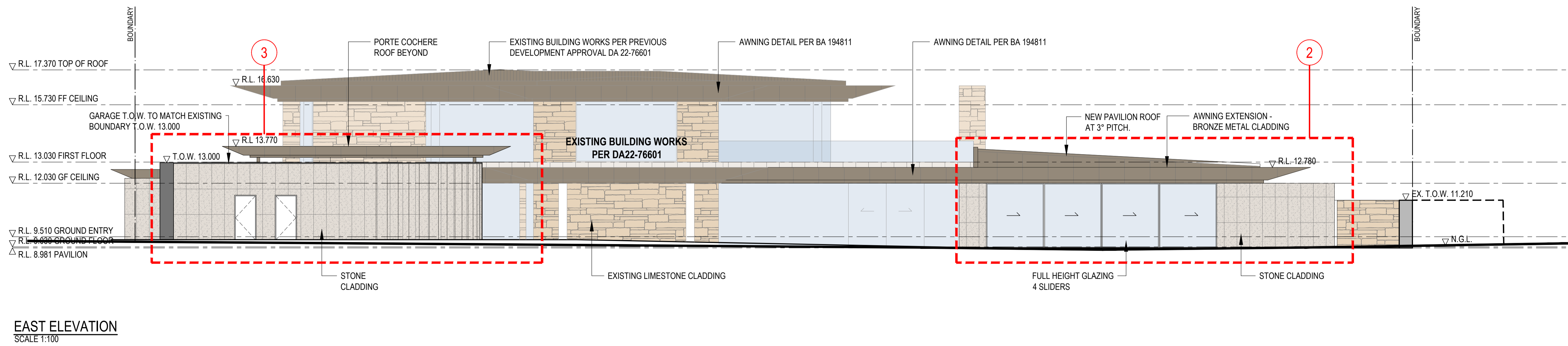
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A02.03

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WEST ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100

SCALE

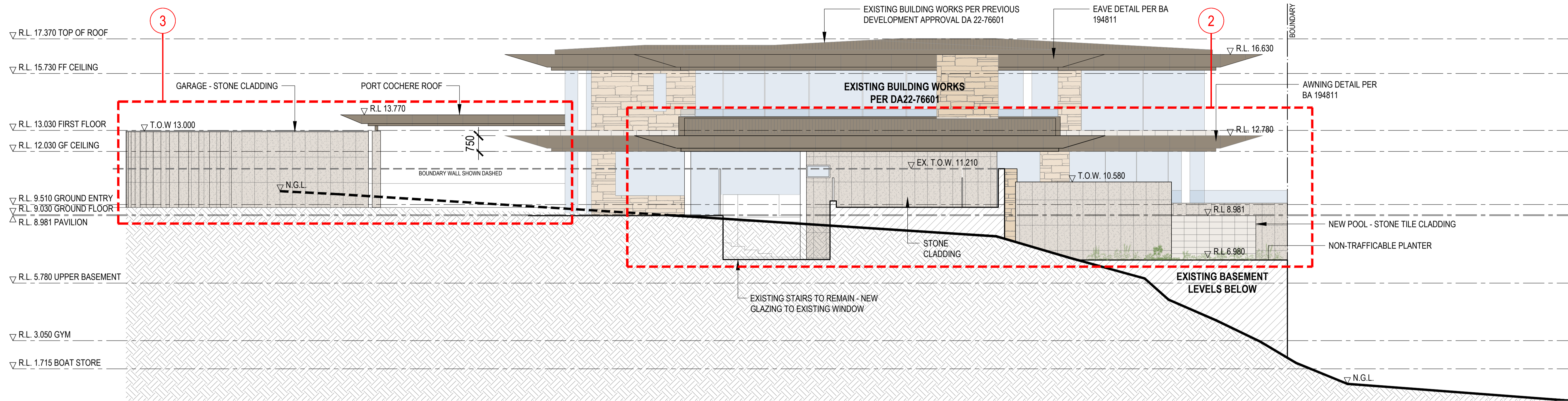
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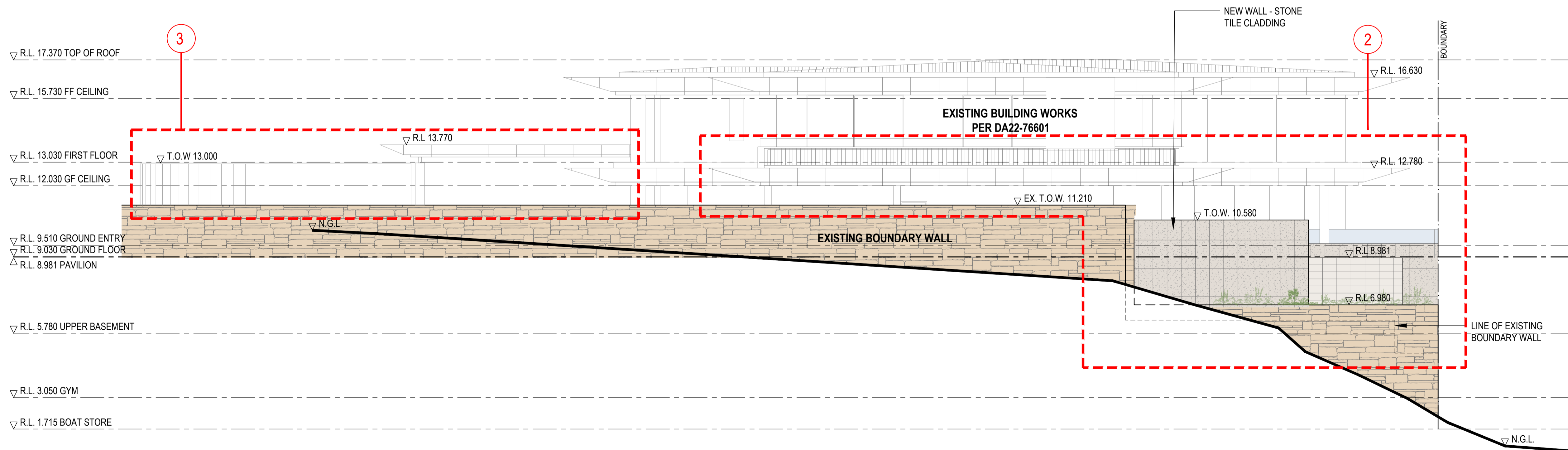
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NORTH ELEVATION
SCALE 1:100



WATKINS ROAD ELEVATION
SCALE 1:100

SCALE

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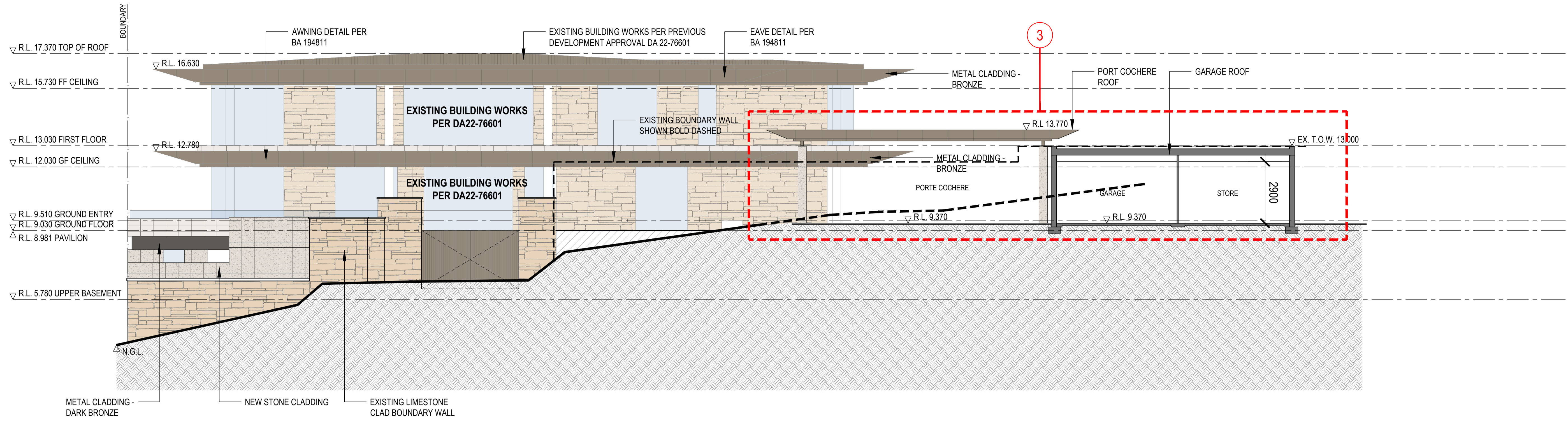
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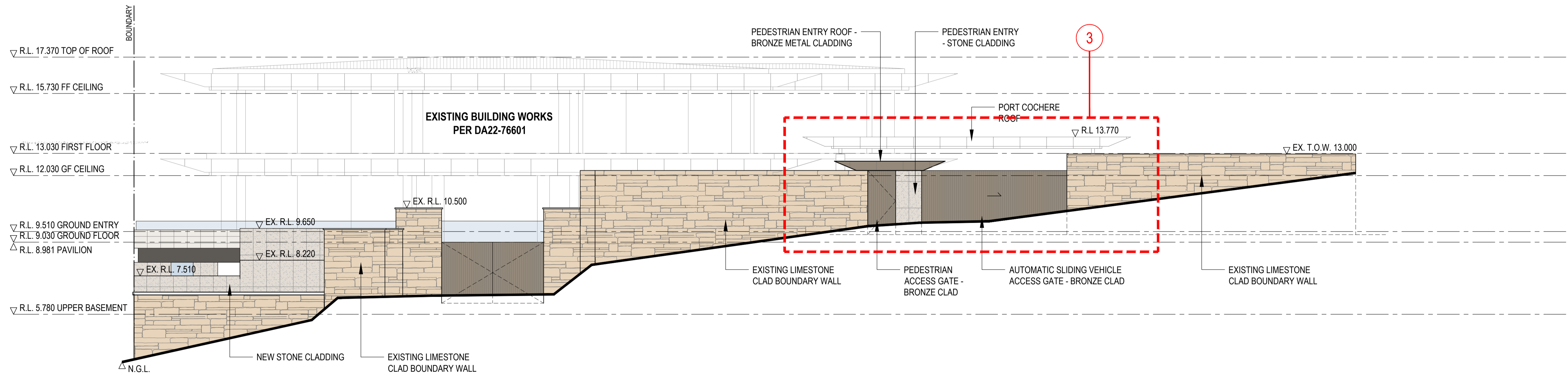
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A06.02

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SOUTH ELEVATION
SCALE 1:100



SOUTH BOUNDARY WALL ELEVATION
SCALE 1:100

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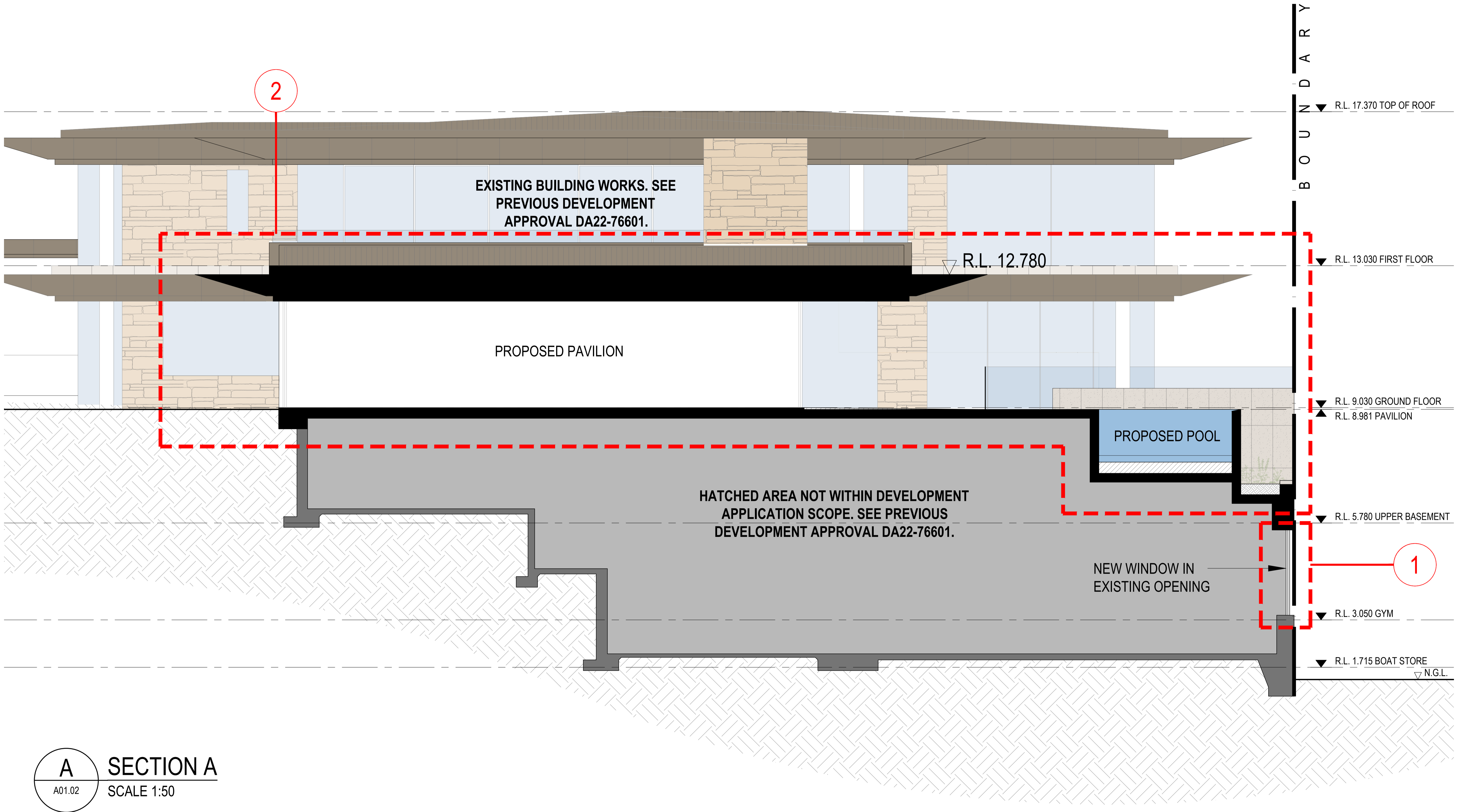
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A SECTION A
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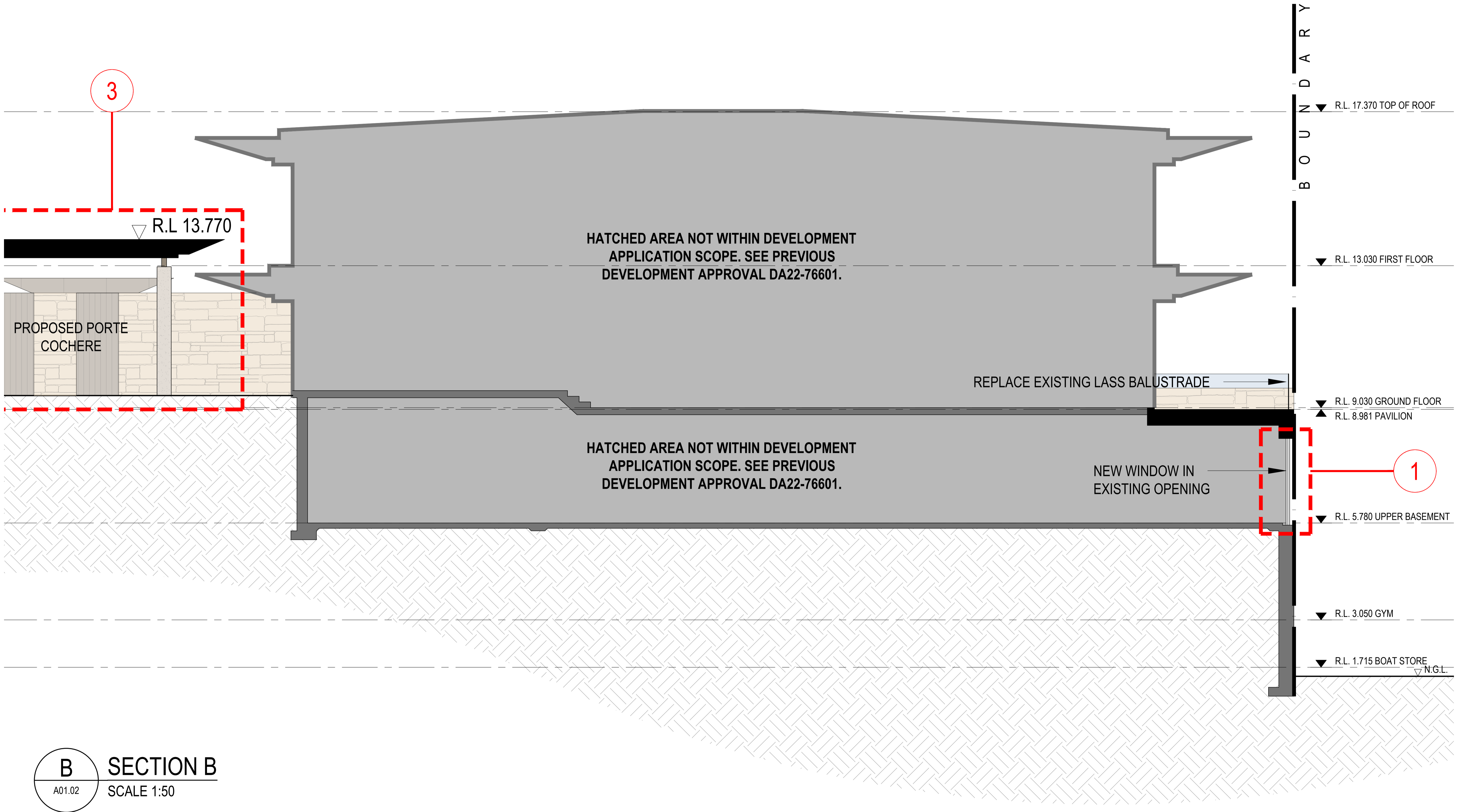
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B SECTION B
A01.02 SCALE 1:50

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9.2. PD02.01.24 Consideration of Development Application – Residential - Single House at 26 Jutland Parade, Dalkeith

Meeting & Date	Special Council Meeting – 30 January 2024
Applicant	Milankov Designs and Project Management Pty Ltd
Information Provided	All relevant information required has been provided.
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	<ol style="list-style-type: none"> 1. Zoning Map 2. Development Plans 3. Architectural Perspectives (3D images) 4. Applicant Justification Letter 5. Department of Biodiversity, Conservation and Attractions Referral Response 6. Josh Byrne and Associates Foreshore Landscaping Advice 7. CONFIDENTIAL ATTACHMENT - Submissions

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman
Seconded – Councillor Bennett

That the Recommendation be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 9/-

Council Resolution / Recommendation

That Council in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 28 November 2023 for a Single House at 26 Jutland Parade, Dalkeith (DA23-88242), subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 28 November 2023. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.
2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.



3. Prior to the issue of a Demolition Permit, a Demolition Management Plan shall be submitted and approved to the satisfaction of the City. The approved Demolition Plan shall be observed at all times through the demolition process to the satisfaction of the City.
4. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
5. Prior to the commencement of 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 the existing boundary wall), including ancillary structures located upon these properties:
 - a. Lot 28 (No.30A) Jutland Parade, Dalkeith
 - b. Lot 32 (No.24) Jutland Parade, Dalkeith

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

6. Prior to the issue of a Building Permit, a structural engineering report prepared by a suitably qualified engineer shall be submitted to the City of Nedlands. Such report shall certify that the proposed development will not cause an undue impact on the structural integrity of the retaining and boundary walls proposed to be retain/modified.
7. Prior to the issue of a Building Permit, stormwater disposal plans, details and calculations catering for the 1% AEP storm event of 60min duration must be submitted for approval by the City of Nedlands and thereafter implemented, constructed and maintained to the satisfaction of the City of Nedlands.
8. 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.
9. Prior to occupation, new walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean finish as specified on the approved plans.



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

10. Prior to occupation, all screening as shown on the approved plans shall be screened in accordance with the Residential Design Codes by either;
 - a. fixed and obscured glass to a height of 1.6 metres above finished floor level; or
 - b. 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
 - c. 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.

11. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

DBCA Conditions

12. All works are to be undertaken in accordance with a Construction Environmental Management Plan to the satisfaction of the City of Nedlands, with input and advice from the Department of Biodiversity, Conservation and Attractions.
13. Prior to the commencement of works or any development being undertaken on site, the applicant shall prepare a Stormwater Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions.
14. No dewatering effluent is to enter the Swan River, either directly or indirectly (via the stormwater system), unless approved by the Department of Biodiversity, Conservation and Attractions.
15. No pool water/ backwash from the swimming pool is to be discharged onto the land, into the Swan River or the local government drainage system.
16. The applicant shall implement appropriate on-site measures to ensure that:
 - a. No construction material, sediment or rubbish enters the River, Parks and Recreation reserve or stormwater system, as a result of the works to the satisfaction of the Western Australian Planning Commission based on advice from the Department of Biodiversity, Conservation and Attractions; and
 - b. During the works no vehicular access associated with the construction is permitted within the Parks and Recreation reserve without the prior approval of the manager of the reserve.
17. Prior to the commencement of works, the applicant shall submit and obtain approval for a schedule of colours, building materials and finishes for the development to the Department of Biodiversity, Conservation and Attractions.



Purpose

The purpose of this report is for Council to consider a development application for a single house at 26 Jutland Parade, Dalkeith.

The proposal was presented to the 12 December 2023 Ordinary Council Meeting, where Council deferred its decision to allow for the following matters to be addressed:

1. Consideration being given by the proponent to reducing the height, bulk and scale and increasing side and rear setbacks of the south-eastern corner of the development to decrease the impact on the eastern neighbouring properties; and
2. Council being provided with further information on historical natural ground levels and the effect on natural ground levels of land level modification over time.

Assessment of the above can be found in the “Discussion” section of this report under “Natural Ground Level”. In summary, Council is advised that the plans remain unchanged from those considered previously. Information has been provided on the historical natural ground levels and the application of contemporary natural ground level definitions. The application of natural ground level employed in this assessment is based on the current deemed provisions as required by regulation and supported by recent SAT decision. Considering all matters, Administration recommends approval.

Voting Requirement

Simple Majority.

This report is of a quasi judicial nature as it is a matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.



Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R12.5
Land area	2,373m ²
Land Use	Residential – Single House
Use Class	'P' – Permitted Use

The site is located at 26 Jutland Parade Dalkeith. The lot is 2,373m² in area with a 20m street frontage to Jutland parade and 40m frontage to the Swan River. The site slopes 8.4m from the north to the south. To the south the lot abuts the Swan Canning Development Control Area and a Metropolitan Region Scheme (MRS) "Parks and Recreation" reserve.

As viewed from the river, the site features a large arched retaining wall, which was constructed in 1972. An existing three storey single house (inclusive of semi basement) sits on top of and is proposed to be demolished as part of this application. The western portion of the lot is further burdened by a Restrictive Covenant which limits the height of any building, structure, tree, or other vegetation to no greater in height that 23.92 Australian Height Datum (AHD).

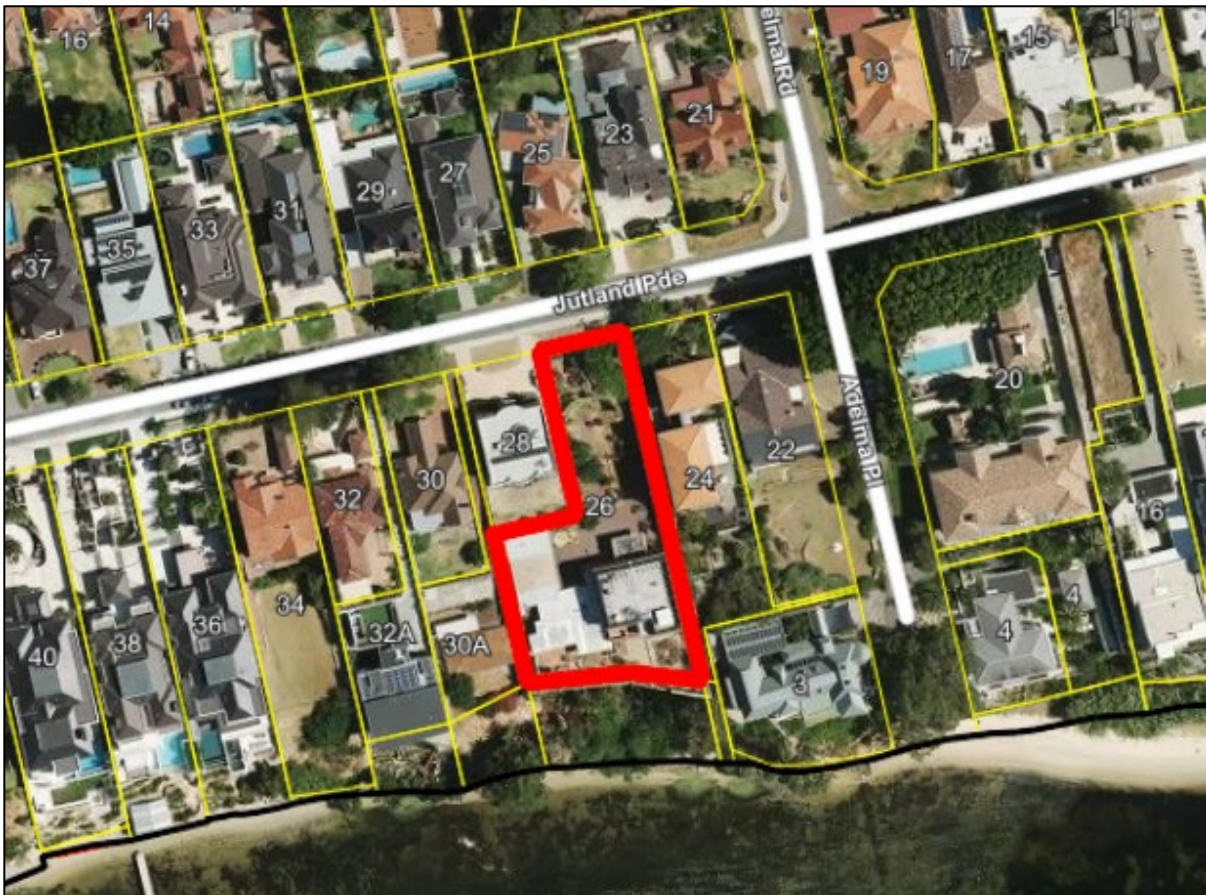


Figure 1: Aerial image of 26 Jutland Parade, Dalkeith



Application Details

The application seeks development approval for a three-storey single house at 26 Jutland Parade, Dalkeith. The existing arched retaining walls are to remain at the DBCA boundary to the south, with modifications to the height of the arches, finish and include additional landscaping within the arches.

The application was originally lodged on 2 August 2023. Following the initial consultation period, the applicant submitted amended plans, on 30 October 2023, 22 November 2023 and 28 November 2023 (**Attachment 2**). The amendments were made to address concerns raised by the City, Department of Biodiversity, Conservation and Attractions (DBCA) and public submissions.

The changes proposed by the amended plans dated 28 November 2023 are summarised as follows:

- Roof deck and garden removed.
- Reduction in height of the western portion of dwelling and various roof structures removed to comply with the Restrictive Covenant.
- Height of the architectural features reduced in height to a maximum 1.5m above the existing residential AHD roof height (at 30.47AHD).
- Gate house reduced in size to meet the deemed-to-comply.
- Amount of landscaping within the front setback area has been increased.
- Obscure glazing included on the western elevation of the Activity and Family rooms.
- Basketball court removed.
- Additional fill for the garden bed and paving area along the eastern boundary has been reduced back to original levels.
- Further clarification and annotations on plans for clarity including natural ground level.

The proposal was presented on 12 December 2023 Ordinary Council meeting, where Council deferred its decision to allow for the following matters to be addressed including:

1. Consideration being given by the proponent to reducing the height, bulk and scale and increasing side and rear setbacks of the south-eastern corner of the development to decrease the impact on the eastern neighbouring properties; and
2. Council being provided with further information on historical natural ground levels and the effect on natural ground levels of land level modification over time.

In relation to Item 1, the plans remain unchanged from those considered on 12 December 2023. It is noted that all directly adjoining landowners, except for 3 Adelma Place, have withdrawn their previous objections. Information on natural ground levels is provided below.



Discussion

Assessment of Statutory Provisions

If a proposal does not satisfy the deemed to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes), Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the R-Codes. Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

Local Planning Scheme No. 3

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

State Planning Policy 7.3 - Residential Design Codes – Volume 1

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

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to lot boundary setbacks, building height, landscaping and site works. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

Eastern and Western Lot Boundary Setback (Clause 5.1.3)

The development requires a design principles assessment for the eastern and western lot setbacks to side boundaries. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation and minimising overlooking. The proposal meets the design principles for the following reasons:

- All walls feature multiple articulations, with variations in setbacks and materials, and feature openings and balcony elements to break up the perception of building bulk. Further, the setbacks of the proposed house are commensurate with the setbacks of the existing single house on site, thereby resulting in negligible additional bulk to adjoining properties when compared to the pre-development condition.
- In relation to the west, the proposed setbacks are an improvement to the existing development which features a 13m boundary wall, and an average setback of approximately 2.5m to the remainder of the wall. The proposed western setback has no boundary wall and varying setbacks between 2.0m and 6.5m.
- In relation to the east, the existing house features a setback of 2.4m at ground floor and 3m at upper floor with no articulation. The proposed eastern setback has multiple articulations, with setbacks varying from 1.7m to 7.0m at ground floor and 1.7m and 5.5m at upper floor. The two portions of wall at 1.7m setback are deemed-to-comply.



- The setbacks do not unduly impact any adjoining property in relation to visual privacy. All openings, balconies and outdoor living areas meet the deemed-to-comply criteria for visual privacy.
- The setbacks do not result in undue impacts to solar access, and the proposal meets the deemed-to-comply overshadowing provisions.

It is important to note that deemed-to-comply lot boundary setbacks are determined on the maximum wall height of the wall. Given the slope of the land, the proposed walls vary in their height as measured from natural ground level, with a variation of 2.3m over the length of the wall (ground floor eastern wall).

Rear (Southern) Lot Boundary Setback (Clause 5.1.3 and DBCA)

The rear setback is abutting the Swan Canning Development Control Area, and assessment of this setback is against State Planning Policy 2.10: Swan-Canning River System and the Swan Canning Development Control Area policy. The DBCA has assessed the application against relevant policies and has advised that it has no objections to the proposal subject to standard conditions. Development within the rear proposes excavation to reduce any bulk from the lower levels, with the upper floors largely commensurate with the setback of the existing dwelling and the immediately adjacent dwellings and is not considered by DBCA or officers to have undue adverse impact on the riverscape. Further, the brick parapet structure on the south-eastern corner is to be removed. This currently exacerbates the height of the existing retaining wall.

Building Height (Clause 5.1.6)

The application proposes a maximum building height of 9.9m to the roof and between 11.4m – 12.6m for three architectural features. As tested in *Prosser and Town of Cottesloe [2021] WASAT 115*, the height has been assessed at the lowest relative point of the approved site levels from 1972. This is from the ground level of the river front terrace.

The design principles for building height consider the impact on the amenity of adjoining properties and public spaces in relation to:

- access to direct sunlight into buildings and open spaces;
- access to direct sunlight into habitable rooms; and
- access to views of significance.

The proposal meets the design principles for the following reasons:

- In relation to adjoining public spaces, the proposed height is not considered to have a detrimental impact on the streetscape or riverscape. As viewed from the street, the building has a height of 5.3m above the street level on Jutland Parade and presents as a two-storey building. This is consistent with the existing streetscape south of Jutland Parade.
- The character of this site, as viewed from the Swan River, has been established by the existing large arched retaining wall. It is acknowledged that this wall sits some 20m above the river line and is higher than any typical wall along the foreshore and against



adjoining properties. As viewed from the river, the visual amenity of the riverscape on future development is considered with advice provided by the DBCA. The DBCA has assessed the application on behalf of the Swan River Trust against State Planning Policy 2.10: Swan-Canning River System and the Swan Canning Development Control Area policy. It has advised that it has no objections to the proposal, subject to conditions. A copy of this advice has been included as **Attachment 4**.

Given the steep slope of the lots abutting the Swan River, it is common for developments to exceed the deemed-to-comply height provisions. This is considered on a case-by-case basis on the merits of the application. However, by way of comparison, 52 Jutland Parade was approved with a height of 11.8m, 50 Jutland Parade has a 10.2m maximum wall height and a 10.7m maximum overall height. The house currently under construction at 68 Jutland Parade has a 10.7m maximum wall height and a 11.3 maximum overall height. The existing houses at 36, 38 and 40 Jutland Parade have an approximate 12.5m maximum wall height and 13.6m maximum overall height.

Although the eastern portion of the building extends further south, the predominate building height is the same as the existing single house on site which also has a maximum height of 9.9m measured from the lowest point. It further represents one third of the eastern building whereas the remaining two thirds meet the deemed-to-comply for height. Notwithstanding, it is acknowledged that the extended built form is on top of the 'lowest point' of the site (an existing site level of 17.9m AHD). The bulk is, however, compensated by excavating most of the terrace area to 16.9m AHD, setting back the development and removing existing structures on the south-east retaining wall.

- In relation to amenity, the proposed height does not unduly restrict access to sunlight or ventilation for adjoining properties. Overshadowing from the proposal at mid-winter meets the deemed-to-comply criteria as shown in the **Attachment 2**. Whilst a portion of the building at 3 Adelma Place will be overshadowed in the afternoon, the solar panels would already have a shadow cast from the existing northern vegetation. In this regard the additional height proposed by this development does not unduly impact the adjoining property beyond what would be reasonably expected from a deemed-to-comply building height.
- In considering views of significance, the proposal has been reduced in height to comply with the Restrictive Covenant in place on the property, thereby maintaining views for properties to the north of the site. Further, the height is the same as the existing single house on site which also has a maximum height of 9.9m. There are portions of the architectural features which sit above this but represent a minor portion of the overall building layout.

The design principle is not focused on maintaining views exactly as they exist prior to the development. Rather, there is a need to maintain access to views, which is achieved as outlined below.

At 3 Adelma Place, the existing dwelling sits forward of 26 Jutland Parade, thereby maximising its views of the Swan River from the main living areas and not towards this development. A covered outdoor living area of 3 Adelma Place is located behind the



entry gate. This space has a table and chairs and spa which is surrounded by mature trees, and an outbuilding (garage). As viewed in this area, the proposed development would be almost completely obscured. As viewed from the main ensuite bathroom window, there is a view of the existing house from this angle and the new proposed works would be visible. Given non-habitable spaces are intended not used for extended periods of times and the view is towards the development and not the river, Administration considers the development meets this design principle.

Landscaping (Clause 5.3.2)

The application proposes 42% (75m²) soft landscaping in the front setback. The design principles for landscaping consider the appearance of the development for residential amenity, contribution to the streetscape, and enhancement of tree canopy. The proposal meets the design principles for the following reasons:

- The site is constrained in providing landscaping within the street setback area given the relatively narrow street frontage and use of the existing driveway. The application proposes to narrow the existing crossover, thereby increasing the amount of verge landscaping compared the pre-development condition and enhancing the streetscape.
- Within the front setback area there are two large trees to be retained, one medium tree is to be relocated and one new medium tree planted. This exceeds the minimum site tree planting stipulated by clause 5.3.2. This adequately offsets the shortfall in landscaping within the defined street setback area, improves the tree canopy and positively contributes to the streetscape.

Site Works (Clause 5.3.7)

The application proposes site fill of up to 0.58m to a minor portion on the south-west boundary, this is annotated on the plans as the 'sunken gardens'. Although the amended plans dated 22 November 2023 have reduced this level to 20.50AHD which mostly meets the existing levels, there are sections which exceed 0.5m above the natural relative level. The design principles for site works consider the proposal's response to the natural features of the site and ensuring that the site can be used effectively without detrimentally impacting adjoining properties. The proposal meets the design principles for the following reasons:

- The site features an existing slope of 8.4m from the Jutland Parade frontage down to the Swan River boundary. Given this topography, it is expected that site works beyond the deemed-to-comply would be required to ensure that the site can be effectively used by residents. In considering the site's slope, the amount of fill proposed is kept to a functional minimal and specifically to the non-habitable sunken garden area.
- Majority of the site works are excavation and are kept below the height of the existing boundary fence and will not visually present as building bulk.

Minor Variations

The key elements of the development proposal which require Council consideration have been outlined in this report. The application also involves technical variations to street surveillance (Clause 5.2.3), and street walls and fences (Clause 5.2.4). These are all technical variations with no adverse impact on the amenity of adjoining properties or surrounding area.



Natural Ground Level

The application of natural ground level employed in this assessment is based on the current deemed provisions as required by regulation and supported by recent SAT decision, as explained below.

Clause 67(2) of the deemed provisions outlines the matters to be considered, as relevant, in the determination of development applications. This includes the consideration of the history of the site. As noted within the original planning report, Administration have reviewed historical information. From 1972, approval was granted for the construction of a large arched retaining wall and single house on the site with levels of 59 feet (converted to 17.98m AHD) at the south-eastern area.

It is acknowledged that the contours of the land pre-dating this development would not have the large arched wall, and therefore any site levels before 1972, would be lower. Using the State Records Office Mapping is one way to review a site and ascertain original ground levels. This indicates the levels were between 36.50 feet (11.12m AHD) at the river interface and 47.6 feet (14.50m AHD) towards the middle part of the south-eastern terrace, 39.38 feet (12m AHD) on the south-eastern corner and 52.75 feet (16.07m AHD) to the eastern boundary. However, with respect to the consideration of natural ground level for the purpose of calculating building height under the R-Codes, it is no longer the case to review and apply the original site levels. This is because the definition within the *Local Planning and Development (Local Planning Schemes) Regulations 2015* Deemed Provisions changed with the 2021 amendments:

This current definition is –

natural ground level, in relation to land subject to development, means —

- (a) the ground level specified in either of the following that applies to the land (or, if both of the following apply to the land, the more recent of the following) —
 - (i) *a condition on an approval of a plan of subdivision that specifies a ground level;*
 - (ii) ***a previous development approval for site works on the land that specifies a ground level; or***
- (b) if paragraph (a) does not apply — the level of the land before any disturbance to the land relating to the development;
(emphasis added)

A permit was issued in 1972 and the Council By-Laws at the time noted that it complied and therefore a Building Permit could be issued. As such, the most recent **approved natural ground level** is satisfied by the definition of (ii). The argument to apply the original levels was tested in *Prosser and Town of Cottesloe [2021] WASAT 115* and was not successful.

Further, for calculating building height, the height is applied to the height of the wall at its highest point at any part of the development immediately above natural ground level (i.e., an approved ground level for site works), not the finished floor level. This precludes the existing basement level as it is below the approved natural ground level.



Officers and DBCA staff have visited 26 Jutland Parade on several occasions. On both occasions this included a full visit through the existing house, basement level and foreshore. Officers observed that the basement level is not self-contained and does not extend beyond the terrace level, where the new development is proposed.

Clause 2.5.1 of the Residential Design Codes (Volume 1) specifies that a decision maker, in its assessment of a proposal that addresses the design principle(s) should not apply the corresponding deemed-to-comply provisions. This is an exercise of judgement to consider the merits of the proposals having regard to the objectives and balancing these with the consideration of the design principles.

Officers have considered the proposal against clause 67 of the Deemed Provisions and applicable planning policies, as it is the view the areas of discretion are met for approval.

Consultation

Public Consultation

The application is seeking assessment under the design principles of the R-Codes for lot boundary setbacks, building height and site works.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 14 adjoining landowners and occupiers from 1 September 2023 to 15 September 2023. At the close of the advertising period, eight objections were received, and one statement of support.

Following the initial consultation period, the applicant submitted amended plans to address concerns raised by the City, DBCA and public submissions. Amended plans were sent to the original submitters.

The following is a summary of the concerns and comments raised and the Administration's response and action taken in relation to each issue. A more detailed response can be found:

1. Building height dispensation on top of the existing high retaining wall, impact on existing and future amenity and riverscape

The established character south of Jutland Parade is of large single houses often with substantial street setbacks so to be positioned towards the river foreshore. As viewed from Jutland Parade, the development will maintain a similar built form scale to the existing dwelling.

The existing character of this site, as viewed from the river, has already been established by the existing large arched retaining wall. It is acknowledged that this wall sits some 20m above the river line and is higher than any typical wall along the foreshore. The visual amenity of the riverscape is determinate on advice provided by the DBCA. The DBCA have advised that it has no objections to the proposal, subject to conditions.



Although the eastern portion of the building extends further south, the predominate building height is the same as the existing single house on site which also has a maximum height of 9.9m measured from the lowest point. It is acknowledged that the extended built form is on top of the 'lowest point' of the site (around an existing site level of 17.9m AHD). The bulk is however compensated by excavating majority of the terrace area to 16.9m AHD and setting back the development from boundaries.

2. Visual Privacy from outdoor living area, roof top garden and from additional fill to the garden bed

The rooftop garden has been removed from the plans dated 30 October 2023.

Administration supports the proposed setbacks as outlined in the report above. There are no visual privacy implications because of the setbacks as all major openings, balconies and outdoor living areas meet the deemed-to-comply criteria for visual privacy. This is by way of setbacks and screening. A screening condition is recommended to ensure all areas meet deemed-to-comply.

Amended plans dated 22 November have removed the previous additional 0.34m fill for the garden bed and paving area along the eastern boundary. It is now referred to on the plans as 'the sunken garden'. The level remains as 20.5m AHD.

3. Building height exceeds Restrictive Covenant.

The amended plans dated 30 October 2023 have reduced the height of the western portion of dwelling and removed the roof top garden and various plants and structures to comply with the Restrictive Covenant height limit. No portion of the proposed building (within the Restrictive Covenant Area) exceeds a height of 23.92m AHD.

4. Impact views of the Swan River

In considering views of significance, the proposal has been reduced in height to comply with the Restrictive Covenant thereby maintaining views for properties to the north of the site. Although the eastern portion of the building extends further south, the predominate building height is the same as the existing single house on site which also has a maximum height of 9.9m. As such, it is Administrations view it will not impact views beyond the pre-development condition. This is detailed in clause 5.1.6 Building height discussion earlier in this report.

5. Concerns with noise from basketball court.

The basketball court has been removed from the plans dated 30 October 2023. Notwithstanding, noise from a basketball court is not a planning consideration.

6. Concerns with boundary walls.

The application proposes one boundary wall to the northern boundary with 28 Jutland Parade. This wall is abutting an existing retaining of equal dimension and is deemed-to-comply.



7. Wind Impact

The applicant proposes extended awnings to protect against wind, rain and sun. Notwithstanding, the consideration of wind impact to adjoining properties is not covered by planning framework.

8. Overshadowing and impacts to solar panels

The shadow cast meets the deemed-to-comply. Further studies were requested and provided by the applicant as concerns were raised on the pragmatic impacts to solar panels outside the deemed-to-comply time. This is illustrated in the latest plans.

Strategic Implications

This item is strategically aligned to the City of Nedlands Council Plan 2022-23 vision and desired outcomes as follows:

Vision Sustainable and responsible for a bright future

Pillar Place

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

Budget/Financial Implications

Nil.

Legislative and Policy Implications

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

Decision Implications

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

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



Conclusion

The application for a single house has been presented for Council consideration due to objections being received. The proposal is considered to meet 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 proposal has been assessed and satisfies the design principles of the R-Codes in relation to being consistent with the immediate locality and streetscape character.

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

Further Information

Nil.



- Labels
 - House Numbers
 - Road Names
- Boundaries
 - Nedlands LGA Boundary
 - LPS3 RCodes
 - Property Boundaries
- LPS3 Zones
 - Residential
 - Metropolitan Region Scheme
 - Parks and recreation
 - Waterways



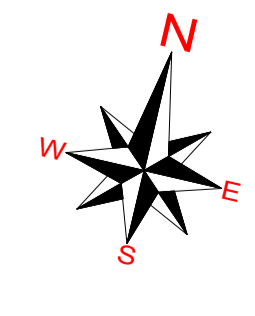
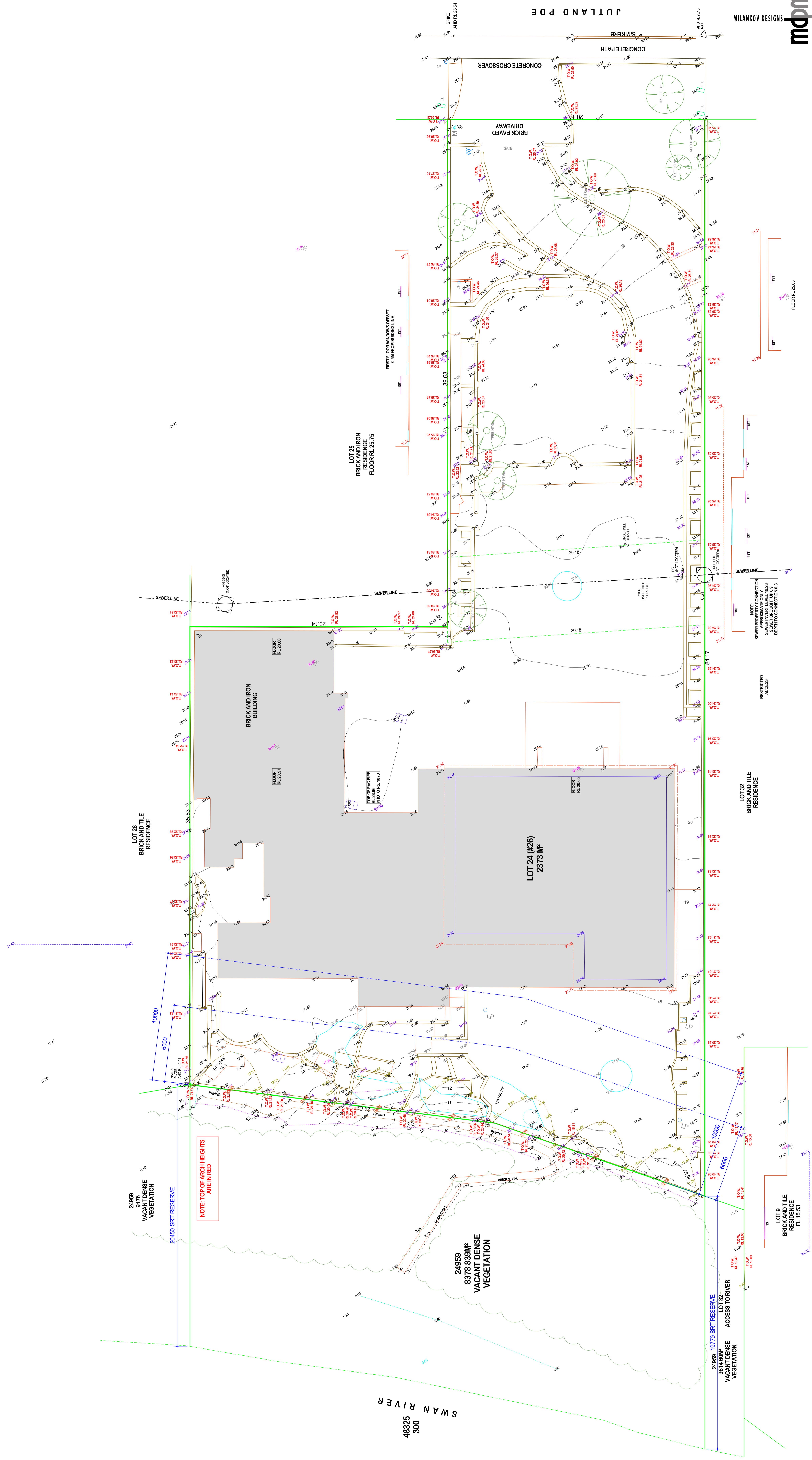
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Zoning Map

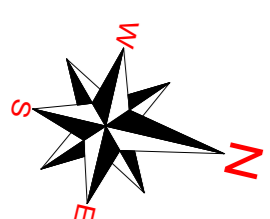
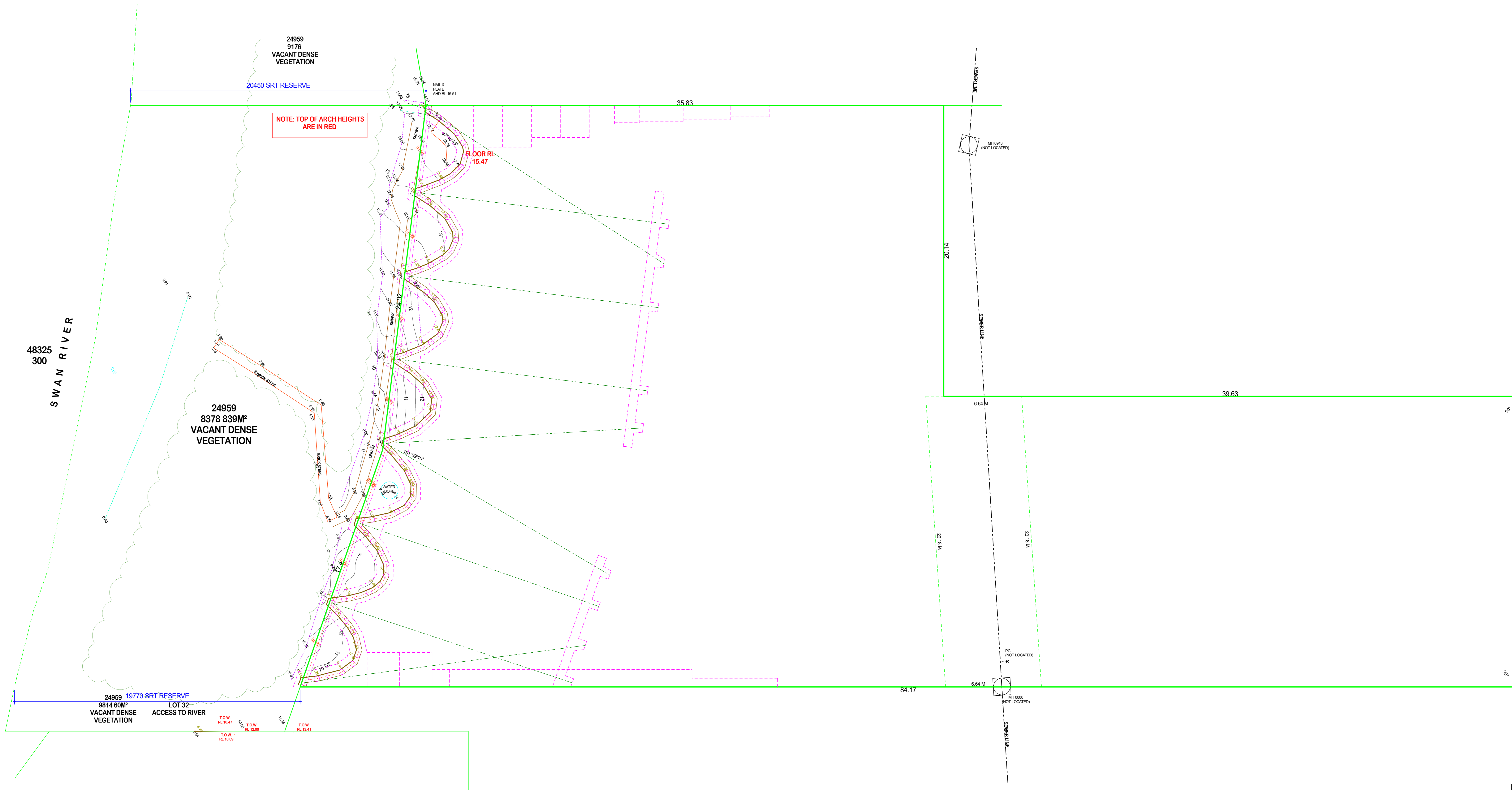
7/11/2023

1:1000





SITE PLAN OF EXISTING RESIDENCE
SCALE 1:100 @ WSIDE
SCALE 1:100 @ NSIDE
SCALE 1:140 @ ASIDE



PLAN OF EXISTING RIVER RETAINING WALL
SCALE 1:100 @ A0 SIZE
SCALE 1:200 @ A2 SIZE
SCALE 1:140 @ A1 SIZE

MLANKOV DESIGNS
mdm
PROJECT MANAGEMENT



26 JUTLAND PDE RESIDENCE

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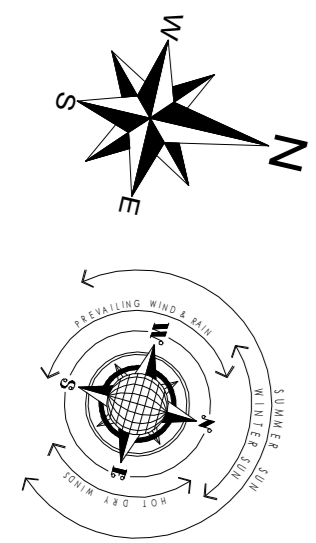
SITE PLAN OF PROPOSED
 SCALE 1:100 @ A3 SIZE
 SCALE 1:200 @ A2 SIZE
 SCALE 1:140 @ A1 SIZE

SITE COVER 12.5
 LAND AREA 2,373 M²
 50% OPEN SPACE 1,302.15 M²
 40% SITE COVER 1,070.85 M²

ACTUAL SITE COVER 846.77 M²

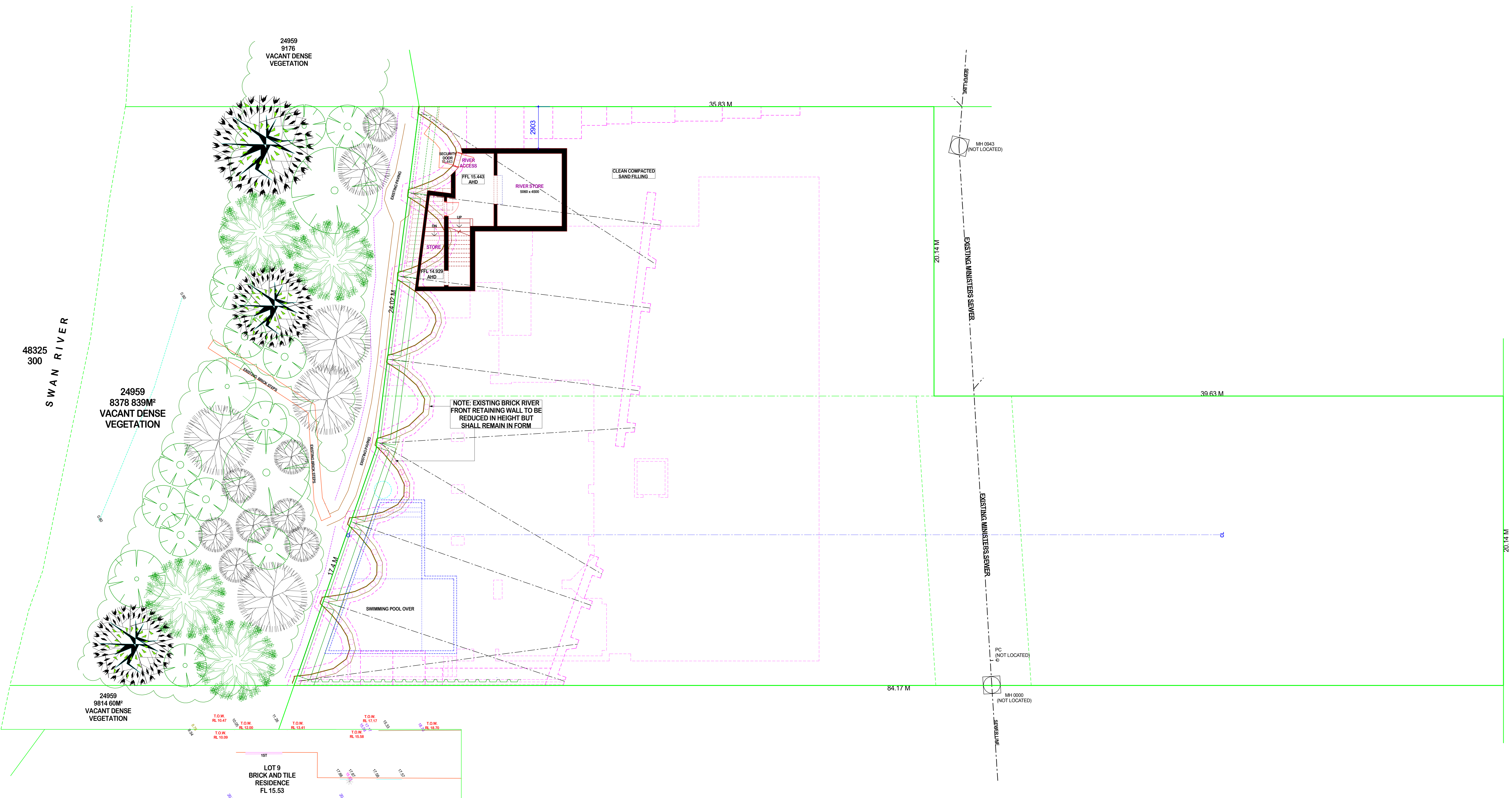
NOTE: stormwater drainage: main house, paving and driveway areas
 Total Roof and paved area: 1,808.20 m²
 Capacity rate 1m³/80m³
 22.60 m³ Storage required
 1.8m dia. (area) x 2.40m (depth) soakwell = 4.32 m³
 6 No. soak wells required

DA REVISION CLOUD
 STORM WATER CALCULATION
 01/11/23



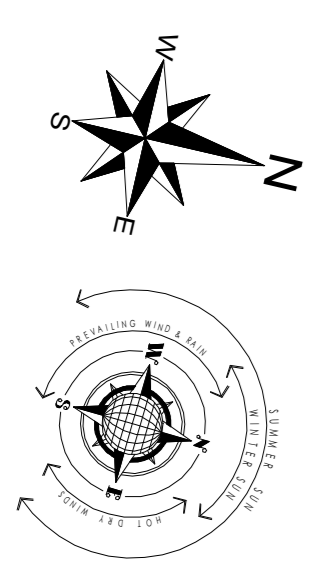
26 JUTLAND PDE RESIDENCE
 LOT 24 (#26) JUTLAND PDE DALKEITH

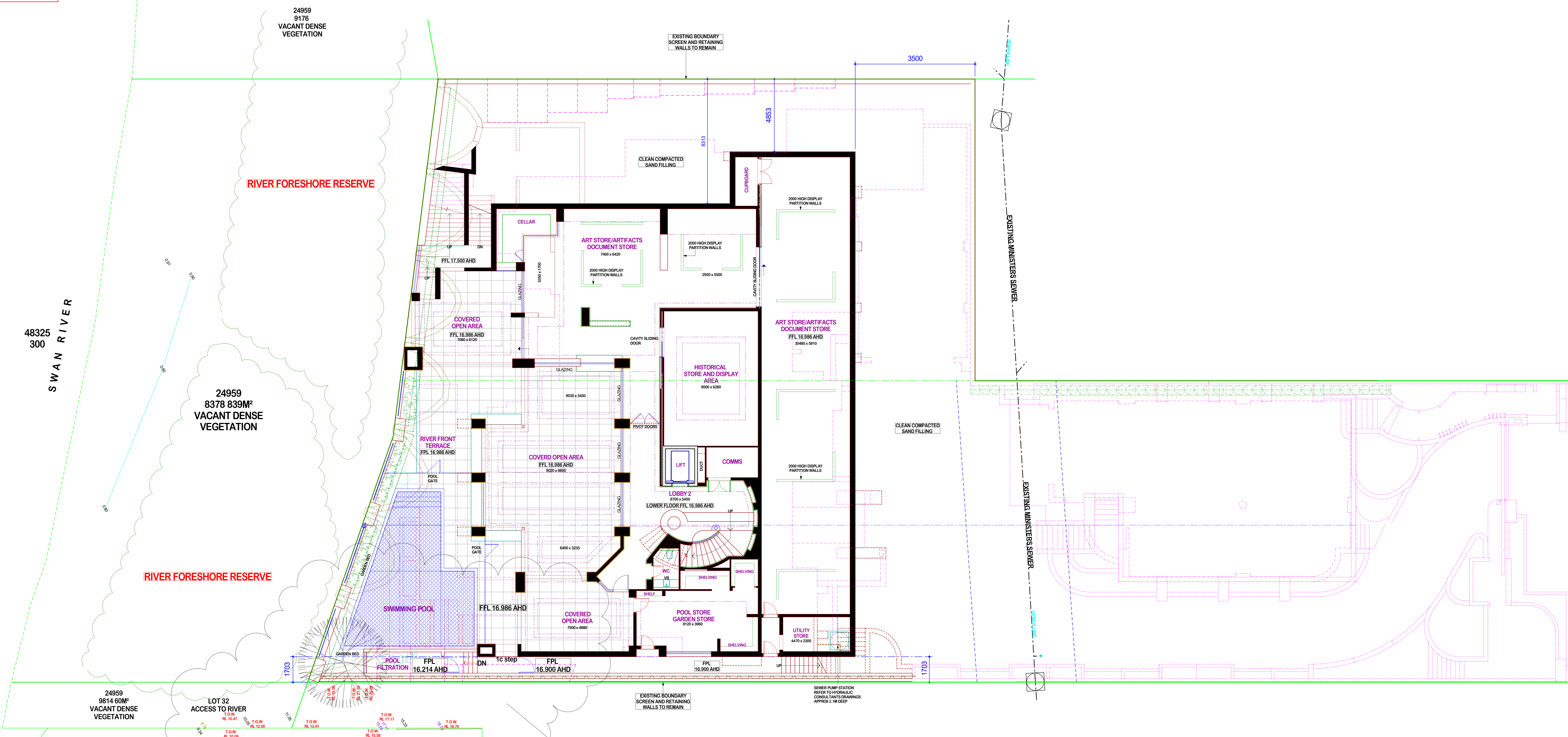
MCJPM DESIGN & PROJECT MANAGEMENT
 PROJECT MANAGEMENT



BASEMENT AREAS	
RIVER ACCESS / RIVER STORE	67.17 m ²
TOTAL	67.17 m²

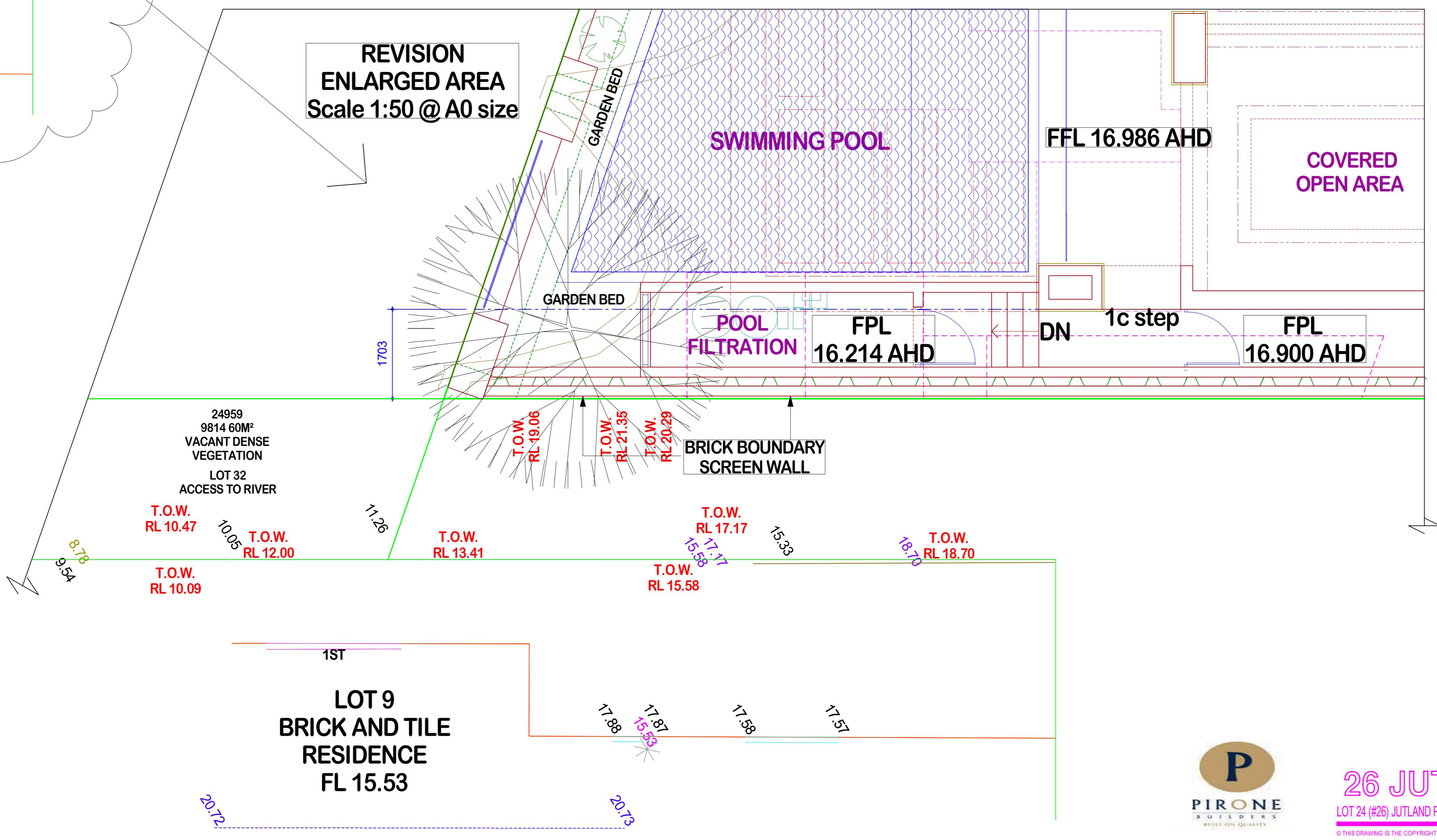
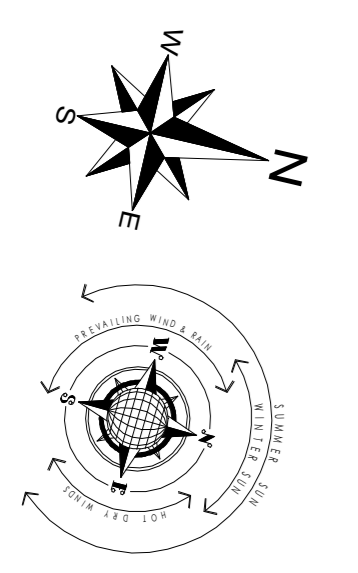
RIVER FORESHORE RESERVE ACCESS AND STORE
 SCALE 1:100 @ A0 SIZE
 SCALE 1:200 @ A2 SIZE
 SCALE 1:140 @ A1 SIZE





LOWER FL AREAS	
LOWER FLOOR	584.03 m ²
OUTDOOR OPEN AREAS	194.57 m ²
RIVER FRONT TERRACE	94.20 m ²
TOTAL	872.80 m²

LOWER FLOOR PLAN
SCALE 1:1100 @ A0 SIZE
SCALE 1:200 @ A2 SIZE
SCALE 1:140 @ A1 SIZE



REVISION ENLARGED AREA
Scale 1:50 @ A0 size

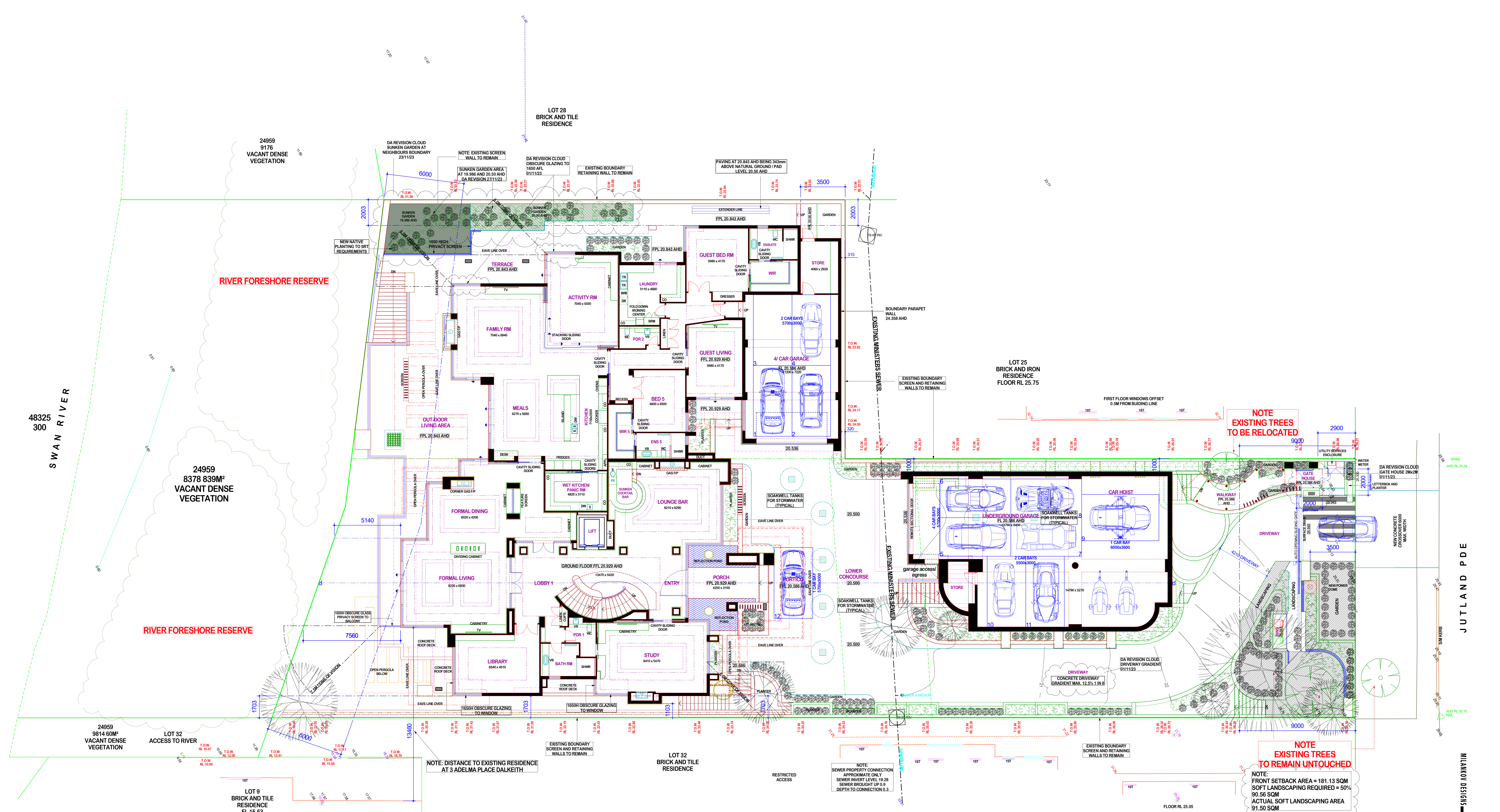
LOT 9 BRICK AND TILE RESIDENCE
FL 15.53



26 JUTLAND PDE RESIDENCE
LOT 24 (#26) JUTLAND PDE DALKEITH

5 Sketch 2 (Council DA AMENDED 01/11/23, 23/11/23)
5 Healer Road | Hardman Business Park | Osborne Park WA 6017

MILANKOV DESIGNS
PROJECT MANAGEMENT



G.F. AREAS	
GROUND FLOOR LIVING AREAS	742.62 m ²
GARAGE AND UNDERGROUND GARAGE	338.20 m ²
TERRACE	94.19 m ²
CUT-OVER LIVING AREA	197.45 m ²
TOTAL	1372.76 m²

GROUND FLOOR PLAN
SCALE 1:100 @ A0 SIZE
SCALE 1:200 @ A2 SIZE
SCALE 1:140 @ A1 SIZE

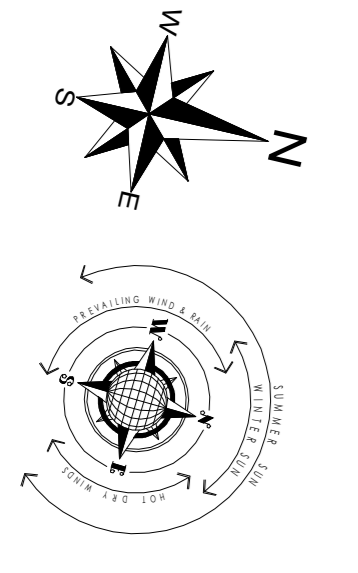
NOTE: stormwater drainage: main house, paving and driveway areas
Total Roof and paved area: 1,808.20 m²
Capacity rate 1m³/80m²
22.60 m³ Storage required
1.8m dia.(area) x 2.40m (depth) soakwell = 4.32 m³
6 No. soak wells required

DA REVISION CLOUD
STORM WATER CALCULATION
27/11/23

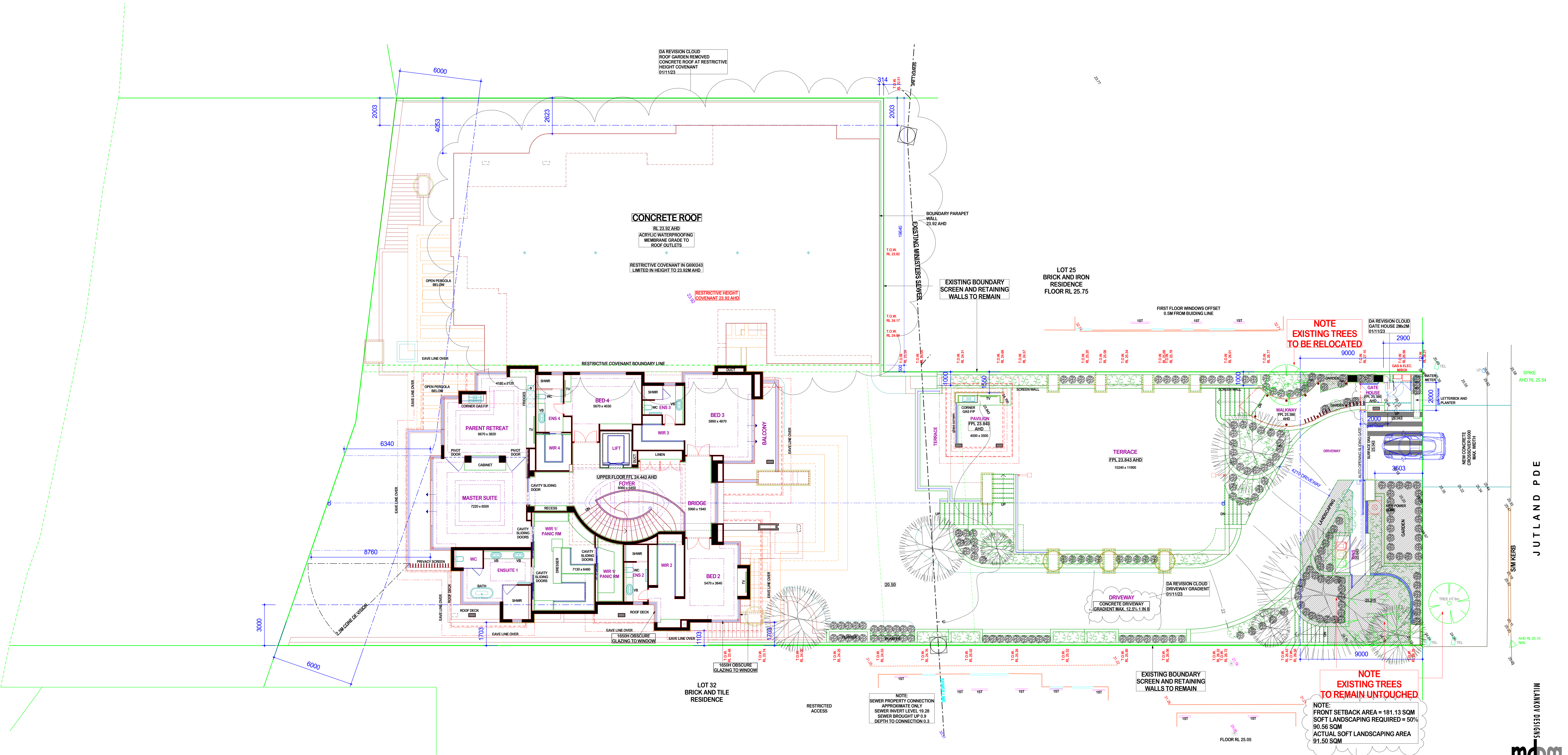
NOTE
EXISTING TREES
TO REMAIN UNTOUCHED

NOTE:
FRONT SETBACK AREA = 181.13 SQM
SOFT LANDSCAPING REQUIRED = 50%
90.56 SQM
ACTUAL SOFT LANDSCAPING AREA
91.50 SQM

DA REVISION CLOUD
FRONT SET BACK
LANDSCAPING CALCULATIONS
27/11/23

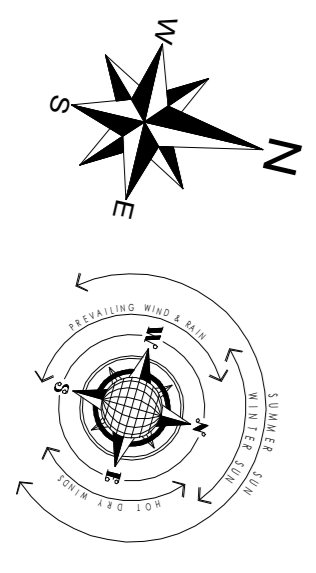


26 JUTLAND PDE RESIDENCE
LOT 24 (#26) JUTLAND PDE DALKEITH



U.F. AREAS	
UPPER FLOOR	392.85 m ²
LIVING AREAS	362.37 m ²
BALCONY	36.37 m ²
TOTAL	828.12 m²

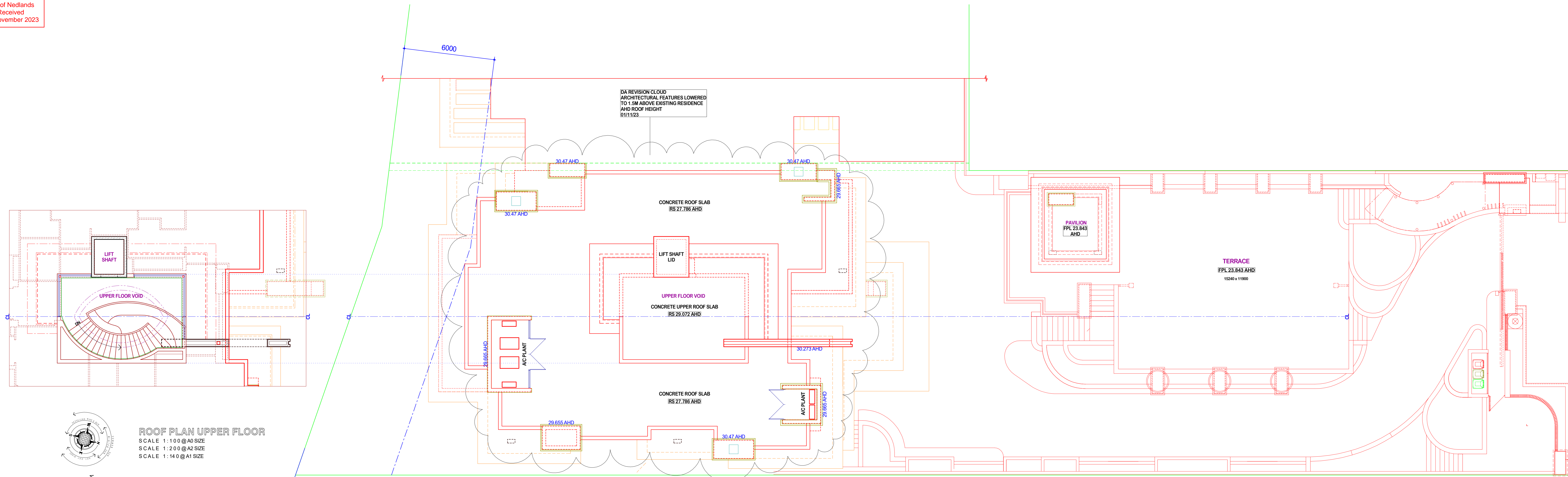
UPPER FLOOR PLAN
SCALE 1:100 @ A0 SIZE
SCALE 1:200 @ A2 SIZE
SCALE 1:140 @ A1 SIZE



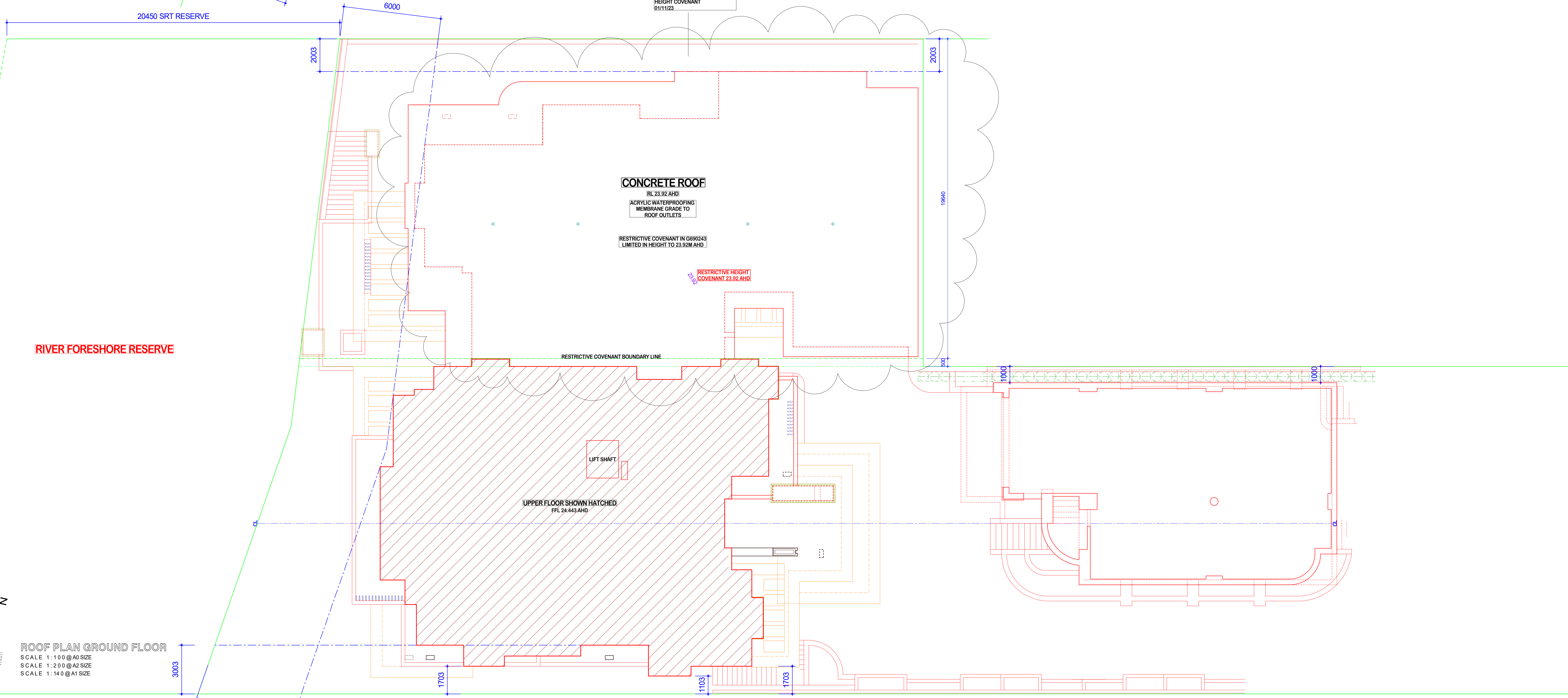
26 JUTLAND PDE RESIDENCE

MILANKOV DESIGNS & PROJECT MANAGEMENT

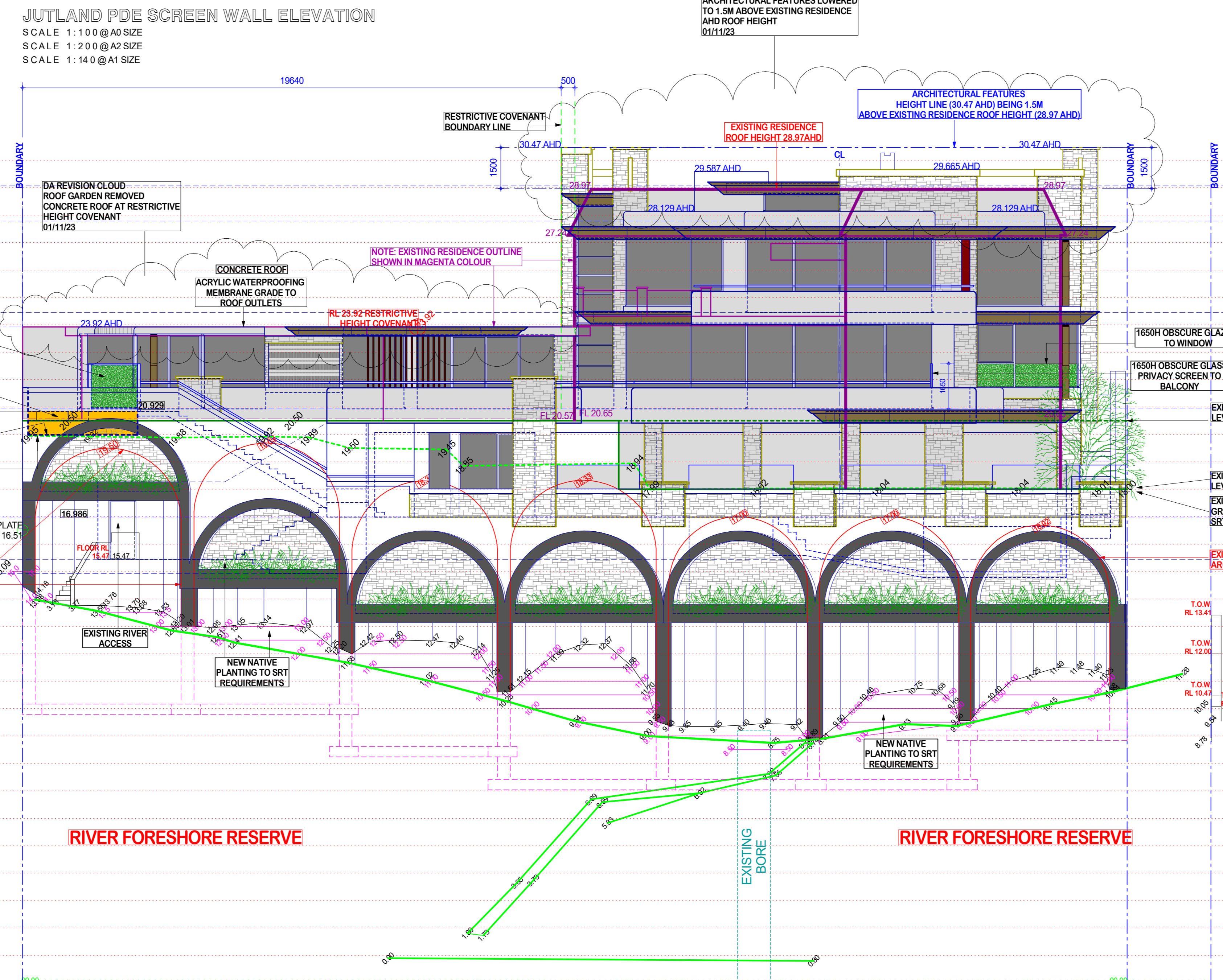
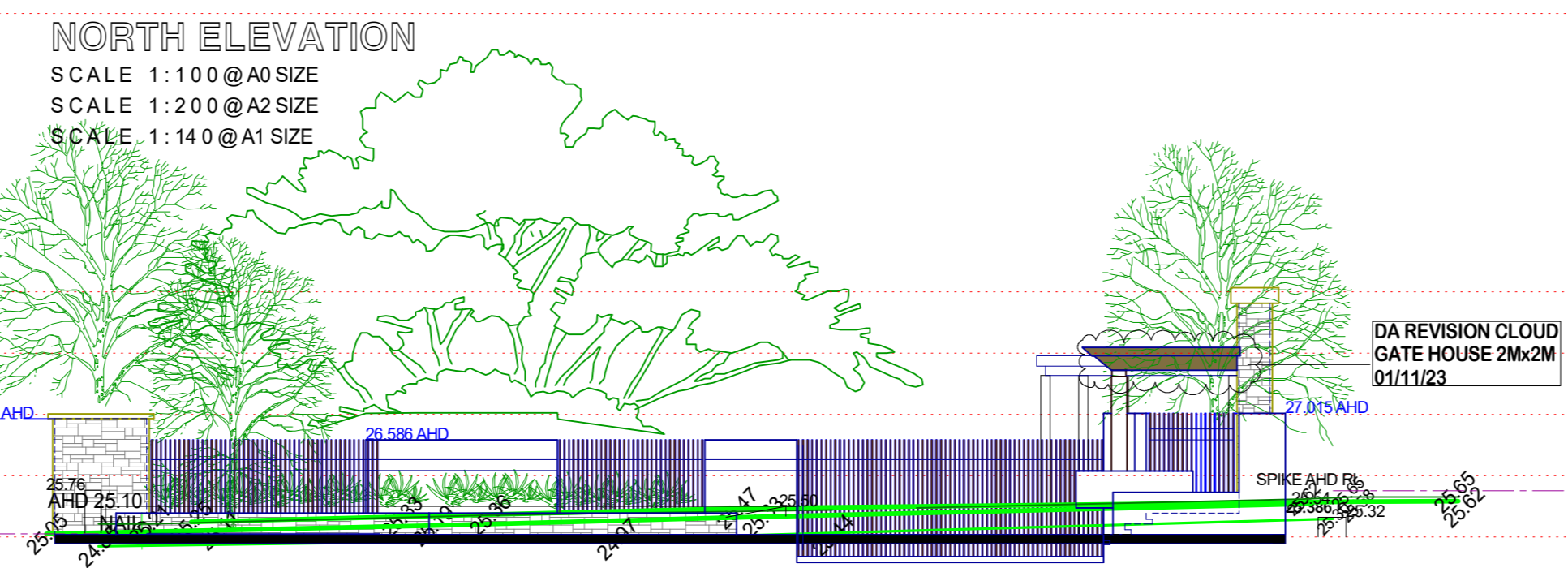
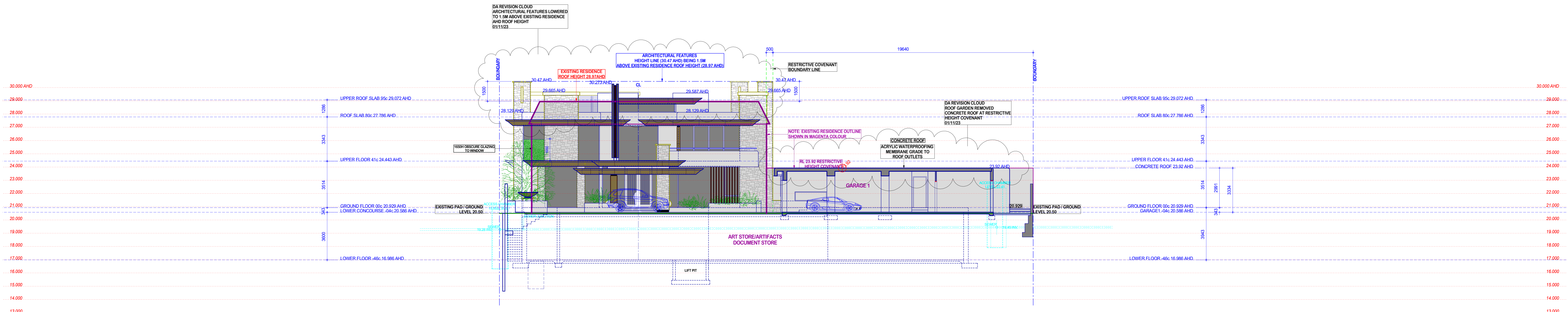




ROOF PLAN UPPER FLOOR
SCALE 1:100 @ A0 SIZE
SCALE 1:200 @ A2 SIZE
SCALE 1:140 @ A1 SIZE

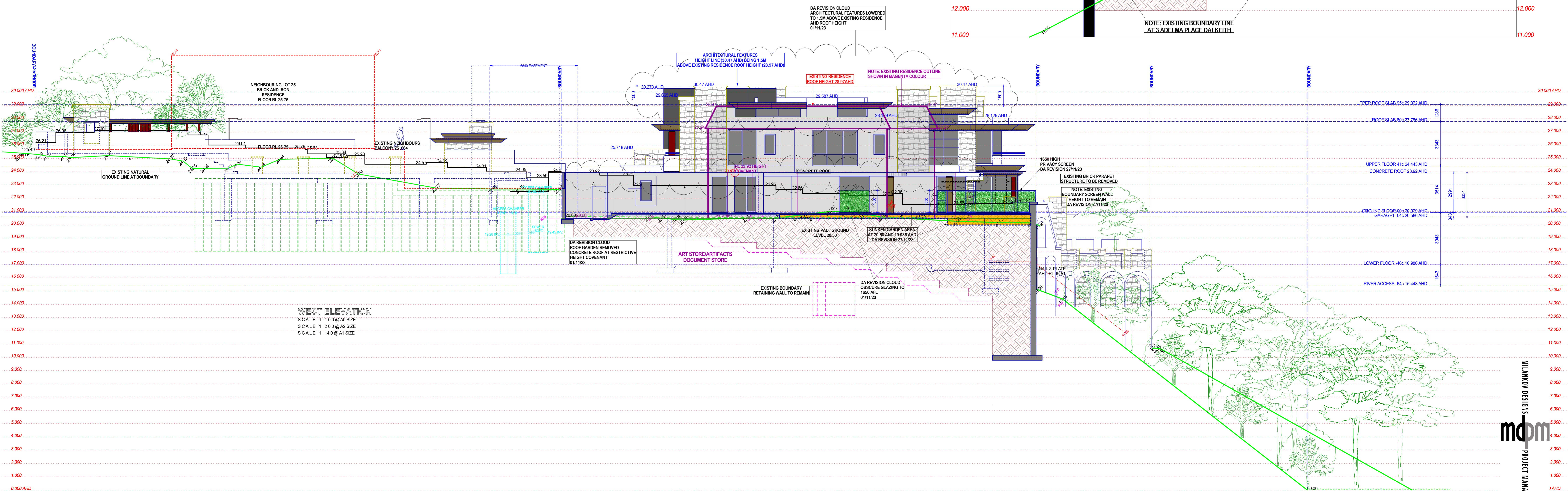
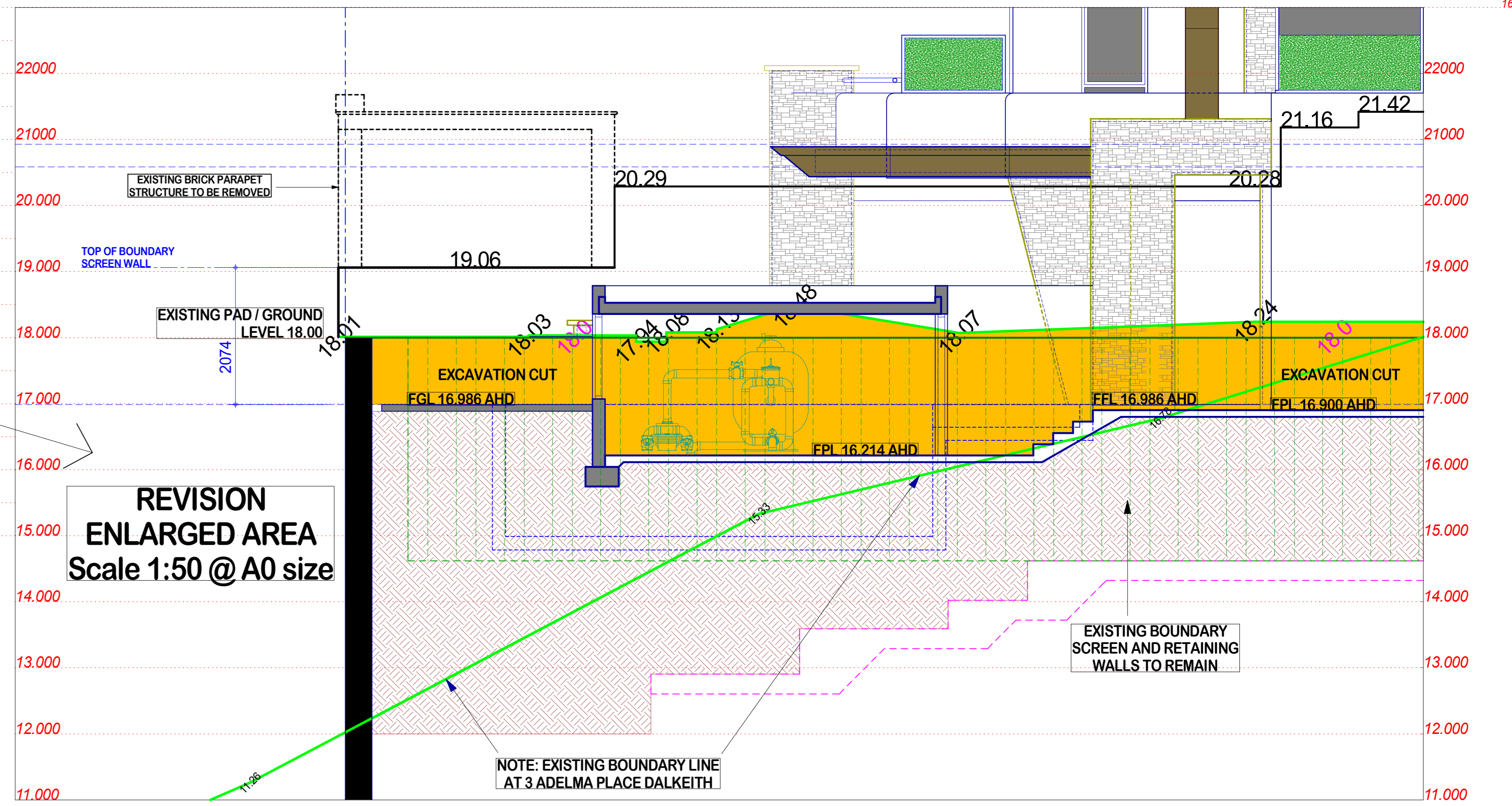
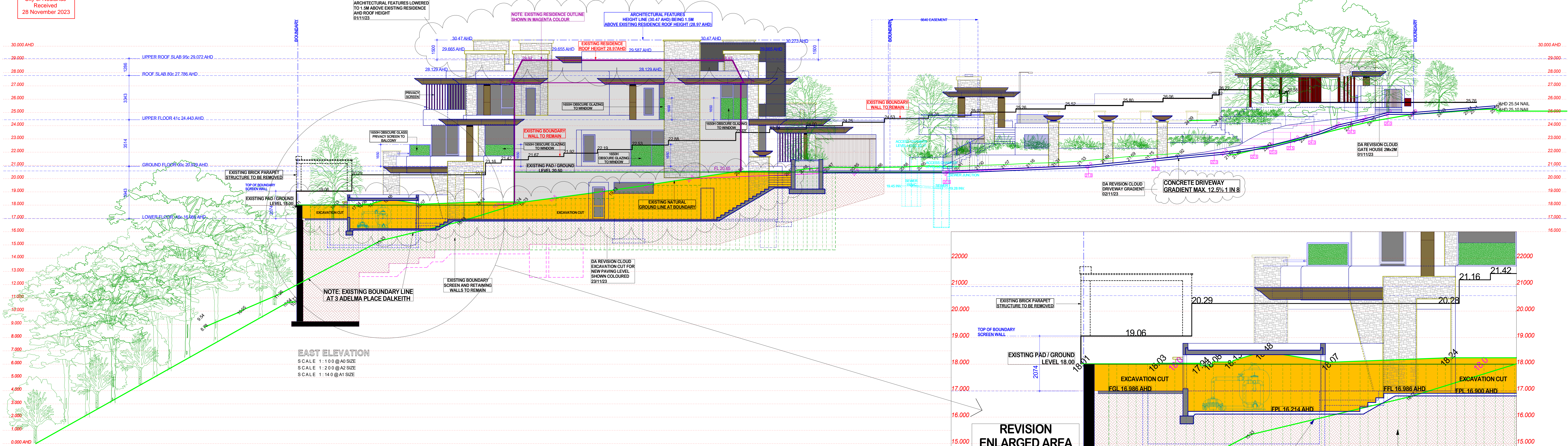


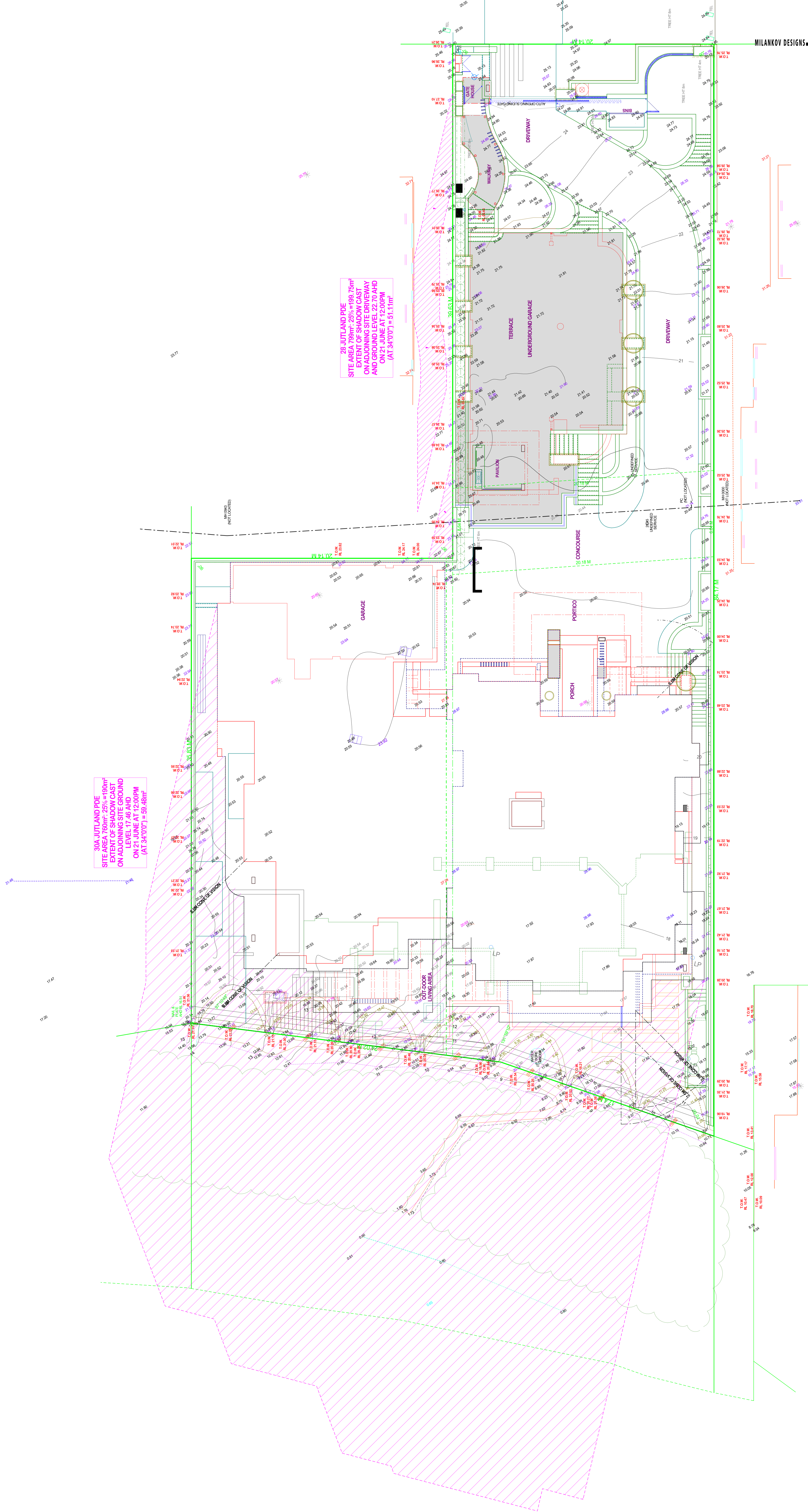
ROOF PLAN GROUND FLOOR
SCALE 1:100 @ A0 SIZE
SCALE 1:200 @ A2 SIZE
SCALE 1:140 @ A1 SIZE



SOUTH ELEVATION (RIVER)
 SCALE 1:100 @ A0 SIZE
 SCALE 1:200 @ A2 SIZE
 SCALE 1:140 @ A1 SIZE

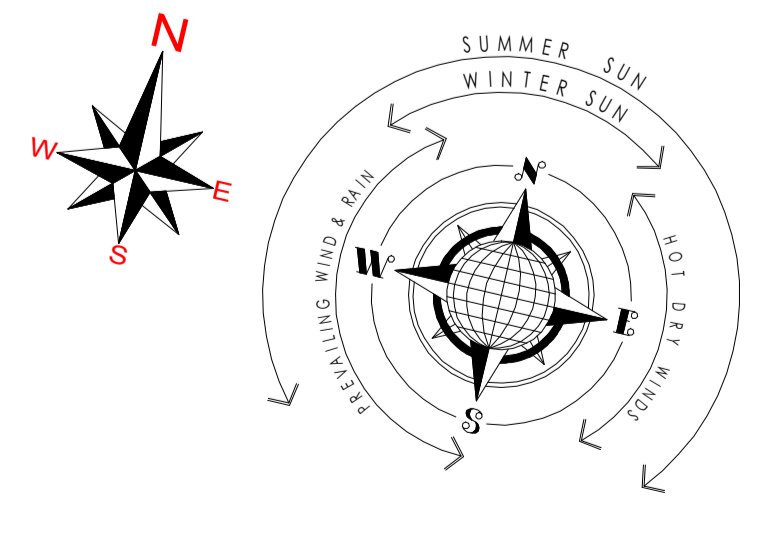


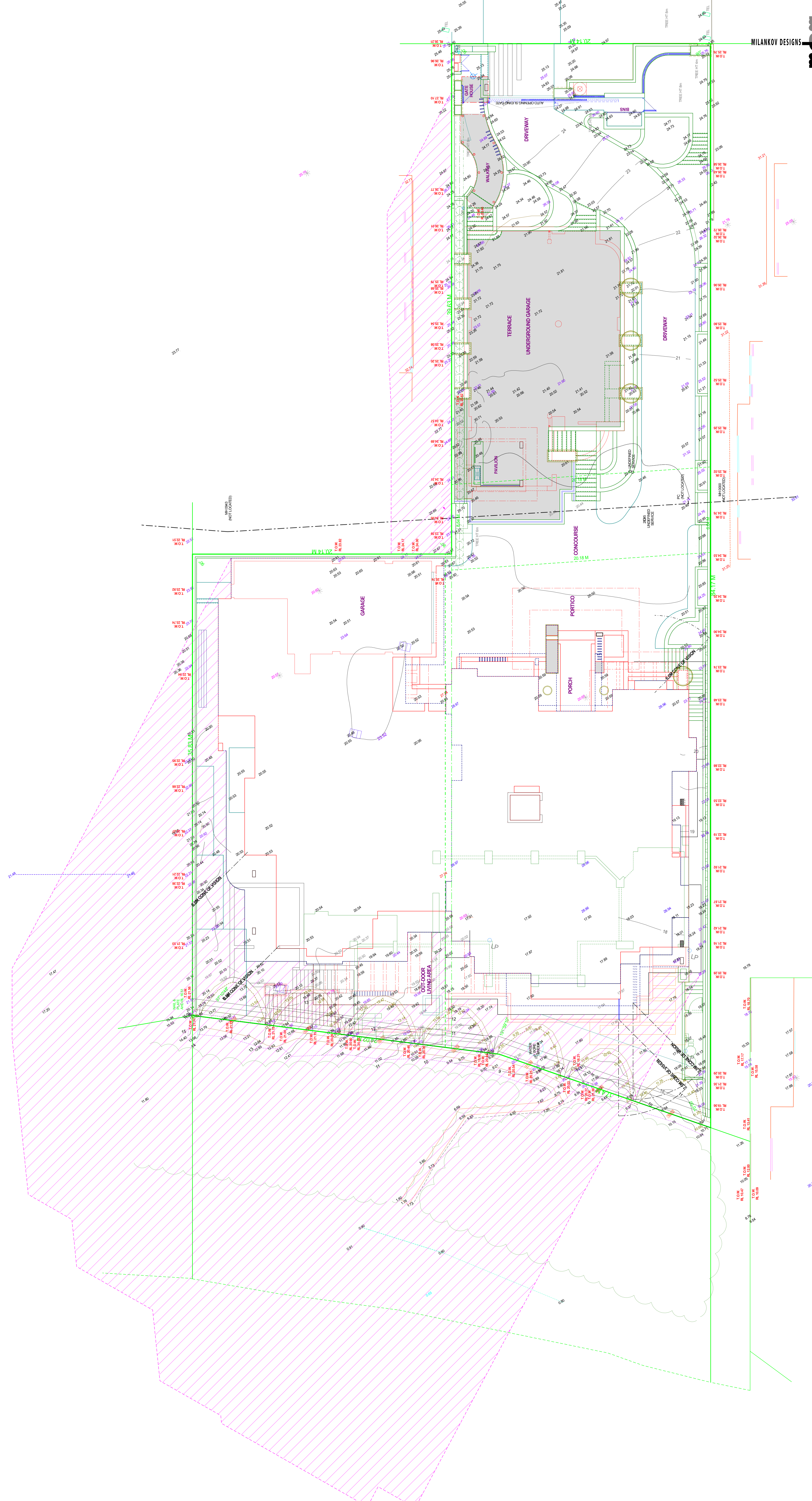




SITE PLAN
OVERSHADOWING DIAGRAM
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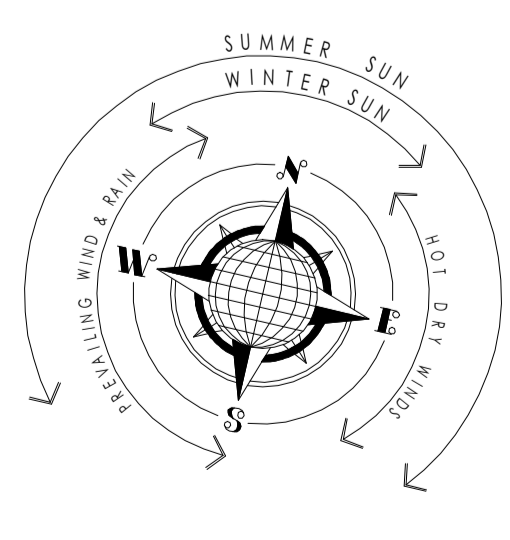
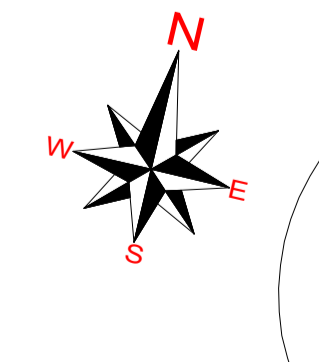
DA REVISION CLOUD
23/11/23

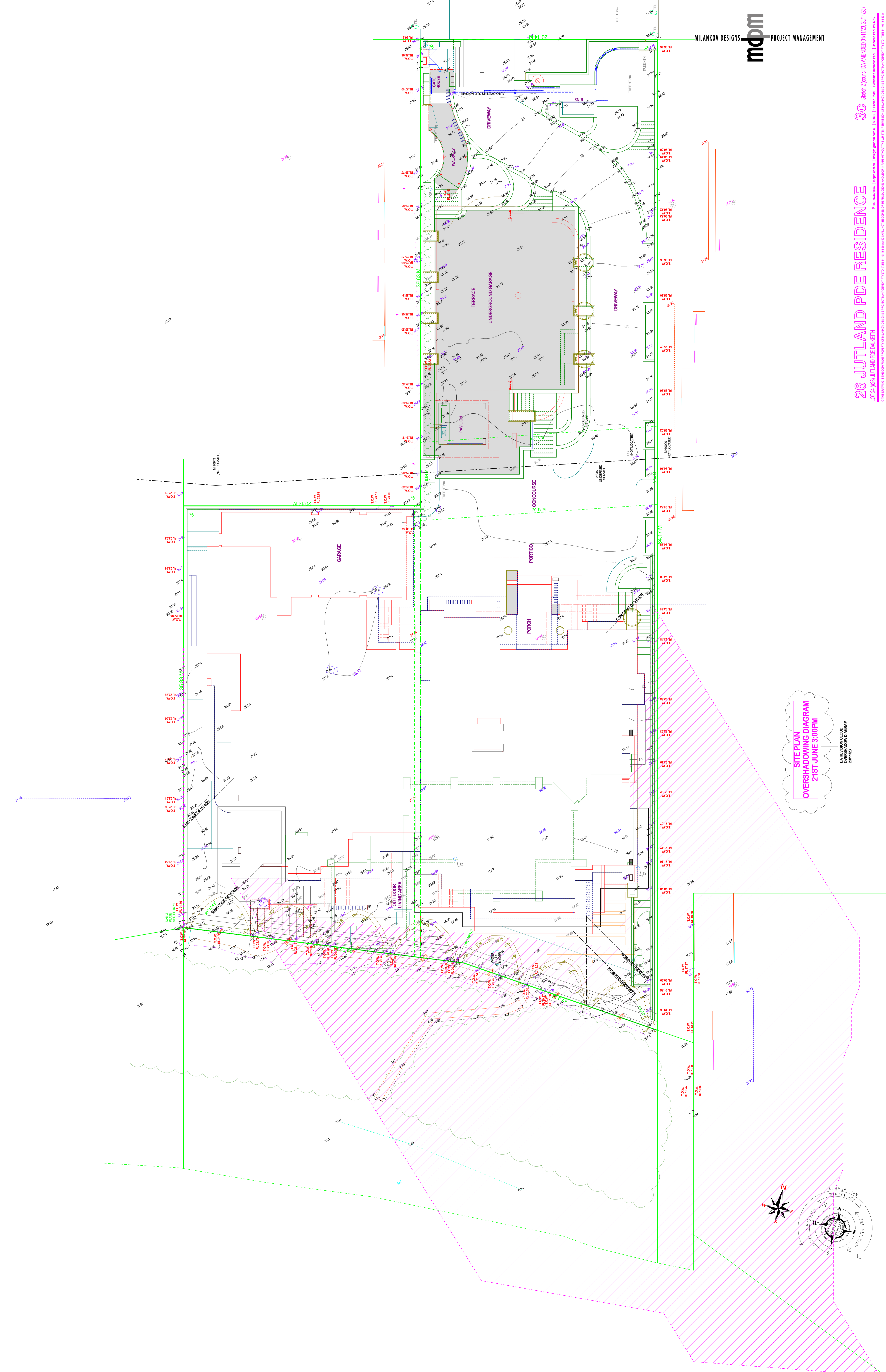




SITE PLAN
OVERSHADOWING DIAGRAM
21ST JUNE 10:00AM

DA BRUNSON GROUP
OVERSHADOWING DIAGRAM
23/11/23





**SITE PLAN
OVERSHADOWING DIAGRAM
21ST JUNE 3:00PM**

OVERSHADOWING
21ST JUNE 3:00PM



Image is artists' impression only - some materials may be subject to change. Note imagery is representative of the original design submitted 2 August 2023.



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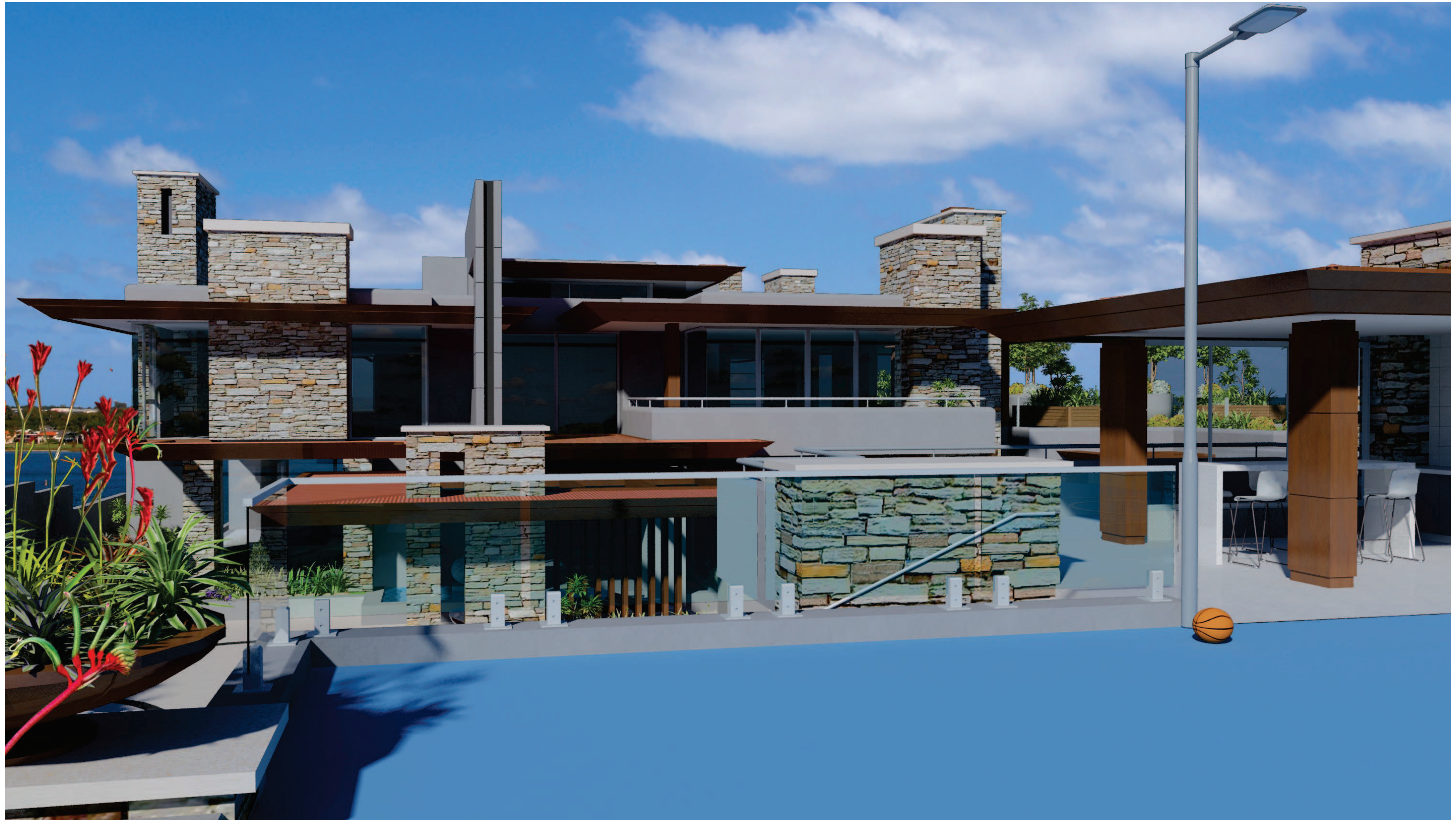


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City of Nedlands
Received
02 August 2023

PD02.01.24 - Attachment 3



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City of Nedlands
Received
02 August 2023

PD02.01.24 - Attachment 3



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Job Ref: 9824
24 November 2023

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909
Email: amicevski@nedlands.wa.gov.au

Attention: Aviva Micevski – Coordinator Statutory Planning

Dear Madam

**Revised Plans and Response to Submissions Received
Proposed Single Dwelling - Lot 24 (No. 26) Jutland Parade, Dalkeith**

We refer to the above mentioned matter, our correspondence dated 30 October, 2023 and to the site meeting convened on the 22 November, 2023.

As you would be aware, our correspondence of 30 October, 2023 included amended plans and a number of tables comprising justification for variations and comments in relation to submissions. Through email correspondence dated 21 November, 2023 and at the above mentioned site meeting, it was requested that further modifications are undertaken to the plans and additional justification provided in relation to some items, particularly in response to comments from the owner of No.3 Adelpa Place, Dalkeith.

Whilst it is recognised that No.3 Adelpa Place is not an 'Adjoining Property' as defined by the R-Codes, the proposed new dwelling is nonetheless respectful of this property with the proposal resulting in a reduction to bulk and scale through a significant lowering of existing building levels in proximity to that site. There has also been additional consideration as to the potential impact on No.30a Jutland Parade which has resulted in an adjustment to levels with a lowering of the proposed landscaping adjacent to that site.

Please find attached the following documents in further support of the proposal:

- ▲ Revised plans depicting a lowering of the landscaping levels adjoining No.30a Jutland Parade from the previously proposed 20.929mAHD to 20.50mAHD;

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- ▲ Shading on the plans providing a representation of the areas where there is proposed to be excavation resulting in a lowering of the existing structures;
- ▲ More detail on the plans depicting the proposed level changes and screening in the south eastern corner of the subject site;
- ▲ An aerial plan depicting the extent of the proposed built structure relative to the existing residence at No.3 Adelma Place; and
- ▲ Additional shadow plans depicting the morning, midday and afternoon shadow cast by the proposal.

Specific matters that were raised during the site meeting are addressed below.

OVERSHADOWING

It is understood that the owner of No.3 Adelma Place has raised concern with respect to overshadowing and, in particular, has raised concern with respect to the potential impact of shadows on their solar panels. Whilst these concerns will be addressed below, it is relevant to note that the proposal is compliant with the 'Deemed-to-comply' solar access requirements of the Residential Design Codes (RCodes). It is also relevant to note that under the provisions of the RCodes, No.3 Adelma Place does not satisfy the definition of an 'Adjoining Property' given it is separated from the subject site by No.24 Jutland Parade and as such Clause 5.4.2 C2.1 of the RCodes does not apply in consideration of No.3 Adelma Place.

Notwithstanding the above observation, further shadow plans have been prepared depicting the shadow cast at 10am, midday and 3pm on the 21 June representing a worst case scenario. The RCodes require that at midday on the 21 June there is to be no more than 25% of an adjoining property affected by the shadow cast by the proposal. The attached plans demonstrate that there is **no** shadow cast at all on No.3 Adelma Place at this time. As is evident from the modelling, there is also no shadow cast during the morning or midday period. It is only towards the middle of the afternoon when the sun is reaching its lowest point in the north west and shadows are long on the shortest day of the year that a shadow beings to fall upon a portion of No.3 Adelma Place.

Factors that need to be acknowledged with respect to the potential impact on No.3 Adelma Place in the afternoon of 21 June include that the existing building on the subject site sits higher than No.3 Adelma Place and as such there is a pre-existing impact which pre-dates the installation of solar panels on No.3 Adelma Place. The position of the sun during this afternoon period is such that the shadow is cast by the existing built structure irrespective of any proposed projections on the southern elevation.

There is also a significant stand of trees within No.24 Jutland Parade which directly adjoin the northern boundary of No.3 Adelma Place. These trees cast a shadow on the solar panels irrespective of the built form on the subject site. The solar panels were installed in circa early 2013 well after the residence on the subject site was constructed and at a time when the trees on No.24 Jutland Parade were already well established.

We reiterate that technically the property at No.3 Adelma Place is not an 'adjoining property' for the purposes of the RCodes however even if it was to be treated as an adjoining property, the proposed residence is fully



compliant with the Deemed-to-Comply requirements stated under Clause 5.4.2 C2.1 and exceeds the standards given there is **no** shadow cast on No.3 Adelma Place at midday on the 21 June.

PRIVACY

It is understood that the owner of No.3 Adelma Place has raised concern with respect to the potential impact of the proposed dwelling upon privacy. The western portion of No.3 Adelma Place predominantly comprises service areas however it is understood that a habitable room is located in the south western corner of that dwelling.

As you would be aware, the subject site currently is considerably higher than the residence at No.3 Adelma Place with an existing outdoor area at a level of 18.00m AHD in the south eastern area of the subject site. The existing outdoor area is proposed to be lowered to 16.98m AHD with a privacy screen/fence to be placed on the property boundary. These modifications are depicted on the attached detail plan. The proposed changes to the existing outdoor area will result in an enhancement to the privacy and screening for No.3 Adelma Place in this portion of the site when compared to the existing situation.

BUILDING BULK AND SCALE

In consideration of bulk and scale it is relevant to recognise that the proposed dwelling is the same height and covers generally the same footprint as the existing dwelling hence resulting in minimal impact upon any adjoining properties. The southern elevation of the proposed dwelling will project beyond the existing building however this projection predominantly comprises wide overhangs and eave areas that are intended to act as a shield to protect against the impact of prevailing winds and rain, and to provide solar screening. Indeed the design brief requires consideration of sustainability measures. In this regard specific sustainability consultation has been undertaken by Josh Byrne and Associates being the leading landscape and built environmental sustainability consultants who have been appointed to undertake the landscaping and sustainability consultation for the proposal.

The projections across the southern elevation are articulated across the elevation so as to step away from the side boundaries. The projections and the overall proposed building is positioned north of (behind) the rear building line and at a distance of approximately 8m from the existing dwelling at No.3 Adelma Place at the closest point between the buildings.

These projections need to be considered in the context of the outdoor spaces on the southern elevation which are to be significantly lowered. As noted in the correspondence dated 2 October, 2023 from the Department of Biodiversity, Conservation and Attractions (DBCA) on behalf of the Swan River Trust, the proposal has been conditionally supported by these agencies. Throughout the consultation process with the Trust there was careful consideration in relation to the visual impact of the proposal from the Swan River having regard to bulk and scale. The lowering of the existing outdoor area contributes significantly to reducing bulk and scale whilst the proposed projections have a marginal impact which is more than offset by the lowered outdoor area, hence the overall impact of the proposed new dwelling represents a significant improvement for the locality.



The overall reduction in the scale of the built form is further enhanced through the considerable environmental rehabilitation works that are proposed in the portion of the site that directly abuts the Swan River foreshore.

STREETSACPE

The subject site is visible from both Jutland Parade and Adelma Street. The proposed new dwelling will be located in the same position on the site as the existing dwelling and is proposed at essentially the same height. As such, when viewed from Jutland Parade there will be very little change to the streetscape other than the addition of the gatehouse.

It is relevant to note that the existing dwellings at No.24 and No.28 Jutland Parade are built in relatively close proximity to the street whilst the proposed dwelling is set well into the site. Given the sloping nature of the site, this means that the dwelling presents as being significantly lower than the two dwellings either side of it. The addition of the gatehouse will add some improved contextual integration to the built form and height along the southern side of the Jutland Parade streetscape resulting in a significant improvement to the existing situation.

When viewed from Adelma Place a small amount of the roofline from the existing residence is evident at the end of the cul-de-sac and part way down the road when viewed across the rear yards of No.22 and No.24 Jutland Parade. Given the proposed dwelling essentially matches the height of the existing dwelling with only minor projections to the south, the difference in the streetscape when viewed from Adelma Place will be marginal. It is noted that the southern elevation of the proposed residence is articulated with the projections predominantly comprising large eaves overhangs hence further mitigating any visual impact.

We trust the revised plans and additional information is of assistance to the City and enables the preparation of a favourable recommendation to Council. Should you require any further information or clarification in relation to this matter, please contact George Hajigabriel on 9221 1991.

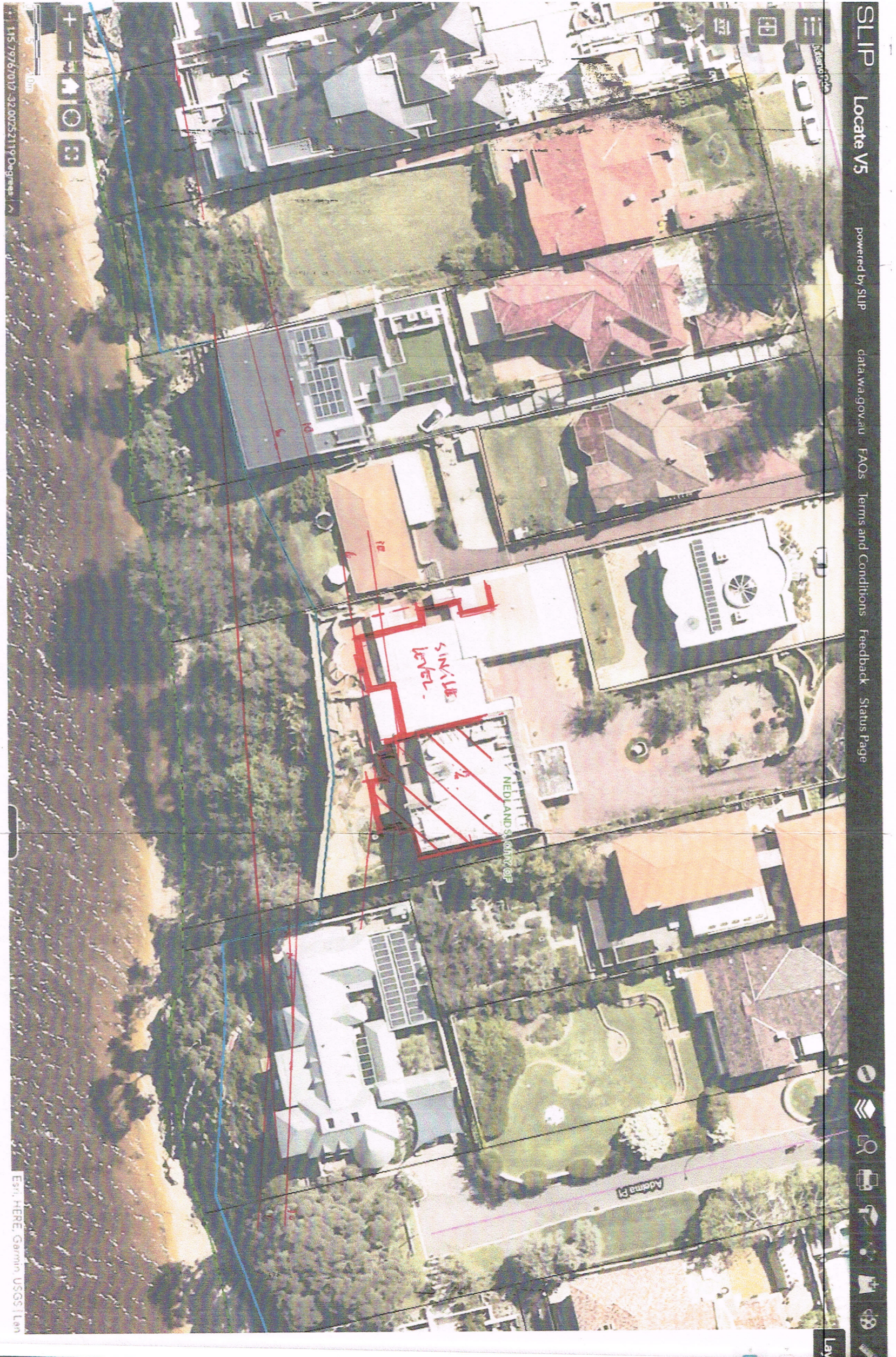
Yours faithfully,

George Hajigabriel

Rowe Group

Encl.

cc: Milankov Designs





Department of **Biodiversity,
Conservation and Attractions**



Your ref: DA23-88242
Our ref: 23-4686
Enquiries: Michelle Donnelly
Phone: 9 219 9115
Email: michelle.donnelly@dbca.wa.gov.au

Ms Chantel Weersekera
Senior Urban Planner (Statutory)
City of Nedlands
71 Stirling Hwy WA 6009

Attention: Ms Chantel Weersekera

Dear Chantel

CLAUSE 30A(2)b(i) – Single Four Storey Dwelling, 26 Jutland Parade (Lot 24), Dalkeith

Thank you for providing the Swan River Trust (the Trust) with the opportunity to comment on the above development application received on 14 August 2023.

The proposal is being processed pursuant to Clause 30A(2)b(i) of the Metropolitan Region Scheme, as the proposal is on a lot that abuts land within the Swan Canning Development Control Area (DCA).

The Department of Biodiversity, Conservation and Attractions (DBCA) notes that the application relates to development on Lot 24 on Plan 35070 and does not relate to development within the foreshore reserve (Lot 8378 on Plan 35070, Reserve No. 24959).

The DBCA has assessed the application on behalf of the Trust against *State Planning Policy 2.10: Swan-Canning River System* and Swan Canning Development Control Area policies, and you are advised that DBCA has no objections to the proposal, subject to the following conditions/for the following reasons:

Conditions

1. All works are to be undertaken in accordance with a Construction Environmental Management Plan approved by the Department of Biodiversity, Conservation and Attractions. (see **Advice Notes 3 and 4**)
2. Prior to the commencement of works or any development being undertaken on site, the applicant shall prepare a Stormwater Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions. (**Advice Note 5**)
3. No dewatering effluent is to enter the River, either directly or indirectly (via the stormwater system), unless approved by the Department of Biodiversity, Conservation and Attractions. (see **Advice Note 6**)
4. No poolwater/ backwash from the swimming pool is to be discharged onto the land, into the River or the local government drainage system. (see **Advice Note 7**)
5. The applicant shall implement appropriate on-site measures to ensure that:
 - a. No construction material, sediment or rubbish enters the River, Parks and Recreation reserve or stormwater system, as a result of the works to the satisfaction of the Western

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Australian Planning Commission based on advice from the Department of Biodiversity, Conservation and Attractions; and

- b. During the works no vehicular access associated with the construction is permitted within the Parks and Recreation reserve without the prior approval of the manager of the reserve. (see **Advice Note 8**)
6. Prior to the commencement of works, the applicant shall submit and obtain approval for a schedule of colours, building materials and finishes for the development to the Department of Biodiversity, Conservation and Attractions. (see **Advice Note 9**)

ADVICE TO APPLICANT

1. Notifications and documents can be emailed to rivers.planning@dbca.wa.gov.au
2. This approval does not relate to any works within the adjoining foreshore reserve being Lot 8378 on Plan 35070, Reserve No. 24959 which is owned by the Department of Planning Lands and Heritage. As such, a separate permit for any proposed works will need to be obtained pursuant to the requirements of the Swan and Canning Rivers Management Regulations 2007, for example during construction, stair access and foreshore rehabilitation.
3. Regarding **Condition 1**, to allow sufficient time for the DBCA to consider and approve the Construction Environmental Management Plan, the document should be submitted at least 42 days before the expected works commencement date.
4. The Construction Environmental Management Plan under **Condition 1** is to describe how the authorised works will be managed and implemented to minimise potential environmental impacts and should address the matters set out below:
 - a. A detailed work method statement that describes how the contractor will undertake the works (with photographic evidence to be provided to the Department during the works) including but not limited to dewatering management, including tailwater disposal, and acid sulphate soils risk management
 - b. Timeframes and responsibilities for tasks identified
 - c. Contact details of essential site personnel, construction period and operating hours
 - d. Management of any potential acid sulphate soils (PASS) that may be exposed during the works
 - e. Waste management
 - f. Protection of the river from inputs of debris, run-off, soil, fill or other deleterious material
 - g. Containment of stockpiles of materials – photographic evidence required
 - h. A detailed site map showing the location of:
 - i. Areas of excavation and stockpiling of soil
 - ii. On-site storage and equipment
 - i. Incident response procedures such as measures to document and respond to incidents of damage, sediment plumes, pollution or spills within the Swan Canning Development Control Area noting also that incidents are to be reported immediately to the Department of Biodiversity, Conservation and Attractions' Duty Officer (Riverpark) on 9278 0981 (24 hrs) or Pollution Response Officer (Marine) on 9480 9924 (24 hrs)
5. Regarding **Condition 2**, the Stormwater Management Plan shall describe how the stormwater system has been designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater from the authorised works should be managed in accordance with Corporate Policy Statement 49: *Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia* and *Decision Process for Stormwater Management in WA*, and water sensitive urban design principles. The plan shall address, unless otherwise agreed in writing, that:
 - a. stormwater run-off from constructed impervious surfaces generated by small rainfall

- events (i.e. the first 15 mm of rainfall) has been retained and/or detained at-source as much as practical (noting that untreated stormwater will not be permitted to enter the river);
6. Regarding **Condition 3**, in the event it is proposed to dewater effluent either directly or indirectly (e.g., via the stormwater system) to the river, a dewatering management plan, demonstrating that the dewatering effluent discharge standards contained within the *DBCA Policy:50 Planning for dewatering affecting the Swan Canning Development Control Area* will be met, is to be approved by the Department of Biodiversity, Conservation and Attractions.
 7. Regarding **Condition 4**, the applicant is advised that the Department of Biodiversity, Conservation and Attractions does not permit the discharge of swimming pool water or backwash water into wetlands, waterways or drains that lead to waters within the Swan Canning Development Control Area. The use of limestone-lined soak wells may be appropriate to carry out this function. More information on the safe storage and application of pool chemicals can be found at [Water Quality Protection Note 55 Swimming Pools](#), Department of Water and Environmental Regulation.
 8. Regarding **Condition 5**, The Department of Biodiversity, Conservation and Attractions advises the applicant that in respect to the adjoining Swan Canning Development Control Area:
 - a. No earthworks are to encroach into the Swan Canning Development Control Area
 - b. No waste materials (including sediment, building materials or any other deleterious matter) is to encroach the Swan Canning Development Control Area
 - c. The applicant shall make good any damage to the foreshore, riverbank or waterway (including infrastructure and vegetation) within the Swan Canning Development Control Area
 - d. Any incidents of pollution or spills within the Swan Canning Development Control Area are to be reported immediately to the Department of Biodiversity, Conservation and Attractions on 9278 0981 (Riverpark Duty Officer) or 9480 9925 (Marine Pollution Response).
 9. Regarding **Condition 6**, external colours, building materials and finishes for the retaining wall are to be consistent with the predominantly limestone geology of the locality and tone in to further reduce the visual impact of the structure. Appropriate vegetative screening is also proposed to be incorporated into the design.

If you have any queries regarding this matter, please contact the officer above. Please quote the above reference number in all correspondence.

Yours sincerely



Greg Comiskey
Manager, Statutory Assessments
As delegate of the Swan River Trust
Under Section 28B(2) of the SCRM Act 2006

2 October 2023



9.3 TS01.01.24 David Cruickshank Reserve Sports Lighting – Club Night Light Grant Application

Meeting & Date	Special Council Meeting – 30 January 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Zoe Schwass, Project Manager
Director	Matthew Macpherson, Director Technical Services
Attachments	1. David Cruickshank Reserve – Lighting Design Report 2. Lighting Option 1: Opinion of Probable Cost

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman
Seconded – Councillor McManus

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

CARRIED 8/1
(Against: Cr. Bennett)

Council Resolution / Recommendation

That Council:

1. endorse the progression of Option 1 of the preliminary design, being the installation of a 50-lux compliant design of 4 x 30m poles at DC Cruickshank Reserve, on the condition that Collegians Amateur Football Club meet all capital costs incurred in excess of funding received;
2. requests the CEO to enter into a suitable written agreement with the Collegians Amateur Football Club to formalise the arrangement between the parties;
3. endorses the application to the Department of Local Government Sports and Cultural Industries on the condition that all necessary statutory approvals are obtained by the applicant; and
4. requests the CEO advise the Department of Local Government Sports and Cultural Industries that it has rated the sole application to the Club Night Lights Program Small Grants Round as follows:
 - a. City of Nedlands – Sports Lighting Upgrade, David Cruickshank Reserve: Well-planned and needed by the municipality (A Rating).



Purpose

This item seeks Council's endorsement of a grant application to the Department of Local Government, Sport and Cultural Industries (DLGSCI) in the Club Night Lights Program (CNLP) Small Grants Round for an upgrade to the sports lighting at David Cruickshank Reserve.

The City is not in a suitable financial position to support funding the lighting project at this time, with other priorities to be considered first for available funds. The Collegians Amateur Football Club (CAFC) has indicated it is willing to fully fund the project for it to progress.

Submissions to the DLGSCI's CNLP Small Grants Round open from 1st February until the 31st March and must be supported by a formal Council resolution. To allow suitable time to progress the application it is necessary that Council make a decision at the Council meeting on 30th January 2024.

Voting Requirement

Simple Majority.

Background

Community Sport and Recreation Facilities Fund (CSRFF) - Club Night Lights Program

DLGSCI administers the Club Night Lights Program grants through the CSRFF. The purpose of the program is to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality, well-designed and well-utilised facilities. Applications to the CNLP Small Grant Round are eligible to receive funding to cover up to half the project, up to a limit of \$200,000 in total funding.

For applications to be supported by DLGSCI, they must first be supported by the relevant local government.

Ranking: The City is required by Department of Local Government, Sport and Cultural Industries to rank in priority order the applications received for each CSRFF round.

Rating: The City is required by Department of Local Government, Sport and Cultural Industries to rate each application against the categories below:

- A - Well planned and needed by municipality
- B - Well planned and needed by applicant
- C - Needed by municipality, more planning required
- D - Needed by applicant, more planning required



- E - Idea has merit, more preliminary work needed
- F - Not recommended

The City is currently only planning to submit an application for funding for David Cruickshank Reserve in the March 2024 funding round.

David Cruickshank Reserve

David Cruickshank Reserve is the home ground for Dalkeith Nedlands Junior Football Club and CAFC as well as a popular community reserve for dog walkers and general community members.

CAFC is a longstanding club within the City, having commenced at David Cruickshank Reserve in 1972. They are seeking an upgrade to the sports lighting at David Cruickshank Reserve. The existing sports lighting was installed in the 70s/80s and originally consisted of six light poles, approximately 18m tall. Lighting upgrades have been considered since at least 2015 and likely longer. In 2016, when the Adam Armstrong Pavilion was built, three of the existing light poles were removed on one side of the oval. CAFC were told the oval lighting would be replaced in 2018, however it was subsequently delayed due to both COVID related impacts and a lack of funding.

Discussion

Design Options

Technical Services presented the lighting design options at a Council Concept Forum on 29th August 2023 prior to proceeding to community consultation. Please see the Preliminary Lighting Design (Attachment 1) and tables below summarising the illuminance requirements and design options:

	Training	Ball Training	Games
Amateur	50 lux	50 lux	100 lux
Semi Professional	50 lux	100 lux	200 lux
Professional	100 lux	200 lux	500 lux

	Pole Configuration	AS2560 Sports Lighting	AS4282 – Control of the Obtrusive Effects of Outdoor Lights
Option 1	4 x 30m	Conforms	Conforms
Option 2	6 x 25m	Conforms	Conforms
Option 3	3 x 18m	Non-Compliant – light uniformity	Conforms
Option 4	Existing 3 x 18m plus 3 x 22m	Non-Compliant – pole height	Conforms



It should be noted that Options 3 and 4 will be compliant with the Australian Standard requirements for sports lighting and would not be supported by CAFC or be eligible for any grant funding. These are therefore not recommended for further consideration.

Option 1 provides a 4 pole, 50 lux compliant, design and is the most cost-effective option with the smallest footprint. It was ranked as preferred in the Community Consultation. Accordingly, it is recommended as the preferred option.

Community consultation results are discussed in detail under 'Consultation'.

Project Cost

Sage Consulting Pty Ltd undertook the preliminary design of the lighting options and prepared an Opinion of Probable Cost (OPC) for each option in August 2023. This estimated the construction cost of completing Option 1 to be \$300,000. (Attachment 2).

The City is not in a position to contribute financially to the proposed project at the current time. CAFC has indicated it is willing to increase its contribution to the project for the project to proceed, without financial support from the City. The funding available to the club is outlined below:

- The West Australian Football Commission (WAFC) have confirmed \$30,000 towards the lighting project at David Cruickshank Reserve. This amount is from their 2022 WAFC Facilities Fund and is separate from the DLGSCI funding.
- The typical model for grants funded through the DLGSCI grant program, is that DLGSCI will fund up to 1/3 of the total cost of an approved project, the local government will fund 1/3, and the applicant sporting club will pay the remaining 1/3. DLGSCI has increased its funding for applications within the Club Night Lights Small Grant Round and now cover up to half the project, up to a limit of \$200,000 in total funding.

Therefore, the current intention is for the project to be funded by up to \$180,000 available in grants from WAFC and DLGSCI, and the remainder of the project cost will be funded by CAFC. Administration proposes to support CAFC by undertaking the work involved in managing the grant application and managing the project, including the project management of the design and construction phases of the project. This is estimated to amount to approximately \$60,000 of overhead cost. This brings the full project cost, including construction and project management, to \$360,000. The contribution of the City will be in the form of officer time and subsequent maintenance of the completed lighting. Any overrun above contingency will need to be agreed to be covered by the CAFC.

A suitable written agreement detailing the financial commitments and project governance framework will be required to be drafted, negotiated and signed prior to the City commencing works on this project.



Consultation

Community consultation was undertaken from 4 December – 22 December 2023 (19 days). The community and stakeholders consulted included residents and property owners within the immediate area, elected members, relevant City staff, CAFC, Point Resolution Childcare Centre, Dalkeith Nedlands Bowling Club, Dalkeith Tennis Club, Dalkeith Primary School and regular users of Adam Armstrong Pavilion.

Preliminary designs were advertised via Your Voice and Nedlands News for community feedback. Direct engagement via letter or email was made with key stakeholders with FAQs and links to the Your Voice project page and to complete the project survey.

YourVoice Results

During the engagement period the YourVoice page was visited a total of 441 times. The results are as follows:

- 140/202 (69%) of the respondents were affiliated with CAFC.
- 55/209 (26%) of the respondents currently use David Cruikshank Reserve for informal recreation (dog walking, exercise, etc).
- 158/159 (99%) of the responses were in favour of the lighting upgrade.
- 21/159 (13%) comments mentioned safety concerns walking between the oval and the carpark after training and supported the lights for increased safety and utilisation of the facilities.
- 78/159 (49%) comments mentioned injuries obtained during training due to the current non-conforming lighting. These included: collisions, sprained and broken fingers, sprained ankles and broken collarbones.
- 52/159 (33%) comments mentioned the benefit new lights would provide in fostering a sporting community inclusive of women, parents, full time workers and young adults with the ability to train past sunset/after work hours.
- 138/176 (78%) responses were in favour of Lighting Option 1.

Note that not all respondents answered all questions.

Emails

Six emails were received by the City:

- 4/6 (67%) respondents were supportive of the lighting upgrade, for reasons including: increased safety, reduced injuries and better utilisation of the oval and facilities.
- 1/6 (17%) respondents were opposed to the increased height of the proposed poles, and the noise and anti-social behaviour associated with increased use of the reserve. They also mentioned the lack of monitoring or assistance available to residents after hours to address disruptive behaviour.



- 1/6 (17%) respondents were opposed to any money being spent by Council on new lights before the provision of underground power is funded and completed.
- CAFC commented that being able to use the entire oval for training would allow for better player development, particularly of the women's team as they would be able to train on the same nights as the men. Upgrading the lights would also allow the club to grow including the addition of a second female team.

Consultation with the community demonstrated clear support for the sports lighting upgrade at David Cruickshank Reserve. Administration notes the large number (49% of YourVoice responses) reporting injuries due to the current non-conforming lighting at the Reserve, that can put the City at risk of compensation claims. The upgrade would improve safety and benefit not only CAFC but the wider community in utilising the facilities. It will also allow for development of women's AFL teams and foster an inclusive sporting community in the City of Nedlands.

Administration has considered the responses from the community and now proposes to progress with Lighting Option 1: 4 x 30m lighting poles. This design option received the highest level of community support and would provide a compliant lighting configuration for amateur ball training (50 lux). Out of both compliant design options, Option 1 would be the most cost-effective with the smallest footprint.

Strategic Implications

This item is strategically aligned to the City of Nedlands Council Plan 2022-23 vision and desired outcomes as follows:

Vision	Sustainable and responsible for a bright future
Pillar	People
Outcome	2. A healthy, active and safe community.

Budget/Financial Implications

The City will not be providing financial support to this capital delivery of this project, support will be the contribution of officer time for project oversight and delivery. The cost to the City will include officer time managing the grant application and project delivery. This is estimated to amount to \$60,000 of overhead cost and can be supported by existing City resources.



Following construction, the City will be responsible for the ongoing maintenance of the asset, that will remain in City ownership. Maintenance of the current system is approximately \$5,000 per annum. This is not expected to increase with the new lighting. The expected life of a sports lighting pole is 40 years, while that of the luminaires is 10 years. Depreciation of the new poles and averaging out the service and replacement costs over the asset life leads to an annualised lifecycle cost of \$15,000 per annum.

Please see a table outlining the options and associated costs below. The external funding/grants required includes any funding approved by WAFC and DLGSCI, and the remainder to be provided by CAFC.

	CONSIDERATION	Units	OPTIONS / SCENARIOS			
			1 - Grant APPROVED & Club Fund 100%	2 - Grant APPROVED & Club fund 100%, cost incr.	3 - Grant NOT APPROVED, Club Fund 100%	4 - Grant NOT approved, Club don't fund
UP-FRONT COSTS	SUB-TOTAL UPFRONT COST	\$	\$ 366,000	\$ 438,000	\$ 366,000	\$ -
	EXTERNAL FUNDING/GRANTS	\$	\$ 180,000	\$ 180,000	\$ -	\$ -
	TOTAL CLUB FUNDING REQUIRED	\$	\$ 186,000	\$ 258,000	\$ 366,000	\$ -
	TOTAL CITY FUNDING REQUIRED	\$	\$ -	\$ -	\$ -	\$ -
	AMP	Renew / Upgrade New / Disposal	Upgrade	Upgrade	Upgrade	Upgrade
ANNUAL COSTS	TOTAL ANNUAL COST to CITY	\$/ Year or (\$)/Year	\$ 15,060	\$ 16,860	\$ 15,060	\$ 5,910
WOL	WHOLE OF LIFE COSTS OVER 15 YEAR LTFP PERIOD	\$	\$ 225,900.00	\$ 252,900.00	\$ 225,900.00	\$ 88,650.00
FURTHER DETAILS	CURRENT BUDGET ALLOCATION	\$	\$ -	\$ -	\$ -	\$ -
	LTFP IMPACTS	Does the LTFP currently provide for this project/ cover the entire anticipated cost?	No	No	No	No
	SOURCE OF FUNDS	Municipal, grants, reserves, partnerships, other contributions	Municipal (overhead), Grant, Contribution	Municipal (overhead), Grant, Contribution	Municipal (overhead), Contribution	Municipal (overhead), Contribution
	NOTES	Has anything changed since the budget was proposed/adopted? External funding, catastrophic failure, new information?	N/A	N/A	N/A	Project doesn't go ahead

It is usual for increased turf maintenance costs to be required where there is additional usage of sports fields. The level of use of the oval by CAFC is currently not proposed to increase with new lights. The greater illuminated area would allow training across the entire oval surface after dark, thus decreasing some specific areas of wear and tear where it is presently focussed in the currently lit section.

Upgraded lights may subsequently result in an increased demand for use of the oval, particularly should additional women's teams be created. Accordingly, there remains a potential for increased maintenance demands, and associated costs in the future, potentially including the need for annual repairs of the increased wear and tear.

The City is currently not in a position to cover these potential increased maintenance costs, thus any costs above the current base level of service would need to be covered by CAFC and/or other users of the Reserve.



Legislative and Policy Implications

[Capital Grants to Sporting Clubs Council Policy](#)

Decision Implications

Should Council support the recommendation, the City will submit the application for grant funding to DLGSCI. If the application is successful and receives funding, and a suitable written agreement is signed with CAFC, the project will proceed to construction.

If Council does not support the recommendation, the project will not proceed further at this time. The City will remain at a higher risk of compensation claims, due to potential for increased injuries. These are assessed by the City's insurer.

Conclusion

It is recommended that Council supports the funding application to DLGSCI, as the project will benefit CAFC and the broader community. The proposed lighting upgrade will improve safety, optimise facility usage and address the risk of injury posed by the current non-compliant lighting. Additionally, it would allow for the development of women's' AFL teams and foster an inclusive sporting community in the City. By endorsing the application Council will reinforce the City's commitment to promoting healthy communities through the support and development of sports and recreation infrastructure.

Further Information

Nil.



**SAGE
CONSULTING
ENGINEERS**



City of Nedlands

LIGHTING DESIGN REPORT

FOR

DAVID CRUICKSHANK RESERVE

MARCH 2023

SAGE CONSULTING ENGINEERS PTY LTD
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REV	DATE	DESCRIPTION	AUTHOR
00	14-6-2022	Initial draft	A.P.
01	21-7-2022	Revised based on city's notes	A.P.
02	7-11-2022	Option 3 added to the report, as per city's request	A.P.
03	3-3-2023	Option 4 added to the report, as per city's request	A.P.
04	23-8-2023	Revised report	A.P.

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1. INTRODUCTION

The purpose of this report is to outline the lighting design proposals for the floodlighting of the AFL oval at David Cruickshank Reserve, Nedlands WA.

2. BASIS OF REPORT

This report is based on the following:

- Design Statements
- Site visits
- Discussions with the City after community consultations
- AS 2560.2:2021 – Sports lighting
- AS/NZS 4282:2019 - Control of the obtrusive effects of outdoor lighting

3. LIGHTING STANDARDS

3.1. GENERAL

AS 2560 recommends “maintained” lighting levels. As a lighting installation ages, the lamp output depreciates and luminaire surfaces gather dirt. Maintained lighting levels are those reached at the end of a maintenance cycle. The initial lighting levels have to exceed the AS 2560 levels in order to achieve the maintained levels. Appendix B shows the recommended Light Technical Parameters of current standard AS 2560.2:2021.

3.2. FOOTBALL LIGHTING

The current Australian Standard for lighting for football, that is, Australian Rules Football, Soccer, Gaelic and Rugby is AS 2560.2:2021. This standard list three level of play for “Amateur level” (50/50/100 lux), three levels of play for “Semi-professional level” (50/100/200 lux), and three levels of play for “Professional Level” (100/200/500 lux).

3.3. OBTRUSIVE LIGHT

AS/NZS 4282:2019 covers obtrusive light. This Australian standard was published AS 4282 1997 and underwent a major revision in 2018. Appendix B gives an outline of the limits prescribed in AS/NZS 4282:2019.

The standard considers the effects of obtrusive light on residents, transport users, transport signalling, and astronomical observations.

The standard comprehends the lighting level at the building line of the potential affected dwellings, the lighting intensities, and disability glare. The standard considers the Zoning, most commonly in terms of district brightness as low, medium, or high. The standard also considers pre-curfew and post curfew values. Local government determines the curfew time.

Conformance with the limits of AS/NZS 4282 Zone A3 “Medium district brightness” is recommended for all residential properties.

In general, taller poles deliver lower obtrusive light as the light can be aimed at lower angles and still achieve the required uniformities.



4. SPORT LIGHTING RECOMMENDATIONS

4.1. POLES

For Australian Rules Football, a conforming and economic lighting layout has four poles, located on lines at 45 degrees to the centreline. Six pole design using shorter poles is also possible. Appendix B outlines the two scheme options.

For the purpose of providing good vertical illumination a lighting scheme with a minimum of two poles on each side of the playing area is recommended.

Lighting from the eastern side only is not appropriate and would not comply with the recommendations of AS 2560. It would result in:

- Reduced uniformity
- Increased glare to players, spectators and surrounding residents
- Reduced playing area
- Implication with insurance due to not meeting the minimum standards of AS 2560.

For sports lighting, glare is determined by the intensity of the light and the geometry, particularly the height of the floodlight poles. AS 2560 recommends minimum pole heights for each sport and level of play relative to the size of the field.

For "Non-Professional level" football, the minimum pole height is $H = (D \times 0.36)$ where D is the distance from the luminaire to the centre of the field (an angle of 20°).

The proposed size of the David Cruickshank Oval measures about 160m X 120m. With poles set back at least 5m from the principal playing area and taking into consideration possible pole locations and restrictions, the recommended minimum luminaire mounting height is 30m for a four-pole design and 25m for a six-pole design.

4.2. FLOODLIGHTS

For sports lighting, LED floodlights have taken over from the old metal halide lamps. LED floodlights offer better energy efficiency, long life, and low maintenance.

		
Sylvania Raptor Gen 3 5700K 1.2kW	Philips Optivision Gen 3.5 5700K 1.5kW	Philips Optivision Gen 3.5 5700K 1kW

For the purpose of this lighting design, we have used both floodlights, but in different lighting schemes.

4.3. CONTROLS

It is recommended that curfew time switches be installed to prevent use of the lighting late at night and during the day. This will save energy and cut obtrusive light after hours. Seven-day astronomical time switches can act as curfew controllers and allow different curfew times to be set during the week and weekends.



4.4. TELECOMMUNICATIONS

We do not recommend the installation of telecommunication systems on the lighting poles unless prior investigation. Our current pole illustration does not take into account the additional load for the telecommunication system and proper engineering works needs to be undertaken. Factors that need to be considered are additional power supply for telecommunication equipment and ongoing maintenance access issues for both the City owned equipment and the telecommunications equipment.

5. SUMMARY OF CONCLUSIONS

As per City's request, we have investigated the option of installing a 50lux compliant floodlighting design in a 4 and 6 poles lighting scheme. The city requested a third option to be investigated, replacing existing HID floods with LED floodlights on existing 18m poles and headframes.

For Options 1 & 2, we have managed to achieve the AS2560.2:2021 compliance in terms of illuminance level, uniformity, glare, uniformity gradient, while also achieving compliance with AS/NZS4282:2019 Environmental Zone A3.

For Option 3, we have been able to achieve compliance with AS/NZS4282:2019 Environmental Zone A3, but compliance with AS2560.2:2021 has not been achieved. The average illuminance level (22.85lux) and min/ave uniformity (0.01) are below the requirements set by the standard.

Appendix A gives an outline of the three lighting designs presented below.

Option 1: 4 pole design

Poles: 4 x 30m

Floodlight: 12 x Sylvania Raptor Gen3 1.2kW 5700K

AS2560.2:2021 compliance:

- Average Maintained Horizontal Illuminance: 76.92lux
- Min/Ave uniformity: 0.58
- Min/Max uniformity: 0.36
- Uniformity gradient: 1.40

AS/NZS4282:2019 compliance:

- Vertical illuminance levels and maximum luminous intensities per luminaire for the residential properties on Beatrice Street and Wattle Street comply with Zone A3 "Medium district brightness" non-curfew levels
- Threshold Increment values on surrounding traffic routes comply with Zone A3 "Medium district brightness" non-curfew levels

Option 2: 6 pole design

Poles: 6 x 25m

Floodlight: 12 x Philips Optivision Gen3.5 1.5kW 5700K

AS2560.2:2021 compliance:

- Average Maintained Horizontal Illuminance: 65.31lux
- Min/Ave uniformity: 0.50
- Min/Max uniformity: 0.36
- Uniformity gradient: 1.65

AS/NZS4282:2019 compliance:

- Vertical illuminance levels and maximum luminous intensities per luminaire for the residential properties on Beatrice Street and Wattle Street comply with Zone A3 "Medium district brightness" non-curfew levels
- Threshold Increment values on surrounding traffic routes comply with Zone A3 "Medium district brightness" non-curfew levels



Option 3: existing 3x 18m poles design

Poles: 3 x 18m

Floodlight: 6 x Philips Optivision Gen3.5 1kW 5700K

AS2560.2:2021 compliance – design is NON-COMPLIANT:

- Average Maintained Horizontal Illuminance: 22.85lux
- Min/Ave uniformity: 0.01
- Min/Max uniformity: 0.00
- Uniformity gradient: 2.97

AS/NZS4282:2019 compliance:

- Vertical illuminance levels and maximum luminous intensities per luminaire for the residential properties on Beatrice Street and Wattle Street comply with Zone A3 "Medium district brightness" non-curfew levels
- Threshold Increment values on surrounding traffic routes comply with Zone A3 "Medium district brightness" non-curfew levels

For this option, further structural investigation will be required prior to replacing existing HID luminaires with LED floodlights. We do not recommend the use of this option due to the poor lighting outcome as well as the impact it will have on the players.

Option 4: existing 3x 18m poles design and 3 additional 22m new poles

Poles: 3 x 18m existing on an embankment

3 x 22m new poles

Floodlight: 12 x Sylvania Raptor 1.2kW 5700K

AS2560.2:2021 compliance – design is compliant in terms of illuminance level and uniformity and non-compliant in terms of pole heights:

- Average Maintained Horizontal Illuminance: 76.05lux
- Min/Ave uniformity: 0.38
- Min/Max uniformity: 0.20
- Uniformity gradient: 1.82

AS/NZS4282:2019 compliance:

- Vertical illuminance levels and maximum luminous intensities per luminaire for the residential properties on Beatrice Street and Wattle Street comply with Zone A3 "Medium district brightness" non-curfew levels
- Threshold Increment values on surrounding traffic routes comply with Zone A3 "Medium district brightness" non-curfew levels

For this option, further structural investigation will be required prior to replacing existing HID luminaires with LED floodlights.

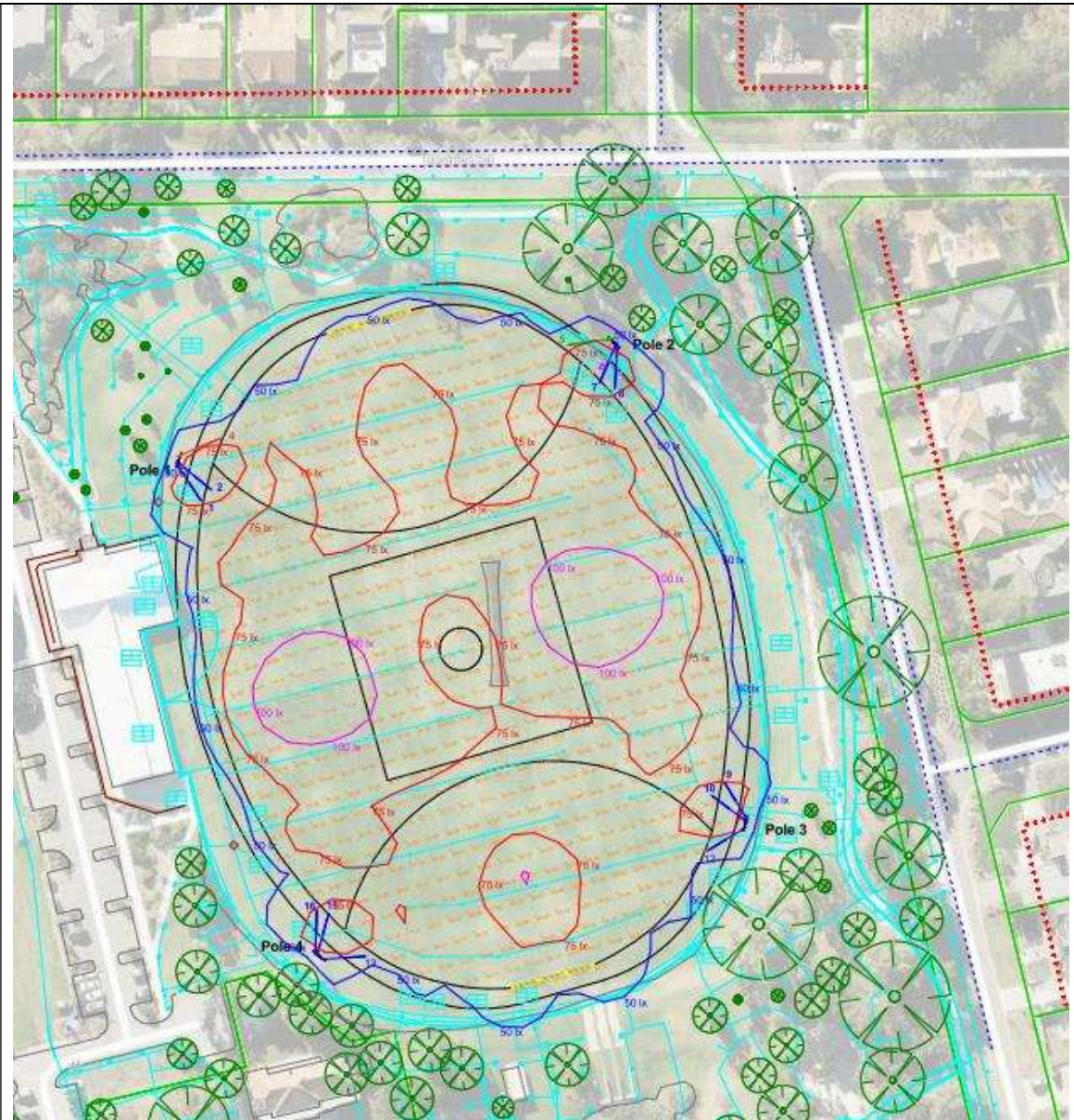
Final headframe details and floodlight arrangement to be discussed and revised based on City's advice in terms of preferred level of play and pole arrangement.



6. APPENDIX A – LIGHTING LAYOUTS

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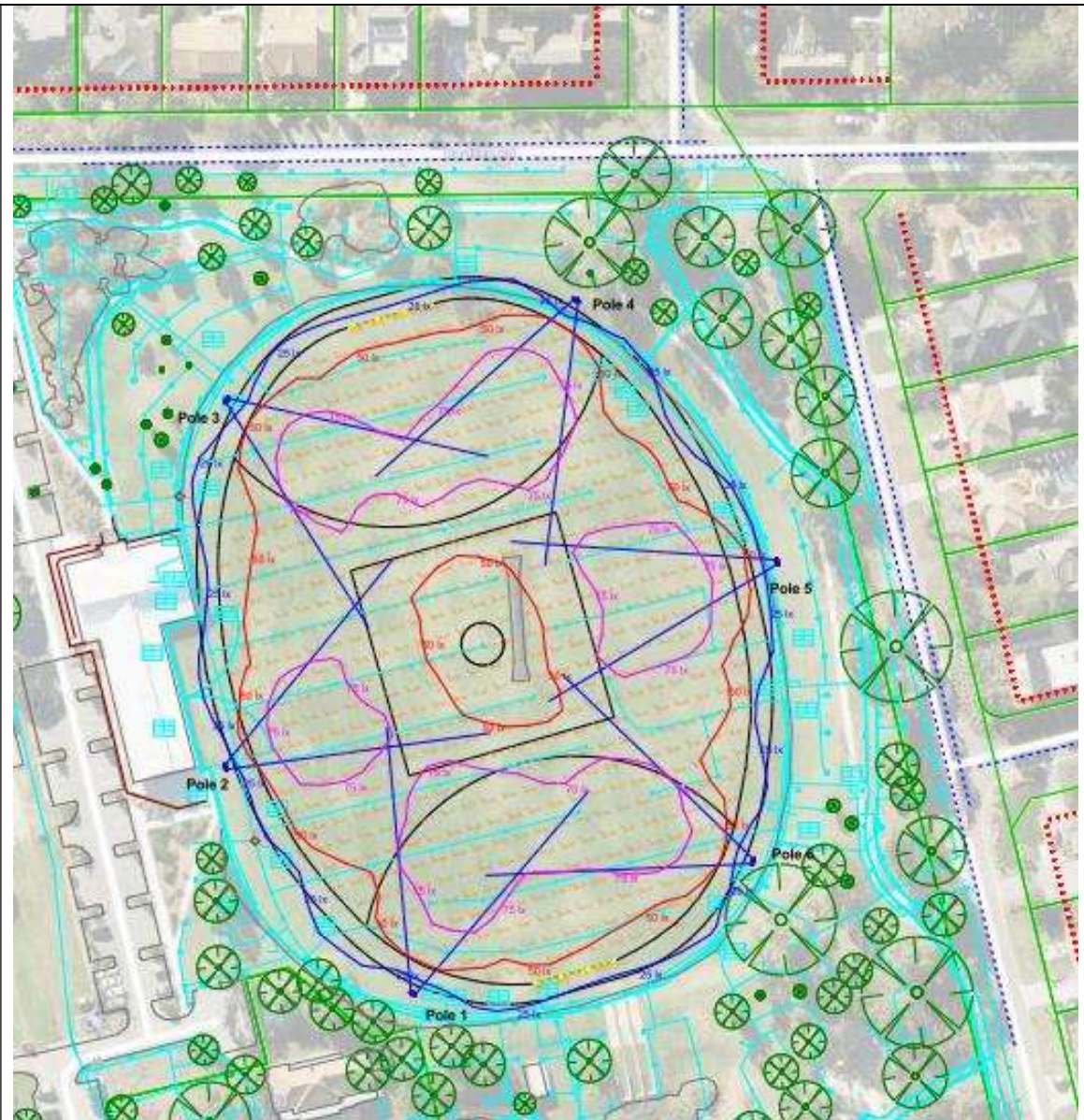


Luminaire Schedule						
Symbol	Label	Qty	LLF	Description	Lum. Watts	Lum. Lumens
	A1LG3	10	0.880	Sylvania Raptor SR4H757A1LG3	1193.78	158326
	A1LG3_BS_LS	1	0.880	Sylvania Raptor SR4H757A1LG3 with BACK AND SIDE SHIELD LEFT	1176.73	139810
	A1LG3_BS_RS	1	0.880	Sylvania Raptor SR4H757A1LG3 with BACK AND SIDE SHIELD RIGHT	1200	140571

Calculation Summary								
Project: Calculation grids								
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max	UG
AFL - Eh	Illuminance	Lux	76.92	125.96	44.93	0.58	0.36	1.40

Lighting layout – OPTION 1



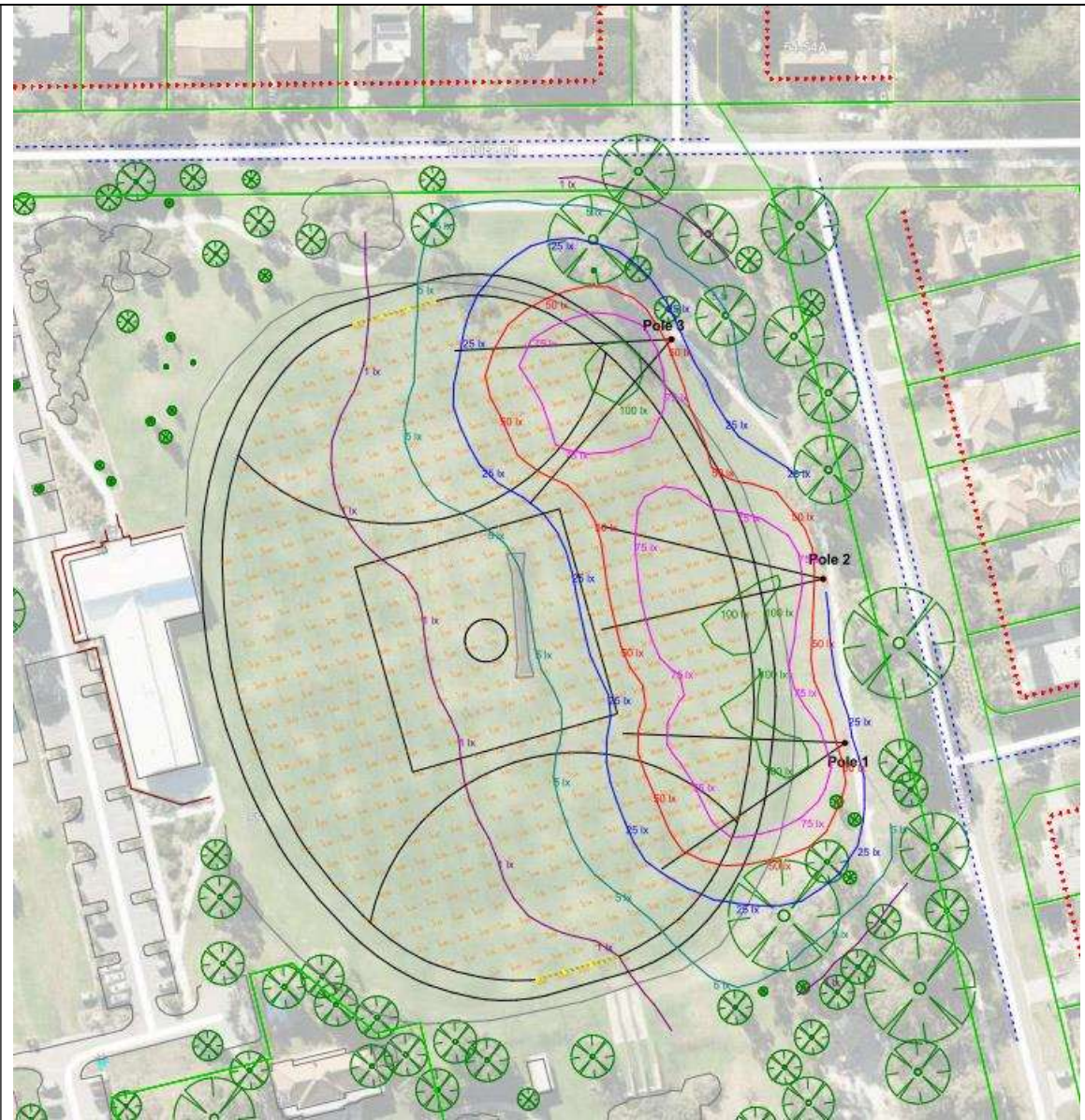


Luminaire Schedule						
Project: Floods OPT 2 - 50lux Optimisation						
Symbol	Label	Qty	LLF	Description	Lum. Watts	Lum. Lumens
	A35-NB +LO	12	0.880	Philips Optimision BVP527 OUT T30 50K A35-NB with LO louvre	1500	109196

Calculation Summary								
Project: Project_1								
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max	UG
AFL - Eh	Illuminance	Lux	65.31	89.16	32.45	0.50	0.36	1.65

Lighting layout – OPTION 2



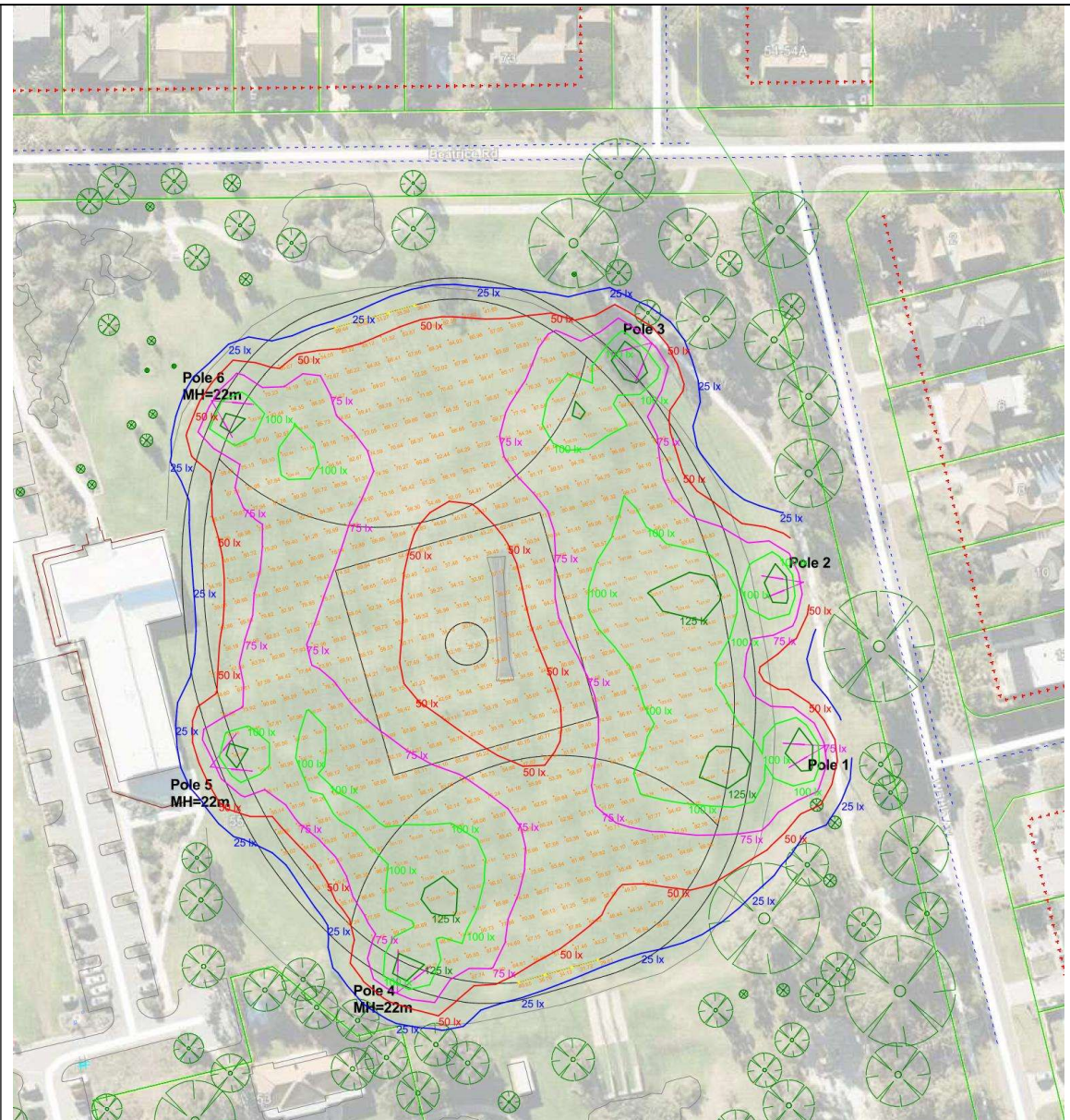


Luminaire Schedule						
Project: Floods - existing poles						
Symbol	Label	Qty	LLF	Description	Lum. Watts	Lum. Lumens
	BVP518 A35-NB	6	0.880	Philips Optvision BVP518 OUT T30 50K A35-NB with LO louvre	945	124395

Calculation Summary								
Project: Project_1								
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max	UG
AFL - Eh	Illuminance	Lux	22.85	106.54	0.26	0.01	0.00	2.97

Lighting layout – OPTION 3





Luminaire Schedule						
Symbol	Label	Qty	LLF	Description	Lum. Watts	Lum. Lumens
	A0LG3	12	0.880	Sylvania Raptor SR4H757A0LG3	1193.55	153265

Calculation Summary								
Project: Calculation grids								
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max	UG
AFL - Eh	Illuminance	Lux	76.05	147.24	28.93	0.38	0.20	1.82

Lighting layout – OPTION 4



7. APPENDIX B - LIGHTING STANDARDS

AS 2560.2:2021 – Sports Lighting - Lighting for football

AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting

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AS/NZS 4282:2019—CONTROL OF THE OBTRUSIVE EFFECTS OF OUTDOOR LIGHTING

Description	Examples	Zones	Vertical illuminance		Threshold increment		Sky glow	Maximum luminous intensity per luminaire		
			Non-curfew	Curfew	%	Default adaptation level		Upward light ratio	Non-curfew L1	Non-curfew L2
Intrinsically dark	UNESCO Starlight Reserve, IDA Dark Sky Parks, major optical observatories, no road lighting unless specifically required by road controlling authority	A0	See note 1	0	N/A	N/A	0	See note 7	See note 7	0
Dark	Relatively uninhabited rural areas No road lighting unless specifically required by road controlling authority	A1	2	0.1	N/A	N/A	0	2 500	5 000	500
Low district brightness	Sparsely inhabited rural and semi-rural areas	A2	5	1	20%	0.2	0.01	7 500	12 500	1 000
Medium district brightness	Suburban areas in towns and cities	A3	10	2	20%	1	0.02	12 500	25 000	2 500
High district brightness	Town and city centres and other commercial areas, residential areas abutting commercial	A4	25	5	20%	5	0.03	25 000	50 000	2 500
High district brightness	Vicinity of major sports stadium during TV broadcasts	TV	See table 3.4	N/A	20%	10	0.08	100 000	15 0000	0
Residences near traffic routes	Refer to AS/NZS 1158.1.1	V	N/A	4	Note 2	Note 2	Note 2	N/A	N/A	N/A
Residences near local roads with significant setbacks	Refer to AS/NZS 1158.3.1	R1	N/A	1	20%	0.1	Note 3	N/A	N/A	N/A
Residences near local roads	Refer to AS/NZS 1158.3.1	R2	N/A	2	20%	0.1	Note 3	N/A	N/A	N/A
Residences near a roundabout or local area	Refer to AS/NZS 1158.3.1	R3	N/A	4	20%	0.1	Note 3	N/A	N/A	N/A
Residences near a pedestrian crossing	Refer to AS/NZS 1158.4	RX	N/A	4	20%	5	Note 4	N/A	N/A	N/A

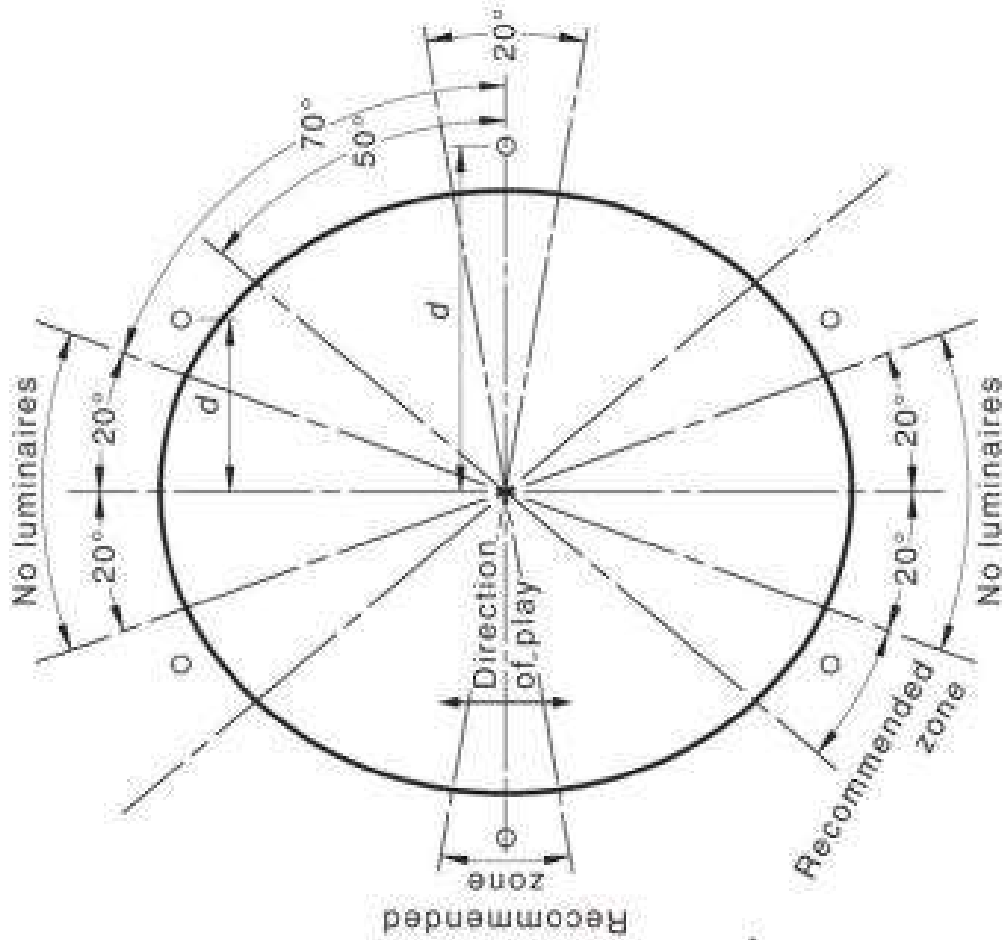
NOTES:

1. For A0, Ev shall be as close to zero as practicable without impacting safety considerations
2. Refer to AS/NZS 1158.1.1
3. Refer to AS/NZS 1158.3.1
4. Refer to AS/NZS 1158.4
5. N/A means " Not Applicable"
6. For an internally illuminated sign in an A2 zone, $L_{av} \leq 0.25 \text{ cd/m}^2$
7. For all A0, I shall be as close to zero as practicable without impacting safety considerations

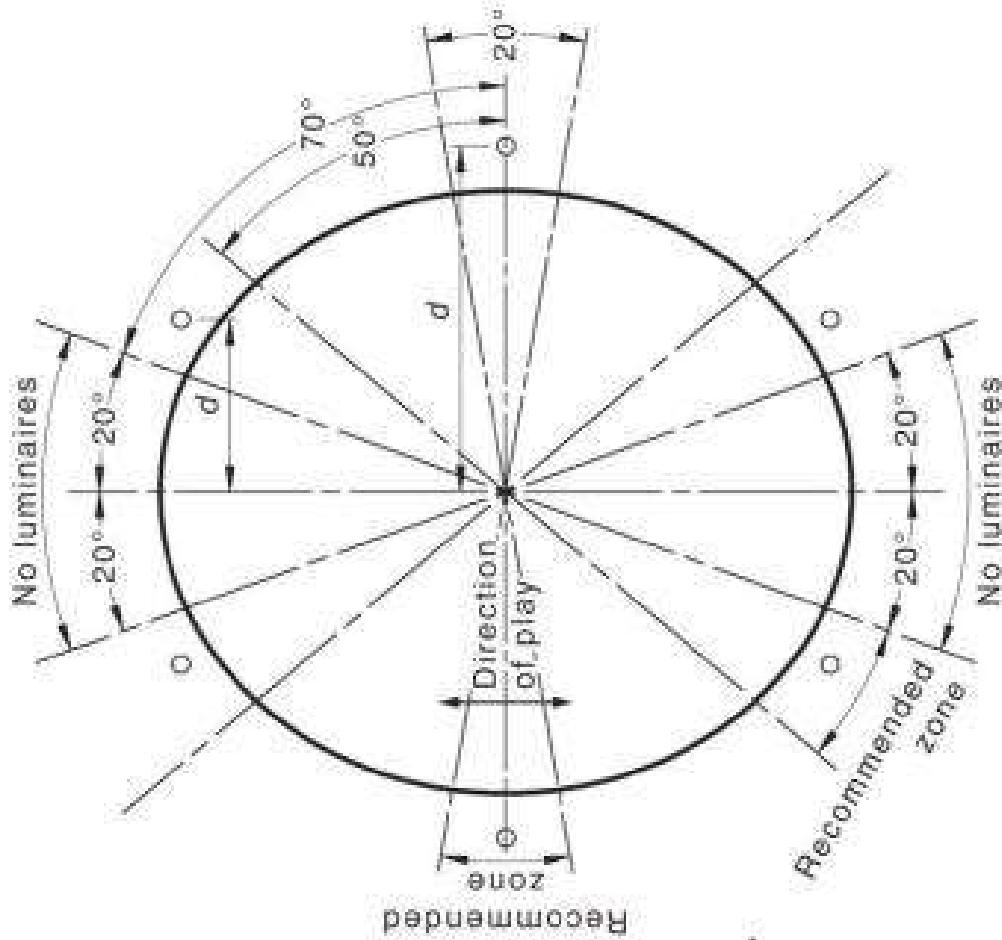


AS 2560:2021 – FOOTBALL							
LIGHT TECHNICAL PARAMETERS							
Level of Play	Average horizontal maintained illuminance	Minimum horizontal uniformity		Max Uniformity gradient per 5 m^e		Max Glare Rating	Min CRI
		min/ave	min/max	G	UG		
Amateur level							
Touch and tag	50	0.30/0.40 ^b	N/A	N/A	N/A	N/A	65
Ball and physical training	50	0.30	N/A	N/A	N/A	N/A	65
Club competition and match practice	100 ^a	0.50	0.30	50%	2	50	65
Semi-professional level							
Ball and physical training	50	0.30/0.40 ^b	N/A	N/A	N/A	N/A	65
Match practice	100	0.50	0.30	50%	2	50	65
Semi-professional competition	200	0.60	0.40 ^c	40%	1.67	50	65
Professional level							
Ball and physical training	100	0.50	0.30	50%	2	50	65
Match practice	200	0.60	0.40 ^c	40%	1.67	50	65
Professional competition	500	0.70	0.50 ^d	25%	1.33	50	65
<p>a For competition level Australian Rules Football 150 lux is preferred where practicable to take account of contemporary expectations of spectators.</p> <p>b a value of 0.40 is preferred for new installations.</p> <p>c Where two or more fields are adjacent and with luminaires operating simultaneously the min/max uniformity can be reduced to a minimum value of 0.30 (the adjacent field may be lit to a greater or lesser level).</p> <p>d Where two or more fields are adjacent and with luminaires operating simultaneously the min/max uniformity can be reduced to a minimum value of 0.40 (the adjacent field may be lit to a lesser level).</p> <p>e For Australian Rules Football the limit for G may be increased by 5% at points that are within 5 m from the outfield boundary but they should not be in the goal area (within the 50 m arc), i.e. around the perimeter wings only. For soccer the limit for G may be increased by 5% at one point only (or 2 or 4 points if there is scheme symmetry) but they should not be in the penalty area, or the corner points. For Rugby the limit for G may be increased by 5% at one point only (or 2 or 4 points if there is scheme symmetry) but they should not be either side of the try line.</p>							





(a) 4 Pole scheme



(b) 6 Pole scheme



8. APPENDIX C – GLOSSARY

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A GLOSSARY OF LIGHTING TERMINOLOGY

Average Illuminance (E) - The average lighting levels at ground level measured in the horizontal plane

Average Lamp Life - Time taken until half of lamps have failed.

Colour Temperature - An indication of the colour appearance of a lamp measured in degrees Kelvin (K). 2700K indicates a warm colour, 5000K indicates a cool colour.

Colour Rendering Index – A measure of the faithfulness to which colours are shown

Depreciation - The loss of light output over time as lamps age and optical surfaces collect dirt

Disability Glare - Glare resulting in reduced visual performance, often accompanied by discomfort

Discomfort Glare - Glare causing discomfort without necessarily causing visual disability

Efficacy - A measure of lamp output efficiency, with units of lumen/watt

Flat Glass Luminaires - Luminaires with no light emitting above the horizontal giving low glare & low obtrusive light.

Footing – A concrete base for a flanged pole

Glare – A condition of vision in which there is discomfort or reduction of ability to see, or both, caused by an unsuitable distribution or range of luminance, or to extreme contrasts in the field of vision

Glare Rating – A measure of discomfort glare in a particular location on a scale of 1 to 100 with lower numbers being more comfortable

Ingress Protection - or "IP rating", a two digit code that indicates resistance to ingress of solids and liquids, the first digit refers to solids, the second to liquids. IP55 means dust-protected & water-jet proof. Higher numbers indicate better sealing.

Illuminance – Lighting level, measured in lux. Horizontal illuminance is measured in a horizontal plane; and vertical illuminance in a vertical plane.

Illuminance Uniformity (Ue) – The ratio of maximum illuminance to average illuminance, the higher the ratio, the brighter is a "hotspot" relative to the surroundings

Lamp - a generic term for a man made source of light sometimes colloquially referred to as a "globe" or "bulb"

LED – Light Emitting Diode, a lighting technology offering energy efficiency comparable with fluorescent and metal halide lamps, but with long life

Light Technical Parameters – parameters such as illuminance, uniformity, glare, etc.

Light Output - The total luminous flux emitted by a lamp or luminaire in lumens.

Luminaire - A light fitting, or "fixture", including lamps, optical system and control gear

Luminance - the brightness of an object or surface in candela per square metre (cd/m²)

Luminous Intensity – the concentration of light in a certain direction, in candelas (cd)

Maintained – Light technical parameters at the end of lamp life, as opposed to initial parameters

Minimum Illuminance (E_{min}) - The minimum measured lighting level recorded in the measurement area, the measurements taken at ground level in the horizontal plane

Metal Halide Lamps - Lamps which give "white light"- more efficient than mercury vapour lamps

Mounting Height - The vertical distance between the centre of a luminaire and the ground

Obtrusive Light - Spill light causing annoyance, distraction, discomfort or reduction in vision

Peak Intensity - The highest value of luminous intensity from a given luminaire



Point illuminance – The illuminance at a point, not average illuminance

Australian Standards include:

AS 1158	Public Lighting	AS 2560	Sports Lighting
AS 1680	Interior Lighting	AS/NZS 4282	Obtrusive Light

Spigot – a tube for the fixing of a luminaire

Spill Light - Light which falls outside the boundary of the property on which the lighting installation is sited

Surround Illuminance Ratio (ES) - The ratio between the average illuminance of the road verge to the adjacent carriageway.

Threshold Increment - A measure of disability glare in percentage. Higher percentages indicate higher disability glare.

Uniformity Ratios – The ratio of minimum to maximum illuminance; or minimum to average illuminance

Uniformity Gradient – The rate of change of illuminance

Upcast Angle - The angle between the axis of the luminaire fixing and the horizontal

Uplift - For pole-mounted outreach arms - the vertical distance between the intersection of the outreach arm centre-line with the supporting face and the highest level of the outreach arm centre-line

Upward Waste Light – light that is emitted above the horizontal and is thus wasted



Option 1: 4 Pole Design (100 lux)

Item		Unit	Qts	Rate	Amount(\$)	Subtotal(\$)
1 PRELIMINARY						
1	Mobilisation & Demob	item	1	3000	3000	
2	Survey and peg	item	1	1000	1000	
3	Removal of 3 x existing poles	item	3	1000	3000	
4	Removal of 3 x existing pole footings, capsize and burry	item	3	1000	3000	
5	Building Permit	item	1	1000	1000	11000
2 ELECTRICITY SUPPLY & DISTRIBUTION						
1	cable MSB to FDB	m	120	60	7200	
2	conduit MSB to FDB - (80sqmm)	m	20	14	280	
3	modification of existing MSB	item	1	1000	1000	
4	excavation, backfilling and compaction	m	55	30	1650	
5	Floodlight Distribution Board (FDB)	item	1	10000	10000	
6	FDB concrete base	item	1	5000	5000	25,130
3 LIGHTING						
1	conduit FDB to poles (63 sqmm)	m	620	14	8680	
2	submains FDB to pole 1 (16+6)	m	40	25	1000	
3	submains FDB to Pole 2 (25+16)	m	145	35	5075	
4	submains FDB to Pole 3 (25+25)	m	270	40	10800	
5	submains FDB to Pole 4 (25+16)	m	150	35	5250	
6	excavation, backfilling and compaction	m	400	30	12000	
9	30 m poles Supply	no.	4	12000	48000	
10	30 m pole footings-Cage	no.	4	2300	9200	
11	30 m poles footings-Concrete	no.	4	8000	32000	
12	30 m poles Install	no.	4	3000	12000	
13	pole wiring	no.	4	1000	4000	
14	LED 1.5 kW floodlights Supply	no.	20	4500	90000	
15	LED 1.5 kW floodlights Install	no.	20	500	10000	
16	LED 100 W floodlights Supply	no.	4	500	2000	
17	LED 100 W floodlights Install	no.	4	200	800	250,805
4 COMPLETION						
1	inspect, test, commission	item	1	4000	4000	
2	pre-aim (20 floods)	item	1	1000	1000	
3	night aim (20 floods)	item	1	2000	2000	
4	manuals and record drawings (4 drwgs)	item	1	1000	1000	
5	defects liability maintenance	item	1	1000	1000	9,000
						295,935
5 CONSTRUCTION ADMINISTRATION		Staff	Hours	Rate	Fee	
1	Review contractor's shop drawings of switchboards	JH	4	100	400	
2	Review contractor's shop drawings of poles, headframes and footings	JH	4	100	400	
3	Site inspections (two).	CL	6	225	1350	
4	Witness night testing and review commissioning report	CL	4	225	900	
5	Practical Completion inspection and certificate/report.	CL	4	225	900	
6	Review contractor's manuals and as-constructed drawings.	JH	3	100	300	4,250
6 GEOTECHNICAL REORT						
	Hand augar and to 3600mm or refusal					
	PSP to 1350mm or refusal					
	Evaluation and report	UTS	4	200.0	800	800
7 ZONE DIAGRAM						
	Design preliminary Zone Diagram	CL	4	225	900	
	Draft preliminary Zone Diagram	IA	8	160	1280	
	Design final Zone Diagram	CL	4	225	900	
	Draft final Zone Diagram	IA	4	160	640	
	Prepare draft correspondence for Western Power, DFES, City & LandGate	CL	4	225	900	4,620
TOTAL exc GST						\$ 305,605



10. Confidential Items

10.1. CEO01.1.24 CONFIDENTIAL CEO Selection and Recruitment – Appointment of Recruitment Specialist, Facilitator and Independent Person for Recruitment and Selection Panel

A confidential report has been circulated separately to Council Members.

Closure of Meeting to the Public

Moved – Councillor Smyth

Seconded - Councillor Amiry

That the meeting be closed to the public in accordance with Section 5.23 (a), (c) and (e) ii & iii of the Local Government Act 1995 to allow confidential discussion on the following items.

CARRIED UNANIMOUSLY 9/-

The meeting was closed to the public at 6.42 pm.

Moved - Councillor Smyth

Seconded - Councillor McManus

That the meeting be reopened to members of the public and the press.

CARRIED UNANIMOUSLY 9/-

The meeting was reopened to members of the public and the press at 6.55 pm.



Moved – Councillor Smyth
Seconded – Councillor McManus

Council Resolution

That Council:

- 1. readvertise the call for an independent member of the CEO Recruitment and Selection Committee and extend the closing date for applications to 19 February 2024 with a revised report presented to the 27 February 2024 Ordinary Council Meeting;**
- 2. appoints Hammond Woodhouse Advisory as the Independent Facilitator to assist the CEO Recruitment and Selection Committee; and**
- 3. appoints Beilby Downing Teal as the Executive Research and Recruitment firm to the CEO Recruitment and Selection Committee and Council in the recruitment of a CEO.**

**CARRIED 8/1
(Against: Cr. Youngman)**



11. Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 6.56 pm.