

AGENDA

Council Meeting Agenda Forum

8 November 2022

Notice of Meeting

To Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday 8 November 2022 in the Council chambers at 71 Stirling Highway Nedlands commencing at 6pm.

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



Bill Parker
Chief Executive Officer
1 November 2022

Information

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

Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

Deputations

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

Disclaimer

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

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1. Declaration of Opening

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

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

Leave of Absence (Previously Approved) Nil.

Apologies None as at distribution of this agenda.

3. Public Question Time

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

4. Deputations

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

5. Requests for Leave of Absence

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

6. Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

7. Disclosures of Financial Interest

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

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

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

8. Disclosures of Interests Affecting Impartiality

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

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

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

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

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

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

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

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

10. Confirmation of Minutes

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

11. Announcements of the Presiding Member without discussion.

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

12. Members Announcements without discussion.

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

13. Matters for Which the Meeting May Be Closed

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

Nil.

14. En Bloc Items

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

15. Minutes of Council Committees and Administrative Liaison Working Groups

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

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

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

16. Divisional Reports - Planning & Development Report No's PD73.11.22 to PD76.11.22

16.1 PD73.11.22 Consideration of Development Application – 5 Grouped Dwellings at 16 Tyrell Street, Nedlands

| | |
|---|--|
| Meeting & Date | Council Meeting – 22 November 2022 |
| Applicant | Pinnacle Planning |
| 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 | Roy Winslow – Manager Urban Planning |
| Director | Tony Free – Director Planning and Development |
| Attachments | 1. Aerial Image and Zoning Map 2. Development Plans 3. Landscaping Plan 4. Architectural Perspectives 5. Summary of Submissions 6. CONFIDENTIAL ATTACHMENT - Submissions |

Purpose

The purpose of this report is for Council to consider a development application for five, two storey grouped dwellings at 16 Tyrell Street, Nedlands. This proposal is being presented to Council for consideration due to the number of dwellings exceeding four and the proposal receiving objections within the consultation period.

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 6 October 2022 for five grouped dwellings at 16 Tyrell Street, Nedlands, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 5 October 2022. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.
2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.

3. **Prior to the issue of a demolition permit and a building permit, a Demolition and 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. **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

5. **Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment on the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.**
6. **Prior to occupation of the development the visitor parking bay must be clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.**
7. **Prior to occupation, landscaping shall be completed in accordance with the approved plans dated 6 October 2022 or any approved modifications to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.**
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. **One (1) additional street tree shall be planted prior to occupation in the verge area to the specification and satisfaction of the City of Nedlands.**
10. **All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.**

Voting Requirement

Simple Majority.

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

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

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

Background

Land Details

| | |
|--|-------------------------------|
| Metropolitan Region Scheme Zone | Urban |
| Local Planning Scheme Zone | Residential |
| R-Code | R60 |
| Land area | 809m ² |
| Land Use | Residential Grouped Dwellings |
| Use Class | 'P' – Permitted Use |

The subject lot is located at 16 Tyrell Street, Nedlands and is 200m south of Stirling Highway. The site is located on the east side of Tyrell Street, north of Edward Street.

The site has a lot area of 809m² and has an existing single house which is to be demolished. The site is relatively flat with a slight crossfall of around 0.7m from southwest (front) to northeast (rear). The lot is regular in shape, with a 20m frontage.

The area is surrounded by existing single residential houses that are predominantly one storey. The properties in this area are coded R60 (Attachment 1).

A grouped dwelling development has been approved at the site immediately to the south of the subject site, at 18 Tyrell Street, Nedlands. The development has received approval from the State Administrative Tribunal for five grouped dwellings (a combination of both two and three-storeys).

Application Details

The proposed five grouped dwellings are two-storeys in height and contain three bedrooms and two bathrooms each.

Unit 1 is proposed to have independent pedestrian and vehicle access directly from Tyrell Street, with the remaining four units obtaining access through a common property driveway. The total width of driveways at the street boundary is 6.0m.

The development includes a single visitor parking bay located towards the centre of the development, behind Unit 2. This has been located to reduce the visual impact of parking on the streetscape.

Amended plans were received on 6 October 2022 (Attachment 2) including the following changes to the original advertised plans:

- Increase to landscaping within the development, with an emphasis on the front setback area;
- Removal of the visitor parking bay from the front setback area and relocation to the rear (east) of Unit 2;
- Reductions to the primary street setback; and
- Removal of the existing hardstand from the verge.

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.

Sustainability

The development proposes multiple sustainability initiatives including:

- rainwater tanks to each unit;
- minimised western and eastern glazing; and
- waterwise plants are proposed to be planted throughout the development, including the use of Australian native tree and plant species.

It is important to note that the above exceed the planning framework for the R-Codes Volume 1 and cannot be 'required' but are encouraged.

Landscaping

The landscaping requirements for grouped housing have been exceeded throughout the development. The Residential Design Codes require the designation of a single tree planting zone for each residential lot, which would result in a minimum of 5 trees being planted across the development. The development proposes a landscaping outcome which includes the following:

- 7 small trees planted across the subject lots;
- 4 medium trees planted along the northern lot boundary;
- Shrubs and smaller plants installed throughout the development site;
- Shrubs installed within the verge to the west of the subject site; and
- Removal of hardstand within the verge and reinstatement of the verge with turf.

The existing verge tree is to be retained (refer to recommended Condition 8).

Design Review Panel

The application has not been presented to the Design Review Panel (DRP) for consideration as there was no trigger for a mandatory referral through to the DRP at the time of lodgement. The trigger for applications containing 4 or more grouped dwellings to be presented to the DRP was introduced after the application's formal lodgement with the City.

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 and vehicle access. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

Clause 5.1.2 – Street Setback

Units 3 and 4 propose a 0.5m – 2.1m setback to the common property. The design principles for communal street setbacks consider the streetscape, privacy site planning requirements, and building mass. The development meets the design principles as:

- No visual privacy impacts are created by the proposed setback reduction.
- Open space achieves the 'deemed-to-comply' development provisions of the R-Codes.
- The proposed design responds to site planning requirements including vehicle access, parking, landscaping, and utility services. These site planning requirements are appropriately screened from the street interface where possible.
- The development provides a functional 4.5m setback to the northern neighbouring lot.
- The variation is internal to the development and does not have an adverse impact on any external lots or the streetscape.

- Articulation of built form has been utilised to reduce the perceived impact of building bulk presented to adjoining lots.

Clause 5.3.5 – Vehicle Access

The development proposes independent vehicle access for Unit 1, in addition to a common property driveway located to the north of the development.

The design principles for vehicle access consider vehicle safety, the impact of the access points on the streetscape, legible access, and landscape features. The proposed vehicle access arrangements meet the design principles for the following reasons:

- The development has kept driveways and crossovers to a functional minimum width of 3.0m each. The combined access width is 6.0m fronting to Tyrell Street, across a 20m frontage.
- The development proposes the inclusion of landscaping within the front setback area of the front units and common property. Eleven new trees are proposed to be planted within the development, with 2 trees being planted within the front setback area. The inclusion of high quality landscaping at the front of the development and additional landscaping on the verge assists in minimising the impacts of additional vehicle access points from the development and softens the development's interface to the street.

State Planning Policy 5.4 – Road and Rail Noise

As the site is located within 200m of Stirling Highway an assessment is required against this Policy. This is to identify if additional noise mitigation measures and/or management may be required as part of the development. Based on Table 2, no additional measures are needed as the proposal meets the acceptable noise levels.

Consultation

The application is seeking assessment under the design principles of the R-Codes for vehicle access.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 17 adjoining properties. The application was advertised for a period of 14 days from 19 August 2022 to 2 September 2022. At the close of the advertising period, 11 objections were received. 1 submission of support was received for the development proposal.

Submissions raised concerns in relation to setbacks, vehicle access, parking, traffic, building bulk and landscaping. Please see Attachment 6 for a summary of submissions and Administration's response to the concerns raised.

Strategic Implications

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

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

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

Priority Area Urban form - protecting our quality living environment

Budget/Financial Implications

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.

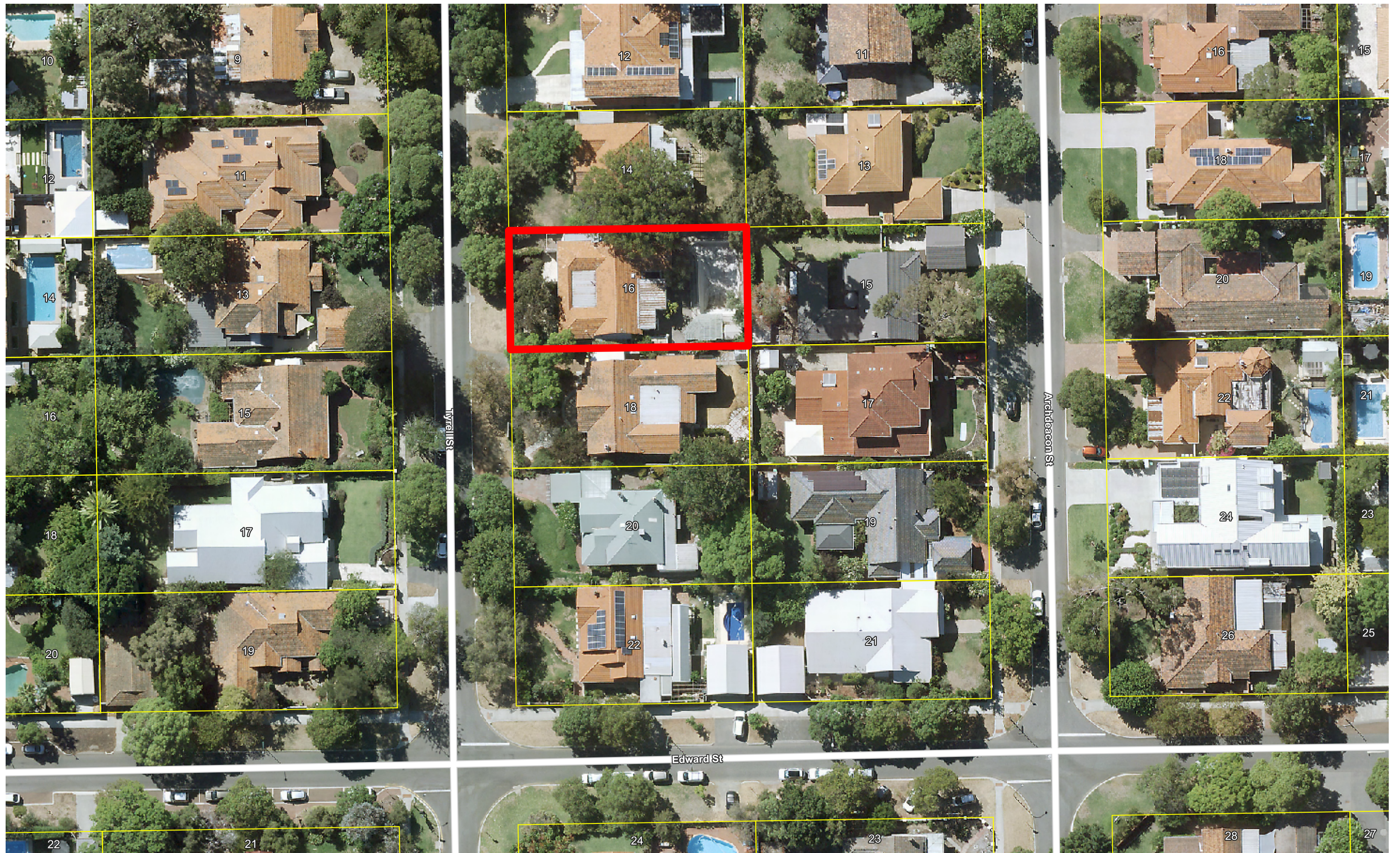
Conclusion

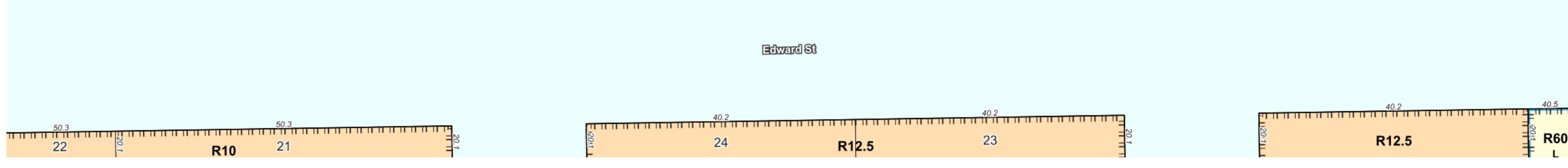
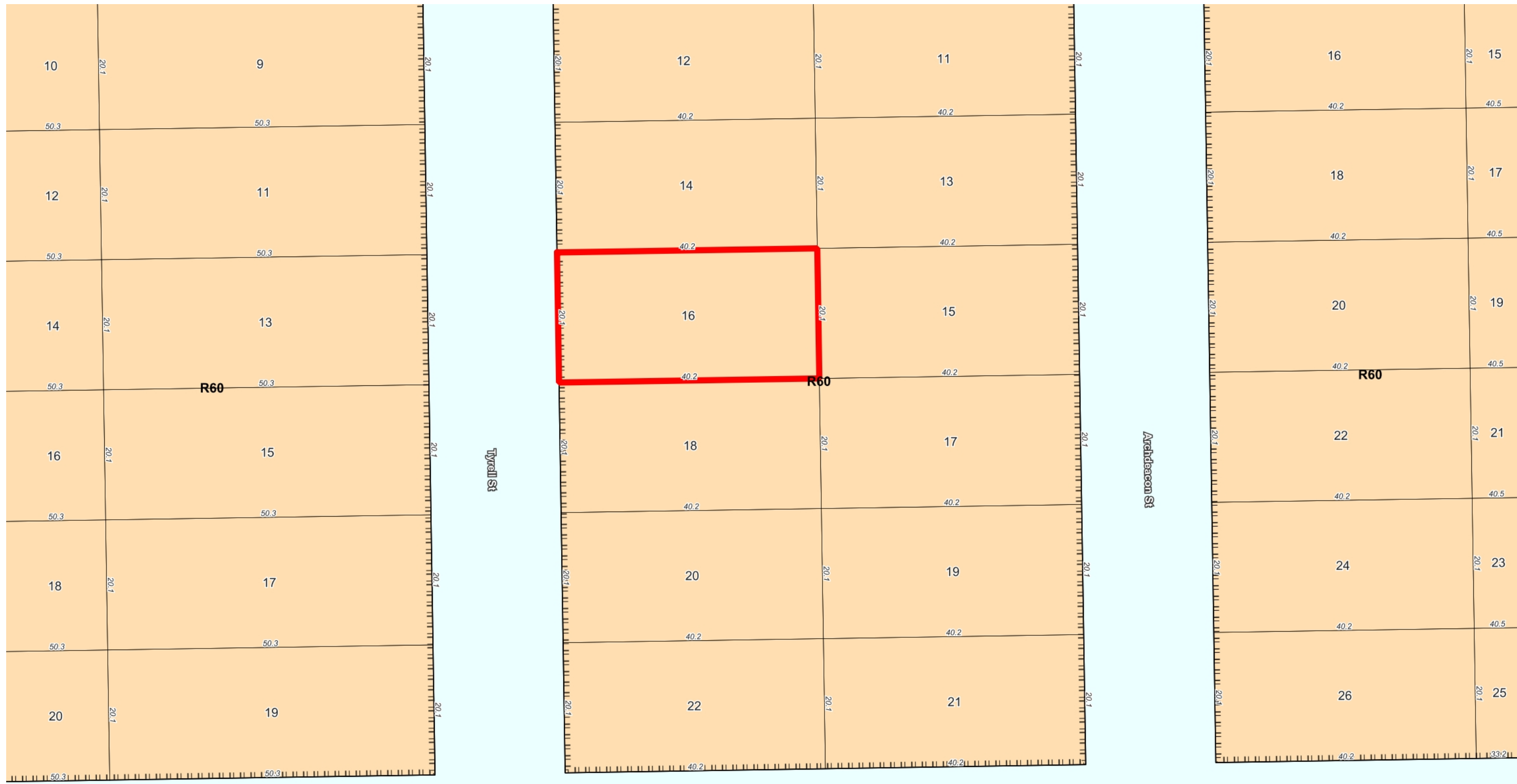
The application for five grouped dwellings has been presented for Council consideration due to the number of dwellings exceeding four and the application receiving objections during the consultation period. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and, as such, is unlikely to have a significant adverse impact on the local amenity of the area. The proposal appropriately interfaces with two other development sites to the south. The proposal has been assessed and satisfies the design principles of the R-Codes in relation to being consistent with the immediate locality, and future streetscape character.

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

Further Information

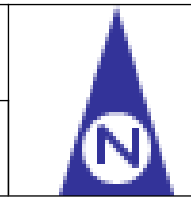
Nil.

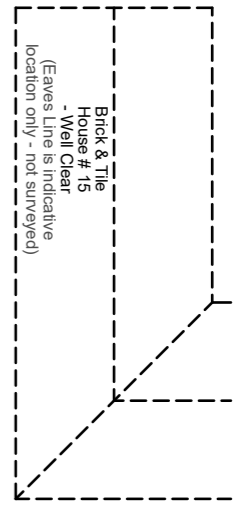
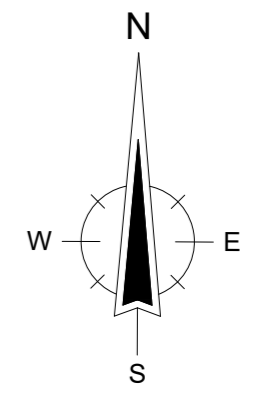
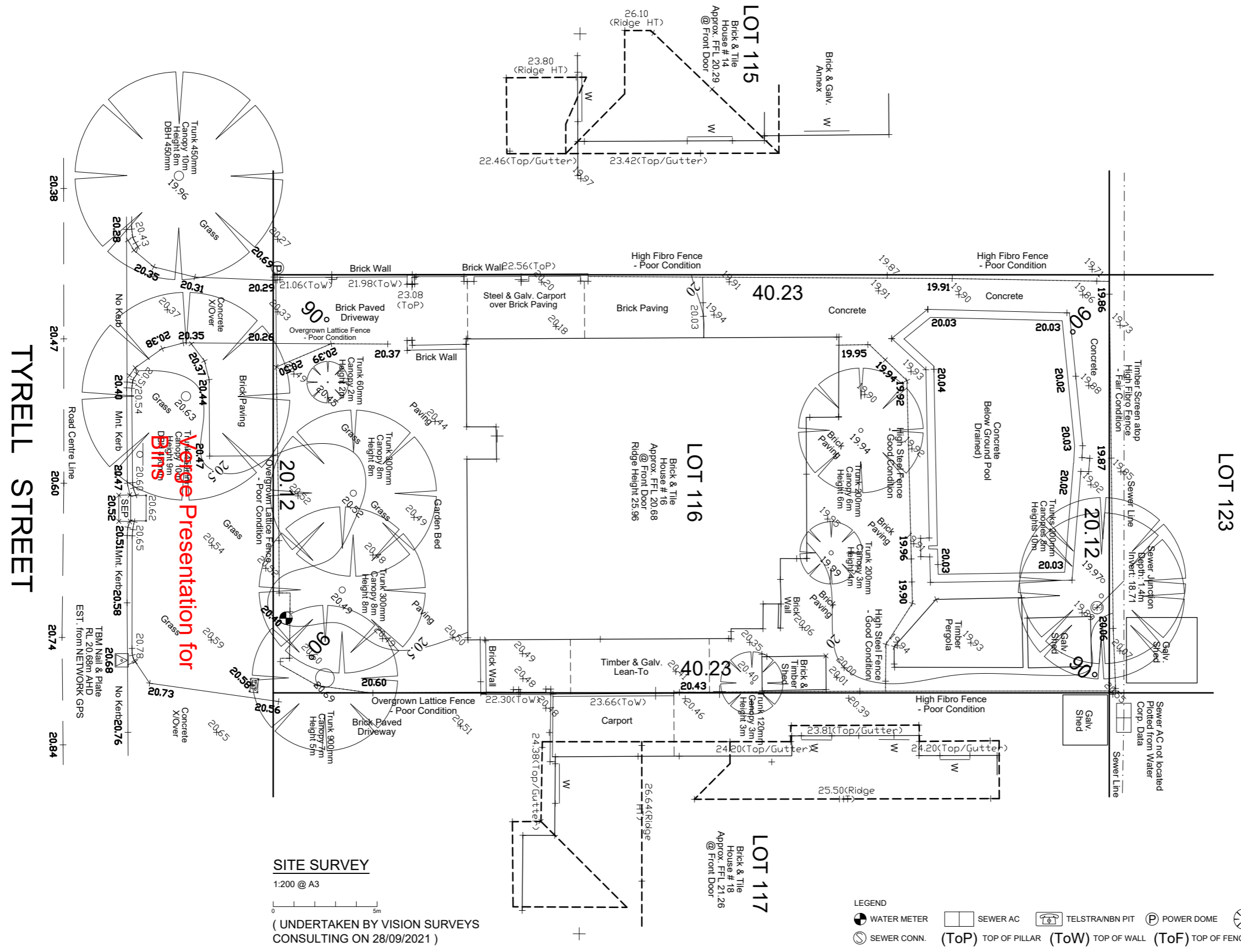




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7/10/2022
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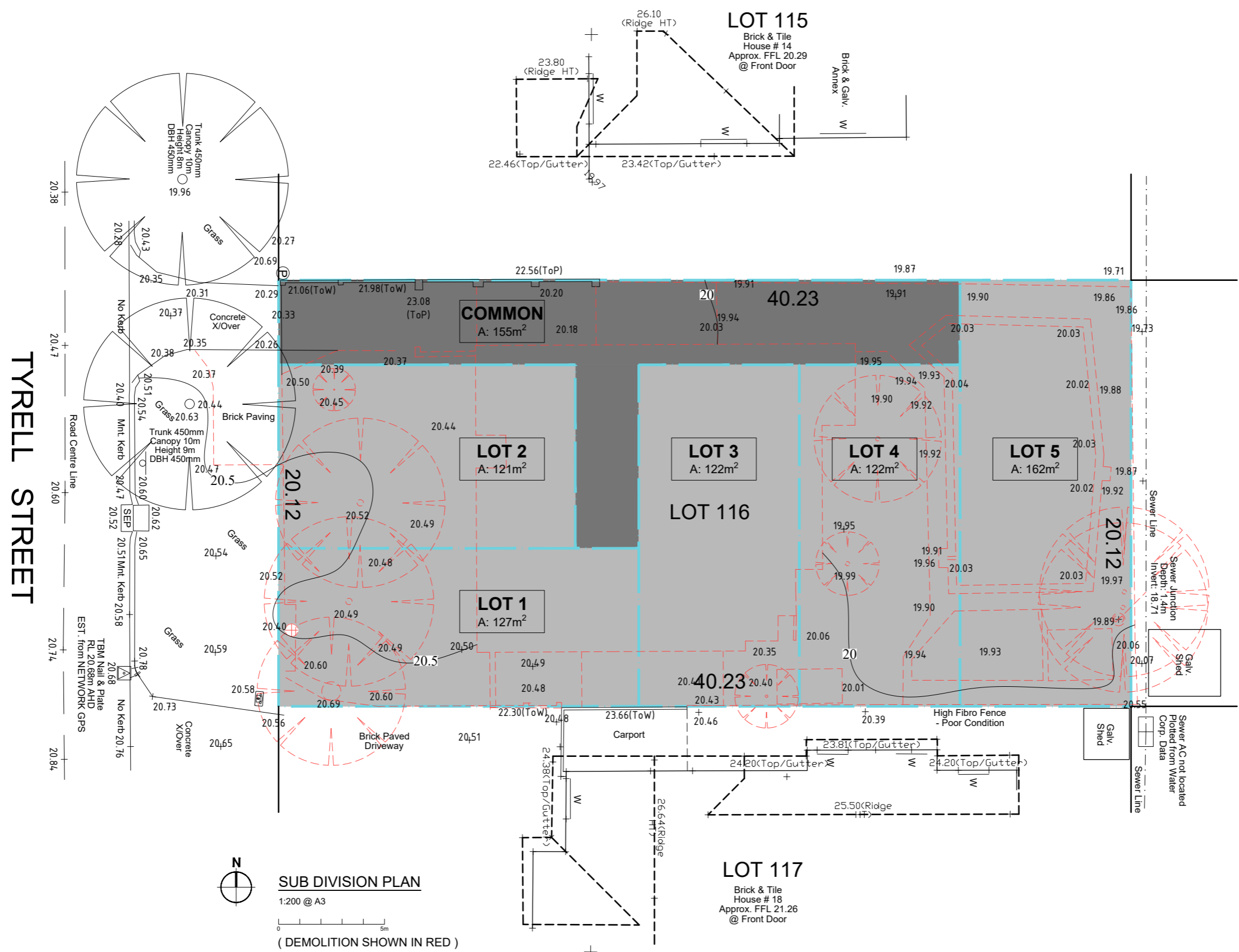




SITE SURVEY
1:200 @ A3

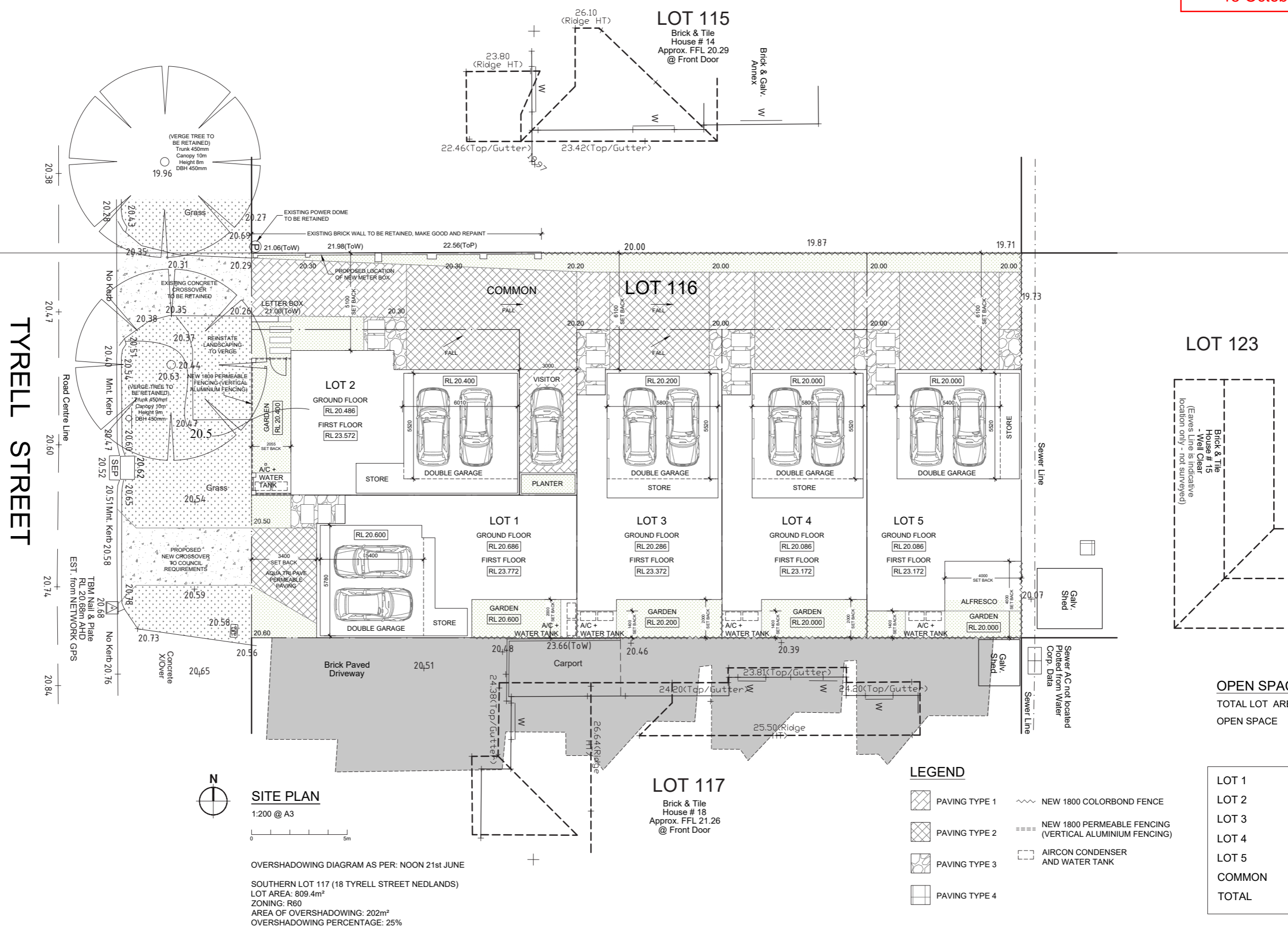
(UNDERTAKEN BY VISION SURVEYS CONSULTING ON 28/09/2021)

- LEGEND**
- WATER METER
 - SEWER AC
 - TELSTRANBN PIT
 - POWER DOME
 - TREE (TO SCALE)
 - WINDOW
 - TEMP. BENCHMARK
 - SEWER CONN.
 - (ToP) TOP OF PILLAR
 - (ToW) TOP OF WALL
 - (ToF) TOP OF FENCE
 - SEP SIDE ENTRY PIT
 - SIGN POLE



SUB DIVISION PLAN
1:200 @ A3
0 5m
(DEMOLITION SHOWN IN RED)

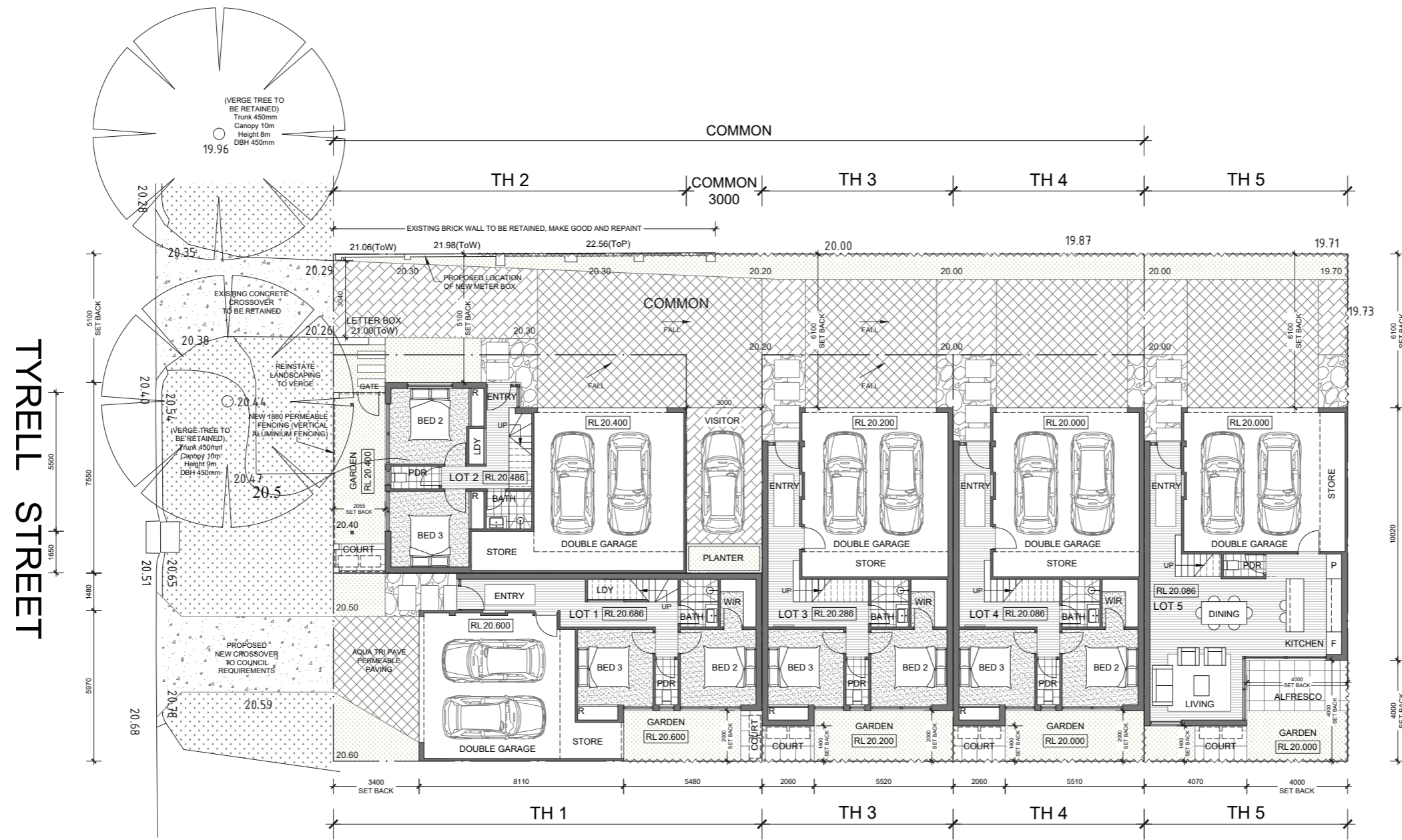
| | |
|--------------|------------------|
| LOT 1 | = 127 sqm |
| LOT 2 | = 121 sqm |
| LOT 3 | = 122 sqm |
| LOT 4 | = 122 sqm |
| LOT 5 | = 162 sqm |
| COMMON | = 155 sqm |
| TOTAL | = 809 sqm |



OPEN SPACE

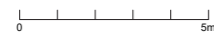
| | |
|----------------|---------------------|
| TOTAL LOT AREA | - 809m ² |
| OPEN SPACE | - 367m ² |
| | = 45% |

| | |
|--------|-----------|
| LOT 1 | = 127 sqm |
| LOT 2 | = 121 sqm |
| LOT 3 | = 122 sqm |
| LOT 4 | = 122 sqm |
| LOT 5 | = 162 sqm |
| COMMON | = 155 sqm |
| TOTAL | = 809 sqm |



GROUND FLOOR PLAN

1:200 @ A3



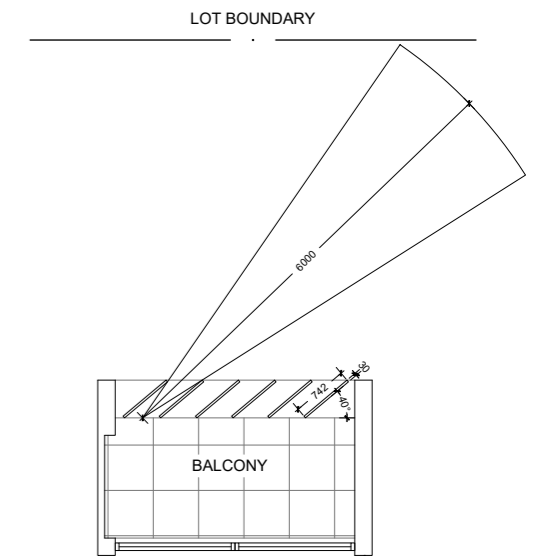
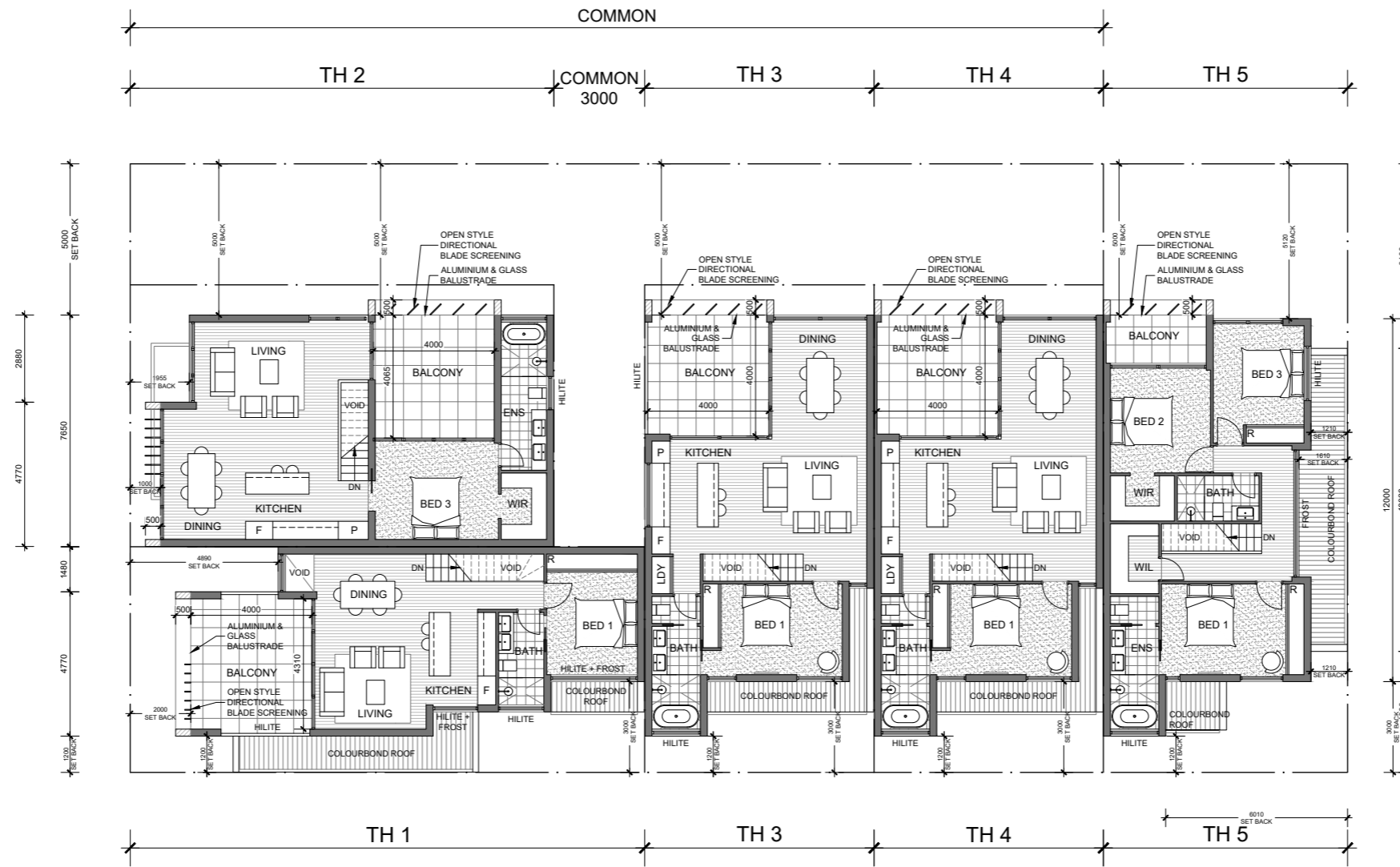
| LOT 1 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 88m ² |
| FIRST FLOOR | = 62m ² |
| TOTAL | = 150m² |
| BALCONY + COUR | = 20m ² |
| GARDEN | = 9m ² |
| TOTAL OUTDOOR LIVING AREA | = 29m² |

| LOT 2 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 85m ² |
| FIRST FLOOR | = 81m ² |
| TOTAL | = 166m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 10m ² |
| TOTAL OUTDOOR LIVING AREA | = 29m² |

| LOT 3 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 90m ² |
| FIRST FLOOR | = 77m ² |
| TOTAL | = 167m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 11m ² |
| TOTAL OUTDOOR LIVING AREA | = 30m² |

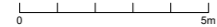
| LOT 4 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 90m ² |
| FIRST FLOOR | = 77m ² |
| TOTAL | = 167m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 11m ² |
| TOTAL OUTDOOR LIVING AREA | = 30m² |

| LOT 5 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 89m ² |
| FIRST FLOOR | = 80m ² |
| TOTAL | = 169m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 6m ² |
| TOTAL OUTDOOR LIVING AREA | = 24m² |



FIRST FLOOR PLAN

1:200 @ A3



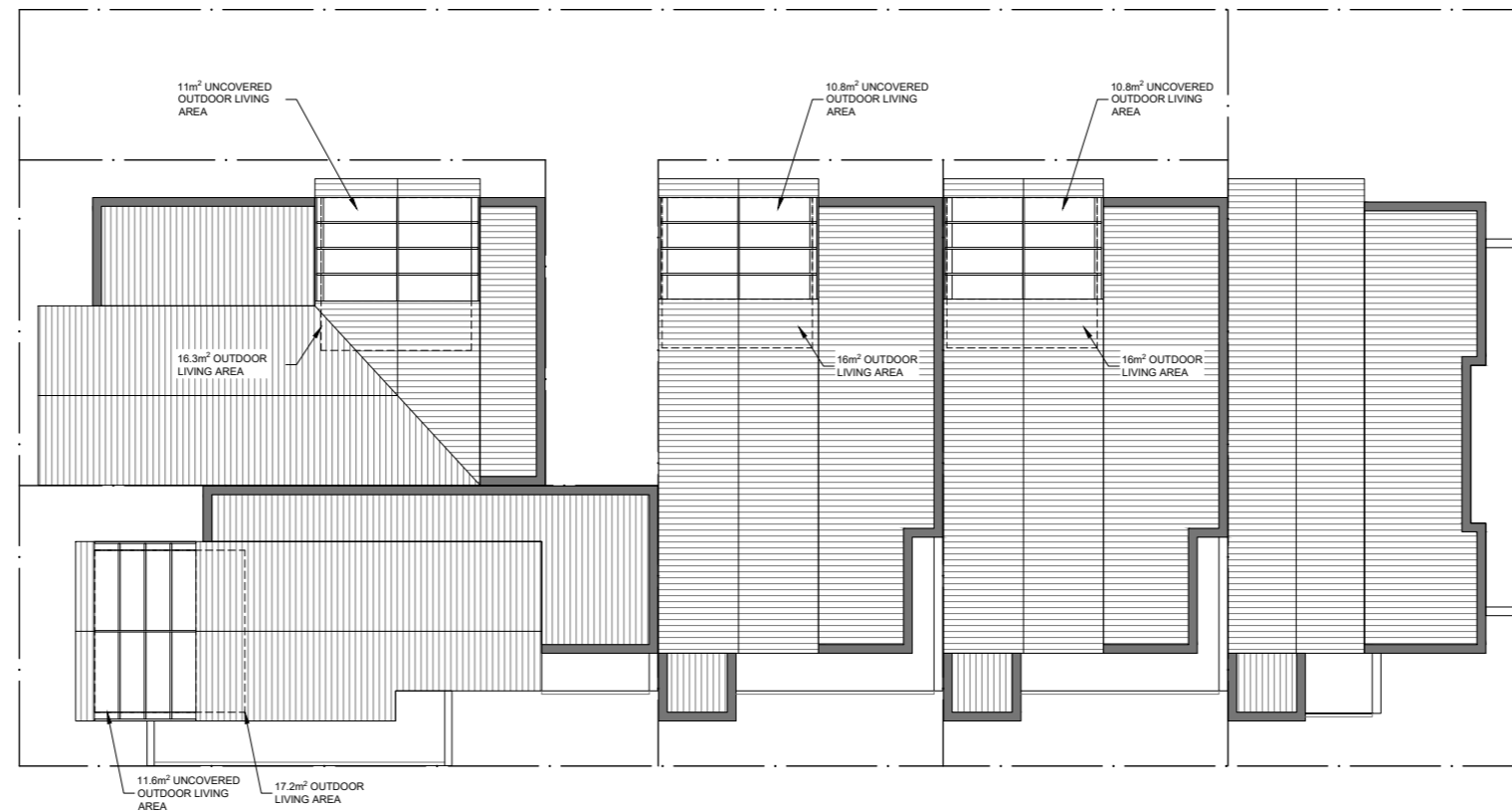
| LOT 1 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 88m ² |
| FIRST FLOOR | = 62m ² |
| TOTAL | = 150m² |
| BALCONY + COUR | = 20m ² |
| GARDEN | = 9m ² |
| TOTAL OUTDOOR LIVING AREA | = 29m² |

| LOT 2 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 85m ² |
| FIRST FLOOR | = 81m ² |
| TOTAL | = 166m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 10m ² |
| TOTAL OUTDOOR LIVING AREA | = 29m² |

| LOT 3 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 90m ² |
| FIRST FLOOR | = 77m ² |
| TOTAL | = 167m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 11m ² |
| TOTAL OUTDOOR LIVING AREA | = 30m² |

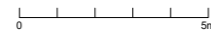
| LOT 4 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 90m ² |
| FIRST FLOOR | = 77m ² |
| TOTAL | = 167m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 11m ² |
| TOTAL OUTDOOR LIVING AREA | = 30m² |

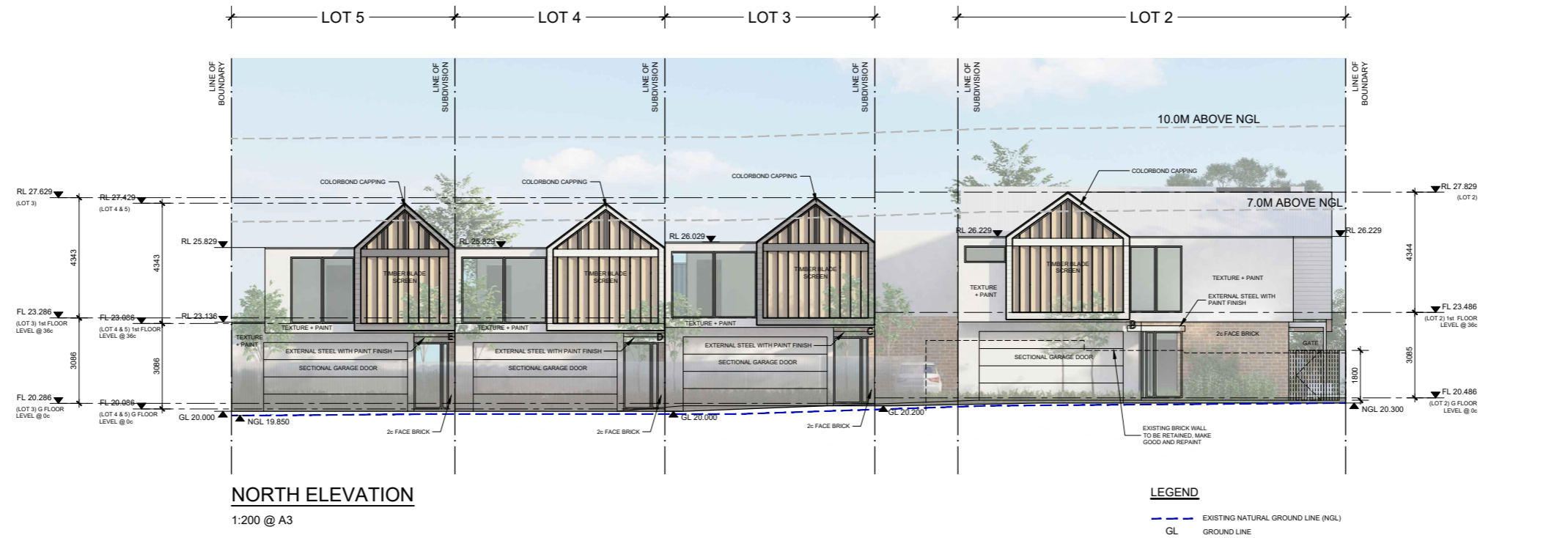
| LOT 5 ARCHITECTURAL AREAS | |
|----------------------------------|---------------------------|
| GROUND FLOOR | = 89m ² |
| FIRST FLOOR | = 80m ² |
| TOTAL | = 169m² |
| BALCONY + COUR | = 19m ² |
| GARDEN | = 6m ² |
| TOTAL OUTDOOR LIVING AREA | = 24m² |

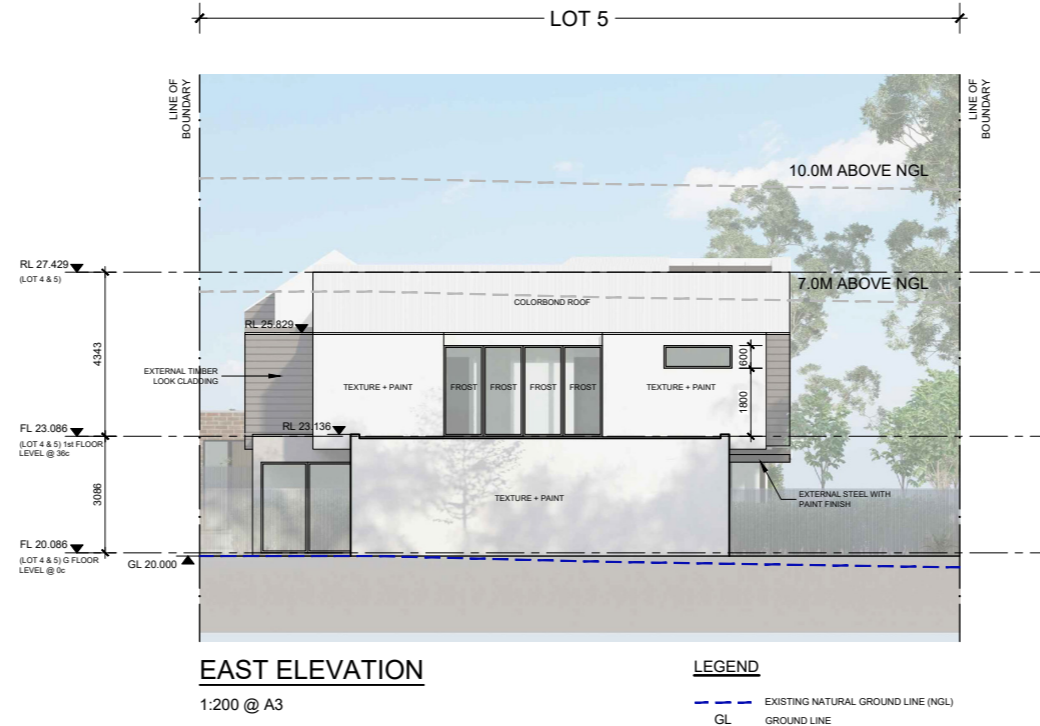
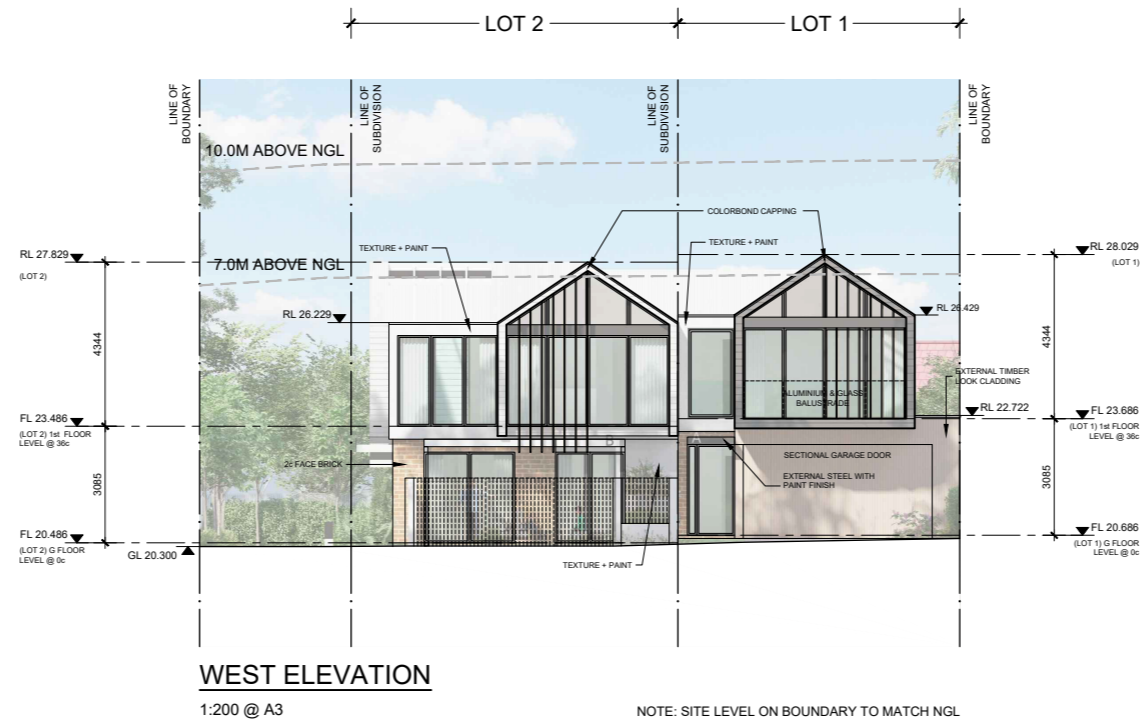


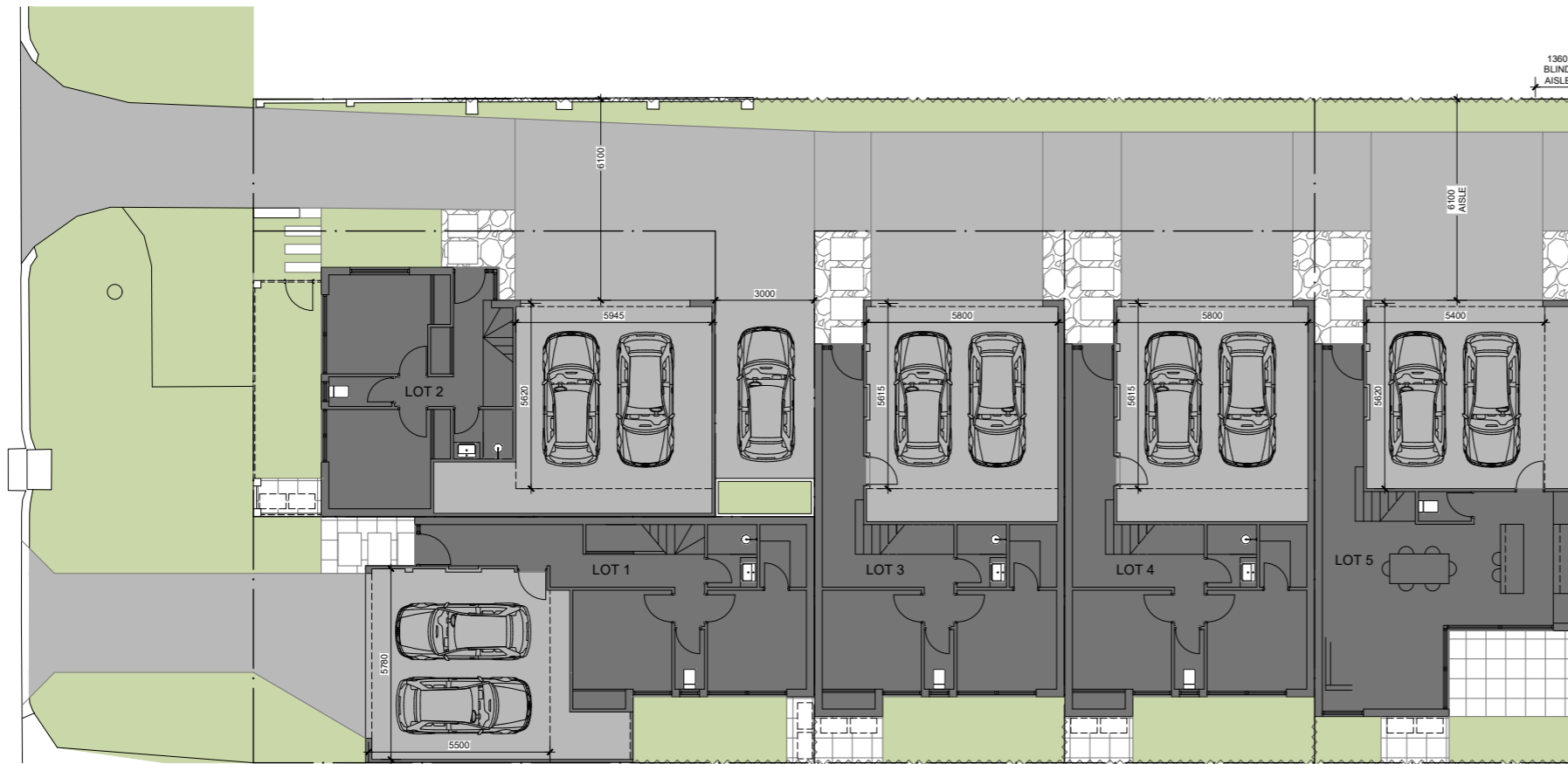
ROOF PLAN

1:200 @ A3



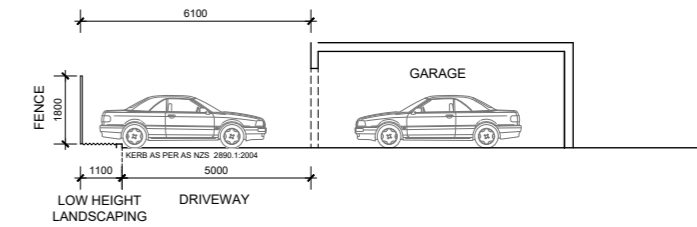
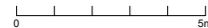






GROUND FLOOR PLAN

1:200 @ A3



DRIVEWAY SECTION

1:200 @ A3

AS/NZS 2890.1:2004 Parking facilities - Off-street car parking

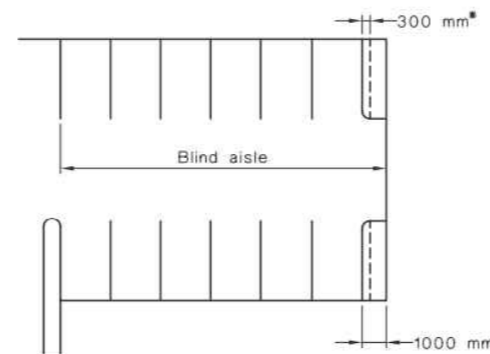
USER CLASS 1A PARKING TYPE

TABLE 1.1
CLASSIFICATION OF OFF-STREET CAR PARKING FACILITIES

| User class | Required door opening | Required aisle width | Examples of uses (Note 1) |
|------------|------------------------|---|--|
| 1A | Front door, first stop | Three-point turn entry and exit into 90° parking spaces only, otherwise as for User Class 1 | Residential, domestic and employee parking |

AISLES REQUIREMENT

(d) *Single-sided aisles* Where there is angle parking on one side of an aisle only and the other side is confined by a wall or other high vertical obstruction closer than 300 mm to the nominal edge of the aisle, to provide manoeuvring clearance, the aisle width shall be increased by 300 mm, measured to the vertical obstruction.

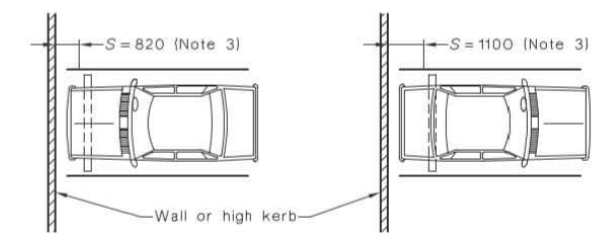


*Additional widening required if there is a wall or fence at the side of the last space, see Clause 2.4.1(b)(ii).

DIMENSIONS IN MILLIMETRES

FIGURE 2.3 BLIND AISLE EXTENSION

WHEEL STOP DISTANCES



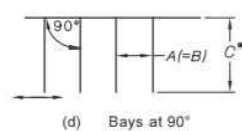
(c) Front into high kerb or wall (d) Rear into high kerb or wall

S = wheel stop distance (measured to point of contact with vehicle tyre).

NOTES:

- 1 Wheel stop distances shown in this Figure are for 100 mm high wheel stops (see also Table 2.1).
- 2 Wheel stop distances are set for the B85 vehicle. Some kerb overlap may occur if either a longer vehicle or, in the case of Figure 2.6(a), an occasional reverse-in vehicle, uses the space.
- 3 Wheel stop distances are set to allow 200 mm clearance to the wall for the B85 vehicle. The clearance will be almost zero for the B99 vehicle.

DIMENSION OF CLASS 1A PARKING SPACE



| User class (Note 1) | A (Note 3) | B | C ₁ | C ₂ | C ₃ | Aisle width (Note 4) |
|---------------------|--------------|-----|----------------|----------------|----------------|----------------------|
| 1 | 2.4 | 2.4 | 5.4 | 4.8 | 5.4 | 6.2 |
| 1A | 2.4 | 2.4 | 5.4 | 4.8 | 5.4 | 5.8 |
| 2 | 2.5 | 2.5 | 5.4 | 4.8 | 5.4 | 5.8 |
| 3 | 2.6 | 2.6 | 5.4 | 4.8 | 5.4 | 5.8 |
| 3A | 2.6 | 2.6 | 5.4 | 4.8 | 5.4 | 6.6 |
| 3A | 2.7 | 2.7 | 5.4 | 4.8 | 5.4 | 6.2 |
| 4 | (See Note 5) | | | | | |

*Dimension C is selected as follows (see Note 6):

- C1—where parking is to a wall or high kerb not allowing any overhang.
- C2—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).
- C3—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

GENERAL NOTES:
 1. THIS IS A CONCEPT PLAN ONLY.
 2. ALL STRUCTURES SUBJECT TO ENGINEERING AND COUNCIL APPROVAL.
 3. ALL MEASUREMENTS TO BE CHECKED PRIOR TO CONSTRUCTION.



LANDSCAPE AREA CALCULATIONS
 SITE REQUIREMENTS (ISPP 7.3 Vol 2)
 Property size between 700-1000m² = 10% DSA and 2 medium trees
DEEP SOIL AREAS (DSA)
 Total = 107.3m² (13.3% of site)
CANOPY COVER
 Proposed Medium Trees (6m canopy) x 4 = 113.2m²
 Proposed Small Trees (5m canopy) x 3 = 58.8m²
 Proposed Small Trees (4m canopy) x 4 = 50.4m²
 Total Canopy Cover = 222.4m² (27.5%)

| REV | DATE | DWN | APP | DESCRIPTION |
|-----|----------|-----|-----|------------------------|
| A | 01.06.22 | KD | KD | LANDSCAPE PLAN |
| B | 23.09.22 | KD | KD | UPDATED LANDSCAPE PLAN |
| C | 06.10.22 | KD | KD | REVISED NOTATION |

LEGEND

TREES

- SELECTED SMALL TREES 4m CANOPY
EG. NATIVE FRANGIPANI
- SELECTED SMALL TREES 5m CANOPY
EG. CREPE MYRTLE / CORAL GUM
- SELECTED MEDIUM TREES 6m CANOPY
EG. TUCKEROO

FEATURE PLANTS

- SELECTED FEATURE PLANTING
EG. DRACAENA, AGAVES

PLANTING

- PLANTING TYPE 01 GROUNDCOVER
- PLANTING TYPE 02 SHRUBS
- PLANTING TYPE 03 STAPPY
- SELECTED LAWN SPECIES
SOFT LEAF BUFFALO
- DEEP SOIL AREAS (DSA)

HARDSCAPES

- PERMEABLE PAVING
EG. AQUA TRI-PAVE PEWTER
- PERMEABLE PAVING
EG. AQUA TRI-PAVE CHARCOAL

PLANTING PALETTE

| Symbol | Species | Common Name | Spacing | Size |
|---------------------------------|-----------------------------------|--------------------------|------------------|-------|
| CUPana | Cupaniopsis anacardioides | Tuckeroo | As Shown | 100L |
| EUCor | Eucalyptus forrestiana | Fuchsia Gum | As Shown | 100L |
| EUCvic | Eucalyptus viminalis | Little Ghost Gum | As Shown | 100L |
| HYMfla | Hymenoporus flavum | Native Frangipani | As Shown | 100L |
| LAGind | Lagerstroemia indica | Crepe Myrtle | As Shown | 100L |
| SAPseb | Sapium sebifera | Chinese Tallow | As Shown | 100L |
| Shrubs and Groundcovers: | | | | |
| ADECun | Adiantum punctatum | Coral Carpet | 3/m ² | 140mm |
| AJLrep | Ajuga reptans | Burgle weed | 3/m ² | 140mm |
| DIABla | Dianella tasmanica 'Emerald Arch' | Emerald Arch | 3/m ² | 140mm |
| DIABla | Dianella tasmanica 'Blaze' | Blaze | 3/m ² | 140mm |
| DICrep | Dichondra repens | Kidney Weed | 3/m ² | 140mm |
| EREblu | Eremophila 'Blue Horizon' | Blue Horizon | 3/m ² | 140mm |
| GREgin | Grevillea 'Gin Gin Gem' | Gin Gin Gem | 3/m ² | 140mm |
| HEMpun | Hemandra pungens | Snake Bush | 3/m ² | 140mm |
| LAUnob | Lauris nobilis | Bay Tree | 3/m ² | 140mm |
| LEUBro | Leucophylla brownii | Silver Cushion Bush | 3/m ² | 140mm |
| LIRisa | Liriope muscari 'Isabella' | Isabella | 3/m ² | 140mm |
| LIRsus | Liriope muscari 'Just Right' | Just Right | 3/m ² | 140mm |
| LOMTan | Lomandra 'Tanika' | Tanika | 3/m ² | 200mm |
| PHIXan | Philodendron xanadu | Xanadu | 3/m ² | 200mm |
| PIMfer | Pimelea ferruginea | Rice Flower | 3/m ² | 200mm |
| PITmis | Pitiosporum tobira 'Miss Muffet' | Miss Muffet | 3/m ² | 140mm |
| MYOpar | Myoporum parvifolium 'Yareena' | Yareena | 3/m ² | 140mm |
| MURpan | Murraya paniculata | Orange Jasmine | 3/m ² | 200mm |
| RHAori | Rhapilepis 'Oriental Pearl' | Dwarf Indian Hawthorn | 3/m ² | 200mm |
| SARtri | Sarcocolla trifasciata laurentii | Mother-in-law's Tongue | 3/m ² | 200mm |
| SGAhum | Scaevola humilis 'Purple Fusion' | Fan Flower | 3/m ² | 140mm |
| SYZora | Syzygium 'Orange Twist' | Orange Twist Lilly Pilly | 3/m ² | 200mm |
| TRAjas | Trachelospermum jasminoides | Star Jasmine | 3/m ² | 140mm |
| WESaus | Westringia 'Aussie Box' | Aussie Box | 3/m ² | 200mm |
| WESgre | Westringia 'Grey Box' | Grey Box | 3/m ² | 200mm |
| Feature Plants: | | | | |
| AGAatt | Agave attenuata | Foxtail | As shown | 12L |
| CLImn | Clivia miniata | Bush Lily | As shown | 12L |
| CYCrev | Cycad revoluta | Cycad | As shown | 30L |
| DRAmar | Dracaena marginata | Dragon Tree | As shown | 30L |
| STRreg | Streptozia reginae | Bird of Paradise | As shown | 12L |
| ZAMzam | Zamiaoulias zamifolia | ZZ Plant | As shown | 12L |

PLANTING IMAGES



NOTES

- LANDSCAPE WORKS**
 - ALL AREAS ARE TO BE FINE GRADED EVENLY TO CONFORM TO KERB LEVELS AND SURROUNDING FINISHES.
 - SURFACES SHALL BE FREE FROM DEPRESSIONS, IRREGULARITIES AND NOTICEABLE CHANGES IN GRADE. GENERALLY, GRADES SHALL DEVIATE IN LEVEL NO GREATER THAN 20mm IN ONE LINEAR METRE.
- SOIL PREPARATION**
 - PLANTED AREAS SHALL BE SPREAD WITH MIN. 50mm OF APPROVED STANDARD SOIL CONDITIONER THAT SHALL BE RIPPED INTO EXISTING SOIL TO A MIN. DEPTH OF 200mm.
 - TURF AREAS SHALL BE EVENLY SPREAD WITH MIN. 30mm OF APPROVED STANDARD SOIL CONDITIONER THAT SHALL BE RIPPED INTO EXISTING SITE SOIL TO A DEPTH OF 100mm.
- PLANTING**
 - PLANTED AREAS SHALL BE MULCHED WITH AN ORGANIC MULCH UNLESS OTHERWISE STATED TO A MINIMUM DEPTH OF 70mm.
 - ADVANCED TREES SHALL BE STAKED W/ 50x50mm DIA HARDWOOD POSTS. POSTS SHALL BE PAINTED BLACK AND INSTALLED TO A MIN DEPTH OF 500mm. TREES SHALL BE SECURED TO POLES W/ RUBBER TIES IN FIGURE 8.
 - TREE LOCATIONS ARE AS SHOWN - REFER TO LEGEND.
 - SHRUBS OVER 500mm ARE NOT TO BE PLANTED ON VERGE AREAS (SIGHT LINES).
 - SHRUBS & GROUNDCOVERS IN MIXED PLANTING AREAS ARE TO BE PLANTED AT RANDOM IN GROUPINGS OF 2 OR 3.
 - FINAL PLANTING SELECTION TO BE CHOSEN FROM PLANTING PALETTE SCHEDULE.
 - TREES TO BE SET OUT IN EVEN SPACINGS TO FILL THE DESIGNATED AREAS.
- IRRIGATION**
 - ALL PLANTING AND TURF AREAS TO BE IRRIGATED VIA A FULLY AUTOMATIC SYSTEM FROM MAINS.
 - IRRIGATION TO COURTYARDS TO BE IRRIGATED VIA DIGITAL TAP TIMER (INDIVIDUAL CONNECTION POINTS TO BE PROVIDED).
 - SLEEVES BENEATH PAVED SURFACES AND TO RAISED PLANTING AREAS TO BE PROVIDED BY OTHERS.
 - IRRIGATION TO GARDEN BEDS TO BE NETAFIM TECHNIQUE, SUB SURFACE IRRIGATION. INSTALLED TO MANUFACTURERS SPECIFICATION. IRRIGATION TO TURF TO BE POP UP SPRINKLERS, MP ROTATORS OR SIMILAR. IRRIGATION TO TREES TO BE BUBBLERS, TORO FLOOD BUBBLERS OR SIMILAR.
 - WATER PRESSURE TO HAVE A MINIMUM FLOW RATE OF 30L/PM AT 300KPA FROM THE WATER CONNECTION POINT.
 - IRRIGATION SYSTEM SHALL BE DUAL PROGRAM TO ALLOW TURF AND PLANTING AREAS TO BE WATERED SEPARATELY.
- GENERAL**
 - THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS REVISED 'V' ISSUED FOR CONSTRUCTION AND SIGNED AND APPROVED BY PROJECT MANAGER/SUPERINTENDENT.



kelsie davies
 landscape architecture

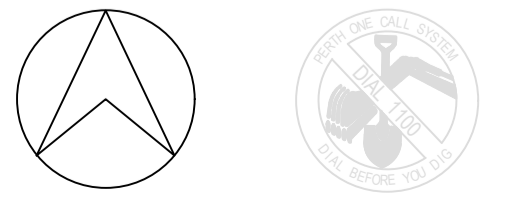
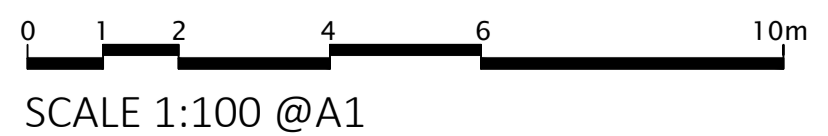
DEVELOPMENT APPROVAL

Innaloo WA 6018
 mob: 0450 965 569
 email: kelsie@kdla.com.au

JOB No. 0191

PAGE 101

REV C



TYRELL STREET TOWNHOUSES
 LANDSCAPE CONCEPT PLAN

HIU LING LAM
 16 TYRELL STREET, NEDLANDS



Image is artist's impression only – some materials, colours and landscaping may change.


Vision surveys
CONSULTING

16 TYRELL STREET, NEDLANDS - 15/09/2022 - DA

PROEKT
ARCHITECTURE



Image is artist's impression only – some materials, colours and landscaping may change.



16 TYRELL STREET, NEDLANDS - 15/09/2022 - DA

PROEKT
ARCHITECTURE



Image is artist's impression only – some materials, colours and landscaping may change.


Vision surveys
CONSULTING

16 TYRELL STREET, NEDLANDS - 15/09/2022 - DA

PROEKT
ARCHITECTURE

| Submission | Times Raised | Administration Response | Required Action |
|---|--------------|---|---|
| Information not provided in accordance with the City of Nedlands Development Application Form 1 and Checklist | 10 | The information listed within the Development Application Form 1 and Checklist which is to be provided for application lodgement is listed to ensure that City Officers have the relevant information to complete an accurate assessment of the proposal. It is at the discretion of City staff as to whether the relevant information has been provided to facilitate lodgement and assessment. Should additional information be required during the assessment period, this will be requested by City Officers at their discretion. | <p>Additional information requested:</p> <ol style="list-style-type: none"> 1. Landscaping plan showing planning location, species and pot size at time of installation. 2. Waste management statement requested. <p>Revised landscaping plan has been received demonstrating the development satisfies the deemed-to-comply provisions for landscaping.</p> <p>Waste management statement provided, demonstrating compliance with the City's Waste Management Local Planning Policy.</p> |
| Plans provided at 1:200 scale not 1:100 scale | 10 | The plans are clear and to scale allowing an accurate assessment to be completed | No action required. |
| <p>Lot Boundary Setbacks No concession for lot boundary setbacks should be supported</p> | 10 | The development is seeking a design principle assessment pathway. | Where relevant, an assessment of the development against the design principles has been completed. |

| | | | |
|---|----|--|--|
| Vehicle Access Multiple crossovers should not be supported. All access should be achieved from a single access point. | 11 | The development is seeking a design principle assessment pathway. | Where relevant, an assessment of the development against the design principles has been completed. |
| Visitor Parking Insufficient visitor parking has been provided | 12 | The development satisfies the deemed-to-comply provisions for visitor parking | No action required. |
| Traffic The development will create additional traffic and demand for street parking | 12 | The development satisfies the deemed-to-comply provisions for parking. | The development is consistent with the site's density code and expected development typology. No cation required. |
| Visual Privacy The development includes too much glass which overlooks neighbouring properties. | 9 | The development satisfies the deemed-to-comply provisions for visual privacy. | No action required. |
| Building Scale and Bulk The development is too large and occupies too much of the site | 10 | The development satisfies the deemed-to-comply provisions for height, open space and lot areas having regard to the site's R60 coding. | Where relevant an assessment against the design principles has been completed. |
| Landscaping Insufficient landscaping has been provided | 12 | The development is seeking discretion for landscaping of the front setback area. | Additional information requested. 1. Additional landscaping has been requested for the front setback area. Revised landscaping plan has been received demonstrating the development satisfies the deemed-to-comply provisions for landscaping. |
| Waste Management Units do not show bin stores or bin collection areas. | 9 | Bin stores and bin presentation area requested to be shown on plans. | Additional information requested: 1. Location of bin stores for each unit |

| | | | |
|--------------------------------|---|-------------------------|---|
| | | | <p>2. Location and area for bin presentation to verge.</p> <p>Additional information provided within floor plans and site plan.</p> |
| Support the Development | 1 | Letter of support noted | No action required |

16.2 PD74.11.22 Consideration of Development Application – Four Multiple Dwellings at 5A & 5B Alexander Road, Dalkeith

| | |
|---|--|
| Meeting & Date | Council Meeting – 22 November 2022 |
| Applicant | B Brackenridge |
| 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 | Roy Winslow – Manager Urban Planning |
| Director | Tony Free – Director Planning and Development |
| Attachments | 1. Aerial Image and Zoning Map 2. Development Plans 3. R-Codes Volume 2 Assessment 4. CONFIDENTIAL ATTACHMENT - Submissions |

Purpose

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

Recommendation

That Council, in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 13 September 2022 for four multiple dwellings at 5A and 5B Alexander Road, Dalkeith, subject to the following conditions:

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

Engineering and Design

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

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

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

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

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

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

Landscaping

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

10. Prior to occupation, all communal and private open space areas with landscaping shall include a tap connected to an adequate water supply for the purpose of irrigation.
11. One (1) street tree shall be planted prior to occupation in the Alexander Road verge area to the specification and satisfaction of the City of Nedlands.

Acoustics and Sustainability

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

Waste

14. The development shall comply with the approved Waste Management Plan prepared by Instant Waste Management date stamped 21 April 2022 to the satisfaction of the City of Nedlands. Any modification to the approved Waste Management Plan will require further approval by the City.
15. Prior to occupation of the development, all car parking bays and visitor bicycle bays are to be clearly line marked, drained and with visitor car parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
16. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
17. Prior to occupation, all bicycle racks shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.

Screening and Lighting

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

Voting Requirement

Simple Majority.

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

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

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

Background

Land Details

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

The site is comprised of two lots, 5A and 5B Alexander Road, Dalkeith, 130m west of the Dalkeith Village Shopping Centre. The site is rectangular, has a 20m frontage and a total area of 948m². The site has dual street access from Alexander Road to the east and Shrike Lane to the west. The site has an approximate fall of 0.5m from north to south. The site is currently vacant.

Background

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

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

Application Details

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

Discussion

Assessment of Statutory Provisions

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

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

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

Local Planning Scheme No. 3

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

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

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

Element 2.3 – Street setbacks

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

- The upper floor setback is comparable to the setback of a single house in the R40 code. For R40 areas, the R-Codes Volume 1 establishes a deemed-to-comply primary street

setback of 4m for single houses, with balconies able to be setback 2m as a deemed-to-comply outcome. The proposed building achieves these setbacks and would qualify as deemed-to-comply if it were a single house.

- The balcony projecting forward of the main building line achieves a desirable balance between privacy and street surveillance as the internal living spaces are setback sufficiently and partially screened while the balcony provides an uninterrupted visual outlook to the street.

Element 2.4 – Side and rear setbacks

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

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

Element 2.5 – Plot ratio

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

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

Element 3.2 – Orientation

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

- The built form design maximises the ability for light to penetrate habitable rooms through significant articulation of the northern wall and windows to the majority of rooms which permit northern light.
- Overshadowing to the alfresco area and family room of the adjoining house at 7A Alexander Road is minimal and for the majority of the year these rooms will be almost completely unaffected by overshadowing.
- Overshadowing of the dining room has been reasonably minimised as it would be impractical to design a development that completely avoids overshadowing of any adjoining major openings while still providing a functional, legible lift and services core as well as an adequate outdoor living space or internal living area for the upper floor units.

Sustainability

The following sustainability initiatives are incorporated in the development:

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

Design Review Panel

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

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

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

Context and Character

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

Landscape Quality

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

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

Built Form and Scale

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

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

Amenity

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

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

Legibility

The design is intuitive and easy to navigate as:

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

Safety

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

Aesthetics

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

Consultation

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

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

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

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

| Issue Raised | Officer Comments |
|--|---|
| Traffic Increased traffic congestion | The Traffic Impact Statement accompanying the proposal states that the development will generate 3.2 vehicle trips during peak times. This is an amount of traffic that is consistent with and expected for the scale of the development and the site's density coding. |
| Parking Visitor parking is inadequate and should be directly | The development meets the Acceptable Outcomes in relation to parking by providing two bays for every unit and one visitor bay. An additional parking bay at ground level would result in an |

| | |
|--|--|
| accessible from the primary street | unnecessary increase in paved surface and reduce the amount of landscaping on site. |
| Overshadowing The development will overshadow neighbouring properties. | The bulk, scale and height of the development is appropriate as it results in overshadowing that is commensurate with that of a two storey single house. |
| Plot ratio Plot ratio should comply | The plot ratio achieves the Element Objective as the development is not considered to detrimentally impact other adjoining properties in terms of overshadowing, visual privacy or building bulk due to the building's two storey height, articulated wall lengths and typical side boundary setbacks. |

Strategic Implications

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

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

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

Priority Area Urban form - protecting our quality living environment

Budget/Financial Implications

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)).

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

Decision Implications

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

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

Conclusion

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

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

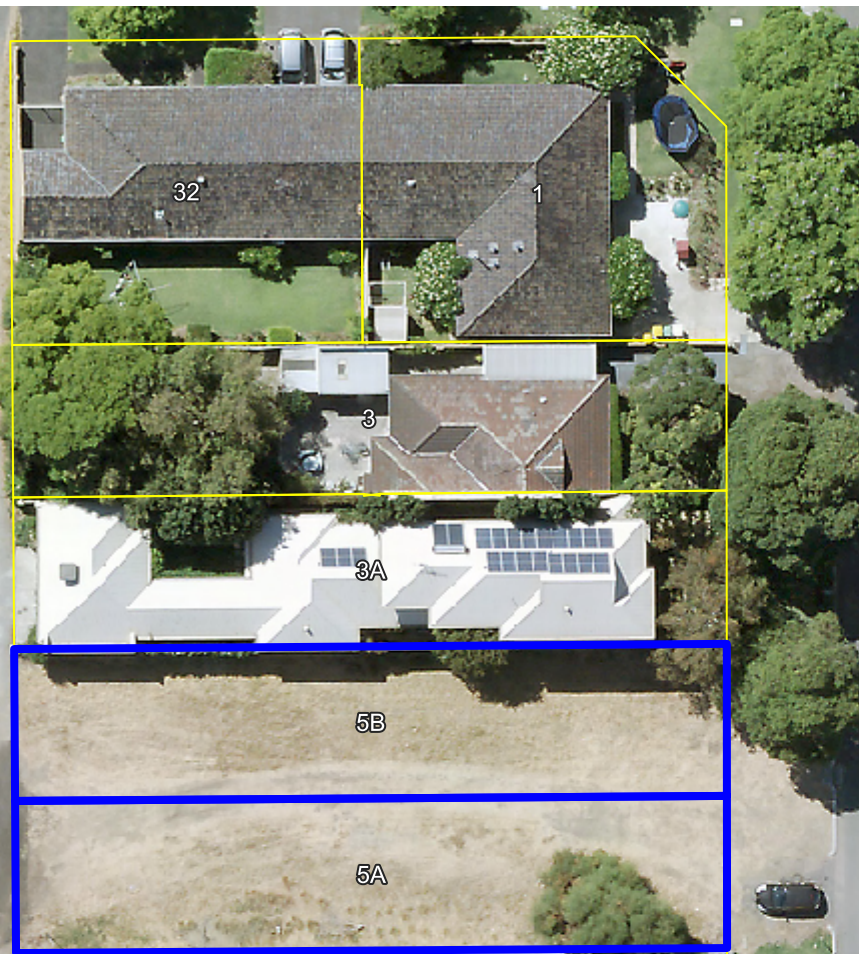
Further Information

Nil.



Gerygone Lane

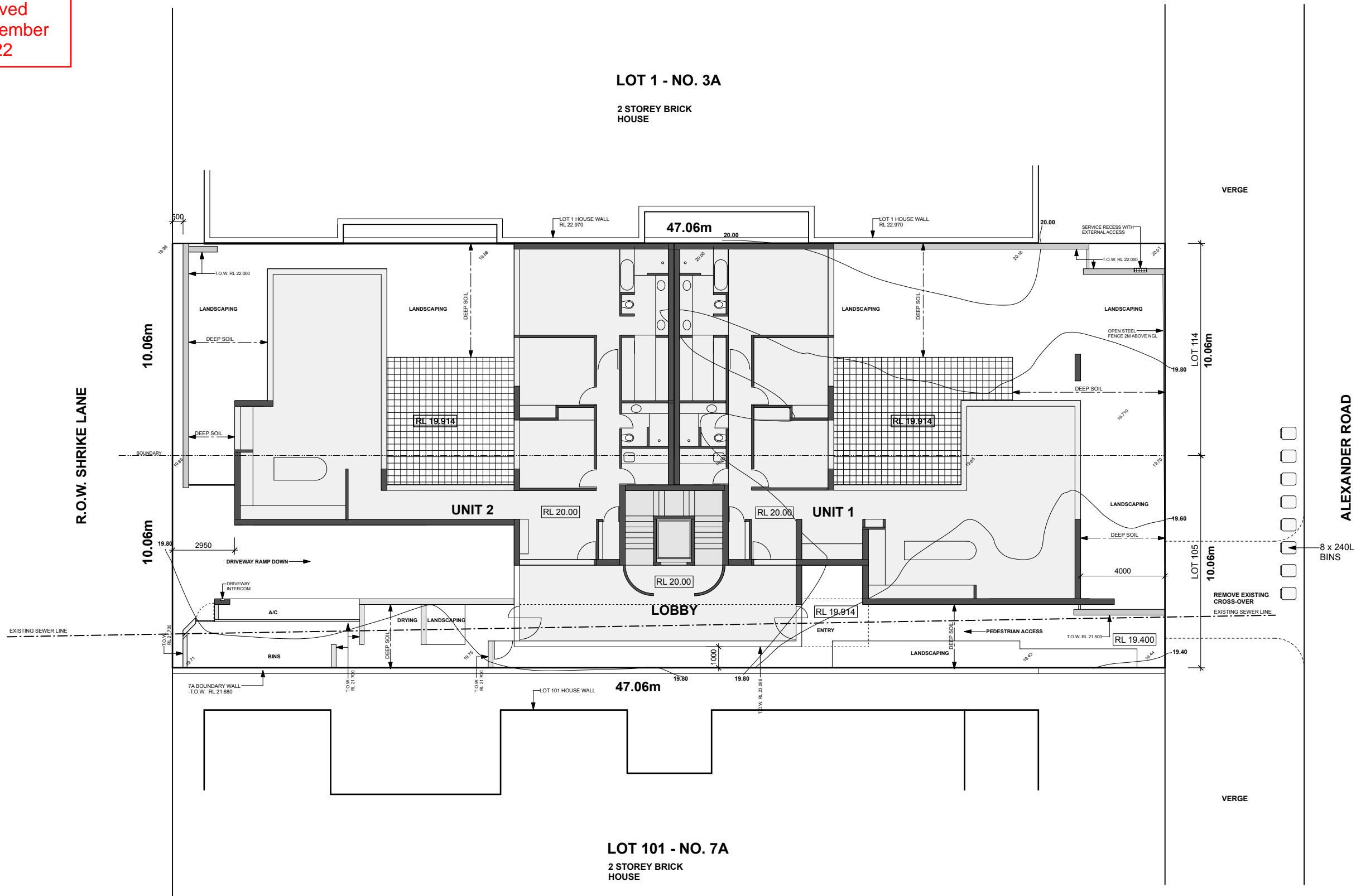
Shrike Lane



Alexander Rd



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OPEN SPACE CALCULATION

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

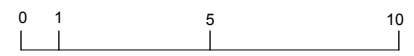
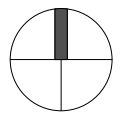
DEEP SOIL CALCULATION

| | |
|--|--------------------|
| TOTAL SITE AREA | 947 m ² |
| TOTAL AREA DEEP SOIL | 234 m ² |
| PERCENTAGE DEEPSOIL AREA (234/947 X 100) | = 25% |

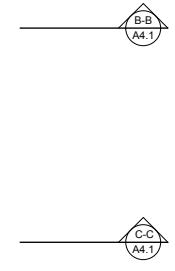
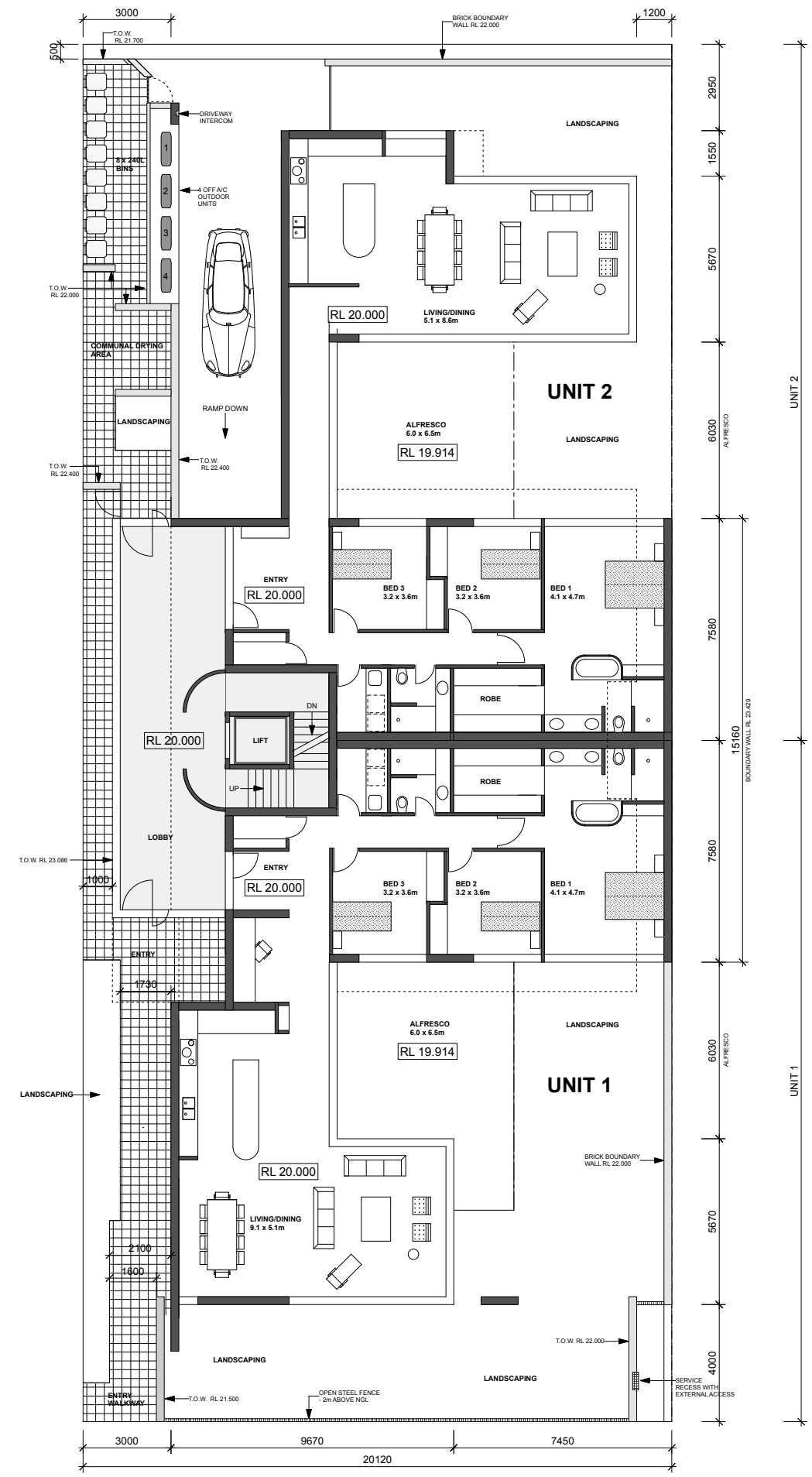
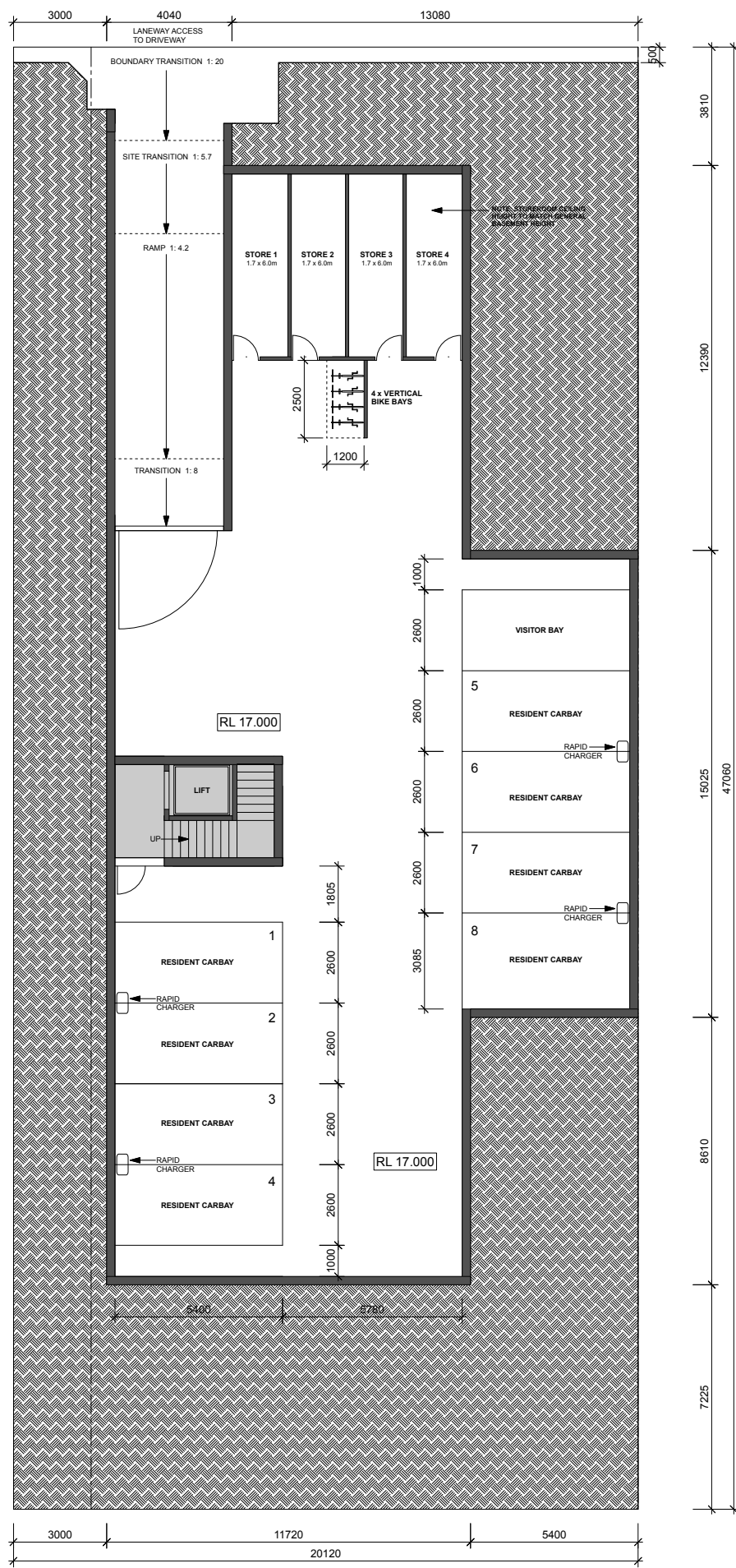
PLOT RATIO

| | |
|-------------------|--------------------|
| TOTAL SITE AREA | 947 m ² |
| UNIT 1 | 189 m ² |
| UNIT 2 | 199 m ² |
| UNIT 3 | 182 m ² |
| UNIT 4 | 182 m ² |
| TOTAL AREA | 752 m ² |
| PLOT RATIO = 0.79 | |

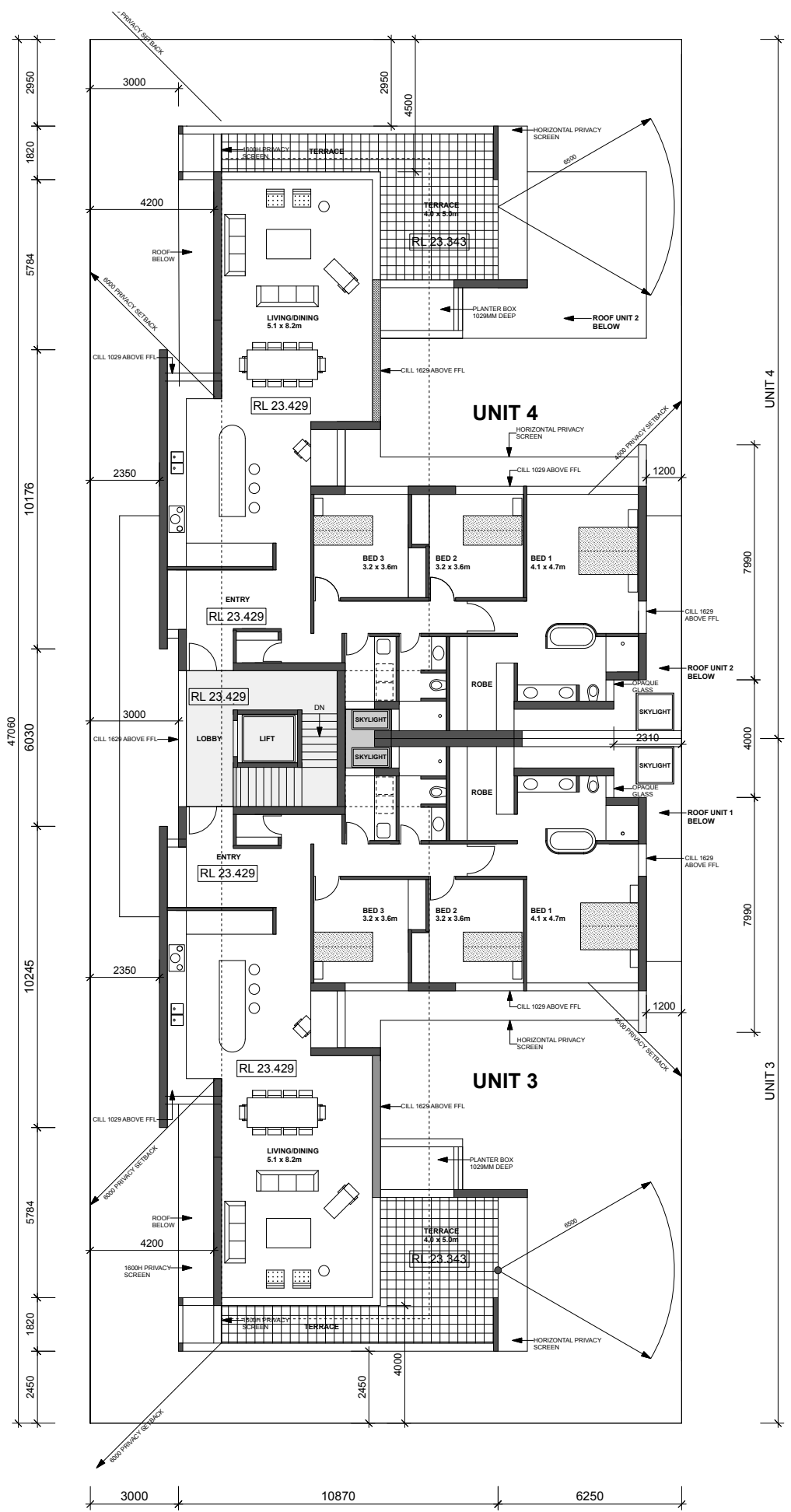
SITE PLAN 1:100
- AMALGAMATION OF LOTS 105 & 114 ALEXANDER ROAD



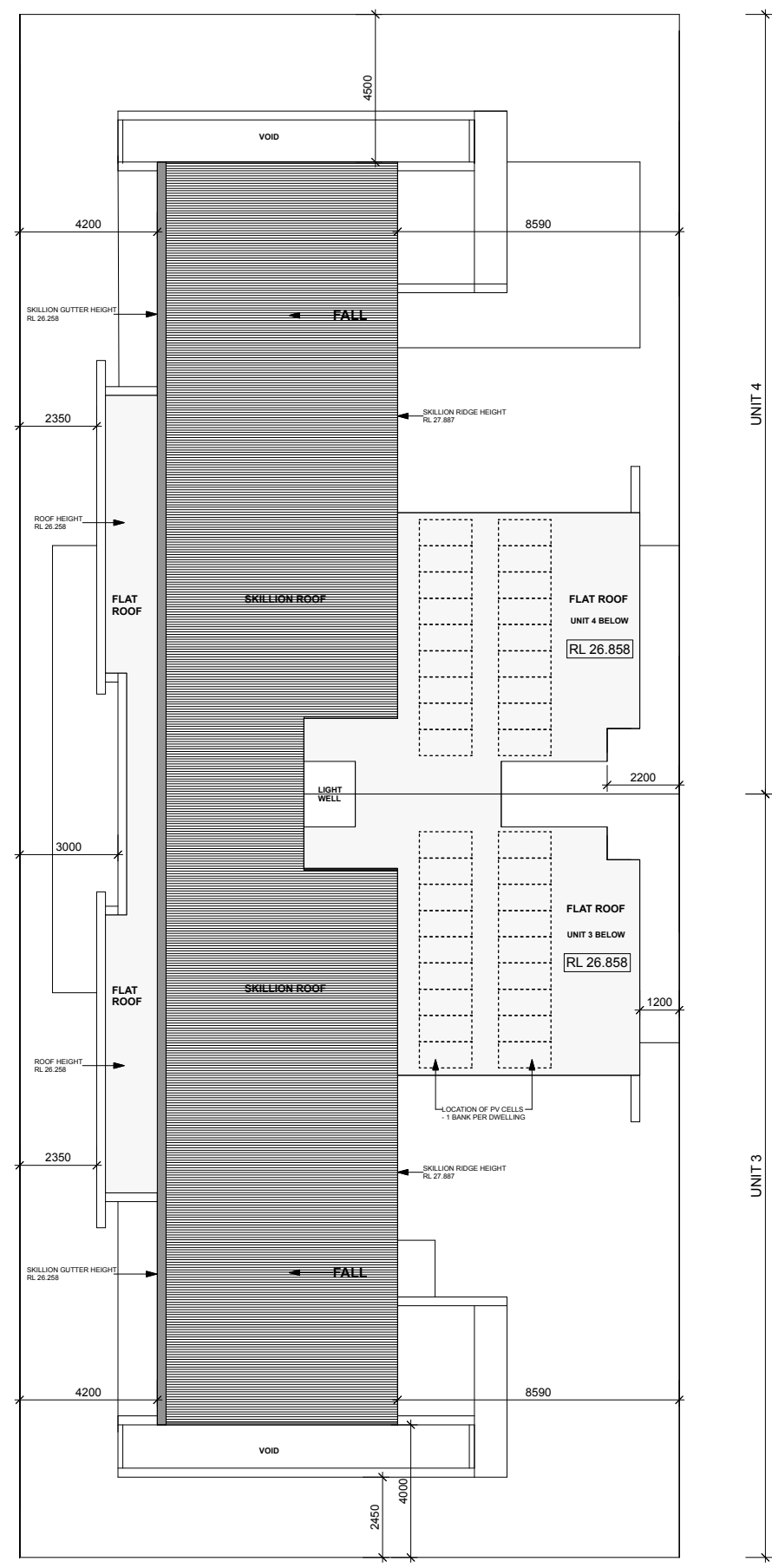
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2022



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2022



FIRST FLOOR PLAN. 1:100



ROOF PLAN. 1:100



5A & 5B ALEXANDER ROAD
4 NEW DWELLINGS

BLANE BRACKENRIDGE

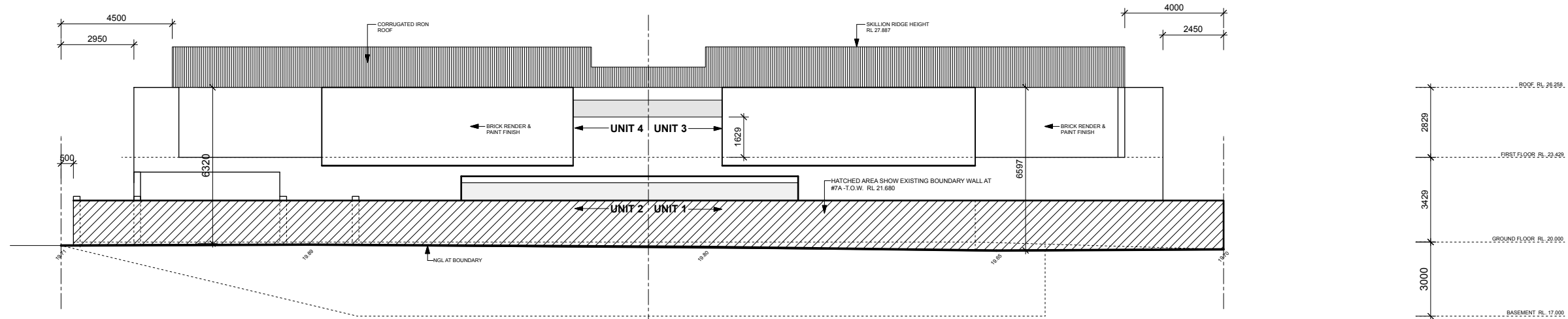
REV. SEPTEMBER 2022

DALKEITH

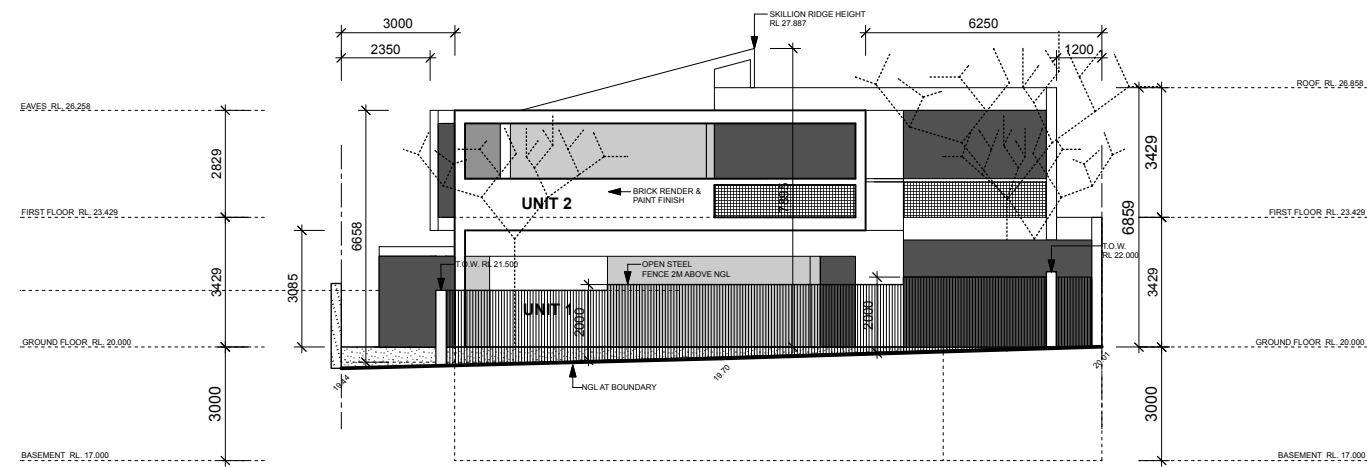
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A2.2

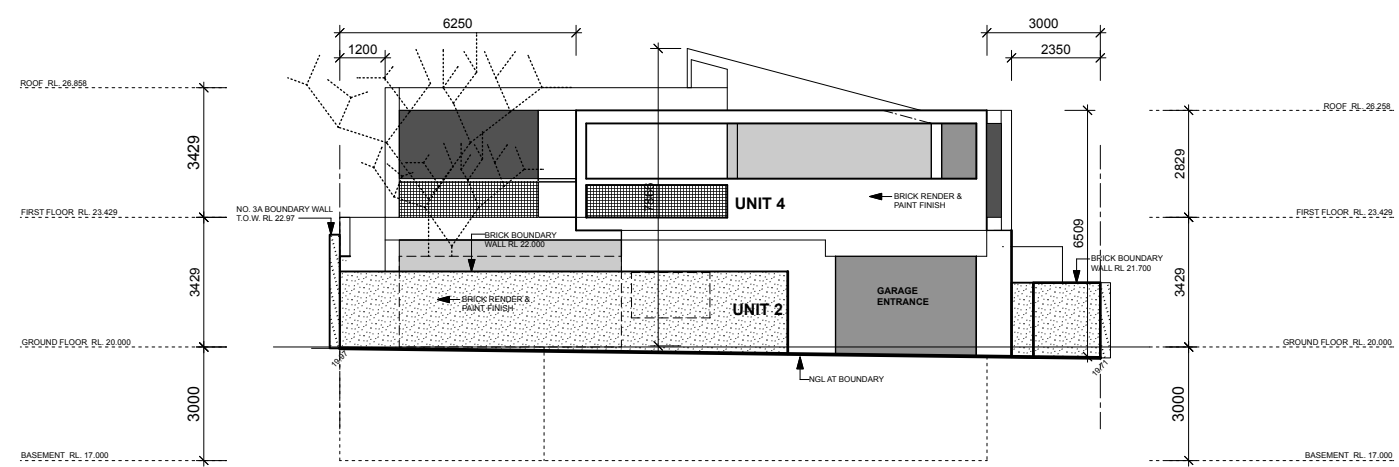
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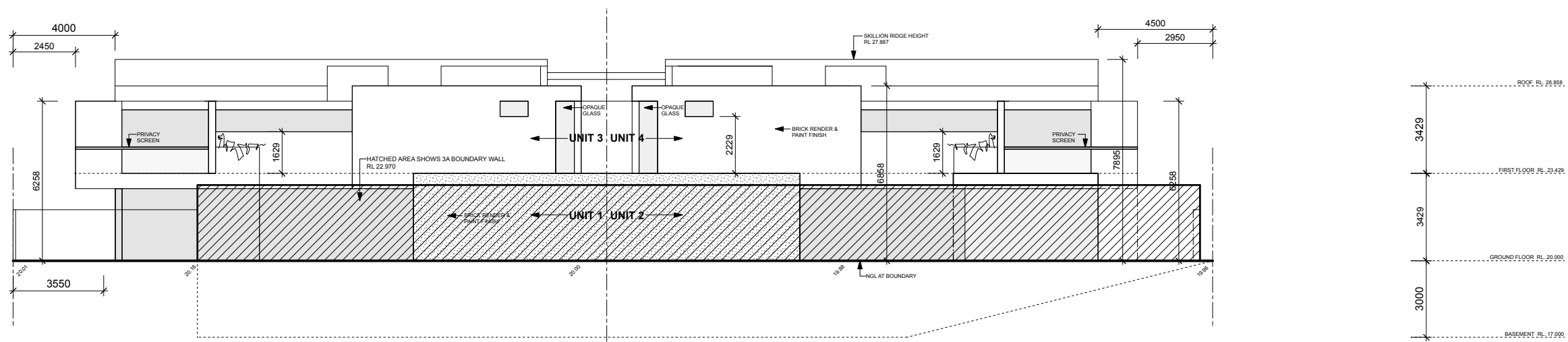
SOUTH ELEVATION 1:100



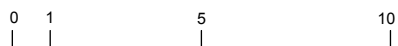
EAST ELEVATION 1:100

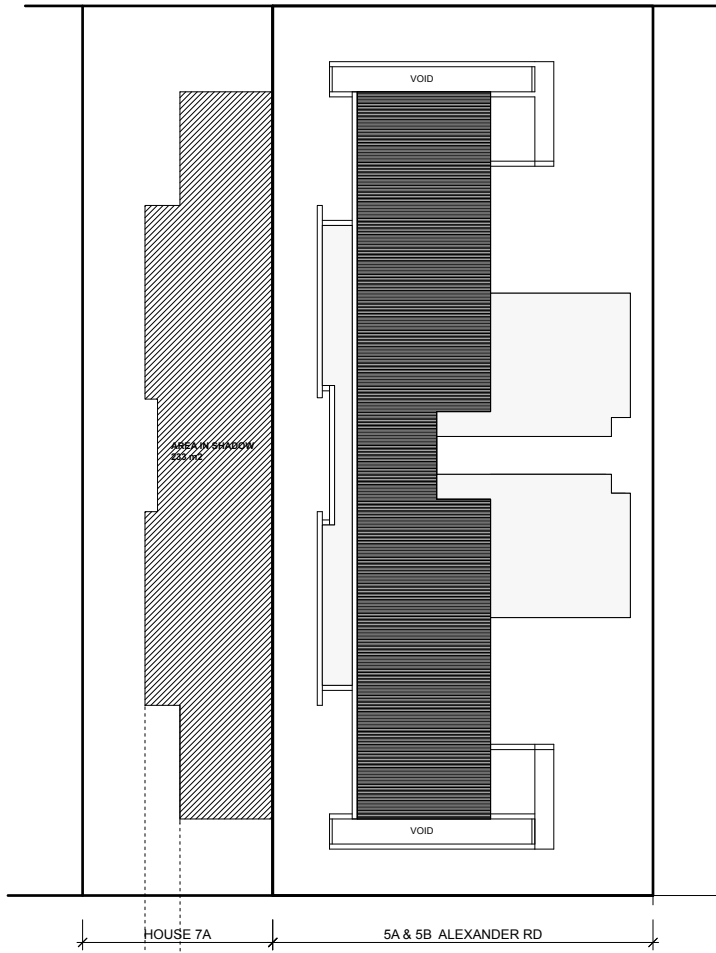


WEST ELEVATION 1:100

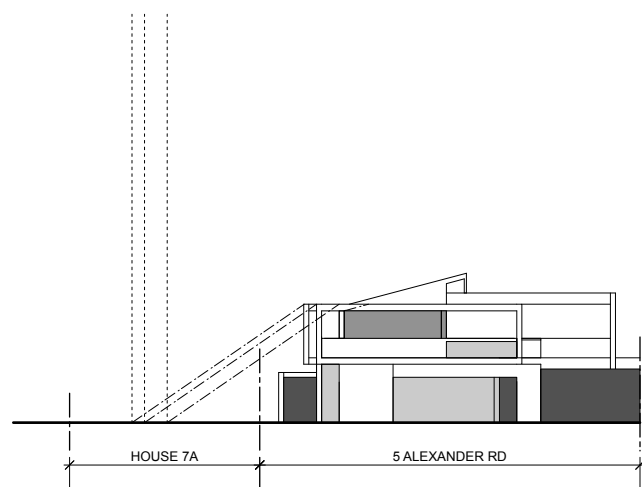


NORTH ELEVATION 1:100

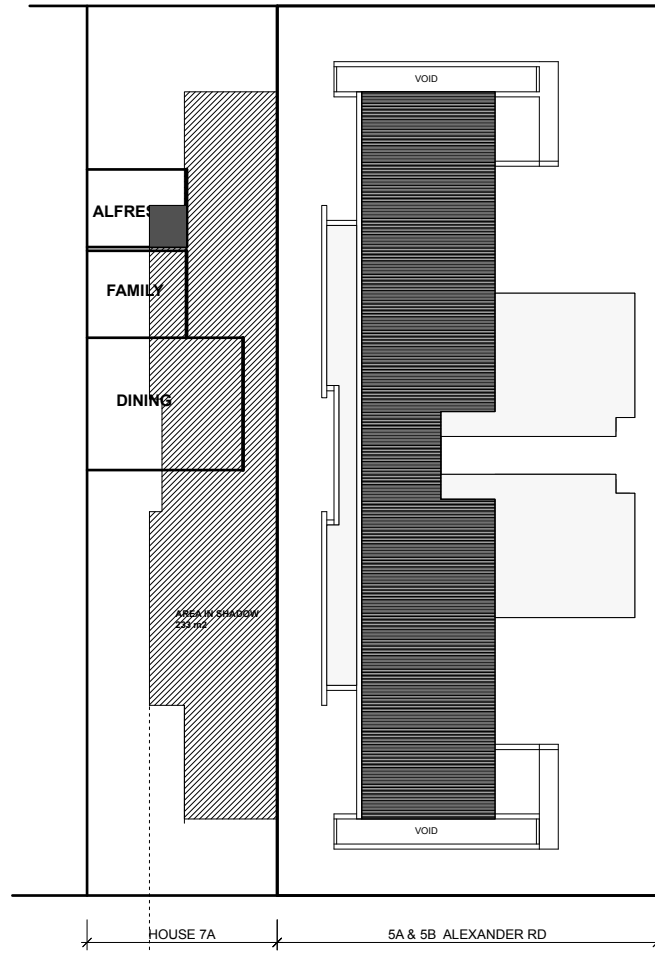




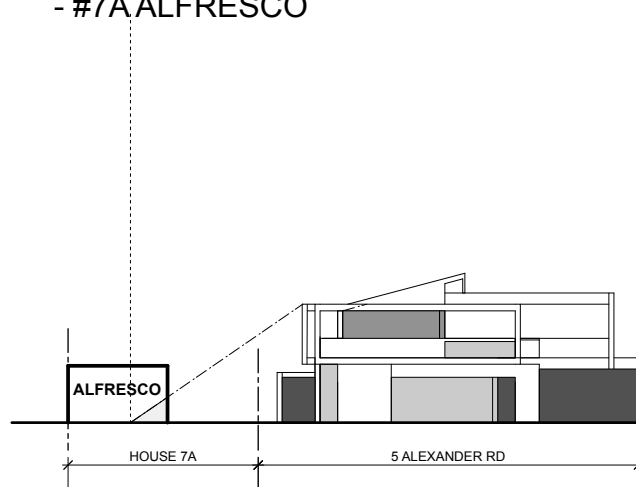
SHADOW PLAN 1:200



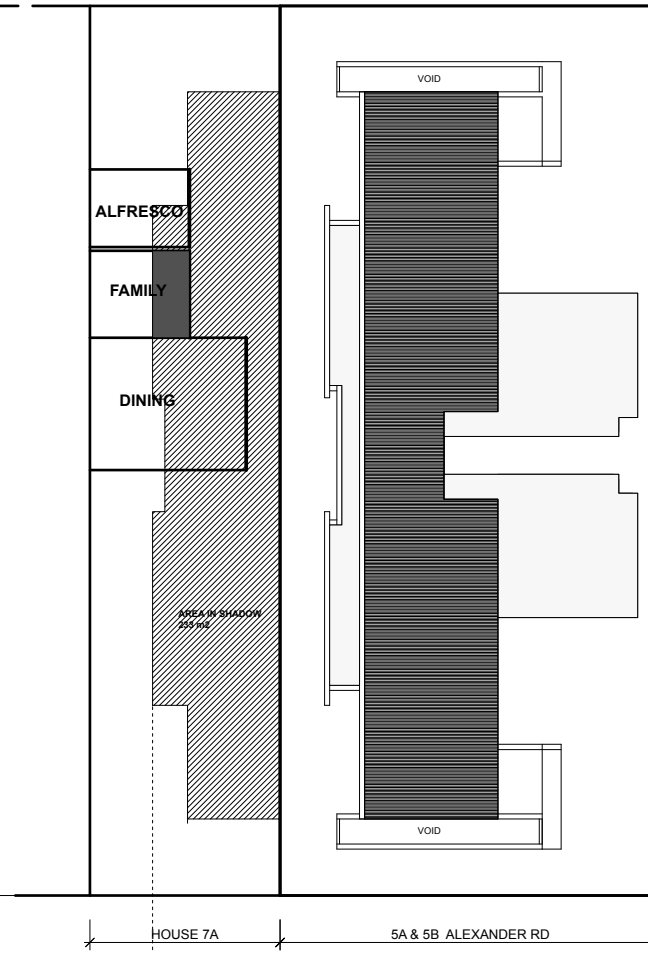
SHADOW ELEVATION 1:200



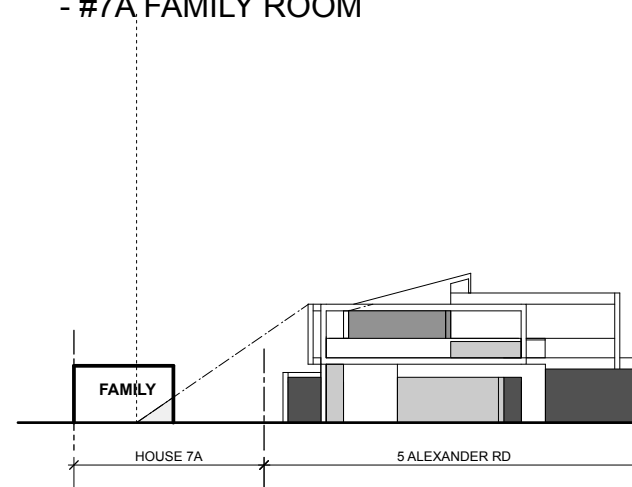
SHADOW PLAN 1:200
- #7A ALFRESCO



SHADOW ELEVATION 1:200
- #7A ALFRESCO



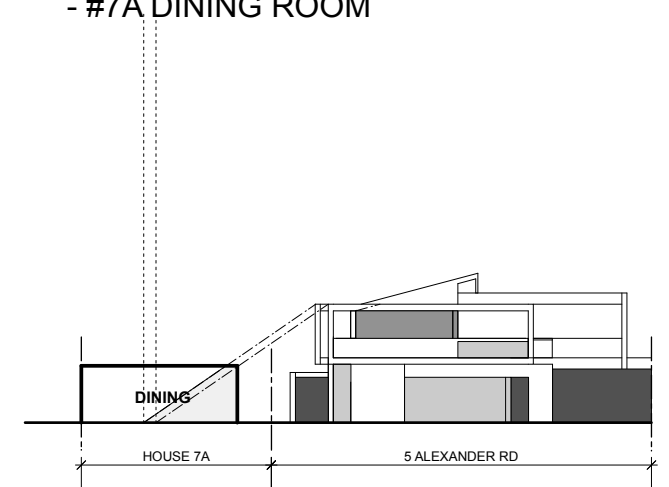
SHADOW PLAN 1:200
- #7A FAMILY ROOM



SHADOW ELEVATION 1:200
- #7A FAMILY ROOM



SHADOW PLAN 1:200
- #7A DINING ROOM



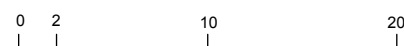
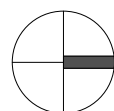
SHADOW ELEVATION 1:200
- #7A DINING ROOM

OVER SHADOW CALCULATION

SITE AREA (7A ALEXANDER RD.) 473 m2

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

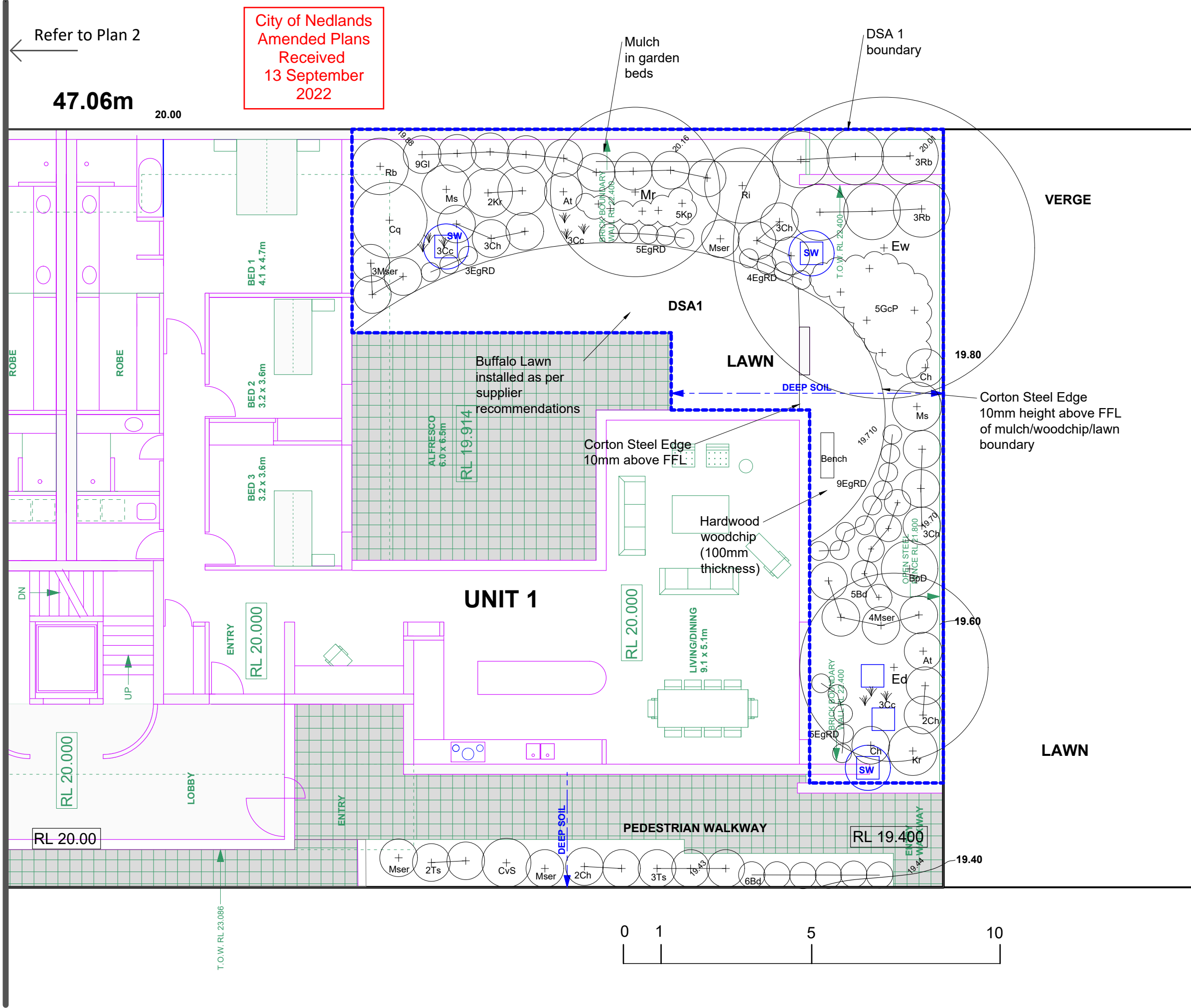
PERCENTAGE OVER SHADOWING 233/473 X 100 = 49%



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

REV. AUGUST 2022



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

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

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

CLIENT
Blane Brackenridge
Architect

PROJECT
5A and 5B Alexander Rd
Dalkeith

DRAWING STATUS
For Development Approval

| | | |
|---------------------------|------------|---------|
| DRAWN BY: | M DONNELLY | 27-5-21 |
| CHECKED: | A FORMA | 27-5-21 |
| SCALE: 1:100 @ A3 | | |
| Landscape Plan for Unit 1 | | |

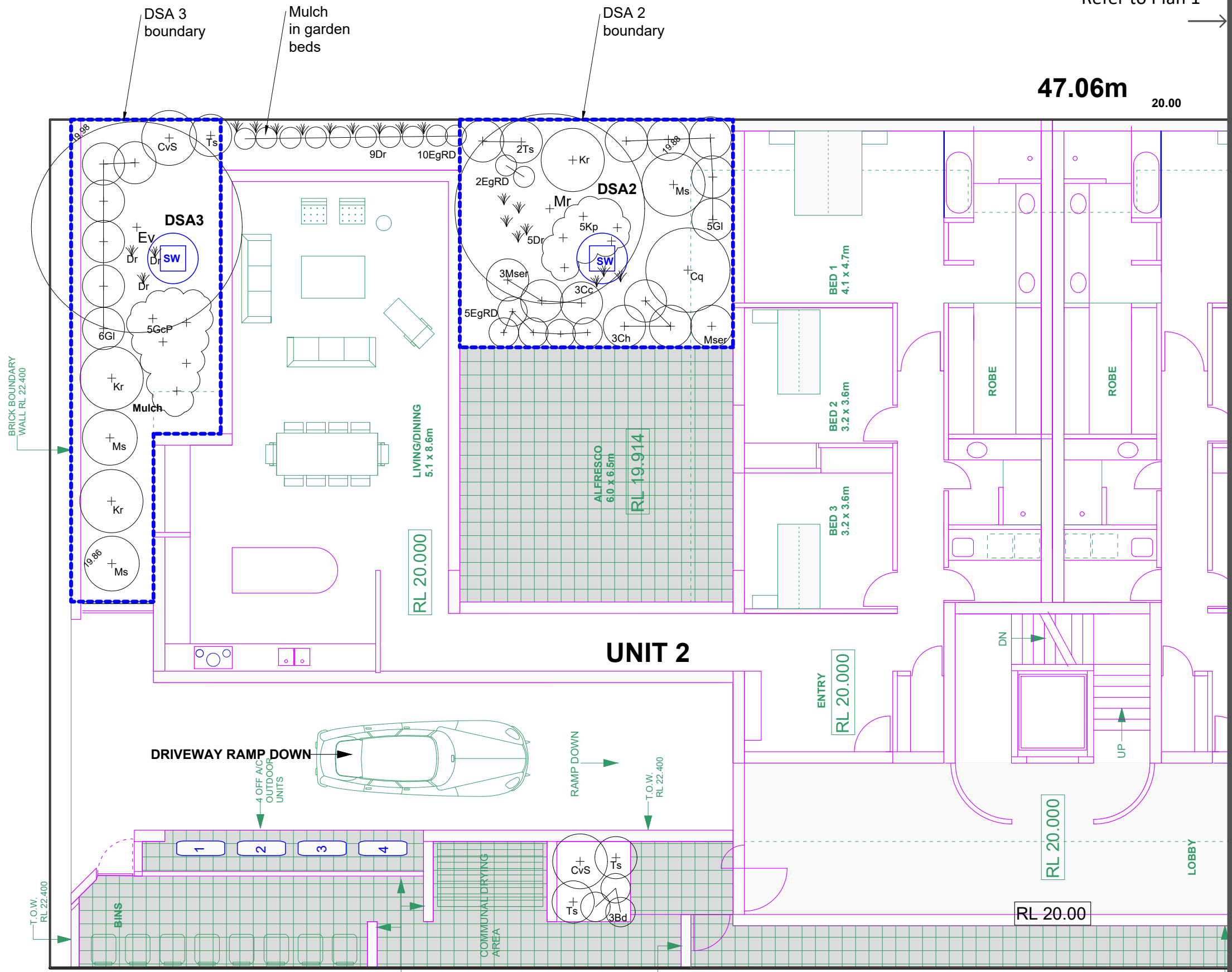
1B

R.O.W. SHRIKE LANE

Refer to Plan 1

47.06m

20.00



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

| REV | AMENDMENT | DATE | CHECKED |
|-----|-----------|------|---------|
| | | | |




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

CLIENT
 Blane Brackenridge
 Architect

PROJECT
 5A and 5B Alexander Rd
 Dalkeith

DRAWING STATUS
 For Development Approval

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

City of Nedlands
 Amended Plans
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 13 September
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PLANT LIST-5A-5B Alexander Rd Dalkeith

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

Tree Canopy and Deep Soil Areas

State Planning Policy 7.3 Residential Design Codes Vol 2 - Apartments

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

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

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

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

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

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

City of Nedlands
Amended Plans
Received
13 September
2022

NOTES

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

| REV | AMENDMENT | DATE | CHECKED |
|-----|-----------|------|---------|
| | | | |



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

CLIENT
Blane Brackenridge
Architect

PROJECT
5A and 5B Alexander Rd
Dalkeith

DRAWING STATUS
For Development Approval

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

Landscape Planting Schedule
and Trees for DSAs



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

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

size as that of the proposed development.

ACCEPTABLE OUTCOMES

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

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

(Excerpt from table 2.1)

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

A2.2.1

AO: 2 storeys

Proposed: 2 storeys

LOCAL PLANNING FRAMEWORK

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

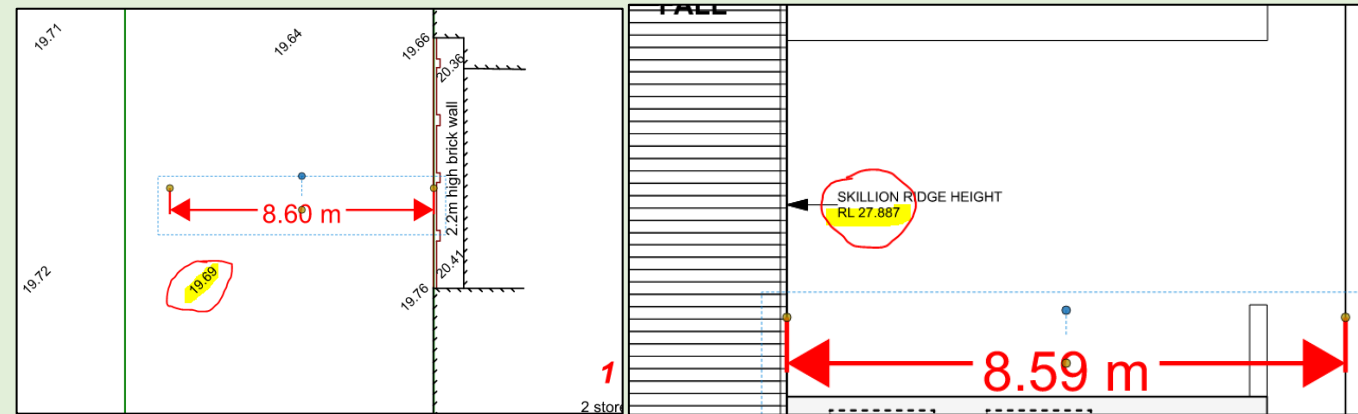
REQUIREMENT

[Alexander Road Building Height LPP](#)

AO: 10.0m above natural ground level

Proposed:

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



[Waratah Precinct Design Response LPP](#)

AO: 2 storeys

Proposed:

2 storeys

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

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

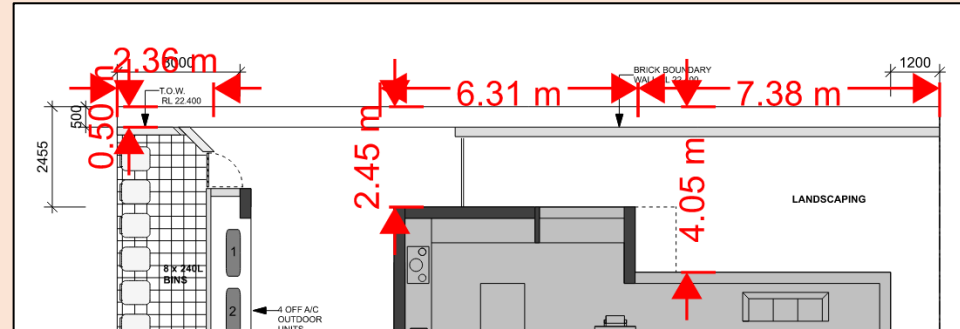
ACCEPTABLE OUTCOMES
Acceptable Outcome pathway may not be applicable where a performance solution is provided

| <p>A3.2.1 – Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument</p> <p><i>(Excerpt from table 2.1)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Streetscape contexts and character <i>refer A2</i></th> <th colspan="2">Low-rise</th> <th colspan="2">Medium-rise</th> <th colspan="2">Higher density residential</th> <th>Neighbourhood centre</th> <th>Mid-rise urban centres</th> <th colspan="2">High density urban centres</th> <th>Planned areas</th> </tr> <tr> <th>R40</th> <th>R50</th> <th>R60</th> <th>R80</th> <th>R100</th> <th>R160</th> <th>R-AC4</th> <th>R-AC3</th> <th>R-AC2</th> <th>R-AC1</th> <th>R-AC0</th> </tr> </thead> <tbody> <tr> <td>Minimum primary and secondary street setbacks <i>refer 2.3</i></td> <td>4m⁴</td> <td>2m</td> <td>2m</td> <td></td> <td>2m</td> <td></td> <td>2m or Nil⁵</td> <td>2m or Nil⁵</td> <td>2m or Nil⁵</td> <td></td> <td></td> </tr> </tbody> </table> <p>(4) Minimum secondary street setback 1.5m (5) Nil setback applicable if commercial use at ground floor</p> | Streetscape contexts and character <i>refer A2</i> | Low-rise | | Medium-rise | | Higher density residential | | Neighbourhood centre | Mid-rise urban centres | High density urban centres | | Planned areas | R40 | R50 | R60 | R80 | R100 | R160 | R-AC4 | R-AC3 | R-AC2 | R-AC1 | R-AC0 | Minimum primary and secondary street setbacks <i>refer 2.3</i> | 4m ⁴ | 2m | 2m | | 2m | | 2m or Nil ⁵ | 2m or Nil ⁵ | 2m or Nil ⁵ | | | <p>Primary Street AO: 4m</p> <p>Proposed: Ground Floor: 4.0m Upper Floor: 2.5m to balcony 4.0m to building</p> <p>Shrike Lane AO: 1.5m</p> <p>Ground Floor: 0.5m (to 'secondary street fence') minimum – 3.0m (average) Upper Floor: 3.0m to balcony</p> |
|---|---|----------|-----|-------------|------|----------------------------|------------------------|------------------------|------------------------|----------------------------|-------|---------------|-----|-----|-----|-----|------|------|-------|-------|-------|-------|-------|---|-----------------|----|----|--|----|--|------------------------|------------------------|------------------------|--|--|--|
| Streetscape contexts and character <i>refer A2</i> | | Low-rise | | Medium-rise | | Higher density residential | | Neighbourhood centre | Mid-rise urban centres | High density urban centres | | Planned areas | | | | | | | | | | | | | | | | | | | | | | | | |
| | R40 | R50 | R60 | R80 | R100 | R160 | R-AC4 | R-AC3 | R-AC2 | R-AC1 | R-AC0 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum primary and secondary street setbacks <i>refer 2.3</i> | 4m ⁴ | 2m | 2m | | 2m | | 2m or Nil ⁵ | 2m or Nil ⁵ | 2m or Nil ⁵ | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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

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

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



Upper Floor:
 3m

ELEMENT 2.4 SIDE AND REAR SETBACKS

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

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

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

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

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

AND /OR

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

(Excerpt from table 2.1)

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

AO: 2.0m

Proposed:

North

Ground Floor

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

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

First Floor

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

South

AO: 2.4m as building length exceeds 16m

Ground Floor

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

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

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

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

| <p>A2.5.1 – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument. (Excerpt from table 2.1)</p> <table border="1"> <thead> <tr> <th rowspan="2">Streetscape contexts and character <i>refer A2</i></th> <th colspan="2">Low-rise</th> <th colspan="2">Medium-rise</th> <th colspan="2">Higher density residential</th> <th>Neighbourhood centre</th> <th>Mid-rise urban centres</th> <th colspan="2">High density urban centres</th> <th>Planned areas</th> </tr> <tr> <th>R40</th> <th>R50</th> <th>R60</th> <th>R80</th> <th>R100</th> <th>R160</th> <th>R-AC4</th> <th>R-AC3</th> <th>R-AC2</th> <th>R-AC1</th> <th>R-AC0</th> </tr> </thead> <tbody> <tr> <td>Site R-Coding</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>Plot ratio ⁷ <i>refer 2.5</i></td> <td>0.6</td><td>0.7</td><td>0.8</td><td>1.0</td><td>1.3</td><td>2.0</td><td>1.2</td><td>2.0</td><td>2.5</td><td>3.0</td><td></td> </tr> </tbody> </table> <p>(6) Refer to Definitions for calculation of plot ratio</p> | | | | | | | | | | | | Streetscape contexts and character <i>refer A2</i> | Low-rise | | Medium-rise | | Higher density residential | | Neighbourhood centre | Mid-rise urban centres | High density urban centres | | Planned areas | R40 | R50 | R60 | R80 | R100 | R160 | R-AC4 | R-AC3 | R-AC2 | R-AC1 | R-AC0 | Site R-Coding | | | | | | | | | | | | Plot ratio ⁷ <i>refer 2.5</i> | 0.6 | 0.7 | 0.8 | 1.0 | 1.3 | 2.0 | 1.2 | 2.0 | 2.5 | 3.0 | | <p>AO: 0.6</p> <p>Proposed: Ground Floor: 392sqm Upper Floor: 384.2sqm</p> <p>762m² / 948m² = 0.80 Plot ratio</p> | |
|--|----------|-----|-------------|-----|----------------------------|------|----------------------|------------------------|----------------------------|-------|---------------|---|----------|--|-------------|--|----------------------------|--|----------------------|------------------------|----------------------------|--|---------------|-----|-----|-----|-----|------|------|-------|-------|-------|-------|-------|---------------|--|--|--|--|--|--|--|--|--|--|--|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|---|--|
| Streetscape contexts and character <i>refer A2</i> | Low-rise | | Medium-rise | | Higher density residential | | Neighbourhood centre | Mid-rise urban centres | High density urban centres | | Planned areas | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | R40 | R50 | R60 | R80 | R100 | R160 | R-AC4 | R-AC3 | R-AC2 | R-AC1 | R-AC0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Site R-Coding | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plot ratio ⁷ <i>refer 2.5</i> | 0.6 | 0.7 | 0.8 | 1.0 | 1.3 | 2.0 | 1.2 | 2.0 | 2.5 | 3.0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

ELEMENT 2.6 **BUILDING DEPTH**

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

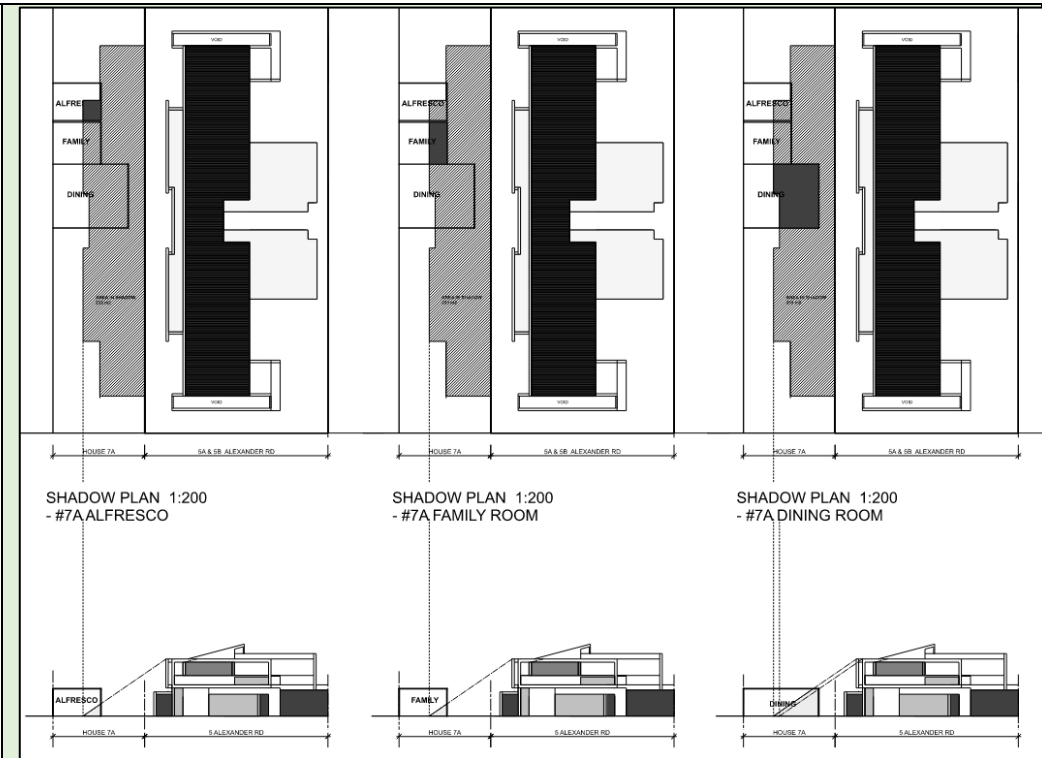
| ELEMENT 2.7 BUILDING SEPARATION | | |
|--|---|-------------------------|
| ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i> | APPLICANT COMMENT | ASSESSOR COMMENT |
| | <i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through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

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

| Table 2.7 Building separation | | | | | Adjoining property boundaries Less than 4 storeys – refer 2.4 Side and Rear Setbacks and 3.5 Visual Privacy |
|----------------------------------|--|---|----------------------------|---------------------------|--|
| | Separation between: | Building height | | | |
| | | ≤ 4 storeys (up to 15m) | 5-8 storeys (up to 28m) | ≥ 9 storeys (over 28m) | |
| Within site boundary | Habitable rooms/balconies | 12m | 18m | 24m | |
| | Habitable and non-habitable rooms | 7.5m | 12m | 18m | |
| | Non-habitable rooms | 4.5m | 6m | 9m | |
| To adjoining property boundaries | Habitable rooms/balconies and boundary | Refer 2.4 Side and rear setbacks (Table 2.1) and 3.5 Visual privacy (Table 3.5) | 9m | 12m | |

Distances apply from major openings of rooms, or the inside of balustrading of balconies.
Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.

| ELEMENT 3.2 ORIENTATION | | |
|---|---|--|
| ELEMENT OBJECTIVES | APPLICANT COMMENT | ASSESSOR COMMENT |
| <i>Development is to achieve the following Element Objectives</i> | <i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i> | |
| O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development. | The building has been designed to optimise daylight access through the courtyard design. Main internal and external living areas are orientated to maximise north light penetration. The building responds to the streetscape by emulating the scale and articulation of existing housing in Alexander Road | Objective achieved The development is orientated to face the public realm and the entrance is at footpath level on Alexander Road to maintain connection with the streetscape. Balconies on the upper level directly overlook the street or laneway, providing passive surveillance. The built form design maximises the ability for light to penetrate habitable rooms. |
| O3.2.2 – Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter. | The building form minimises overshadowing to neighbouring property and is code compliant. This is assisted by the low building height of 2 storeys rather than 3. | Objective achieved The southern adjoining property at 7A Alexander Road is also coded R40. The lot is narrow and rectangular and is oriented east-west. The development proposes some overshadowing of the adjoining major openings towards the rear of 7A Alexander Road, as depicted in the image below. |



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

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

ACCEPTABLE OUTCOMES

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

| | |
|---|--|
| <p>A3.2.1 – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.</p> | <p>The development is largely oriented towards Alexander Road, with a pedestrian entry and major openings opening to and accessible from Alexander Road. Vehicle access is taken from Shrike Lane.</p> |
| <p>A3.2.3 – Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed:</p> <ul style="list-style-type: none"> - adjoining properties coded R25 and lower – 25% of the site area¹ - adjoining properties coded R30 – R40 - 35% of the site area¹ - adjoining properties coded R50 – R60 – 50% of the site area¹ - adjoining properties coded R80 or higher – Nil requirements. <p>(1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)</p> | <p>235/468 = 50.2% of the southern adjoining property is overshadowed.</p> |
| <p>A3.2.4– Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.</p> | <p>There are no existing solar collectors on the adjoining site.</p> |

| ELEMENT 3.3 | | TREE CANOPY AND DEEP SOIL AREAS | |
|---|--|--|--|
| ELEMENT OBJECTIVES | APPLICANT COMMENT | ASSESSOR COMMENT | |
| <p><i>Development is to achieve the following Element Objectives</i></p> | <p><i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p> | | |
| <p>O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.</p> | <p>The site was cleared of vegetation for some years ago. Large areas of deep soil have been provided for future planting.</p> | <p>Objective achieved The site had been cleared of all vegetation several years prior to the submission of the development application. The street tree towards the north of the site will not be impacted as the pedestrian entrance is on the south side of the site. Once the proposed landscaping is established the landscaping will be appropriate to the scale of the development.</p> | |
| <p>O3.3.2 – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.</p> | <p>There is 224m² of deep soil planting provided, or 24% of the site. This is an improvement on predevelopment conditions.</p> | <p>Objective achieved As the site has been cleared of all vegetation, the planting proposed is considered an improvement on the tree canopy from pre-development condition. The development proposes deep soil which exceeds the Acceptable Outcome.</p> | |
| <p>O3.3.3 – Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.</p> | <p>Large areas of deep soil planting along with wide setbacks, allows sufficient space for vegetation to thrive.</p> | <p>Objective achieved The development incorporates 19% / 182.3m² of deep soil area, which exceeds the area recommended by A3.3.4. A majority of this area is consolidated to the north and east of the site to improve the outlook from the ground floor apartment and the quality of the streetscape.</p> | |
| <p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p> | | | |

| <p>A3.3.1 – Retention of existing trees on the site that meet the following criteria:</p> <ul style="list-style-type: none"> - healthy specimens with ongoing viability AND - species is not included on a State or local area weed register AND - height of at least 4m AND/OR - trunk diameter of at least 160mm, measured 1m from the ground AND/OR - average canopy diameter of at least 4m. | <p>No existing trees worthy of retention on site.</p> | | | | | | | | | | | |
|--|---|--|--|-----------------------------|-----|--|---------------------------|--|-----------------------|--|--|--|
| <p>A3.3.2 – The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.</p> | <p>N/A</p> | | | | | | | | | | | |
| <p>A3.3.3 – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.</p> | <p>Tree to the north may be affected and may need to be pruned, this is likely acceptable as the tree is growing over the lot boundary. A basement is proposed which could impact on the root system of the aforementioned tree to the north.</p> | | | | | | | | | | | |
| <p>A3.3.4 – Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.</p> <p>Table 3.3a Minimum deep soil area and tree provision requirements</p> <table border="1" data-bbox="107 791 721 1302"> <thead> <tr> <th>Site Area</th> <th>Minimum deep soil area</th> <th>Minimum requirement for trees¹</th> </tr> </thead> <tbody> <tr> <td>Less than 700m²</td> <td rowspan="2">10%</td> <td>1 medium tree and small trees to suit area</td> </tr> <tr> <td>700 – 1,000m²</td> <td>2 medium trees OR 1 large tree and small trees to suit area</td> </tr> <tr> <td>> 1,000m²</td> <td>7% if existing tree(s) retained on site (% site area)</td> <td>1 large tree and 1 medium tree for each additional 400m² in excess of 1000m² OR 1 large tree for each additional 900m² in excess of 1000m² and small trees to suit area</td> </tr> </tbody> </table> <p>¹ Minimum requirement for trees includes retained or new trees Refer Table 3.3b for tree sizes</p> | Site Area | Minimum deep soil area | Minimum requirement for trees ¹ | Less than 700m ² | 10% | 1 medium tree and small trees to suit area | 700 – 1,000m ² | 2 medium trees OR 1 large tree and small trees to suit area | > 1,000m ² | 7% if existing tree(s) retained on site (% site area) | 1 large tree and 1 medium tree for each additional 400m ² in excess of 1000m ² OR 1 large tree for each additional 900m ² in excess of 1000m ² and small trees to suit area | <p>AO: 94.8m²</p> <p>182.3m² deep soil area proposed / 948m² = 19% deep soil provided</p> <p>3 medium trees provided each with appropriate DSA and RSZ.</p> |
| Site Area | Minimum deep soil area | Minimum requirement for trees ¹ | | | | | | | | | | |
| Less than 700m ² | 10% | 1 medium tree and small trees to suit area | | | | | | | | | | |
| 700 – 1,000m ² | | 2 medium trees OR 1 large tree and small trees to suit area | | | | | | | | | | |
| > 1,000m ² | 7% if existing tree(s) retained on site (% site area) | 1 large tree and 1 medium tree for each additional 400m ² in excess of 1000m ² OR 1 large tree for each additional 900m ² in excess of 1000m ² and small trees to suit area | | | | | | | | | | |

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

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

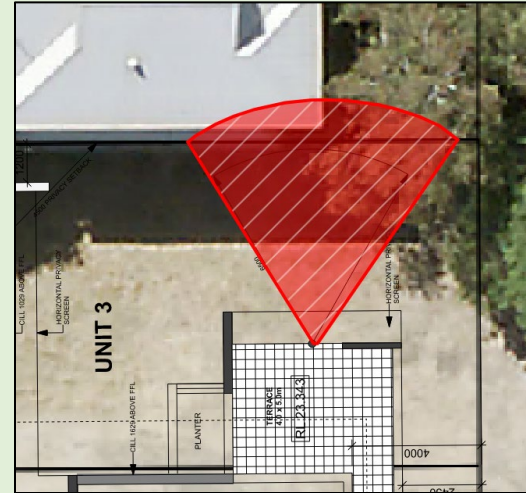
| ELEMENT 3.4 | | COMMUNAL OPEN SPACE | |
|--|---|--|--|
| ELEMENT OBJECTIVES | APPLICANT COMMENT | ASSESSOR COMMENT | |
| ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i> | <i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through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

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

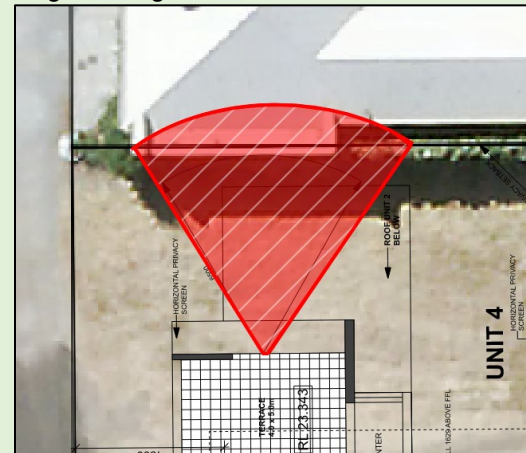
| ELEMENT 3.5 | | VISUAL PRIVACY | |
|---|---|--|--|
| ELEMENT OBJECTIVES | APPLICANT COMMENT | ASSESSOR COMMENT | |
| <i>Development is to achieve the following Element Objectives</i> | <i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance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

first floor overlooking into the ground floor areas.

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



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



ACCEPTABLE OUTCOMES

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

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

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

Unit 2

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

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

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

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

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

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

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

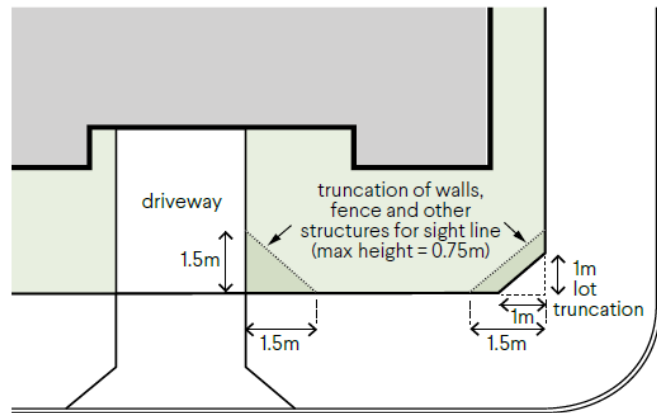
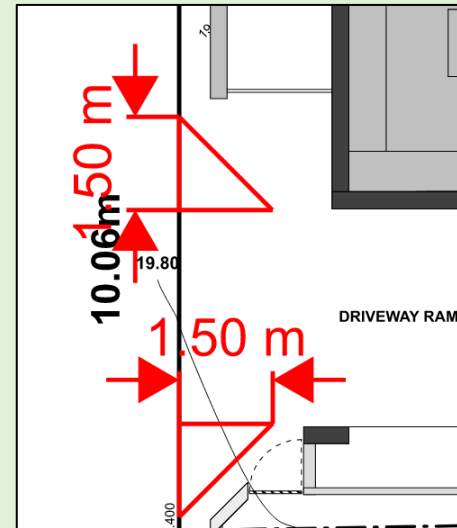


Figure 3.8a Truncation at street corner to provide sightlines (refer A3.8.7).

Sight lines area is clear.



ELEMENT 3.9 CAR AND BICYCLE PARKING

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

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

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

| <p>A3.9.1 – Secure, undercover bicycle parking is provided in accordance with Table 3.9 and accessed via a continuous path of travel from the vehicle or cycle entry point.</p> <p>Table 3.9 Parking ratio</p> <table border="1" data-bbox="98 523 1207 831"> <thead> <tr> <th colspan="2">Parking types</th> <th>Location A</th> <th>Location B</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Car parking¹</td> <td>1 bedroom dwellings</td> <td>0.75 bay per dwelling</td> <td>1 bay per dwelling</td> </tr> <tr> <td>2+ bedroom dwellings</td> <td>1 bay per dwelling</td> <td>1.25 bays per dwelling</td> </tr> <tr> <td>Visitor</td> <td colspan="2">1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above</td> </tr> <tr> <td rowspan="2">Bicycle parking¹</td> <td>Resident</td> <td colspan="2">0.5 space per dwelling</td> </tr> <tr> <td>Visitor</td> <td colspan="2">1 space per 10 dwellings</td> </tr> <tr> <td>Motorcycle/ Scooter parking²</td> <td colspan="3">Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays</td> </tr> </tbody> </table> <p>¹ Calculations of parking ratios shall be rounded up to the next whole number. ² For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.</p> <p>Definitions: Location A: within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre. Location B: not within Location A.</p> | Parking types | | Location A | Location B | Car parking ¹ | 1 bedroom dwellings | 0.75 bay per dwelling | 1 bay per dwelling | 2+ bedroom dwellings | 1 bay per dwelling | 1.25 bays per dwelling | Visitor | 1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above | | Bicycle parking ¹ | Resident | 0.5 space per dwelling | | Visitor | 1 space per 10 dwellings | | Motorcycle/ Scooter parking ² | Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays | | | <p>AO: 3 bicycle spaces.</p> <p>Proposed: 4 bicycle parking spaces are provided.</p> |
|---|---|--|------------------------|------------|--------------------------|---------------------|-----------------------|--------------------|----------------------|--------------------|------------------------|---------|--|--|------------------------------|----------|------------------------|--|---------|--------------------------|--|--|--|--|--|--|
| Parking types | | Location A | Location B | | | | | | | | | | | | | | | | | | | | | | | |
| Car parking ¹ | 1 bedroom dwellings | 0.75 bay per dwelling | 1 bay per dwelling | | | | | | | | | | | | | | | | | | | | | | | |
| | 2+ bedroom dwellings | 1 bay per dwelling | 1.25 bays per dwelling | | | | | | | | | | | | | | | | | | | | | | | |
| | Visitor | 1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above | | | | | | | | | | | | | | | | | | | | | | | | |
| Bicycle parking ¹ | Resident | 0.5 space per dwelling | | | | | | | | | | | | | | | | | | | | | | | | |
| | Visitor | 1 space per 10 dwellings | | | | | | | | | | | | | | | | | | | | | | | | |
| Motorcycle/ Scooter parking ² | Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>A3.9.2 – Parking is provided for cars and motorcycles in accordance with Table 3.9.</p> | <p>AO: 5 resident bays, 1 visitor bay Proposed: 8 resident bays. 1 visitor bay.</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>A3.9.3 – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9.</p> | <p>Under 10 resident bays are provided.</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>A3.9.4 – Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.</p> | <p>Ramp gradient is too steep for the first 6 metres of the ramp and does not meet AS2890.1.</p> <p>The vehicle parking bays satisfy the AS2890.1</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>A3.9.5 – Car parking areas are not located within the street setback and are not visually prominent from the street.</p> | <p>No car parking is proposed in the street setback area or is visible from the street.</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>A3.9.6 – Car parking is designed, landscaped or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.</p> | <p>Car parking is underground and not visible from the dwelling or outdoor living areas.</p> | | | | | | | | | | | | | | | | | | | | | | | | | |

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

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

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

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

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

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

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

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

| <p>A4.3.1 – Dwellings have a minimum internal floor area in accordance with Table 4.3a.</p> <p>Table 4.3a Minimum floor areas for dwelling types</p> <table border="1" data-bbox="107 801 645 1125"> <thead> <tr> <th>Dwelling type</th> <th>Minimum internal floor area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>37m²</td> </tr> <tr> <td>1 bed</td> <td>47m²</td> </tr> <tr> <td>2 bed × 1 bath¹</td> <td>67m²</td> </tr> <tr> <td>3 bed × 1 bath¹</td> <td>90m²</td> </tr> </tbody> </table> <p>¹An additional 3m² shall be provided for designs that include a second or separate toilet, and 5m² for designs that include a second bathroom.</p> | Dwelling type | Minimum internal floor area | Studio | 37m ² | 1 bed | 47m ² | 2 bed × 1 bath ¹ | 67m ² | 3 bed × 1 bath ¹ | 90m ² | <p>AO: 95m²</p> <p>Unit 1: 195m²</p> <p>Unit 2: 196m²</p> <p>Unit 3: 183m²</p> <p>Unit 4: 183m²</p> |
|--|--|-----------------------------|--------|------------------|-------|------------------|-----------------------------|------------------|-----------------------------|------------------|--|
| Dwelling type | Minimum internal floor area | | | | | | | | | | |
| Studio | 37m ² | | | | | | | | | | |
| 1 bed | 47m ² | | | | | | | | | | |
| 2 bed × 1 bath ¹ | 67m ² | | | | | | | | | | |
| 3 bed × 1 bath ¹ | 90m ² | | | | | | | | | | |
| <p>A4.3.2 – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.</p> | <p>All habitable spaces satisfy the minimum internal dimensions and floor area in each dwelling.</p> | | | | | | | | | | |

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

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

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

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

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

| <p>A4.4.1 – Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.</p> | <p>Unit 1: 70m² / 6.3m Unit 2: 70m² / 6.3m Unit 3: 28.4m² / 1.3m (a minimum of 12m is provided with minimum dimension) Unit 4: 31.6m² / 1.3m (a minimum of 12m is provided with minimum dimension)</p> | | | | | | | | | | | | | | | | |
|--|--|--------------------------------|--------------------------------|------------------------------|-----------------|------|-----------|------------------|------|-----------|------------------|------|---|------------------|----|--|--|
| <p>Table 4.4 Private open space requirements</p> <table border="1" data-bbox="98 715 1079 906"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area¹</th> <th>Minimum Dimension¹</th> </tr> </thead> <tbody> <tr> <td>Studio apartment + 1 bedroom</td> <td>8m²</td> <td>2.0m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2.4m</td> </tr> <tr> <td>3 bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> <tr> <td>Ground floor / apartment with a terrace</td> <td>15m²</td> <td>3m</td> </tr> </tbody> </table> <p>¹ Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.</p> | Dwelling type | Minimum Area ¹ | Minimum Dimension ¹ | Studio apartment + 1 bedroom | 8m ² | 2.0m | 2 bedroom | 10m ² | 2.4m | 3 bedroom | 12m ² | 2.4m | Ground floor / apartment with a terrace | 15m ² | 3m | | |
| Dwelling type | Minimum Area ¹ | Minimum Dimension ¹ | | | | | | | | | | | | | | | |
| Studio apartment + 1 bedroom | 8m ² | 2.0m | | | | | | | | | | | | | | | |
| 2 bedroom | 10m ² | 2.4m | | | | | | | | | | | | | | | |
| 3 bedroom | 12m ² | 2.4m | | | | | | | | | | | | | | | |
| Ground floor / apartment with a terrace | 15m ² | 3m | | | | | | | | | | | | | | | |
| <p>A4.4.2 – Where private open space requires screening to achieve visual privacy requirements, the entire open space is not screened and any screening is designed such that it does not obscure the outlook from adjacent living rooms.</p> | <p>Unit 3 and 4 balconies have privacy screening that is low or does not extend for the entire length of the balcony.</p> | | | | | | | | | | | | | | | | |
| <p>A4.4.3 – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.</p> | <p>Landscaping and materials of terraces and balconies complements building design.</p> | | | | | | | | | | | | | | | | |
| <p>A4.4.4 – Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.</p> | <p>No services or fixtures in private open space.</p> | | | | | | | | | | | | | | | | |

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

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

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| <p>O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.</p> | <p>Circulation spaces are generous to allow comfortable access for all visitors. The simple open planning of living areas together with linear corridors provides minimal disturbance moving through the apartments.</p> | <p>Objective achieved The enclosed communal circulation space is a minimum of 1.2m in width. This is an adequate dimension and will not negatively impact on safety or accessibility for residents and visitors.</p> |
| <p>O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.</p> | <p>The experience of moving through common circulation spaces is enhanced by: - the use of full height clear glass windows and doorways in the main entrance, allowing an uninterrupted view through to garden areas. - roof lights over the common lift/stair well allow daylight to filter down to the floors below. The main entry walkway is a direct logical approach for visitors entering from Alexander road.</p> | <p>Objective achieved The ground floor lobby space features a floor to ceiling glass wall to allow ample natural sunlight. The upper floor circulation space features a highlight window to permit natural light.</p> |

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

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| <p>A4.5.1 – Circulation corridors are a minimum 1.5m in width.</p> | <p>Staircase is 1.2m in width</p> |
| <p>A4.5.2 – Circulation and common spaces are designed for universal access.</p> | <p>Lift is included and it would appear that the entrance path to the lobby is sloped and there is a small level change that is probably not able to be mounted by a wheelchair</p> |
| <p>A4.5.3 – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.</p> | <p>Circulation spaces have windows that look onto entrance paths and have limited opportunities for concealment.</p> |
| <p>A4.5.4 – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.</p> | <p>Circulation area avoids light spill into habitable rooms.</p> |
| <p>A4.5.5 – Bedroom windows and major openings to living rooms do not open directly onto circulation or common spaces and are designed to ensure visual privacy and manage noise intrusion.</p> | <p>Habitable rooms do not have windows or doors that open onto circulation areas.</p> |

ELEMENT 4.6 STORAGE

| ELEMENT OBJECTIVES | | APPLICANT COMMENT | ASSESSOR COMMENT | | | | | | | | | | | | | | | | | | |
|--|---|--|-----------------------------|--------------------------------|-----------------------------|-----------------|-----------------|------|------|--------------------|-----------------|---------------------|-----------------|---------------------|-----------------|--|--|--|--|--|--|
| <i>Development is to achieve the following Element Objectives</i> | | <i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i> | | | | | | | | | | | | | | | | | | | |
| O4.6.1 – Well-designed, functional and conveniently located storage is provided for each dwelling. | Individual storage units in the basement carpark provide adequate storage for each apartment. | Objective achieved Each dwelling has exclusive use of a separate, weatherproof, bulky goods storage area which exceeds the dimensions set out in Table 4.6. The storerooms are adequately integrated and located in the basement car park so as not to be visible from the public realm. | | | | | | | | | | | | | | | | | | | |
| ACCEPTABLE OUTCOMES | | | | | | | | | | | | | | | | | | | | | |
| <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i> | | | | | | | | | | | | | | | | | | | | | |
| A4.6.1 – Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6. | | Each unit has a separate, secure storage space with the following dimensions: Area: 10.2m ² Minimum dimension: 1.7m ² Minimum height: 2.6m ² | | | | | | | | | | | | | | | | | | | |
| Table 4.6 Storage requirements <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Dwelling type</th> <th style="width: 15%;">Storage area¹</th> <th style="width: 15%;">Minimum dimension¹</th> <th style="width: 15%;">Minimum height¹</th> </tr> </thead> <tbody> <tr> <td>Studio dwelling</td> <td>3m²</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">1.5m</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">2.1m</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>3m²</td> </tr> <tr> <td>2 bedroom dwellings</td> <td>4m²</td> </tr> <tr> <td>3 bedroom dwellings</td> <td>5m²</td> </tr> <tr> <td colspan="4" style="font-size: small;">¹ Dimensions exclusive of services and plant.</td> </tr> </tbody> </table> | | Dwelling type | Storage area ¹ | Minimum dimension ¹ | Minimum height ¹ | Studio dwelling | 3m ² | 1.5m | 2.1m | 1 bedroom dwelling | 3m ² | 2 bedroom dwellings | 4m ² | 3 bedroom dwellings | 5m ² | ¹ Dimensions exclusive of services and plant. | | | | | |
| Dwelling type | Storage area ¹ | Minimum dimension ¹ | Minimum height ¹ | | | | | | | | | | | | | | | | | | |
| Studio dwelling | 3m ² | 1.5m | 2.1m | | | | | | | | | | | | | | | | | | |
| 1 bedroom dwelling | 3m ² | | | | | | | | | | | | | | | | | | | | |
| 2 bedroom dwellings | 4m ² | | | | | | | | | | | | | | | | | | | | |
| 3 bedroom dwellings | 5m ² | | | | | | | | | | | | | | | | | | | | |
| ¹ Dimensions exclusive of services and plant. | | | | | | | | | | | | | | | | | | | | | |
| A4.6.2 – Bulky good stores that are not directly accessible from the dwelling/private open space are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance. | | Storerooms are conveniently located, safe, well-lit, secure and subject to passive surveillance by residents and visitors parking vehicle or bikes. | | | | | | | | | | | | | | | | | | | |
| A4.6.3 – Storage provided separately from dwellings or within or adjacent to private open space ¹ , is integrated into the design of the building or open space and is not readily visible from the public domain. | | All storerooms are provided separately from dwellings. The storerooms are located in the accessible basement parking area and are not readily visible from the public domain. | | | | | | | | | | | | | | | | | | | |

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

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

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

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

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

plan was also requested to ease mobility.

ACCEPTABLE OUTCOMES

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

- A4.9.1 –**
- a) 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) **OR**
 - b) 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).

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

[LHA Silver](#)

ELEMENT 4.10 FAÇADE DESIGN

ELEMENT OBJECTIVES

Development is to achieve the following Element Objectives

APPLICANT COMMENT

ASSESSOR COMMENT

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

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

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

Objective Achieved

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

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

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

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

| <p>ELEMENT 4.11 ROOF DESIGN</p> | | |
|---|--|---|
| <p>ELEMENT OBJECTIVES</p> | <p>APPLICANT COMMENT</p> | <p>ASSESSOR COMMENT</p> |
| <p><i>Development is to achieve the following Element Objectives</i></p> | <p><i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p> | |
| <p>04.11.1 – Roof forms are well integrated into the building design and respond positively to the street.</p> | <p>The roof design is articulated through a combination of flat and skillion rooves. This is a</p> | <p>Objective achieved The development proposes a combination skillion and flat roof form. The skillion roof is incorporated towards the south of the site to reduce the overshadowing to the</p> |

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

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

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

| <p>A4.12.3 – Planting on building structures meets the requirements of Table 4.12.</p> <p>Table 4.12 Planting on structure: minimum soil standards for plant types and sizes</p> <table border="1"> <thead> <tr> <th>Plant type</th> <th>Definition</th> <th>Soil volume</th> <th>Soil depth</th> <th>Soil area</th> </tr> </thead> <tbody> <tr> <td>Large tree</td> <td>Over 12m high, crown spread at maturity</td> <td>76.8m³</td> <td>1,200mm</td> <td>64m² with minimum dimension 7m</td> </tr> <tr> <td>Medium tree</td> <td>8-12m high, crown spread at maturity</td> <td>36m³</td> <td>1,000mm</td> <td>36m² with minimum dimension 5m</td> </tr> <tr> <td>Small tree</td> <td>4-8m high, crown spread at maturity</td> <td>7.2m³</td> <td>800mm</td> <td>3m × 3m</td> </tr> <tr> <td>Small ornamentals</td> <td>3-4m high, crown spread at maturity</td> <td>3.2m³</td> <td>800mm</td> <td>2m × 2m</td> </tr> <tr> <td>Shrubs</td> <td>--</td> <td>--</td> <td>500-600mm</td> <td>--</td> </tr> <tr> <td>Ground cover</td> <td>--</td> <td>--</td> <td>300-450mm</td> <td>--</td> </tr> <tr> <td>Turf</td> <td>--</td> <td>--</td> <td>200mm</td> <td>--</td> </tr> </tbody> </table> | | | | | Plant type | Definition | Soil volume | Soil depth | Soil area | Large tree | Over 12m high, crown spread at maturity | 76.8m ³ | 1,200mm | 64m ² with minimum dimension 7m | Medium tree | 8-12m high, crown spread at maturity | 36m ³ | 1,000mm | 36m ² with minimum dimension 5m | Small tree | 4-8m high, crown spread at maturity | 7.2m ³ | 800mm | 3m × 3m | Small ornamentals | 3-4m high, crown spread at maturity | 3.2m ³ | 800mm | 2m × 2m | Shrubs | -- | -- | 500-600mm | -- | Ground cover | -- | -- | 300-450mm | -- | Turf | -- | -- | 200mm | -- | <p>On structure planter boxes are likely 1m in depth.</p> |
|--|---|--------------------|------------|--|---|------------|-------------|------------|-----------|------------|---|--------------------|---------|--|-------------|--------------------------------------|------------------|---------|--|------------|-------------------------------------|-------------------|-------|---------|-------------------|-------------------------------------|-------------------|-------|---------|--------|----|----|-----------|----|--------------|----|----|-----------|----|------|----|----|-------|----|---|
| Plant type | Definition | Soil volume | Soil depth | Soil area | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Large tree | Over 12m high, crown spread at maturity | 76.8m ³ | 1,200mm | 64m ² with minimum dimension 7m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medium tree | 8-12m high, crown spread at maturity | 36m ³ | 1,000mm | 36m ² with minimum dimension 5m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Small tree | 4-8m high, crown spread at maturity | 7.2m ³ | 800mm | 3m × 3m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Small ornamentals | 3-4m high, crown spread at maturity | 3.2m ³ | 800mm | 2m × 2m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shrubs | -- | -- | 500-600mm | -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ground cover | -- | -- | 300-450mm | -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Turf | -- | -- | 200mm | -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>A4.12.4 – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.</p> | | | | | <p>Services are generally separate from the landscaped areas.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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

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

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

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

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

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

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

16.3 PD75.11.22 Consideration of Development Application – Single House at 5 Hobbs Avenue, Dalkeith

| | |
|---|--|
| Meeting & Date | 22 November 2022 |
| Applicant | Planning Solutions |
| 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 | Roy Winslow – Manager Urban Planning |
| Director | Tony Free – Director Planning and Development |
| Attachments | 1. Aerial Image and Zoning Map 2. Development Plans and Perspectives 3. CONFIDENTIAL ATTACHMENT - Submissions |

Purpose

The purpose of this report is for Council to consider a development application for a two-storey single house at 5 Hobbs Avenue, Dalkeith.

Recommendation

In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, Council approves the development application in accordance with the plans date stamped 13 October 2022 for a single house at 5 Hobbs Avenue, Dalkeith, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 13 October 2022. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.
2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
3. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking to the satisfaction of the City of Nedlands.
4. Prior to occupation, new or modified vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Nedlands.

5. **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.**
6. **All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.**
7. **Tree protection measures to the satisfaction of the City of Nedlands are to be utilised during demolition and construction, including the engagement of a qualified arborist to monitor the health of the tree and to provide direction on any necessary measures to protect the tree during and after construction.**

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 | R10 |
| Land area | 1012m ² |
| Land Use | Residential (Single House) |
| Use Class | 'P' – Permitted Use |

The site is located at 5 Hobbs Avenue, Dalkeith, 70m south of Melvista Golf Course and tennis courts. The site is located on the western side of Hobbs Avenue and has an existing single storey house on the lot, which is to be demolished. The lot is regular in shape with a 20m frontage. The property has frontage to Hobbs Avenue to the east and Tern Lane to the west.

Hobbs Avenue is characterised by both single and two storey single houses along its length, with landscaped verges and gardens.

It is proposed to construct a new two-storey dwelling at the property.

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.

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 fails to meet these objectives, particularly in regard to scale, bulk and appearance. The development is likely to have an adverse impact on neighboring lots and the locality.

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 setbacks and open space. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

Clause 5.1.2 Street Setbacks

The application is seeking a design principles assessment of the street setbacks for the dwelling. A minimum street setback from Hobbs Avenue of 8.5m to the front wall and 7.8m to the eaves projection is proposed. Tern Lane acts as a secondary street to the development. A minimum setback of 2m to Tern Lane is proposed.

The design principles for street setback require setbacks that contribute to and are consistent with an established streetscape; provide adequate privacy and open space for dwellings; and accommodate parking, landscaping and utilities. The design principles also

require the mass and form of buildings that use design features that affect the size and scale of buildings; use appropriate minor projections that do not detract from the streetscape character; and positively contribute to the prevailing or future development context and streetscape.

In relation to street setbacks, the street block along Hobbs Avenue is characterised by dwellings that are setback at least 9m. However, there are a number of properties where carports are located closer to the road. The proposed dwelling will have a main wall at 9m setback, with a 2.5m portion of wall at 8.5m setback. In addition to the wall, a 'façade element' will project 1.2m into the setback area by a maximum of 1.2m to provide an 'effective setback of 7.8m.

The proposed building setback to Hobbs Avenue is assessed as consistent with the design principles in the following manner:

- The established streetscape provides for relatively large, landscaped front yards where vehicle parking is not dominant. The proposed dwelling will include landscaping with a number of trees. The proposed garage will be lower than road level, thereby reducing the dominance of the garage on the streetscape. The driveway and crossover has been designed to be the minimum width that is practical.
- The front yard provides for approximately 170m² of open space, which is the equivalent of approximately 15% of the total site area. The setback provides for the visual privacy of neighbouring properties given that the building line is slightly in front of the adjoining dwellings, with resultant views from front windows out onto the street and across the front yards of the neighbouring lots.
- Adequate provision is made for parking, landscaping and utilities within the front setback and on the façade of the dwelling.
- The dwelling is located away from any service corridors, including power, water and sewer.
- The front façade incorporates a range of design elements to break up the bulk of the building. These include horizontal and vertical projections as shown on the attached plans and perspectives.
- The basement garage allows for the proportion of the ground level utilised for parking and utilities to be reduced when viewed from the street. The dominant elements of the front yard will be the dwelling and the landscaping rather than the parking arrangements or services to the site.

On balance, the proposed setback to Hobbs Avenue is supportable. The architectural style and overall bulk and scale of the dwelling will introduce a new form to the local streetscape. However, the locality in which the site is situated is subject to change with examples of modern, large dwellings with similar proportions to that proposed.

The setback to the secondary street (Tern Lane) is proposed at 2m for the rear garage. This has been assessed appropriate as it is consistent with the prevailing streetscape of Tern Lane. There are currently five properties with garages setback approximately 1m-2.5m to the Tern Lane boundary. The laneway presents as a service road to the rear of properties rather than as a conventional street. Permitting the garage setback as proposed will be consistent with the dwelling immediately to the south. The garage has been located to allow for the retaining of the large tree in the north-western corner of the site close to Tern Lane.

Clause 5.1.4 Open Space

This application is seeking a design principles assessment for open space. The design principles require development to incorporate suitable open space for its context to reflect the streetscape character; provide natural sunlight access; reduce building bulk; provide an attractive setting; allow for outdoor pursuits and access within and around the site; and provide space for external fixtures and essential facilities.

City officers have calculated open space at 51% of the total site area. The proposed open space provision for the development is considered to meet the design principles in the following manner:

- The large, landscaped primary street setback is provided that reflects the prevailing streetscape character of Hobbs Avenue (see above).
- Appropriate setbacks are provided that allow natural sunlight into the dwelling. It is further noted that the overshadowing of the property to the south meets the deemed-to-comply provisions of the R-Codes.
- Building bulk has been reduced by adoption of a predominantly single-storey design with the upper floor limited to the front third of the dwelling. This reduces the overall bulk of the dwelling when viewed from neighbouring properties. The general layout of the dwelling is similar to that employed for the property to the south, with a two-storey element on the front half of the lot and a long single storey element at the rear.
- The dwelling will be located in an attractive setting. Landscaping of the site is integrated into the architectural design with the location of trees identified. The large Liquidambar tree in the north-western corner of the site is to be retained. This tree has a significant canopy diameter that is intended to overhang the single-storey rear portion of the dwelling. An arborist report has been provided for the tree that provides advice on how to protect this tree during and after construction. Critically, the finished levels of the development have been determined in order to protect the tree roots (i.e. the finished level of the dwelling will be similar to that of the base of the tree, which is currently higher than the existing floor level of the house).
- The development provides adequate opportunity for the residents to enjoy outdoor pursuits. The dwelling is designed around a central courtyard that provides an outdoor entertainment / alfresco area and swimming pool and spa. This area is directly connected to the dwelling's internal living areas and is approximately 150m² in area, inclusive of roofed and unroofed portions. An additional unroofed rear garden area is located in the north-western portion of the property and incorporates the large Liquidambar tree.

The retaining of the Liquidambar tree in the rear of the property is a significant addition to the open space and landscaping outcome for the dwelling. In addition to contributing to the locality's tree canopy coverage, the size and scale of the tree will reduce the bulk of the dwelling. An arborist report has been provided that identifies that the tree is in good health and approximately 50-60 years old. The useful life expectancy of the tree is 50 to 100+ years. The report recommends that the tree is monitored during construction and during excavation in particular. The proposed development will reduce the amount of excavation around the tree and in the structural root zone as the finished level of the dwelling will be higher than that for the existing house. The base of the tree is currently raised higher than the finished floor level of the existing house. The new finished level will be consistent with

the level at the base of the tree. In the event that approval for the dwelling is granted, a condition is recommended that requires tree protection measures to be utilised during construction, including the engagement of a qualified arborist to monitor the health of the tree and to provide direction on mitigation measures.

Consultation

The application is seeking assessment under the design principles of the R-Codes for street setbacks, lot boundary setbacks and open space.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 17 adjoining properties. The application was advertised for a period of 14 days from 29 June to 13 July 2022. At the close of the advertising period, two objections were received.

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

1. Lack of Open Space and Large Building Envelope

The proposed open space or building envelope are not supported. The site coverage and lack of open space is likely to have a negative impact on the immediate neighboring properties and the streetscape.

Officer Response:

Open space has been assessed against the design principles, as outlined above.

2. Reduction to Street Setbacks

The proposed street setbacks to the east or west of the subject site are not supported. Seeking discretion for both primary and secondary street setbacks, combined with open space is characteristic of an overdevelopment of a lot. The reduction to street setbacks and open space is likely to have a negative impact on the immediate neighboring properties and the streetscape, resulting in a negative presentation of building bulk.

Officer response:

The primary street setback to Hobbs Avenue has since been increased as a result of the submissions received. A design principles assessment of the revised street setback is outlined above.

The garage setback to Tern Lane is similar to that employed on other properties in Tern Lane, as discussed above. The Tern Lane setback area will include the retention of the large Liquidambar tree, which will provide an overhanging canopy for the laneway.

3. Reduction to Lot Boundary Setbacks

The development is seeking discretion for lot boundary setbacks affecting the northern lot boundary. The presence of lot boundary setbacks, street setbacks and a reduction to open space is representative of overdevelopment of the lot for its R10 density coding. The development presents adverse building bulk to adjoining lots and the streetscape.

Officer response:

The side lot boundary setbacks have been modified to meet deemed-to-comply provisions.

Strategic Implications

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

- Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.
- Values** **Great Natural and Built Environment**
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.
- Priority Area** Urban form - protecting our quality living environment

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

Should Council resolve to approve the proposal as recommended, development can proceed after receiving a building permit and necessary clearances.

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

Conclusion

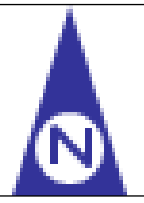
The proposal for a single house at 5 Hobbs Avenue, Dalkeith requires design principle assessment for primary and secondary street setbacks and open space. All other matters meet the relevant deemed-to-comply provisions of the Residential Design Codes Volume 1.

A notable factor for this development is the retention of the Liquidambar tree in the north-western corner of the property. This tree will provide a large overhanging canopy to the dwelling and the adjacent laneway. This will work with the landscaping of the property to ensure the new dwelling is consistent with the prevailing character of the locality.

Conditional approval of the development is recommended.

Further Information

Nil.





NOTE: Contractor to check and verify all dimensions, levels, and angles on site before commencing.
All construction work to be in accordance with the Building Code of Australia, approved documents and relevant Australian Standards.
- Drawings shall not be read in isolation as they refer to other drawings, schedules and specifications.

HOBBS AVENUE

City of Nedlands
Amended Plans
Received
13 October 2022

PROPERTY INFORMATION

SINGLE RESIDENCE
5 HOBBS AVENUE
DALKEITH WA 6009
Lot 210 on P 202213
CITY OF NEDLANDS
SITE AREA: 1011.7m²

DRAWING SCHEDULE

| | | | |
|-------|--------|-------------------------------|----|
| 21067 | A01.00 | COVER SHEET | P3 |
| 21067 | A01.01 | SURVEY + SITE PLAN - EXISTING | P3 |
| 21067 | A01.02 | SITE PLAN | P1 |
| 21067 | A01.03 | PERSPECTIVES | P1 |
| 21067 | A02.01 | BASEMENT | P3 |
| 21067 | A02.02 | GROUND FLOOR | P5 |
| 21067 | A02.03 | LEVEL ONE | P4 |
| 21067 | A03.01 | BASEMENT - SET-OUT PLAN | |
| 21067 | A03.02 | GROUND FLOOR - SET-OUT PLAN | |
| 21067 | A04.01 | ROOF PLAN | P3 |
| 21067 | A05.01 | CEILING PLANS | |
| 21067 | A05.02 | CEILING PLANS | |
| 21067 | A05.03 | CEILING PLAN - LEVEL 2 | |
| 21067 | A06.01 | NORTH + EAST ELEVATION | P3 |
| 21067 | A06.02 | SOUTH + WEST ELEVATION | P3 |
| 21067 | A07.02 | SECTIONS | |
| 21067 | A07.03 | SECTIONS | |
| 21067 | A07.10 | DETAIL SECTIONS | |
| 21067 | A07.11 | DETAIL SECTIONS | |
| 21067 | A07.12 | DETAILS | |
| 21067 | A08.01 | STAIR AND LIFT DETAILS | |
| 21067 | A09.02 | SITE COVER | P5 |
| 21067 | A09.04 | DIAGRAMS | P2 |
| 21067 | A10.01 | DOOR SCHEDULE | |
| 21067 | A10.02 | GLAZING SCHEDULE | |
| 21067 | A10.03 | BALLUSTRADE SCHEDULE | |
| 21067 | A10.04 | SCREEN SCHEDULE | |



| P3 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
|-------|----------|-----------------------------|-------|------|
| P2 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.04.21 | PLANNING SUBMISSION | TLM | LA |
| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |

PRELIMINARY

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WWW.DMGARCHITECTURE.COM.AU

PROJECT
HOBBS AVENUE

RESIDENCE

TITLE
COVER SHEET

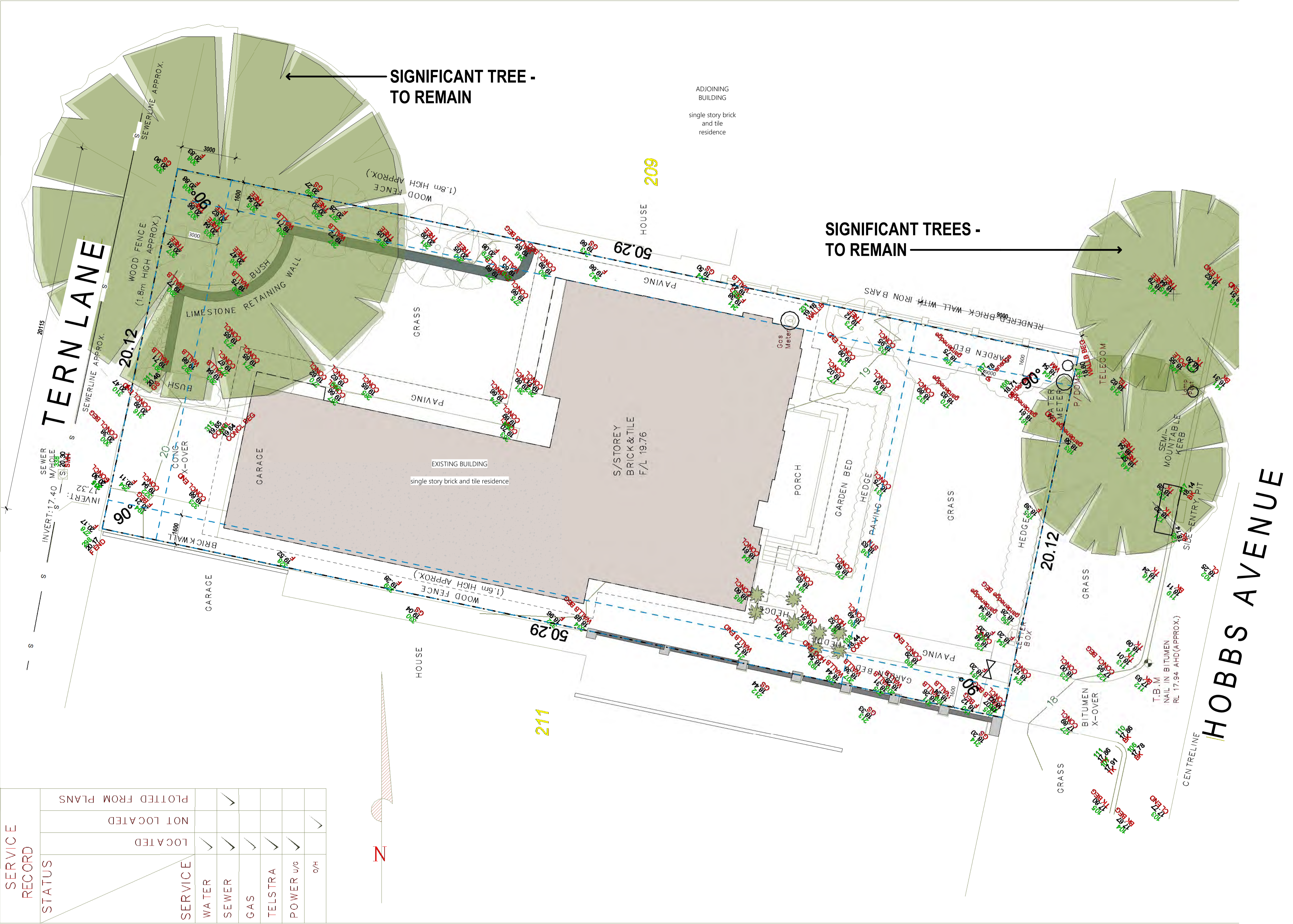
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| @ A1 | TLM | LA |

| PROJECT # | DRAWING # | ISSUE |
|-----------|-----------|-------|
| 21067 | A01.00 | P3 |

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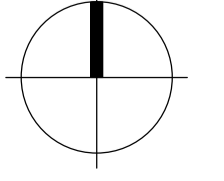
City of Nedlands
 Amended Plans
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 13 October 2022



| SERVICE RECORD STATUS | PLOTTED FROM PLANS | | WATER | SEWER | GAS | TELSTRA | POWER u/g | O/H |
|-----------------------|--------------------|-------------|-------|-------|-----|---------|-----------|-----|
| | LOCATED | NOT LOCATED | | | | | | |
| SERVICE | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |



SCALE 1:100
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| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
|-------|----------|-----------------------------|------|------|
| P3 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P2 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.04.21 | PLANNING SUBMISSION | TLM | LA |

PRELIMINARY

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 T 08 9412 6888 info@dmgperth.com.au
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PROJECT
 HOBBS AVENUE

RESIDENCE

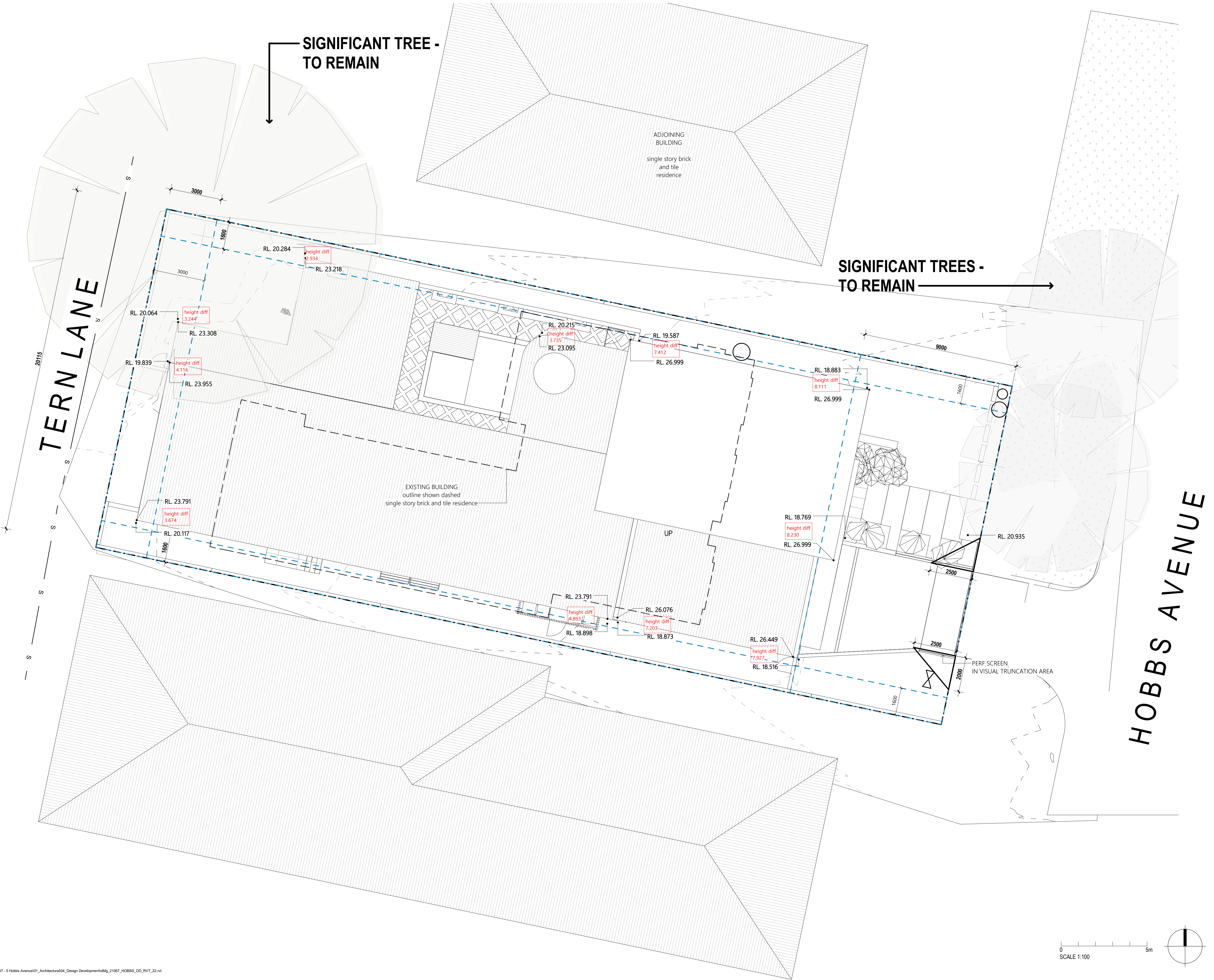
TITLE
 SURVEY + SITE PLAN - EXISTING

| SCALE | DRAWN | CHECKED |
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| 1 : 100 @ A1 | TLM | LA |
| PROJECT # | DRAWING # | ISSUE |
| 21067 | A01.01 | P3 |

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| | | | | |
|-------|----------|-----------------------------|-------|------|
| P2 | 22.10.12 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.10.10 | PLANNING SUBMISSION REVISED | | |
| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |

PRELIMINARY

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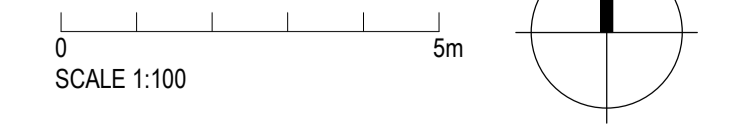
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PROJECT
HOBBS AVENUE
RESIDENCE

TITLE
SITE PLAN

| | | |
|--------------|-----------|---------|
| SCALE | DRAWN | CHECKED |
| 1 : 100 @ A1 | Author | Checker |
| PROJECT # | DRAWING # | ISSUE |
| 21067 | A01.02 | P2 |



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| ISSUE | DATE | DESCRIPTION | PLANNING SUBMISSION REVISED | TLM | LA |
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| P1 | 22.10.10 | | | | |

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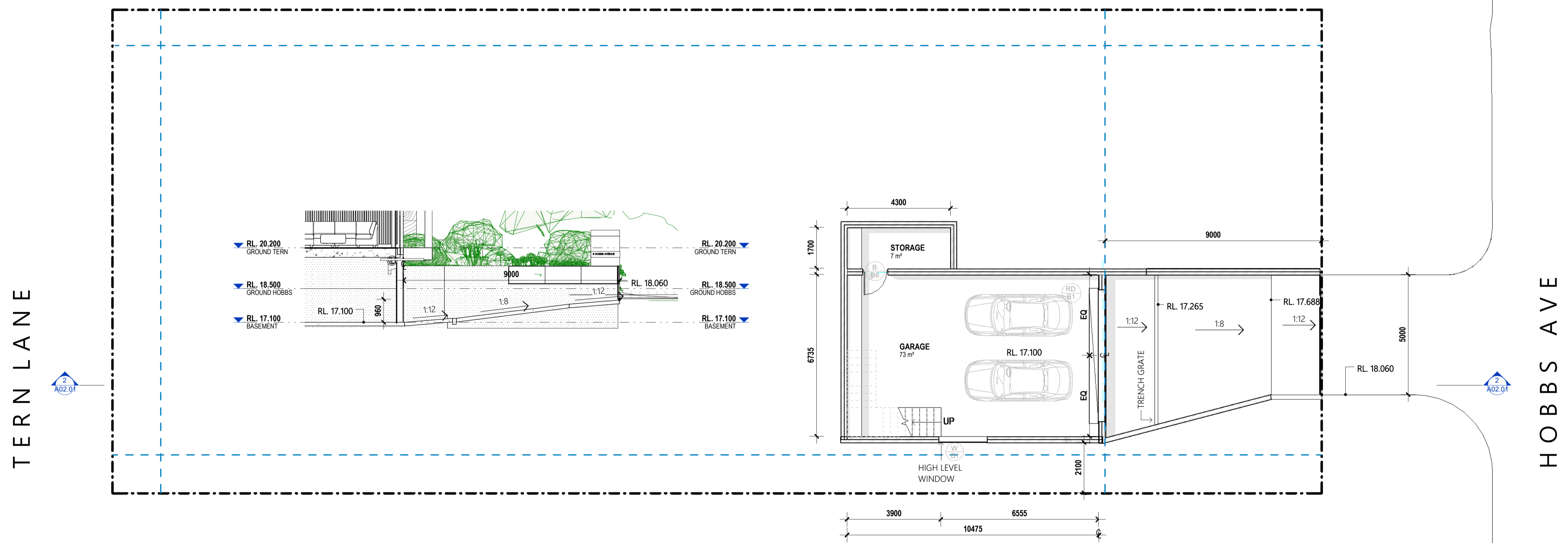
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 RESIDENCE
 TITLE
 PERSPECTIVES

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|-----------|-----------|---------|
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| PROJECT # | DRAWING # | ISSUE |
| 21067 | A01.03 | P1 |

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| P4 | 22.10.12 | PLANNING SUBMISSION REVISED | TLM | LA |
| P3 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P2 | 22.09.03 | SITE COVER | TLM | LA |
| P1 | 22.08.14 | PLANNING SUBMISSION REVISED | TLM | LA |

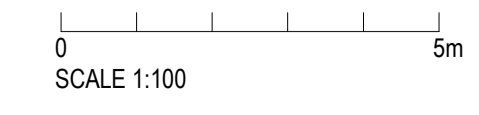
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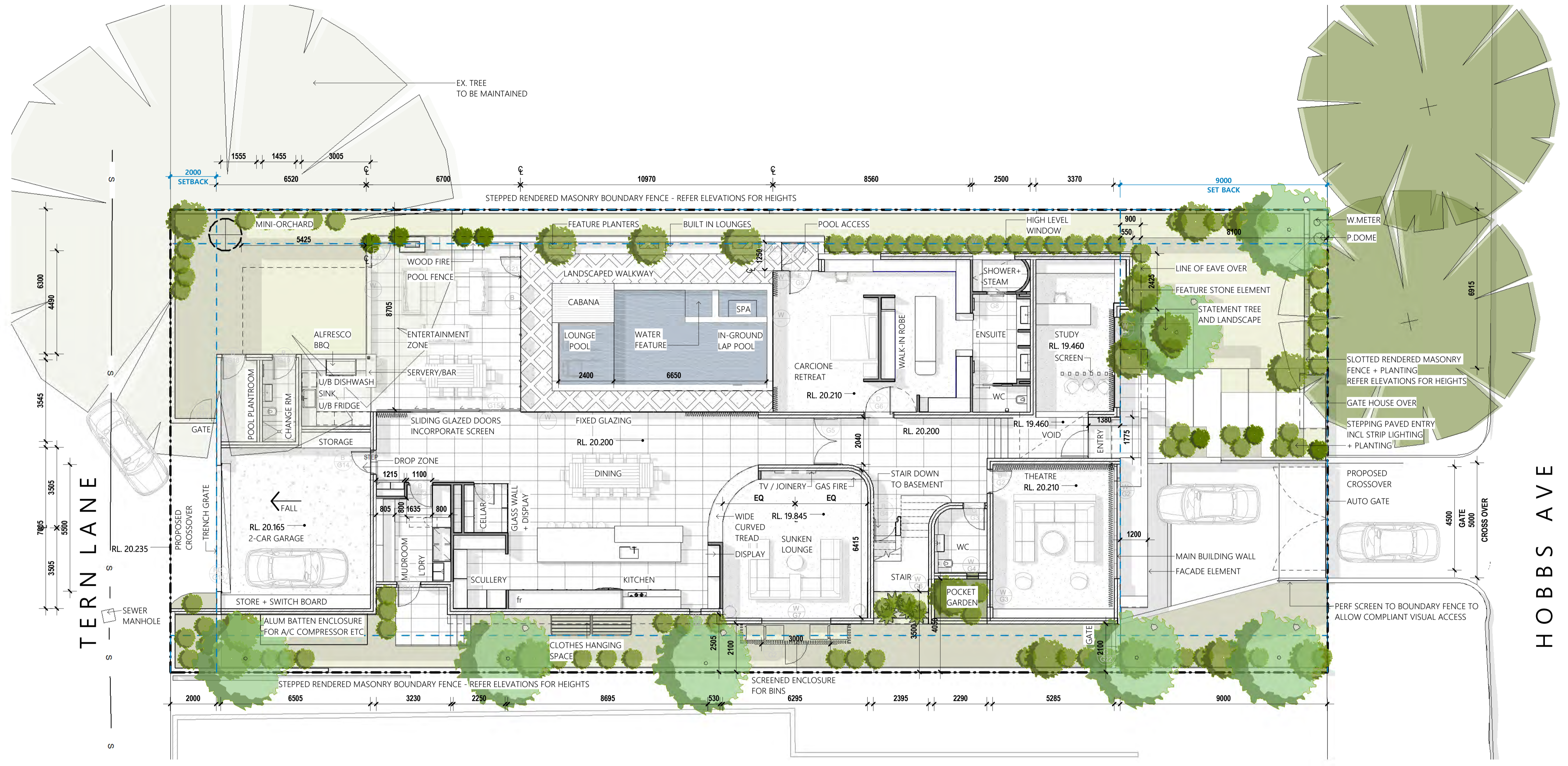
PROJECT
HOBBS AVENUE
RESIDENCE
TITLE
BASEMENT

| SCALE | DRAWN | CHECKED |
|--------------|-----------|---------|
| 1 : 100 @ A1 | TLM | LA |
| PROJECT # | DRAWING # | ISSUE |
| 21067 | A02.01 | P4 |



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HOBBS AVE

| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |
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| P6 | 22.10.12 | PLANNING SUBMISSION REVISED | TLM | LA |
| P5 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P4 | 22.09.03 | SITE COVER | TLM | LA |
| P3 | 22.08.29 | SITE COVER | TLM | LA |
| P2 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.04.21 | PLANNING SUBMISSION | TLM | LA |

PRELIMINARY

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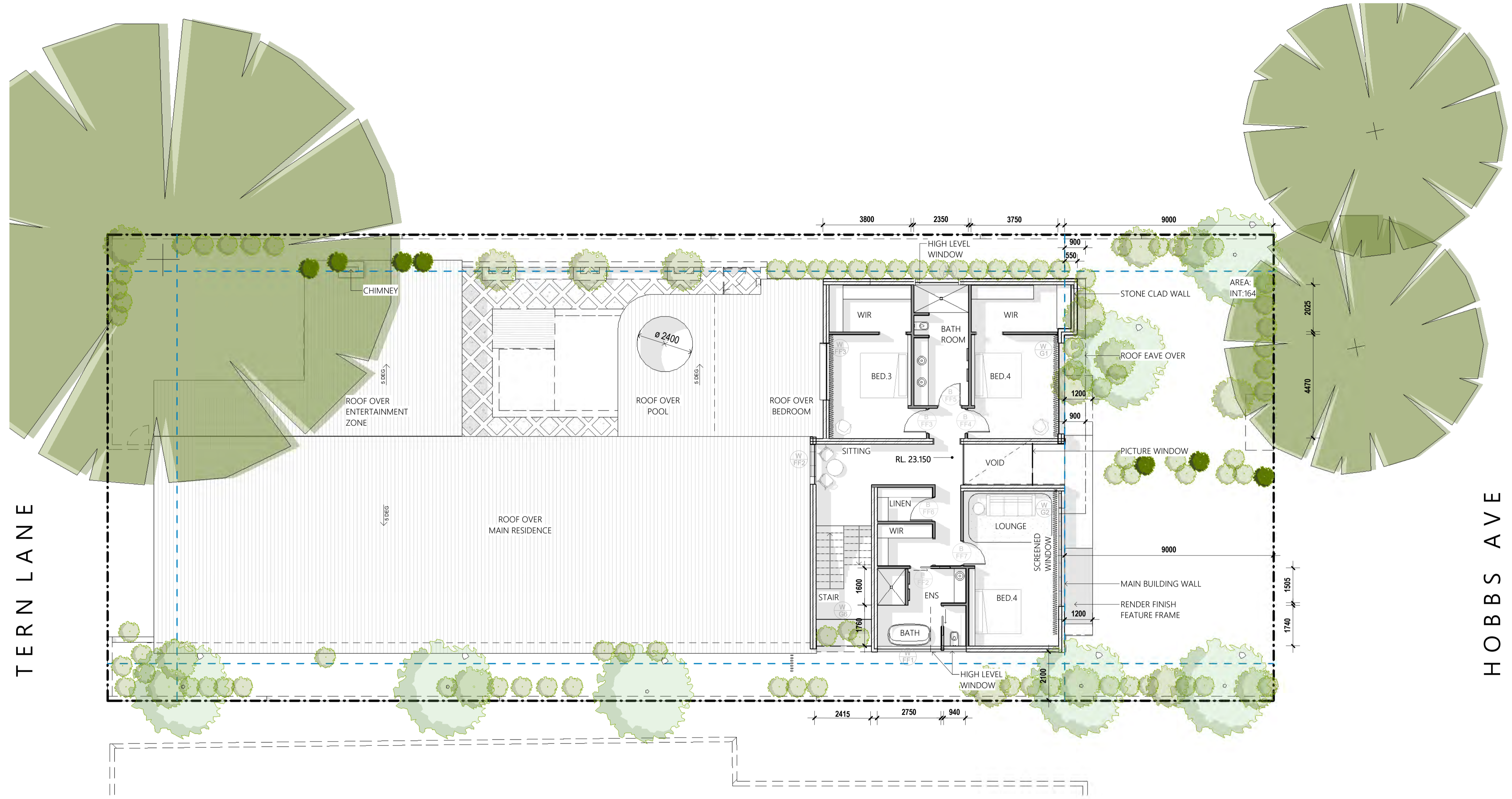
PROJECT
HOBBS AVENUE
RESIDENCE
TITLE
GROUND FLOOR

| SCALE | DRAWN | CHECKED |
|--------------|-----------|---------|
| 1 : 100 @ A1 | TLM | LA |
| PROJECT # | DRAWING # | ISSUE |
| 21067 | A02.02 | P6 |



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TERN LANE

HOBBS AVE

| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |
|-------|----------|-----------------------------|-------|------|
| P5 | 22.10.12 | PLANNING SUBMISSION REVISED | TLM | LA |
| P4 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P3 | 22.09.03 | SITE COVER | TLM | LA |
| P2 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.04.21 | PLANNING SUBMISSION | TLM | LA |

PRELIMINARY

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ARCHITECTURE

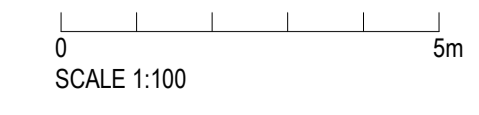
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PROJECT
HOBBS AVENUE
RESIDENCE
TITLE
LEVEL ONE

| SCALE | DRAWN | CHECKED |
|--------------|-------|---------|
| 1 : 100 @ A1 | TLM | LA |

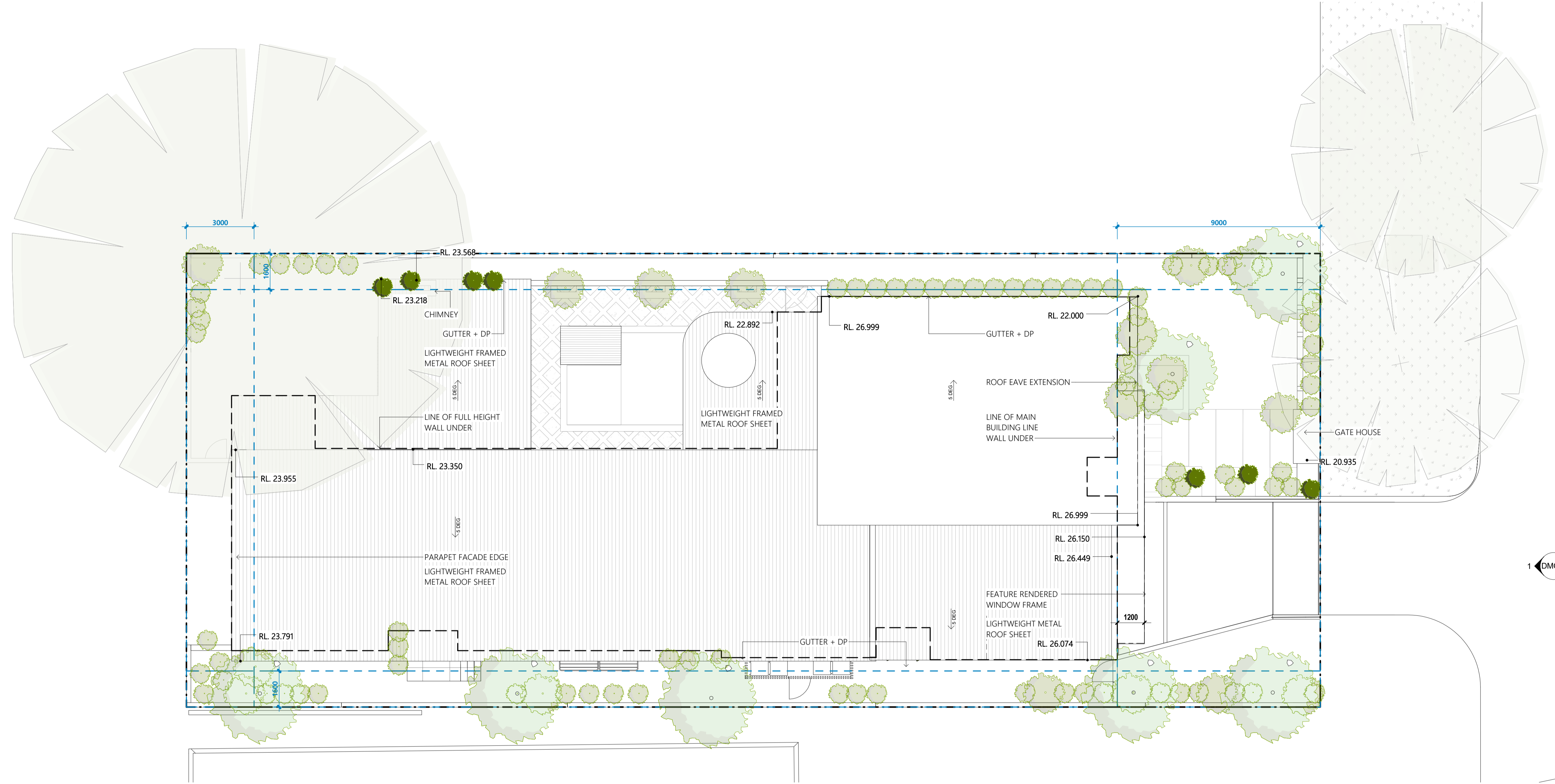
| PROJECT # | DRAWING # | ISSUE |
|-----------|-----------|-------|
| 21067 | A02.03 | P5 |

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1 DMG.1

| | | | | |
|-------|----------|-----------------------------|-------|------|
| P3 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P2 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.04.21 | PLANNING SUBMISSION | TLM | LA |
| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |

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PROJECT

HOBBS AVENUE

RESIDENCE

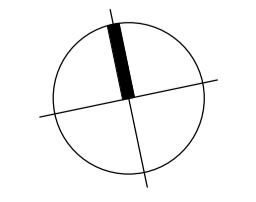
TITLE

ROOF PLAN

| | | |
|--------------|-------|---------|
| SCALE | DRAWN | CHECKED |
| 1 : 100 @ A1 | TLM | LA |

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|-----------|-----------|-------|
| PROJECT # | DRAWING # | ISSUE |
| 21067 | A04.01 | P3 |

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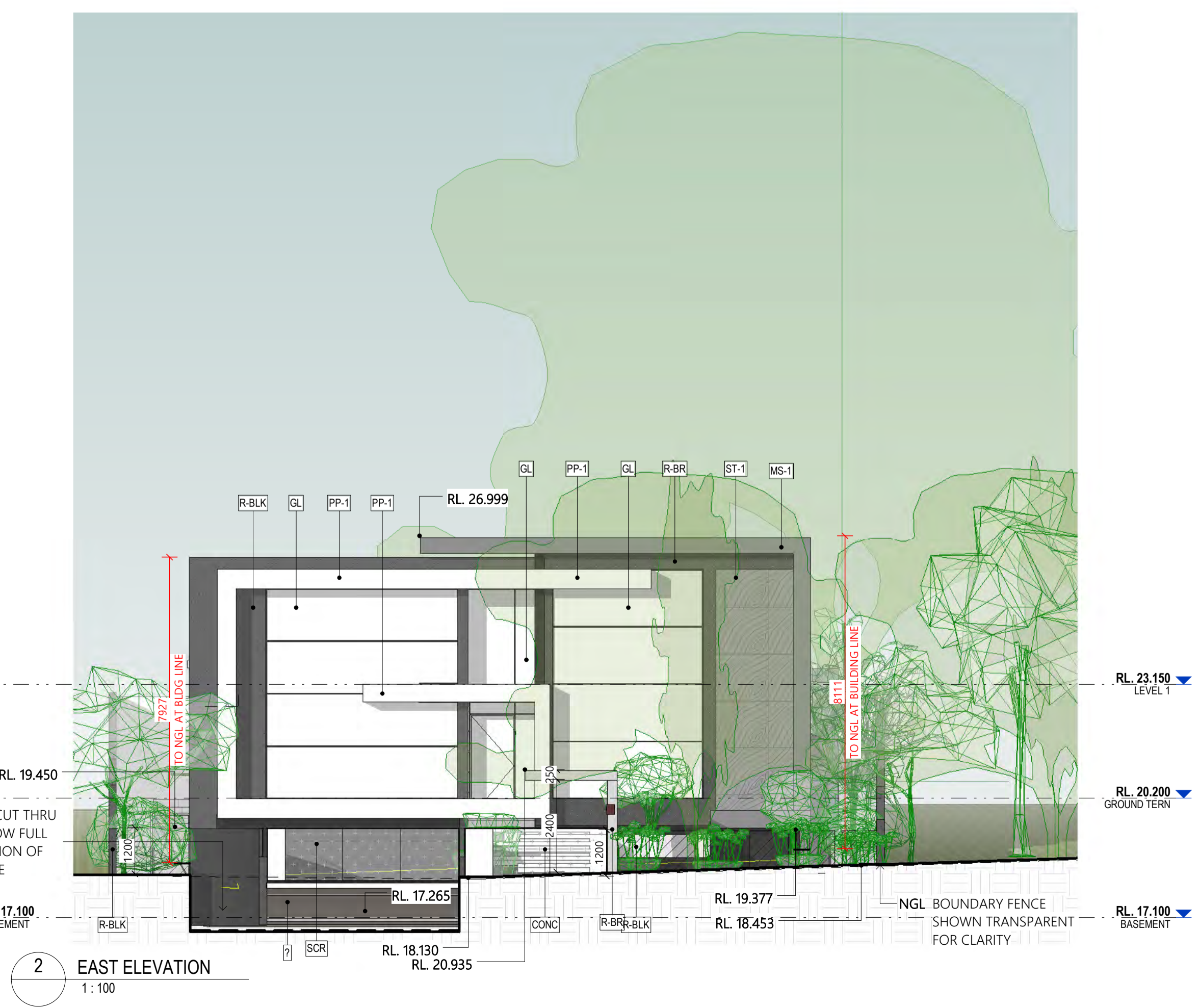


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1 NORTH ELEVATION
1:100



2 EAST ELEVATION
1:100

- AL - ALUM GARAGE DOOR
- R-BR - RENDERED BRICK
- GL - BRONZE REFLECTIVE GLAZING
- MS-1 ROOFING - PANEL RIB
- MS-2 ROOFING - RIBBED
- PP-1 POLISHED PLASTER
- R-BLK RENDERED BLOCK
- ST-1 FEATURE STONE

| ISSUE | DATE | DESCRIPTION | DWN. | APP. |
|-------|----------|-----------------------------|------|------|
| P4 | 22.10.12 | PLANNING SUBMISSION REVISED | TLM | LA |
| P3 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P2 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.04.21 | PLANNING SUBMISSION | TLM | LA |

PRELIMINARY

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PROJECT
HOBBS AVENUE

RESIDENCE

TITLE
NORTH + EAST ELEVATION

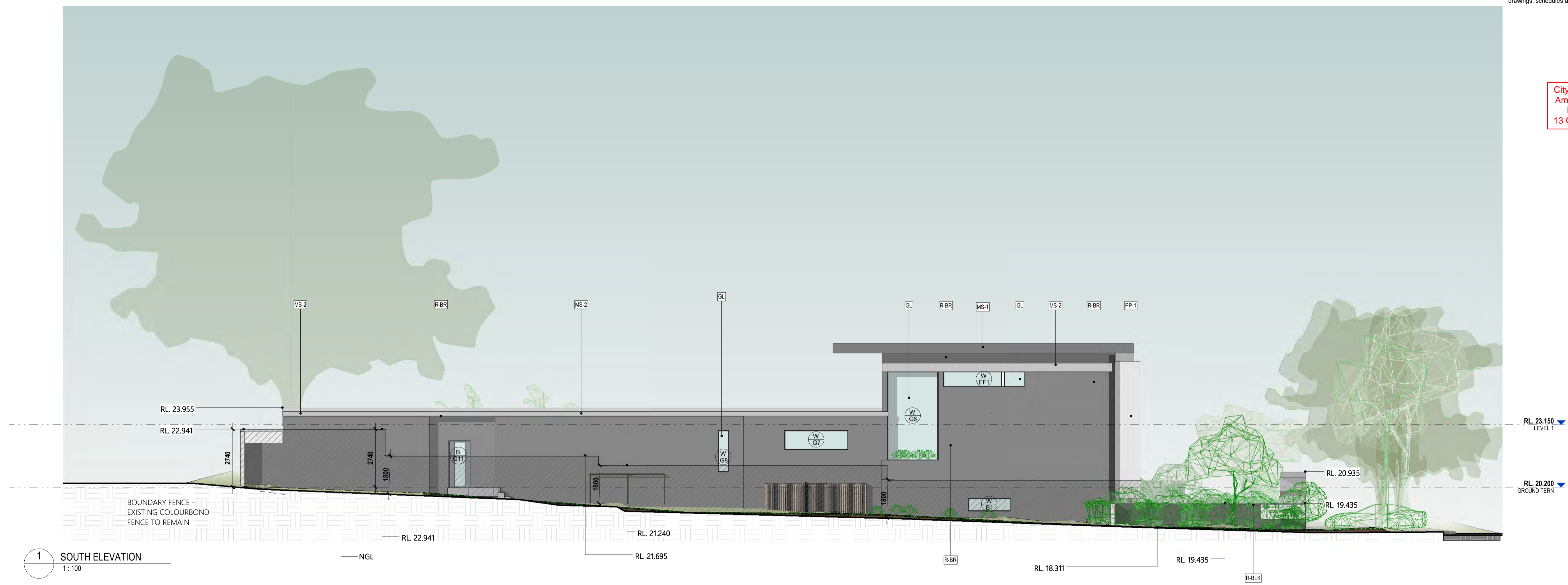
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| As indicated @ A1TLM | | LA |

| PROJECT # | DRAWING # | ISSUE |
|-----------|-----------|-------|
| 21067 | A06.01 | P4 |

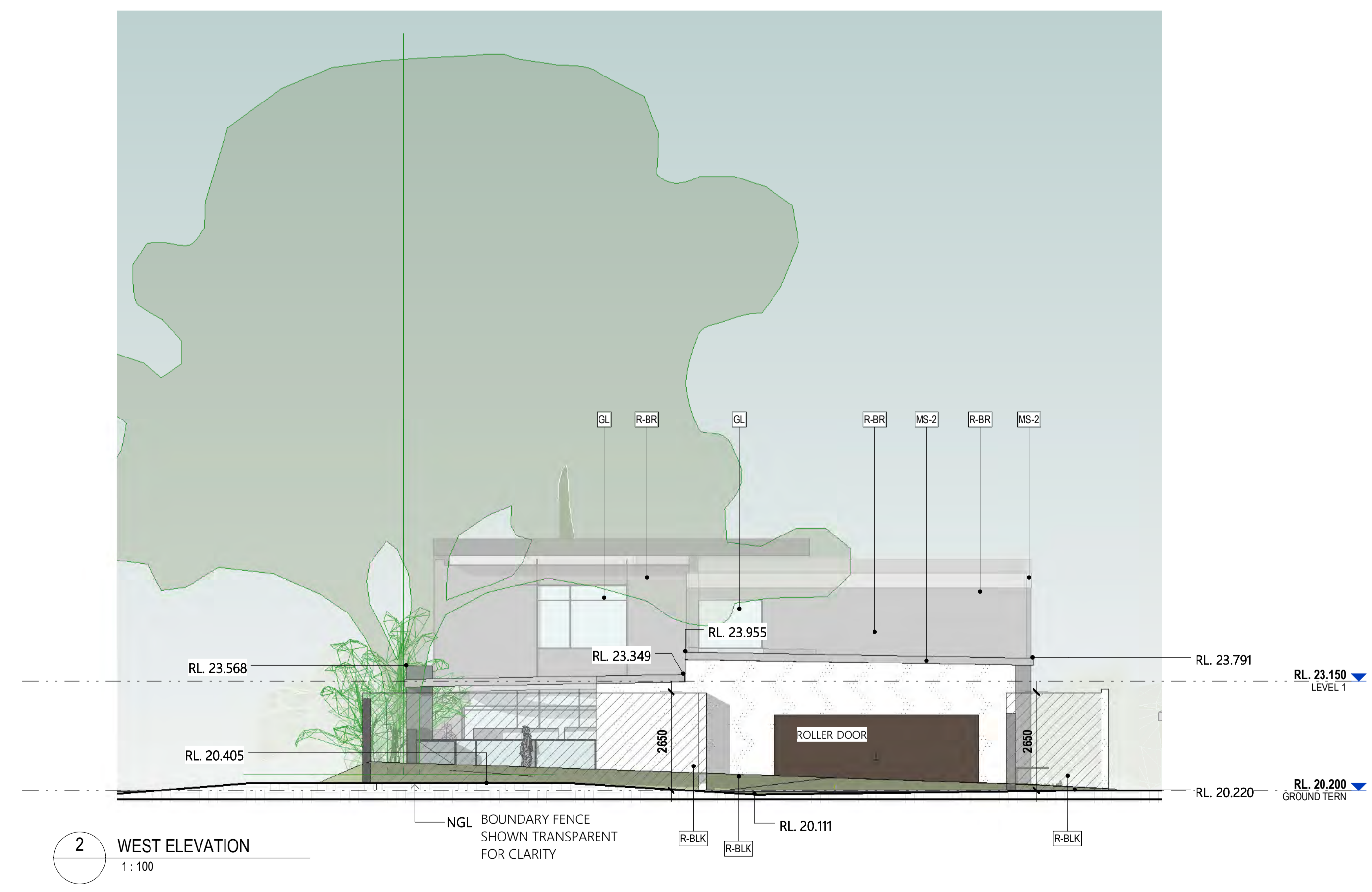


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1 SOUTH ELEVATION
 1:100



2 WEST ELEVATION
 1:100

- AL - TIMBER LOOK ALUM BATTEN
- FC - FIBRE CEMENT PAINT FINISH
- GL - BRONZE REFLECTIVE GLAZING
- MS-1 ROOFING - PANEL RIB
- MS-2 ROOFING - RIBBED
- R-BLK RENDERED MANSONRY
- ST-1 FEATURE STONE - ZEBRA MARBLE
- ST-2 FEATURE STONE - TRAVERTINE

SCALE 1:100 5m

| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
|-------|----------|-----------------------------|------|------|
| P4 | 22.10.12 | PLANNING SUBMISSION REVISED | TLM | LA |
| P3 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P2 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.04.21 | PLANNING SUBMISSION | TLM | LA |

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PROJECT
HOBBS AVENUE

RESIDENCE

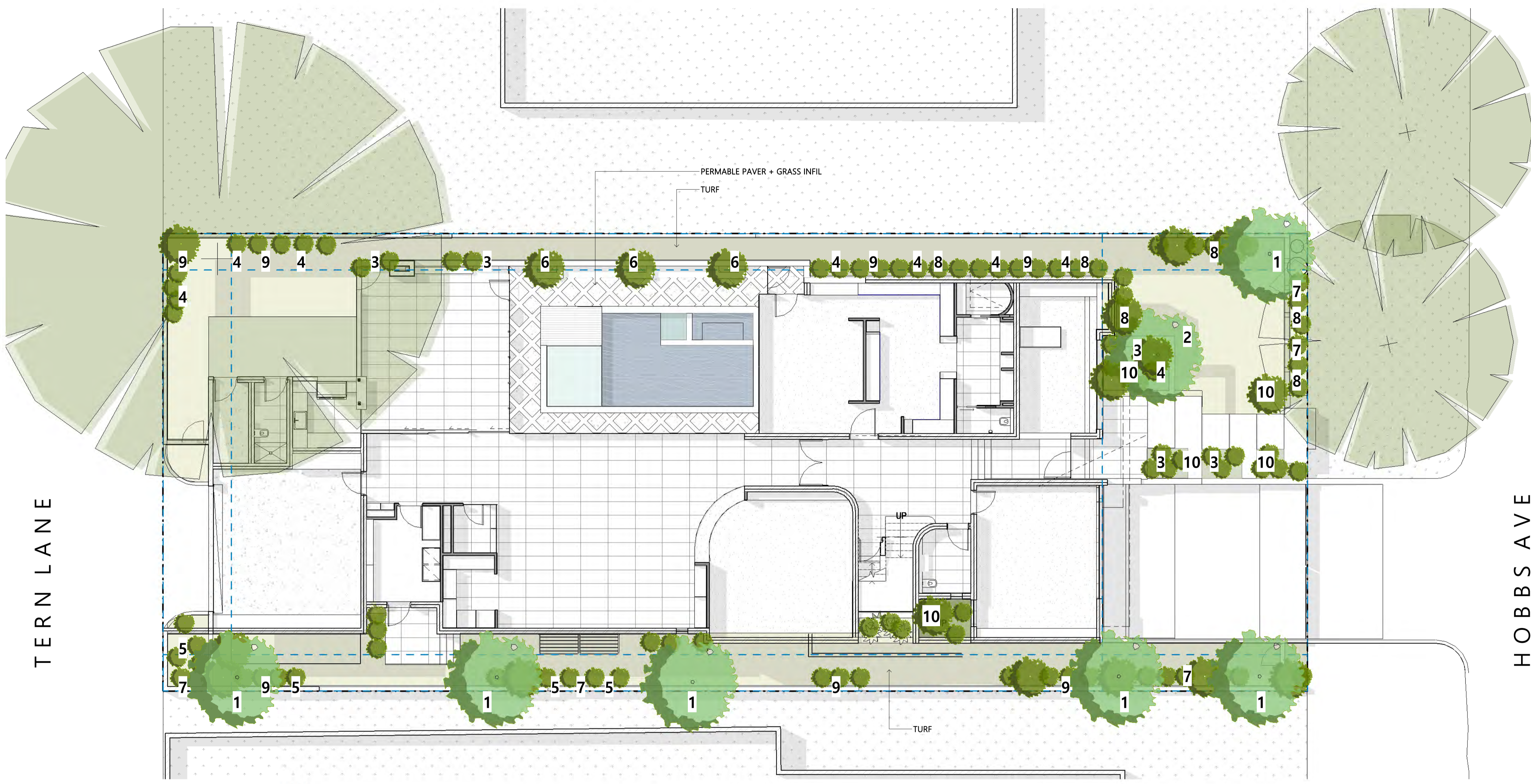
TITLE
SOUTH + WEST ELEVATION

| SCALE | DRAWN | CHECKED |
|----------------------|-----------|---------|
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| PROJECT # | DRAWING # | ISSUE |
| 21067 | A06.02 | P4 |

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TREES



1 Magnolia kay parris



2 Royal Poinciana

SHRUBS



7 Radermachera summerscent



8 Rhapsiolepis snow maiden

GROUNDCOVERS



3 Dichondra repens 'Silver Falls'



4 Pittosporum miss muffet



9 Viburnum odoritissimum 'Sweet Viburnum'



10 Mauritius hemp

SHADE PLANTING



5 Alpinia caerulea 'Native Ginger'



6 Alocasia 'Elephant Ears'

EX EXISTING TREE - TO REMAIN

| | | | | |
|-------|----------|-----------------------------|-------|------|
| P2 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |

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PROJECT

HOBBS AVENUE

RESIDENCE

TITLE

LANDSCAPE

SCALE DRAWN CHECKED

As indicated @ A1TLM LA

PROJECT # DRAWING # ISSUE

21067 A09.01 P2

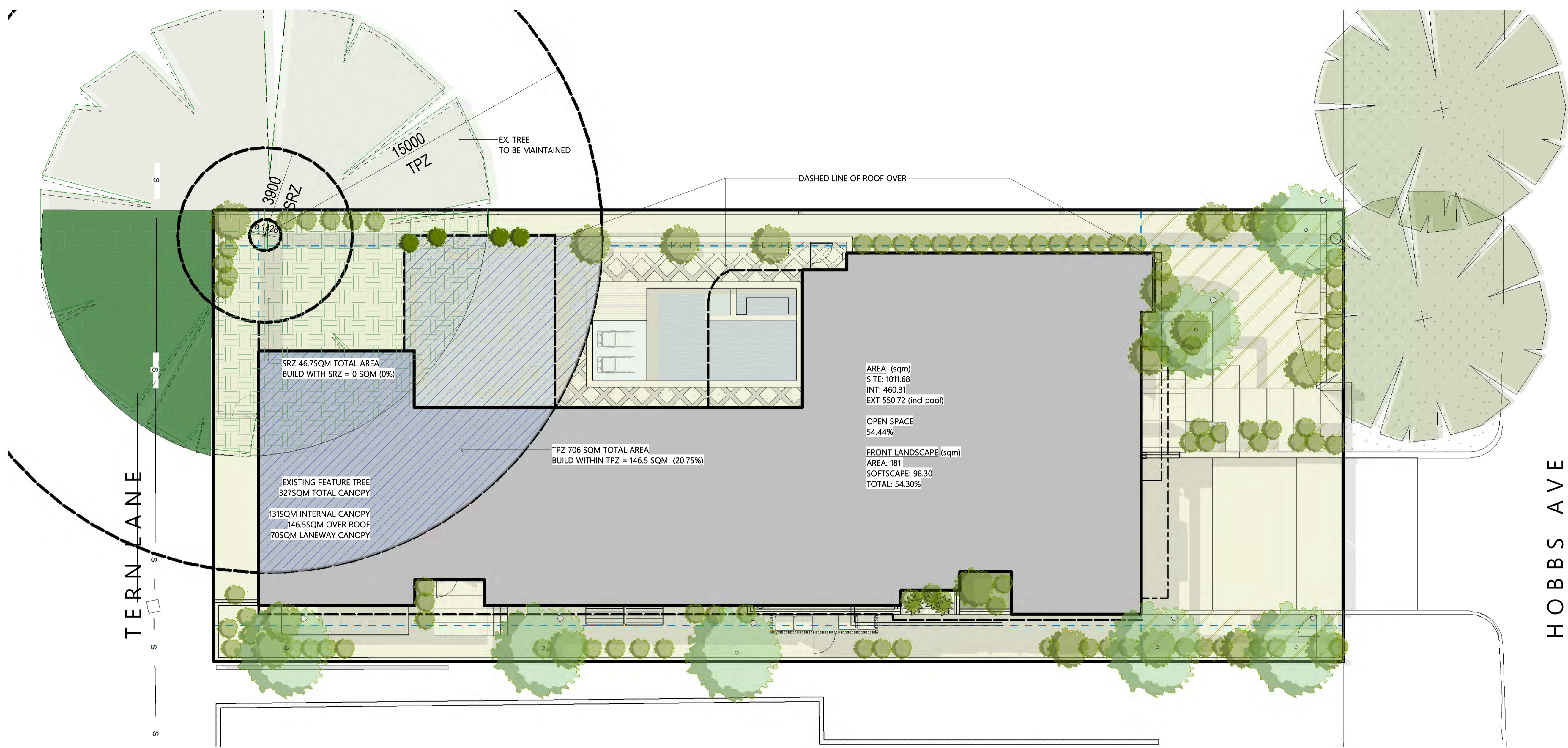
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1 GROUND FLOOR - SITE COVER
A07.01 1:100

| | | | | |
|-------|----------|-----------------------------|-------|------|
| P5 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P4 | 22.09.03 | SITE COVER | TLM | LA |
| P3 | 22.08.29 | SITE COVER | TLM | LA |
| P2 | 22.07.19 | SITE COVER | TLM | LA |
| P1 | 22.06.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |

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PROJECT
HOBBS AVENUE

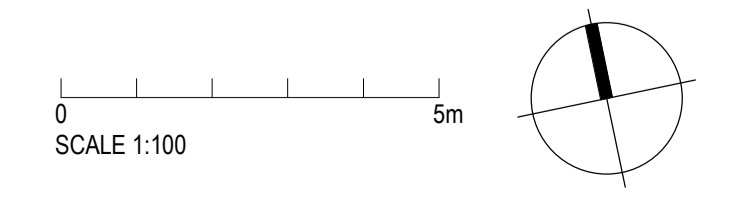
RESIDENCE

TITLE
SITE COVER

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| SCALE | DRAWN | CHECKED |
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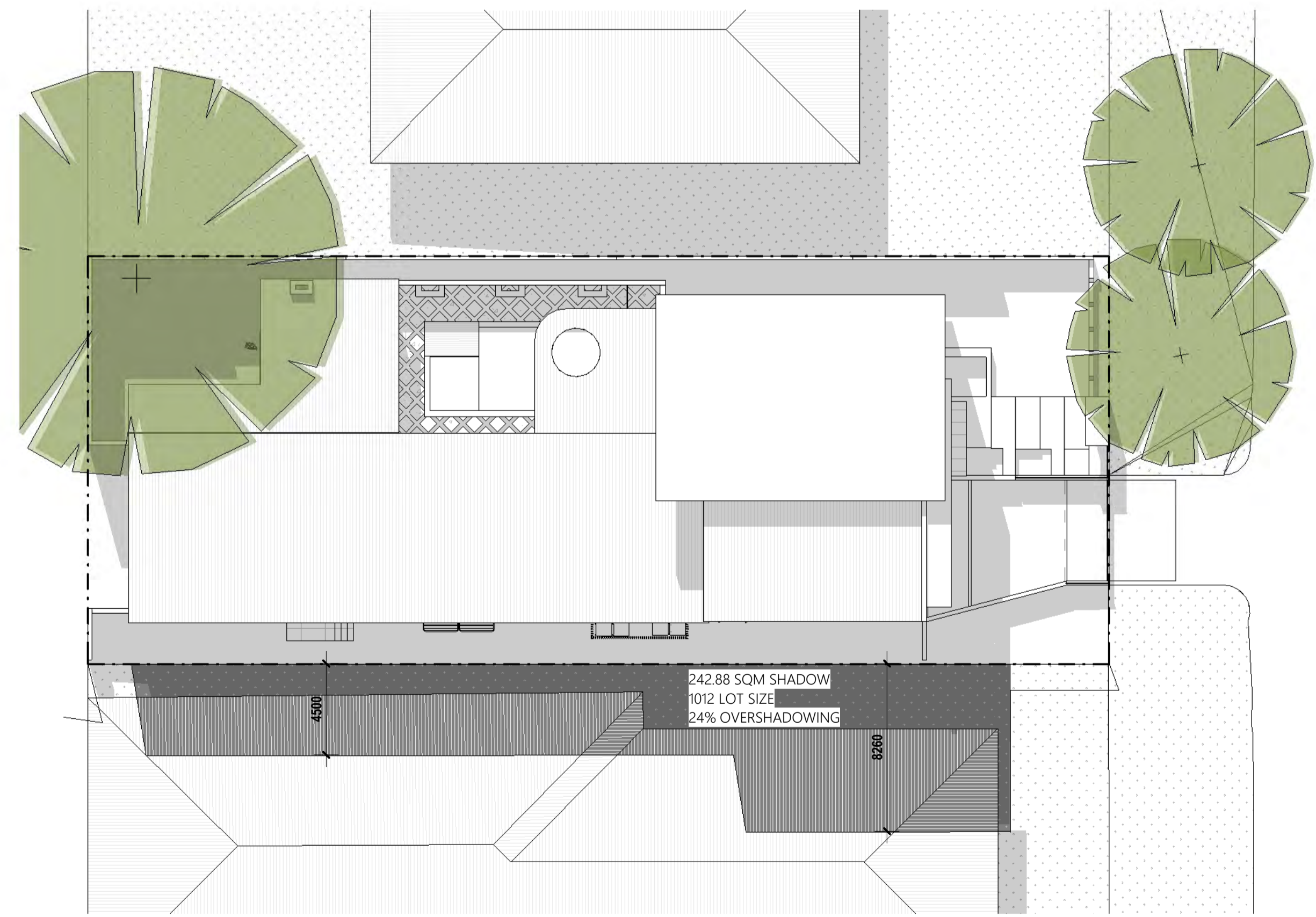
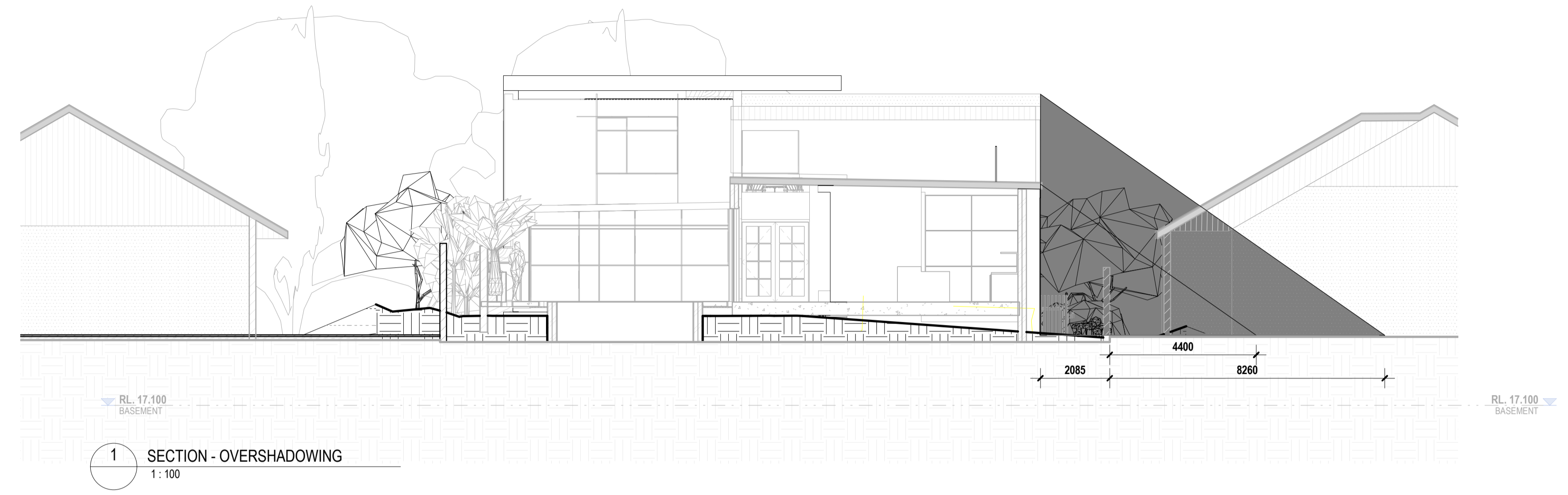
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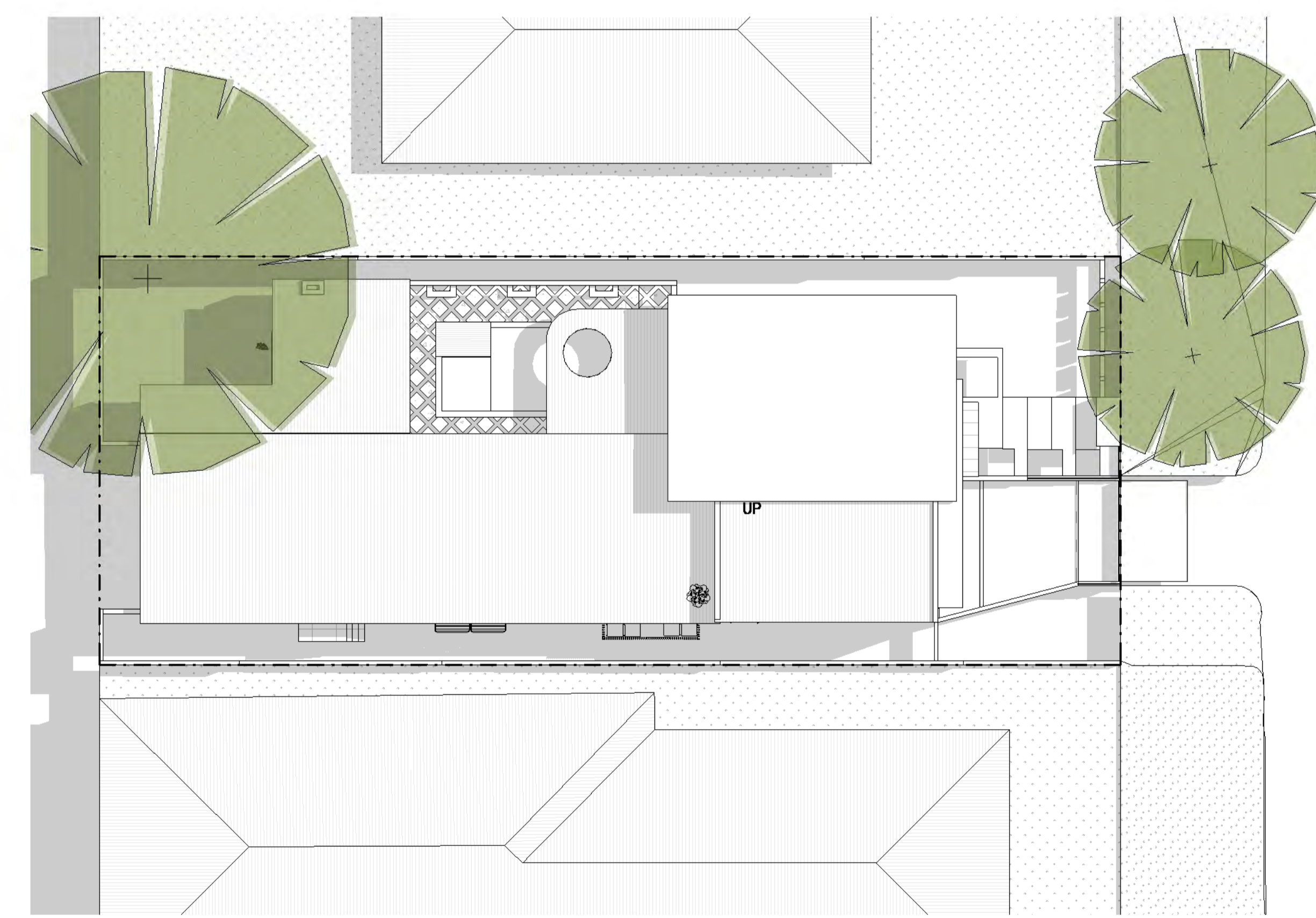


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2 WINTER SOLSTICE
 A02.01 1:200



3 SUMMER SOLSTICE
 A02.01 1:200

| | | | | |
|-------|----------|-----------------------------|-------|------|
| P3 | 22.10.12 | PLANNING SUBMISSION REVISED | TLM | LA |
| P2 | 22.10.10 | PLANNING SUBMISSION REVISED | TLM | LA |
| P1 | 22.08.14 | PLANNING SUBMISSION REVISED | TLM | LA |
| ISSUE | DATE | DESCRIPTION | DRAWN | APP. |

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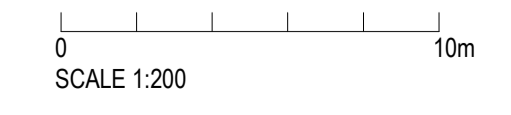
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PROJECT
 HOBBS AVENUE
 RESIDENCE
 TITLE
 DIAGRAMS

SCALE DRAWN CHECKED
 As indicated @ A1TLM LA

PROJECT # DRAWING # ISSUE
 21067 A09.04 P3



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16.4 PD76.11.22 Consideration of Local Development Plan for Hollywood Hospital at 101 Monash Avenue, Nedlands

| | |
|---|---|
| Meeting & Date | Council - 22 November 2022 |
| Applicant | City of Nedlands |
| 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. |
| Report Author | Roy Winslow, Manager Urban Planning |
| Director | Tony Free, Director Planning and Development |
| Attachments | 1. Proposed Local Development Plan 2. Summary of submissions |

Purpose

The purpose of this report is for Council to receive the results of consultation and to consider the proposed Hollywood Hospital Local Development Plan (LDP).

Recommendation

That Council, pursuant to Clause 52 (1)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations)*, approves the Local Development Plan dated 10 August 2022 for Lot 565 (No.101) Monash Avenue, Nedlands (Attachment 1).

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

A LDP is a mechanism used to achieve a desired built form outcome by supplementing the development standards of the local planning framework. The *Planning and Development (Local Planning Schemes) Regulations 2015* provide for the legislative context for how an LDP is applied for, advertised and approved by a local government.

Existing site context

The site is bound to the east by the larger QEII hospital complex, west by the Hollywood Bowling Club and Hollywood Primary School, south by mixed use and high density residential and to the north by low density residential.

The dwellings to the north of the site are a mix of single and two storey original and contemporary dwellings. Most buildings opposite the site do not have a primary frontage to Verdun Street. However, most have some visual interaction from windows facing onto the site. Most properties which share a boundary to Verdun Street have solid boundary fencing for the entirety of the boundary facing the hospital site, with two properties having part solid fencing approximately 1.8m high and part solid low fencing allowing views out of their property.

The subject site and the properties to the north are separated by a 20m wide road reserve (Verdun Street). The northern part of the site is predominately used for parking, administration, and training for staff, with the southern portion of the site primarily used for patient care and direct medical operations.

The changes proposed by the LDP only affect the northern portion of the site, adjacent to Verdun Street.

Existing framework versus proposed

The Hollywood Hospital site is zoned 'Special Use' by the City's Local Planning Scheme No.3 and has specific development requirements within clause 21, Table 5 of the Scheme. These provisions are:

- (1) All development and uses are to be consistent and not detrimental to the primary function of the area being medical and hospital related.
- (2) Where there is no approved structure plan, local development plan and/or activity centre plan, development shall comply with the following provisions:
 - a. Setbacks
 - i. Monash Avenue: 10m
 - ii. Verdun Street: 10m
 - iii. Western boundary: 10m
 - iv. Eastern boundary: Nil.
 - b. Wall height:
 - i. Maximum of 26.7m except in the following instances:

- No more than 10m where development is located less than 80m from Verdun Street; and
- No more than 18.3m where the development is located less 60m from Monash Avenue.

Clause 21(2) provides default height settings in the absence of a LDP, or similar mechanism. These settings can be modified by preparation of a LDP, which is the subject of this report.

A LDP is a mechanism used to achieve a desired built form outcome by supplementing the development standards of the local planning framework. The *Planning and Development (Local Planning Schemes) Regulations 2015* provide the legislative context for how an LDP is applied for, advertised and approved by a local government.

Under the proposed LDP, all building height and setback provisions are consistent between the LDP and the Scheme, except for building height within 80m of Verdun Street (Area 1, refer plan at Attachment 1). While the existing development criteria permits a 10m wall height maximum, the LDP is proposing to increase this to 13m in height.

There are no other changes to the Scheme provisions that are proposed under this LDP.

Discussion

Justification for height increase

The applicant gives several reasons why the increase in height is required, including:

- The topography of the site would result in a split-level design should a 10m maximum wall height be proposed. Due to the accessibility requirements of a hospital, this is not possible;
- Current height limitations reflect a three-storey maximum commercial building height. However, medical buildings require increased floor to ceiling heights of 4.2m to accommodate infrastructure and services; and
- The site is burdened with an existing easement across the site which complicates redevelopment.

Impact of proposed change

As the scope of the change to the site is limited to an increase in height of 3m for a portion of the site, it is valid to consider the amenity impacts on the residential area to the north of the hospital site.

The site has been in operation as a hospital for over 70 years. Ongoing growth and development of the hospital to meet the community's needs is recognised.

The height increase is largely to accommodate infrastructure specifically required for hospital grade buildings such as large air-conditioning units, ventilation and other services, and higher floor to ceiling heights. This additional height is a necessary requirement in order to be able to develop hospital-grade buildings that are fit for purpose.

In terms of the amenity of the locality to the north, there is a 20-metre wide road reservation, existing vegetation on site and within the verge, and an additional on-site 10m setback to Verdun Street. The nearest properties will be no closer than 30 metres from any new development under the existing provisions in the Scheme. The proposed additional 3 metre increase in height will be largely unnoticeable and will be mitigated through a combination of existing setbacks and vegetation on site.

Consultation

The LDP was advertised from 1 September to 15 September 2022 (14 days) and included the following advertising methods, consistent with the City's Consultation of Planning Proposals policy:

- Letters to the surrounding landowners (90 in total); and
- YourVoice Nedlands page which included all advertising material.

Four submissions were received, objecting to the proposed LDP. A summary of these submissions and the applicant's response is included in **Attachment 2**. A summary of concerns raised is provided below followed by City Officer comments:

- The unacceptable direct and indirect disruption to amenity that an increase in building height will bring to this area including visual amenity loss and increased traffic movement.

As discussed earlier in this report, owing to the approximate 30 metre distance between private lot boundaries to the north and existing vegetation, the increase in height will be largely unnoticeable over this space. Vehicle movement and traffic management will be limited to existing access points off Verdun Street and are not likely to detrimentally impact adjacent landowners.

- The total of 'area 1' being included for increased height is significant and varied in terms of topography. An increase in wall height will have different impacts across the total area.

While the site has a slight slope across the area, the distance from adjoining properties and existing vegetation will result in minimal amenity impacts.

- The increase in height will have a significant negative impact on landscaping, which is important to the sensitive land uses to the north of the site.

The application does not involve the removal of any existing vegetation. Provision of additional vegetation may be addressed in a future development application.

- There are other areas across the site and in the greater QEII complex that should be able to accommodate increased development that would have no impact on the surrounding area.

The QEII hospital site to the east is a state government asset and is separate to the owners of the subject site. The site has consistently operated as a health care facility for over 70 years. It is not likely that the proposed building height change will have a negative impact on the surrounding area.

- Noise, traffic, rubbish and light spill will continue to have an impact on surrounding landowners.

An increase in height of 3 metres is unlikely to have an impact on these issues. The submission notes that when raised with the operators of the hospital, these issues are generally resolved. Additionally, any future development application will be subject to consideration of all impacts notwithstanding the LDP being adopted or not.

Strategic Implications

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

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

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

Priority Area Urban form - protecting our quality living environment

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Schedule 2, Part 6, Clause 46 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#), outlines the steps relating the assessment, advertising and consideration of Local Development Plans.

Decision Implications

Should Council approve the LDP, the height provisions will replace those currently within Table 5 clause 21 of the Scheme for the site.

Should Council refuse the LDP or make modifications that are not acceptable to the applicant, the applicant may seek review by the State Administrative Tribunal.

Conclusion

The proposed Local Development Plan for 101 Monash Avenue, Nedlands seeks to vary the maximum wall height for the northern portion of the lot. It is acknowledged that, contextually, the affected area of the site is adjacent to low density residential properties.

However, owing to the continued operation of the site as an approved hospital complex, the existing on-site and verge vegetation, significant setback from sensitive land uses to the north, as well as a comparatively minimal increase in wall height overall, the LDP is recommended for approval.

Further Information

Nil.

Local Development Plan Provisions

Application of Local Development Plan

1. This Local Development Plan (LDP) has been prepared in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 (As Amended).
2. This LDP applies to Lots 562 (No. 87), 563 (No. 85), 565 (No. 101) and 566 (91) Monash Avenue, Nedlands.
3. The provisions of the City of Nedlands (the City) Local Planning Scheme No. 3 (LPS3) and the City's Local Planning Policies apply unless otherwise varied by this LDP.

Built Form – Height and Setback

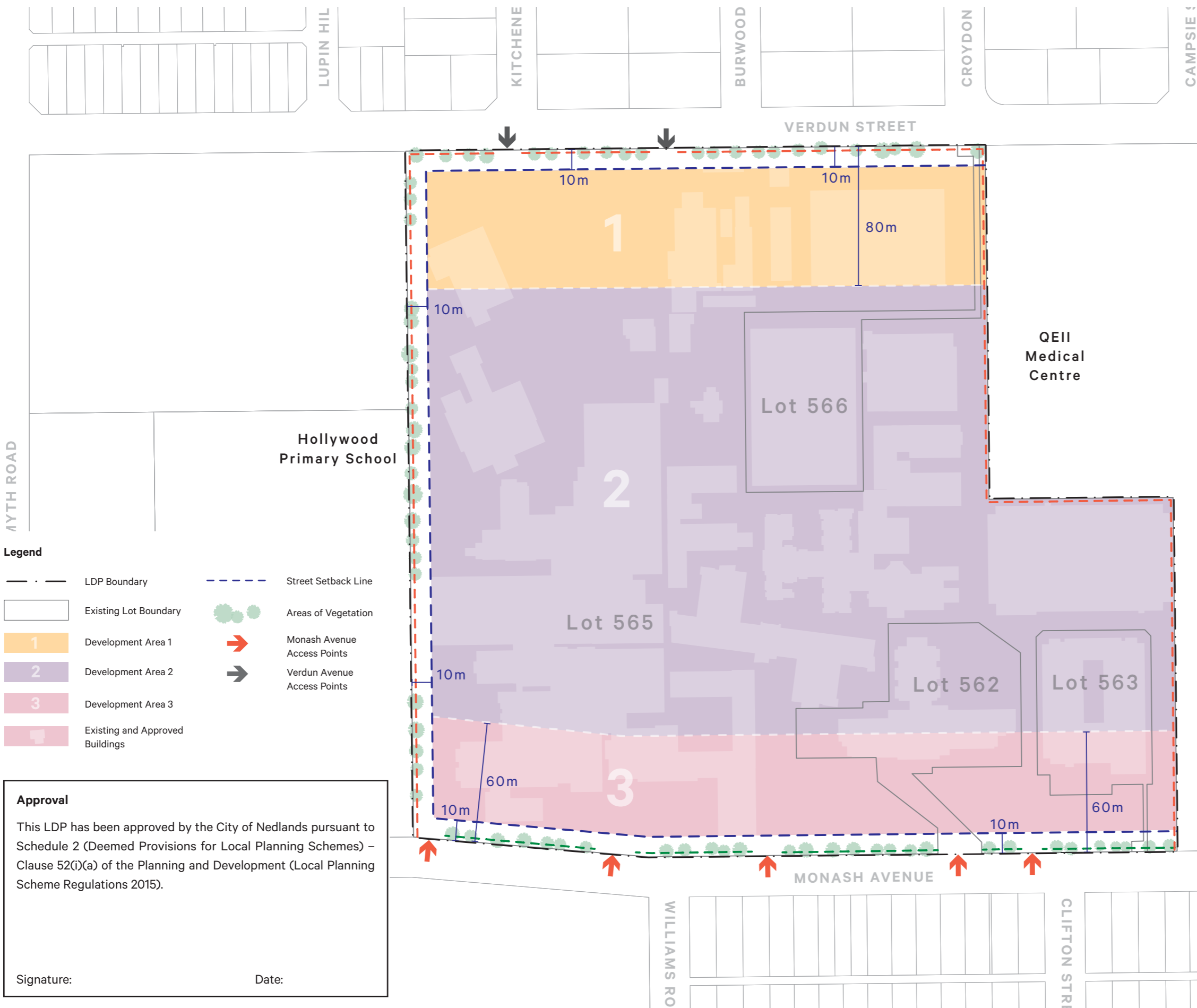
4. New development is to be in accordance with the following:
 - (a) Building Setbacks
 - Monash Avenue: 10m
 - Verdun Street: 10m
 - Western boundary: 10m
 - Eastern boundary: 0m
 - (b) Wall Height *
 - Area 1: Maximum wall height 13m (where within 80m of Verdun Street)
 - Area 2: Maximum wall height 26.7m
 - Area 3: Maximum wall height 18.3m (where within 60m of Monash Avenue)

Access, Movement and Parking

5. Access points shall be as per Plan 1, unless otherwise agreed to by the City.
6. Vehicle movements to Verdun Street shall be restricted to staff and service vehicles only, for all new development.
7. The Hollywood Private Hospital Travel Plan is to be updated to reflect any approved substantial development.
8. A transport impact assessment is to be completed for application involving substantial development** and/or the addition of 30 or more bays.
9. A wayfinding and signage plan shall be prepared for every new application for substantial development**.

* Not including minor projections including ventilation pipes, aerials, lift and stair overruns and other such infrastructure. Height is measured to Natural Ground Level immediately below the wall.

** Substantial development is defined as significant external alterations and expansion to new or existing development but does not include minor works such as service sheds, servicing structures, shade structures, canopies and the like.



Legend

- LDP Boundary
- Existing Lot Boundary
- 1 Development Area 1
- 2 Development Area 2
- 3 Development Area 3
- Existing and Approved Buildings
- Street Setback Line
- Areas of Vegetation
- Monash Avenue Access Points
- Verdun Avenue Access Points

Approval

This LDP has been approved by the City of Nedlands pursuant to Schedule 2 (Deemed Provisions for Local Planning Schemes) – Clause 52(i)(a) of the Planning and Development (Local Planning Scheme Regulations 2015).

Signature: _____ Date: _____

Local Development Plan

Hollywood Private Hospital
 Lots 562 (87), 563 (85), 565 (101) and 566 (91)
 Monash Avenue, Nedlands

| No. | Submission | Response |
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| 1 | <p>I acknowledge Hollywood Hospital performs an essential role in providing excellent health care. Since Ramsey Health Care has owned the hospital there has been significant investment in expanding and improving the hospital. There remains opportunities for further investment and I note Area 1 does have ageing infrastructure which needs to be replaced. I, therefore, am generally supportive of the LDP.</p> <p>However, it seems to me a blanket increase from 10m to 13m wall height across Area1 is not appropriate. Consideration should be given to leaving it at 10m at the west end of Area 1 and the east end, where the new car park is. I provide more detail below.</p> <p>The application requests increasing the maximum wall height on the whole of Area 1 to accommodate medical buildings. It is instructive to break Area 1 down into logical areas for building. At the east end there is a new multi-story car park. This is currently two stories high. I recall a suggestion of a third story being required in the future. Can that be accommodated within the existing 10m height? If yes, why does this part of Area 1 need to have increased wall height? If no, why doesn't the application reference this explicitly since this is not a medical building? Between the car park and the hospital access road, just west of Burwood Road, there is a large space for a new medical building. The fall would be about 2-3 m.</p> <p>If the building is to be three stories, I understand the need for an increase from 10m to 13m wall height. There is a similar amount of space between the access near Burwood Road and the other access road opposite Kitchener Road. The same rationale for a 13m wall height applies as well as the need to maintain access to underground infrastructure. I note there are single story buildings and car parking along the north boundary, which are in the setback area. These negatively impact the landscaping. (This is shown in photographs in the Executive Summary (page 5) of the LDP). Since the proponent mentions how the landscaping will screen the proposed 13m high buildings, I recommend the council includes an approval condition for these buildings and car parks are removed and the areas landscaped.</p> | <p>LDPs are not intended to provide a piecemeal approach to development, rather they are intended to provide a long-term plan for the development of an area. The Hollywood Hospital site forms part of the State significant UWA-QEII specialised activity centre, which requires ongoing development to deliver its health, research and economic benefits. The LDP is structured in the same way as the Scheme, whereby building height is based upon the setback from either Monash Avenue or Verdun Street. There is no further delineation needed.</p> <p>Whilst the genesis for the LDP is the Day Surgery Unit (DSU), future medical facilities may need to be located in Area 1. It is therefore, not in the interests of orderly and proper planning to increase the building height to a particular location, which would prevent similar proposals from occurring in other areas to the east and west of the DSU site.</p> <p>It should be noted that there is no current plan to add another level of parking to the car park in the north-east corner. There is an existing approval to construct a fourth level which has not been acted upon.</p> <p>Should another level of parking be required in the future to support the expansion of the Hospital, additional height would be needed above the existing height restriction.</p> |

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| | <p>Between the access way opposite Kitchener Road and the western boundary there is little room for a substantial building. There is a magnificent tree in the setback to the west the access way. The branches from this building extend across Verdun Street and across Area 1. The proponent emphasises the need for tree canopy for local residents. I recommend Council includes a condition the tree will not be removed or otherwise damaged by the proponent. There are large gaps in landscaping on the western boundary, in part due to an old building which is in the setback and car parking in the setback. Again, I recommend an approval condition for these to be removed and the areas landscaped. Even with new landscaping, due to the fall in levels along Verdun Street, a 13m building here would be fully visible to residents on Verdun Street from Kitchener Road most of the way to Smyth Road. I recommend the height limit of 10m should be maintained for this part of Area 1.</p> | <p>The request to remove a building falls outside of the scope of an LDP.</p> <p>It should be noted that the local development plan is not a development application, future applications such as the DSU will need to seek planning approval and be considered on the merits of the proposal. Where relevant, Ramsay is happy to accept a future condition of development approval requiring the establishment of a tree protection zone around particular trees during construction.</p> <p>The WAPC's support of the LDP is predicated upon its scope being limited to building height, with all other provisions remaining consistent with the existing Scheme. Therefore, the addition of landscaping provisions is not able to be accommodated within this LDP.</p> <p>As noted above, Ramsay would be happy to accept landscaping or tree protection conditions as part of any future development approval, where they are relevant to the application.</p> |
| 2 | <p>There has already been significant development in the area, which has been tolerated. I disagree with the increased height allowance close to Verdun St. There is plenty of room on the site for development already and there has been quite a bit of recent development already to which I have not objected. This change would encroach on the residential area.</p> | <p>It should be noted that the existing framework permits additional development in Area 1. The LDP simply allows the site to be used and operated more efficiently by allowing buildings to go slightly higher rather than</p> |

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| | | spreading across the site, thereby maximising the extent of landscaping and open space within the site. |
| 3 | <p>Hollywood Ward is already under stress</p> <p>The Hollywood Ward is already under stress from the increased number of builds UWA –EQII and Hollywood Hospital in recent years. This Proposal from Hollywood hospital to increase the building height in Development Area 1 from 10m to 13m will ultimately affect the amenity of the entire Hollywood Ward.</p> <p>Taller buildings will inevitably mean a busier site with more staff and patients, more services to maintain the site and the buildings which inevitably mean increased traffic in a small Ward that is already under considerable stress suffering from an increased level of hospital related noise and significantly increased traffic.</p> <p>The ambiance of the area will also be greatly affected by taller buildings on the hospital site. Verdun Street is a local street and its pedestrian use is very high as it is used by many local residents to walk their dog to Highview Park, walk to the local primary school or to the pool which is shared by the Primary school and the community or walk the community garden adjacent to the lawn bowls centre. There are also many hospital workers who walk to work after catching the train and use Verdun Street to access their workplace. All of the residential blocks that have a southern boundary on Verdun Street St opposite the Hollywood Hospital site are zoned R30 –i.e. single resident. All but one of these houses are single storey. An increase of building height on the other side of the road will have a very negative impact on many people.</p> <p>We question the rationale behind the need to increase building height from 10 – 13metre from Verdun Street</p> | <p>In terms of the LDP’s impact on the intensity of the site, it should be noted that the existing framework permits a three storey commercial building development in Area 1, however, it does not permit a three storey hospital building. Typically, contemporary hospital and medical buildings require a level devoted to plant, equipment and servicing. The future DSU’s second storey will therefore not be used by medical staff or patients and the additional height is unlikely to unduly increase the intensity of the Hollywood Hospital (HPH) site. As noted above, The LDP will allow the site to be used and operated more efficiently and maximises the extent of landscaping and tree canopy on-site.</p> <p>In terms of the additional height being sought, together with the easement requirements, any change in ground level has a material impact on the design of the hospital floors. The additional height is considered minimal and when viewed from the houses to the north, it is unlikely to have any adverse impact on the amenity of locality.</p> <p>The City of Perth is progressing a Precinct Structure Plan (PSP) for the UWA-QEII Specialised Activity Centre. This large body of work is complex in its scope and its governance, as it requires two local governments to</p> |

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| <p>We question the claim by the hospital that the increased height for Development Area 1 is necessary in order to take into account the steep slope of the overall site. Without having access to surveyors, it is still obvious to us that in Development Area 1 there is not a huge drop off (in fact there is only a small fall in the natural ground level) and in our opinion it does not necessitate and increase in changing the maximum building height from 10 – 13 meters, which we understand to be one additional storey.</p> <p>Strategic opportunity to integrate the site with the UWA-EQII Precinct Plan From our understanding the UWA-EQII Precinct Plan is currently being finalised and includes the Hollywood Hospital site. Now is an excellent opportunity for the entire Hollywood Site to be developed strategically, as part of the larger UWA-EQII Precinct Plan. If the Hollywood Hospital site with any related new facilities and buildings, were planned and designed with greater consideration to the overall context, there would be a much higher likelihood that the site, its buildings and the surrounding neighbourhood will mutually benefit each other. We request that the Nedlands Council hold off on the approval of any more requests for changes in building heights or additional builds until the UWA-EQII Precinct Plan is further developed, to ensure that any future changes to the Hollywood Hospital site are carried out with greater reference and respect to the wider context.</p> <p>Traffic Impact because of the increased height of future buildings in Development Area 1– Increased traffic will negatively affect our neighbourhood’s health and safety</p> <p>This proposal allows for increased building heights which will mean more proposals for new developments will considerably increase traffic on local roads. The increased traffic will include vehicles transporting patients to and from the new facilities (a combination of ambulances, taxis, ride shares and private vehicles), visitors and staff cars, as well as additional vehicles related to the servicing of the proposed new development (trucks, vans and cars related to deliveries, medical services, rubbish</p> | <p>support the instrument. element is of the understanding that no specific funds have been set aside by the City, the City of Perth or the WAPC to undertake any detailed built form modelling specific to HPH.</p> <p>With the above in mind, there will be a significant amount of time that the existing Local Planning Scheme No. 3 provisions will remain applicable. The limited scope of the LDP allows the HPH to expand in a consistent manner with the current framework, without prejudicing any future PSP.</p> <p>In terms of the traffic impact caused by the LDP, it is noted that the LDP is only seeking an additional 3m of building height that will allow for roof mounted plant and equipment that has limited or no traffic impact.</p> <p>In terms of waste, noise and light spill, there has to be different amenity expectations for residential houses living in close proximity to a large hospital site that is specifically zoned for a hospital. The limited scope of the LDP should provide comfort that future development will be consistent with the existing framework and is unlikely to have any material impact on the existing amenity of the area. Notwithstanding, the issue of waste disposal is easily managed and noise generated from the site is strictly controlled by the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> |
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| <p>collection, etc.). The „Transport Impact Assessment“ Document (Cardno for the planned build of the Emergency Department in 2019) stated that the “proposed redevelopment represented a two-way trip generation of approximately 184 vehicles in the AM peak and 203 vehicles in the PM peak hour for the full development buildout” – which is a much higher quantity of vehicles than the current uses on the proposed Development site generate. However, after this Emergency Department was built Hollywood hospital was then given approval to build a multi level car park in Development Area 1 which is now in operation – when will this piecemeal approach that the Hollywood Hospital is using to apply for more and more approvals of new buildings end and why is there not a Master Plan to enable nearby residents to plan for their future.</p> <p>We are concerned about the greater health and safety risks posed by the increased traffic which will be inevitable with the future development of taller buildings in Development Area 1. Traffic accidents, traffic noise and traffic pollution are all factors that increase when traffic quantity is increased. Given the proximity of any future Hollywood Hospital building development to Hollywood Primary School, Kids Biz on Monash Early Learning Centre, Ali’s Magic Carpet Kindergarten and The Regis Aged Care Facility, I request that the Nedlands Council hold off on the approval of this Proposed Local Development Plan until a more comprehensive Traffic Impact Assessment (that includes wider Health and Safety factors) is carried out.</p> <p>Hollywood Hospital’s exiting operations have multiple negative impacts on the local neighbourhood on and adjacent to Verdun Street</p> <p>The following various and multiple ways Hollywood Hospital’s existing operations have a negative impact on the local neighbourhood which include:</p> <ol style="list-style-type: none"> 1. In the past rubbish from the hospital has blown into REDACTED. Over the years, we have found hospital paperwork, medical packaging, contaminated | <p>The additional height will allow for the development of an acoustic screen to roof plant and equipment that will assist with noise amelioration.</p> <p>The HPH has been a defining feature of the Nedlands area since its construction in 1942. Its continued functioning is important to both the Nedlands community and the local economy.</p> |
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| | <p>surgical rubbish and general hospital rubbish on the street, the verge and our property. It's unsightly, unprofessional and, potentially, very unhygienic. However, after recent complaints this problem has reduced significantly.</p> <ol style="list-style-type: none"> 2. Noise from site maintenance. The site's maintenance staff start early, often around 7am. Their morning tasks include the extended use of a very loud leaf blower across the site. It's a disturbing early morning soundtrack. 3. Noise from waste collections. Many of the hospital's large bins are located near Verdun Street. These bins are emptied daily, often very early in the morning. The noise made by these bins being emptied wakes us up, especially when bin emptying is carried out before the allowed times. In the past we have complained to council about bin emptying taking place outside of allowed times on multiple occasions, resulting in warnings only. This is presently being managed better. 4. Mechanical noise from plant. The existing hospital, in its current operation, already emits a perceivable – and, at times, offensive – amount of both constant and sporadic mechanical noise related to the multiple plant rooms and equipment rooms located around the site. Our ability to enjoy spending time in our homes and within our backyard is negatively impacted by this noise. 5. There is already a lot of light spill from the site onto nearby neighbours. the moving lights of the boom gates at the entry to the site are very perceivable, particularly during the night. These boom gates potentially will be used by many more cars connected to future taller building in Development Area 1, which will have an even greater negative effect on our ability to sleep. 6. If this Proposed Local Development Plan is approved then future builds could be an extra storey higher and which will inevitably bring the following concerns which we previously experienced during builds on the Hollywood Hospital site to nearby I residents in the Hollywood Ward: <ol style="list-style-type: none"> i. Constant construction brings a lot of construction noise. On multiple occasions during the construction of the Consulting Centre and Mental | |
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| | <p>Health Unit, Georgiou workers and subcontractors would begin work in the early morning, well before the approved site work start time.</p> <p>ii. Constant construction brings site works, demolition and mechanical vibrations, which potentially affect the structural integrity of our homes.</p> <p>iii. Constant construction brings oversized trucks into a residential area. Various parts of the Hollywood Hospital site have been under construction for years. Recently, during the construction of the Consulting Centre and Mental Health Unit, large trucks struggling to enter the site often parked (or idled) in Verdun street causing dangerous obstruction and danger to school children and other pedestrians. Additionally, the running engines created noise, vibrations and pollution, affecting the amenity and health of all nearby. The roads in our residential area (roads between Verdun and Aberdare) are not designed for industrial use.</p> | |
| | <p>Currently, there are already significant levels of car/construction noises, car pollution, lighting pollution, early morning disturbance, hoon driving, foot traffic, smoking workers and privacy intrusion.</p> <p>New development will definitely make the above matters worse and further impact on my young family's quality of life and health.</p> <p>Such development is selfish and profit driven. It has no regard to the residents in the neighbourhood and is not consistent with the traditional value and image of leafy Nedlands. Should the project go ahead, we deserve significant compensation for the negative impact on our property value and lifestyle.</p> | <p>As noted previously, the HPH has been a defining feature for Nedlands since 1942. The HPH brings with it many community health and economic benefits to the local and broader areas, and attracts both employment and employees to reside in the City.</p> <p>It is, however, a commercial hospital building and there has to be different amenity expectations associated residential dwelling located in close proximity with it. The majority of these issues are easily managed by conditions appended to any development application.</p> <p>Given the limited scope of the LDP, it is unlikely to have any detrimental impact on the existing amenity of the area.</p> |

17. Divisional Reports - Technical Services Report No's TS23.11.22

17.1 TS23.11.22 RFT 2022-23.05 – Provision of Traffic Management Services

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| Meeting & Date | Council Meeting – 22 November 2022 |
| Applicant | City of Nedlands |
| Employee Disclosure under section 5.70 Local Government Act 1995 | Nil. |
| Report Author | Jason Spyker – Coordinator Civil Maintenance |
| Director | Daniel Kennedy-Stiff – Acting Director Technical Services |
| Attachments | 1. CONFIDENTIAL Evaluation and Recommendation Report – Tender Award RFT 2022-23.05 Provision of Traffic Management Services |

Purpose

The purpose of the report is for Council to accept the evaluation and recommendation for the award of RFT 2022-23.05 Provision of Traffic Management Services to Vigilant Traffic Management Group Pty. Ltd.

Recommendation

That Council:

1. approves the award of the contract for Provision of Traffic Management Services in accordance with the City's Request for Tender number RFT 2022-23.05 and comprising of that request, the City's Conditions of Contract and the Vigilant Traffic Management Group Pty Ltd tender submission;
2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document be sent to Vigilant Traffic Management Group Pty Ltd for execution; and
3. instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.

Voting Requirement

Simple Majority.

Background

The City has a requirement to maintain and upgrade the civil infrastructure within the public realm and road reserves. Typical works include:

- Maintenance of drainage infrastructure including pit lids and frames;
- Maintenance of footpath infrastructure;
- Maintenance of road infrastructure including road surface and kerbs,
- Maintenance of irrigation infrastructure;
- Maintenance of median island vegetation and street trees.

Under Section 297(1) of the Road Traffic Code 2000 (RTC2000) the Commissioner of Main Roads (CMR) is listed as the only person with authority to erect, establish, or display, alter or take down any road sign or traffic signal on the State's road network.

Under Section 297(2) of the RTC2000 the CMR can delegate this authority to 'Authorised Bodies' such as Local Government, utility service providers and Main Roads' Integrated Services Providers, subject to the terms and conditions set out in an Instrument of Authorisation.

Work Health and Safety

Under Section 19 of the Work Health and Safety Act (2020), the CMR as a person conducting a business or undertaking (PCBU) must ensure, so far as reasonably practicable, the health and safety of workers, as well as other persons that may be put at risk from the work being carried out (road users).

The above legislation places considerable responsibility on the CMR to ensure that traffic management is conducted in a safe manner for road workers and road users, including those managing and participation in events on roads.

To encourage uniform, safe and appropriate traffic management, the CMR requires all traffic management (whether carried out by Main Roads or others) to be carried out in accordance with the requirements of the Traffic Management for Works on Roads and/or the Traffic Management for Events on Roads Code of Practice, as applicable.

Due to the specialised skill set and equipment requirements for the provision of Traffic Management the City is required to engage the services of an experienced contractor to undertake such works.

The City does not have the internal resources or expertise to undertake these types of works.

To ensure that the City can continue to undertake these vital works, a Request for Tender was publicly advertised on Tenderlink during the period 27 October 2022 – 12 September 2022. The City received a total of four submissions.

Discussion

After the closure of the tender period, the evaluation panel completed the analysis and evaluation of the four submissions. At the conclusion of the process Vigilant Traffic Management Group Pty Ltd was nominated as the preferred supplier for this package of works. The submissions were rated against the following criteria:

- Organisational capabilities (50%), and
- Demonstrated Understanding (50%).

Organisational capabilities were detailed and provided good information on how the services would be provided. They currently deliver similar services for other local authorities in the Perth Metropolitan region and can guarantee availability within acceptable timeframes.

The Respondent provided details of their internal processes and methodology, including details of personnel that will be used throughout the process. They have demonstrated a good understanding of roles and responsibilities, including management of emergency responses if required.

Following the due diligence processes that the City has undertaken, the City is confident that Vigilant Traffic Management Group Pty Ltd can complete the scope of work to the required standards, and that their offer represents good value for money to the City within the market.

Consultation

Not Required.

Strategic Implications

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

Values

Healthy and Safe

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

High Standard of Service

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

Priority area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities.

Budget/Financial Implications

Council provides funding for the operation and maintenance of the transport, drainage networks and street trees within the City's annual operational budget. Currently, the annual operational budget provides for inspections, minor improvements, operating the existing transport and drainage networks, and funding for maintenance of the City's existing transport, drainage networks and street trees. The works covered by this tender will be undertaken within the annual operational budget allocation for Road, Footpath, Drainage and Street Tree Maintenance.

The forecast annual expenditure under this contract is \$100,000.

Legislative and Policy Implications

Works under this contract will be governed by the following City of Nedlands Policy's:

- [Procurement of Goods and Services Policy](#)
- [Asset Management Council Policy](#)
- [Stormwater Council Policy](#)
- [Footpath Council Policy](#)
- [Street Tree Council Policy](#)

Decision Implications

By endorsing the officer recommendation, a contractor will be appointed to provide the required services to enable the City to support delivery of the continuous improvements, along with the operational and maintenance activities required to ensure that the transport and drainage networks operates at maximum efficiency.

By not endorsing the recommendation, ongoing transport and drainage networks will be unable to be upgraded or maintained, and these networks will remain at a substandard level, negatively impacting private property and business owners.

Conclusion

Vigilant Traffic Management Group Pty Ltd have delivered traffic management services for other metropolitan local governments, have the required skills and experience necessary to complete the works, and are therefore the recommended tenderer for this contract of works.

Vigilant Traffic Management Group Pty Ltd scored highly in a number of areas. The price schedule provided by Vigilant Traffic Management Group Pty Ltd was the lowest of the assessed submissions. Their submission demonstrated excellent organisational capabilities, high quality outcomes from similar work backed up by references and an excellent understanding of the requirements of the contract. Assessment officers were in agreement that Vigilant Traffic Management Group Pty Ltd offered the best overall value for money.

Further Information

Nil.

18. Divisional Reports - Corporate & Strategy Report No's CPS50.11.22 to CPS56.22.11

18.1 CPS50.11.22 Lease to Leo Heaney Pty Ltd – Portion of Reserve 45054 John XXIII Depot in Mt Claremont

| | |
|---|--|
| Meeting & Date | Council – 2 November 2022 |
| Applicant | Leo Heaney Pty Ltd |
| Employee Disclosure under section 5.70 Local Government Act 1995 | Nil. |
| Report Author | Peter Scasserra – Coordinator Land and Property |
| Director | Michael Cole – Director Corporate Services |
| Attachments | 1. Safety Inspection – City of Nedlands John XXIII Depot Access Road, Mt Claremont |

Purpose

At its meeting of 26 April 2022, Council approved Key Terms for a lease to Leo Heaney Pty Ltd for portion of the currently vacant area within the City's John XXIII Depot in Mount Claremont and requested the CEO to commence public advertising of the proposed new lease.

This report is presented to allow Council to consider submissions received during the advertising period.

This report was considered at the 23 August Council meeting and an alternative motion to refuse the lease was lost. As a foreshadowing of the officer's recommendation was not made, the report lapsed. The matter is now referred to Council for consideration of the officer recommendation.

At the 27 September Council meeting, Council deferred this item until Council is provided with an adequate risk assessment of this service road usage. The risk assessment is now attached and addressed in Further Information at the end of this report.

Recommendation

That Council:

- 1. notes the risk assessment for the service road**
- 2. in accordance with section 3.58 of the *Local Government Act 1995*, notes that each of the public submissions received during the statutory advertising period has been considered;**

3. requests the Chief Executive Officer proceed with the proposed new lease for Leo Heaney Pty Ltd for portion of the currently vacant area within Reserve 45054 at the City's John XXIII Depot in Mount Claremont; and
4. authorises the Chief Executive Officer and Mayor to execute the agreements and apply the City's Common Seal.

Voting Requirement

Simple Majority.

Background

On 17 February 2022 the City was contacted by Leo Heaney Pty Ltd ('Applicant') about potentially leasing the vacant portion of the City's Mount Claremont Depot ('Site').

Reserve 45054 is vested to the City for care, control and management for the purposes of 'Depot Site'.

The portion of the Site that the Applicant seeks to lease was formally leased by the Town of Claremont until the arrangement was terminated in 2020. The Site has been vacant and unused since.

The Applicants are a street tree watering, planting and water cartage company who currently hold contracts with the City of Vincent and Town of Cambridge. The Applicant seeks a short-term lease on portion the Site for the purposes of storing the company vehicles and uses ancillary thereto.

At its meeting of 26 April 2022, Council approved key terms for a lease to Leo Heaney Pty Ltd for portion of the currently vacant area within the City's John XXIII Depot in Mount Claremont and requested the CEO to commence public advertising of the proposed new lease.

This report was presented to the 23 August 2022 Council meeting and an alternative motion to refuse the lease was lost. As a foreshadowing of the officer's recommendation was not made, the report lapsed. The matter is now referred to Council for consideration of the officer's recommendation.

Discussion

Following Council's resolution of 26 April 2022 (Item 17.1), the CEO commenced the statutory advertising of the disposition by negotiation in accordance with section 3.58(3) of the *Local Government Act 1995*.

During the public advertising period, the City received a total of 3 submissions from the public. These submissions have been provided to Elected members in full in the confidential attachment.

The table following shows a breakdown of the types of comments received within each of the submissions.

| Submission | Officer Comments |
|--|--|
| <p>Concerns raised about the traversing of heavy vehicles along the current non-gazetted road from the Depot to John XXIII Avenue.</p> <p>Safety concerns for students who enter via the same road.</p> <p>Measures have been put in place to ease concerns and the use of heavy vehicles would seem counterproductive</p> | <p>The submission is noted and was raised when Council considered this in April 2022 when considering key terms of the proposed lease.</p> <p>Leo Heaney Pty Ltd have advised the Site will be used primarily to store the trucks that are used the least amount (estimated at this time to be 3 or 4 water trucks). However, in the event these trucks need to be utilised, they are generally operated before school hours and would likely be back at the Site prior to school finishing for the day.</p> <p>Leo Heaney Pty Ltd advised they currently hold contracts with other Local Government entities. As such, they are generally required to undertake works early in the morning and have those works completed by early afternoon before school finishes and community sporting activities take place.</p> |

| | |
|---|---|
| <p>Concerns about daily traffic issues with students arriving between 6.45am and 6pm depending on pre and post school commitments.</p> <p>Comment that Council should provide better paths interconnecting McGillivray and the hockey stadium to allow students to cycle safely there.</p> <p>The trucks will be using same entry road as new student car park.</p> | <p>The submission is also noted and was raised when Council considered this in April 2022 when considering key terms of the proposed lease.</p> <p>Leo Heaney Pty Ltd have advised the Site will be used primarily to store the trucks that are used the least amount (estimated at this time to be 3 or 4 water trucks). However, in the event these trucks need to be utilised, they are generally operated before school hours and would likely be back at the Site prior to school finishing for the day.</p> <p>Leo Heaney Pty Ltd advised they currently hold contracts with other Local Government entities. As such, they are generally required to undertake works early in the morning and have those works completed by early afternoon before school finishes and community sporting activities take place. Council has been considering connective paths in the location as part of the Schools Sport Circuit concept.</p> |
|---|---|

Consultation

The proposed lease was advertised in the local Post Newspaper on 11 June and was readvertised again on 25 June 2022 due to an administrative error with the first advertisement. Submissions closed on 11 July 2022. The notice was also available on the City's website during this period.

Strategic Implications

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

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

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

Budget/Financial Implications

The lease as proposed would be at no cost to Council.

Should elected members agree to the recommendation as proposed and the lease runs for the full 23-months, the City will receive revenue of \$28,750 plus outgoings.

Legislative and Policy Implications

Section 3.58 of the Local Government Act 1995 ('Act') governs how Local Governments can dispose of property, in this case by way of lease.

Given the Reserve is under the City's care and control, consistent with s3.58 of the Act, an agreement of tenure is required to formalise the lease of the land.

Decision Implications

Should elected members choose to endorse the recommendation as contained within this report, the Applicant would lease the Site in accordance with the Key Terms as noted above. Should the arrangement run for the full 23-months, following a market valuation the City would realise revenue of \$28,750 plus outgoings plus GST.

Should elected members choose not to endorse the recommendation as contained within this report, the Site would remain vacant and/or available for the City's depot activities.

Conclusion

The Applicant is proposing to lease a part of the Site which is currently vacant and unused.

The City has negotiated clauses to ensure it is not locked into the arrangement for any more than 6-months at a time. This allows it to remain flexible for future decision making.

The lease as proposed would be at no cost to Council and if endorsed, and runs for the full 23-months, would realise estimated revenue of between \$23,000 and \$29,000.

Concerns about truck movements and safety of students using the same access have been raised during the public submission period. Similar concerns were considered by Council at its meeting in April 2022.

Further Information

At the September meeting, Council deferred this item until Council is provided with an adequate risk assessment of this service road usage.

The attached Safety Inspection report has been completed by the City's Transport and Development team following a site inspection on 29 September 2022. The inspection noted the six risks and provided recommendations to address each plus some further minor items to consider.

In summary there was 1 high priority, 1 low to medium priority and 4 low priorities. The first 2 matters should be addressed by the City regardless of the consideration of the WMRC lease proposal.

The City will prepare cost estimates for these recommendations for inclusion in the Mid-Year Budget review.

Current Issue Briefing Note (05/10/2022)

Safety Inspection at John XXIII Depot Access Road

Background

The Western Metropolitan Regional Council (WMRC) currently operate a Department of Water and Environmental Regulation (DWER) licensed facility for receipt, stockpiling, and loadout of green waste in the lot adjacent to the City's depot near John XXIII Avenue. WMRC currently lease this land from Christ Church Grammar School (CCGS), however this lease is due to expire on 31 Dec 22 and will not be renewed. The existing facility within the City of Nedlands does not process any green waste. The green waste is processed at contractors' premises.

WMRC approached the City to seek to lease a portion of the City's Depot at 19 John XXIII Avenue, Mount Claremont.

Current Status

Presently WMRC stockpiles green wastes at Lot # 1500 Plan # P419082 owned by CCGS. The storage area is located opposite to the City's Depot. Both properties are accessed via John XXIII Depot Access (the Reserve) which joins John XXIII Avenue. The Reserve is classed as an Access Road in Main Roads' Road Information Mapping System.

At the OCM on 27 Sep 22, Council requested Administration to undertake a risk assessment of traffic impacts of WMRC's proposed lease arrangement on the Reserve. This risk assessment has been undertaken by Administration and has been reviewed by the City's insurer LGIS.

A site inspection was carried out by the City's Transport and Development Team on 29 September 2022 to inspect the road safety deficiency within the Reserve. During the site inspection, the following safety deficiencies were observed. Each deficiency was assessed in accordance with the Austroads Road Safety Audit risk matrix.

1. *Pedestrian Motorist conflicts and intersection of John XXIII Av and the Reserve.*

The footpath along the northern verge of John XXIII continues through the intersection. It is perceived that pedestrians and cyclists using the footpath have priority over motorists. The footpath is well used on school days at school opening and finishing times. At other times the footpath may not be frequently used by pedestrians or cyclists.

When the numbers of pedestrians crossing a road at any time of the day are not high or frequent motorists tend to forget that pedestrians or cyclist may be on the road. As such motorists may miss the presence of pedestrians or cyclists



crossing the Reserve at the intersection or assume vehicles have priority over pedestrians in this area.

Pedestrians and cyclists are considered as vulnerable road users. Any crash between a vulnerable road user and a vehicle could potentially initiate Killed or Seriously injured crash.

Assessment:

Crash likelihood: Possible;

Severity: Serious.

Priority: High.

Recommendation:

The priority of the intersection should be changed to give cars priority over pedestrians, as would be the case if the Reserve were a Gazetted Road. This would include removing the portion of footpath in the intersection and installing pram ramps - refer to Figure 1 for the location.

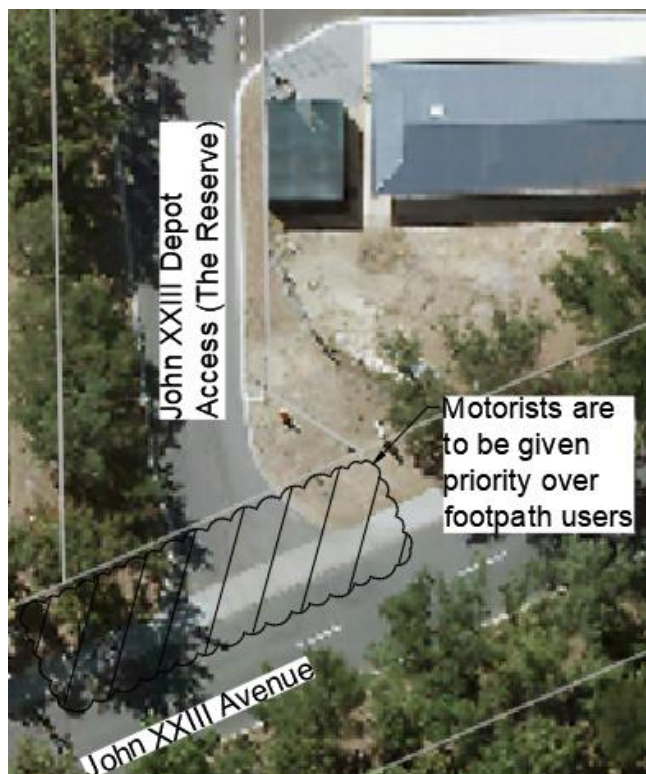


Figure 1 – Intersection of the Reserve and John XXIII Avenue



2. Delineation of auxiliary left lane.

There is an existing 'Left Turn' pavement marking prior to the entrance of the carparking area. The line marking delineating the auxiliary left lane is missing. This can misguide a driver new to the area and cause confusion for road users.

Assessment:

Crash likelihood: Possible
Severity: Insignificant.
Priority: Low.

Recommendation:

A continuity line separating AUL lane and through traffic should be installed. Figure 2 shows the extent of location.

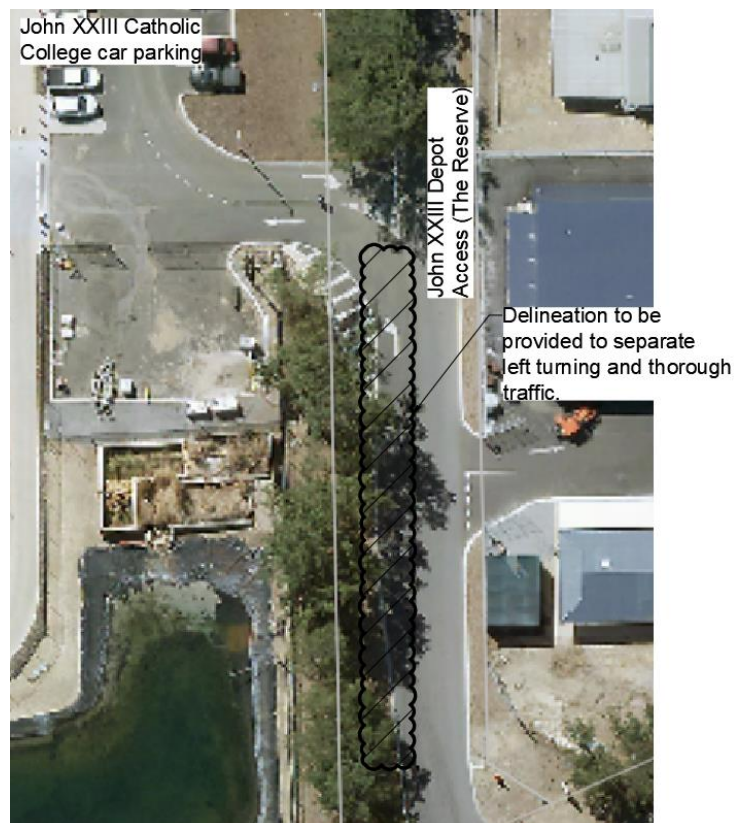


Figure 2 - Extent of Proposed Line Marking



3. *Large, paved area and lack of delineation:*

The width of the carriageway within the Reserve is approximately 6.0m wide. The carriageway is well defined up to the end of the northern boundary of John XXIII Catholic College. However, the rest of the Reserve is wide and not well delineated. The crossovers are not explicit or well-defined. Several businesses or organisations access yards from the Reserve and these traffic movements are not well defined. Although traffic volume is low the lack of delineation may be hazardous for pedestrians and motorists unfamiliar with the site.

Assessment:

Crash likelihood: Unlikely (motorized vehicle) to Rare (vulnerable road users);
Severity: Minor (motorized vehicle) to Serious (vulnerable road users).
Priority: Low to Medium.

Recommendation:

Delineate inbound and outbound lanes and lot crossovers.

4. *Undulated, unsealed and gravel pavement, and dust issue.*

The undulated and broken pavement may destabilise a vehicle and could present a tripping hazard for pedestrians. The volume of pedestrians may be low; however, it is not safe for pedestrians. During the site inspection, it was observed that dust may cause lack of visibility for other motorists and road users.

Assessment:

Crash likelihood: Unlikely (motorized vehicle) to Rare (vulnerable road users);
Severity: Minor (motorized vehicle) to Minor (vulnerable road users);
Priority: Low.

Recommendation:

Provide uniform grade and sealed surface. If the surface is not sealed, dust suppression measures should be taken.



5. *Overgrown branches obstructing visibility:*

Overgrown vegetation is partially obstructing drivers' visibility from John XXIII Catholic College carpark.

Assessment:

Crash likelihood: Possible;
Severity: Insignificant;
Priority: Low.

Recommendation:

Overgrown vegetation should be trimmed to improve motorists' visibility from the exiting lane of the carparking area (John XXIII Catholic College).

6. *Replace the existing STOP sign with a new 'GIVE WAY':*

If visibility from a minor approach (in this case exiting lane of the car parking area) is adequate at a 'STOP' sign-controlled intersection, motorists tend to ignore the 'STOP' sign. The visibility from the exiting lane of the carparking area was found to be adequate.

Conversely, traffic on the major road (in this case the Reserve) expect that traffic on the minor approach would stop and watch for traffic given the current intersection control. This presents a situation where vehicles travelling along the Access Road are expecting vehicles exiting the carpark to behave in a manner different to how they will behave. This uncertainty could lead to collisions between vehicles.

Assessment:

Crash likelihood: Possible.
Severity: Insignificant.
Priority: Low.

Recommendation:

The existing 'STOP' sign at the intersection of the Reserve and the car parking area should be replaced with a 'Give way' sign. As this will assist with all roads users behaving as expected in this area.



7. *Other minor items:*

- a. Depending on the future prospect of the Reserve, installation of street lighting may be considered.
- b. The existing waste container should be relocated.
- c. Consideration for stormwater management should be given.

Council Member Speaking Points

- I. Councilors are requested to provide their opinions.
- II. It is recommended that Item 1 [Pedestrian Motorist conflicts and intersection of John XXIII Av] and the Reserve and Item 2 [Delineation of auxiliary left (AUL)] lane of this briefing note are implemented even if the proposed leasing agreement does not proceed.
- III. John XXIII Catholic College carpark will be contacted regarding Item 2 [Delineation of auxiliary left (AUL)] and 6d [Replace existing 'STOP' sign to 'GIVE WAY'].
- IV. The City of Subiaco and the Town of Claremont have their depots accessing from the Reserve. The relevant authorities and agencies will be consulted with prior to any changes being made.

If you have any questions, please feel free to contact me.

Kind regards,

Daniel Kennedy Stiff
Acting Director – Technical Services

Attachment: Austroads Road Safety Audit Matrix

Attachment:



Austrroads Road Safety Audit Matrix (Ref. Austrroads Guide to Road Safety Part 6: Road Safety Audit)

| | | Severity* | | | | | |
|-----------------------------------|----------------|-------------------|-----------------|--|----------------------|-----------------------------------|---------------|
| | | Insignificant | Minor | Moderate | Serious | Fatal | |
| | | Property damage | Minor first aid | Major first aid and/or presents to hospital (not admitted) | Admitted to hospital | Death within 30 days of the crash | |
| Likelihood (includes exposure) | Almost Certain | One per quarter | Medium | High | High | Extreme (FSI) | Extreme (FSI) |
| | Likely | Quarter to 1-year | Medium | Medium | High | Extreme (FSI) | Extreme (FSI) |
| | Possible | 1 to 3 Years | Low | Medium | High | High (FSI) | Extreme (FSI) |
| | Unlikely | 3 to 7 Years | Negligible | Low | Medium | High (FSI) | Extreme (FSI) |
| | Rare | 7 years+ | Negligible | Negligible | Low | Medium (FSI) | High (FSI) |

*see Severity Guidance Sheet

Safe System crash outcome threshold

The corresponding priorities for mitigation are categorised as:

- Negligible – no action required
- Low – should be corrected or the risk reduced if the treatment cost is low
- Medium – should be corrected or the risk significantly reduced, if the treatment cost is moderate, but not high
- High – should be corrected or the risk significantly reduced, even if the treatment cost is high
- Extreme – must be corrected regardless of cost.

5 Exposure is factored into likelihood.

6 Severity is the likelihood of the outcome occurring.

18.2 CPS51.11.22 Lease to WMRC – City of Nedlands John XXIII Depot in Mount Claremont, Portion of Reserve 45054, Lot 502 on Deposited Plan 73830, Mount Claremont

| | |
|---|--|
| Meeting & Date | Council – 22 November 2022 |
| Applicant | WMRC (Western Metropolitan Regional Council) |
| Employee Disclosure under section 5.70 Local Government Act 1995 | Nil. |
| Report Author | Peter Scasserra - Coordinator Land and Property |
| Director | Michael Cole - Director Corporate Services |
| Attachments | 1. Safety Inspection – City of Nedlands John XXIII Depot Access Road, Mt Claremont |

Purpose

The purpose of this report is for Council to consider approving a proposal from the Western Metropolitan Regional Council (WMRC) for a Green Waste Facility at the City of Nedlands Mount Claremont Depot site, through a lease disposal of a 1105m² (approx.) portion of Reserve 45054, subject to the Council reviewing and approving the key terms of the lease following negotiations.

At the September OCM, Council deferred this item until Council is provided with an adequate risk assessment of this service road usage. The risk assessment is now attached and addressed in Further Information at the end of this report.

Recommendation

That Council:

1. notes the risk assessment of the service road
2. approve in-principle the proposal to lease a 1105m² (approx.) portion of Reserve 45054, Lot 502 on Deposited Plan 73830, Mount Claremont to WMRC for a Green Waste Facility
3. delegates to the Chief Executive Officer the authority to negotiate the key terms of a lease with WMRC and refer the key terms back to Council for consideration.
4. notes that the approval in-principle of the proposal does not create an agreement to lease or fetter the City's discretion in the exercise of its statutory functions.

Voting Requirement

Simple Majority.

Background

Reserve 45054 comprises Lot 502 on Deposited Plan 73830 and is land owned by the State of Western Australia that has been vested to the City of Nedlands (City) by way of a Management Order.

The Management Order for Reserve 45054 provides the City with a statutory right to manage and control the Crown land for the purpose of a Depot Site with power to lease for any term not exceeding 21 years, subject to consent of the Minister for Lands.

Reserve 45054 currently consists of land used as the City of Nedlands Mount Claremont Depot, a vacant holding yard and a Depot Storage Facility. The Depot Storage Facility is subject to a lease with the City of Subiaco. This lease commenced on 1 September 2019 and provides rental revenue for the City.

The proposal seeks approval from the City to utilise a 1105m² (approx.) portion of Reserve 45054 to accommodate a Green Waste Facility utilised by WMRC. The proposed area required by WMRC will be within the existing City of Nedlands Mount Claremont Depot site and will be accessed through the existing entry gate from a driveway connecting onto John XXIII Avenue.

Reserve 45054 is land classified within the Metropolitan Region Scheme (MRS) area for public purposes. A use that is within the definition of “public purpose” can therefore be considered.

WMRC operates a Department of Water and Environmental Regulation (DWER) licenced Green Waste Facility for the storage and loading of Green Waste on land adjacent to the City’s Mount Claremont Depot site pursuant to a lease.

Historically, the Parties to the lease were WMRC and the Department of Local Government, Sport and Cultural Industries, however on the 3rd May 2022 the State of Western Australia transferred the land to Christ Church Grammar School (CCGS) who subsequently became the Assignee to the lease. This lease will end on 31 December 2022 with no option for a further term or an opportunity for renewal.

In order to allow current operation to continue in the precinct, WMRC is seeking to secure tenure for an alternative site to facilitate Green Waste storage for its member councils, other metropolitan councils, commercial operators, and residents from the western metropolitan area. Investigations by WMRC have identified a section of the City’s Mount Claremont Depot site as suitable.

Discussion

Reserve 45054 is located within the locality of Mount Claremont and is situated approximately 300m from John XXIII Avenue being the major thoroughfare connecting Mooro Drive to Brockway Road. Development surrounding Reserve 45054 comprises Graylands Hospital, John XXIII College and UWA Sports Park.

Reserve 45054 is an MRS Reserve classified for public purposes. Noting the current use of part of the site by the City of Nedlands and City of Subiaco, it is considered that a use that is within the definition of “public purpose” can continue to operate on the site. The MRS defines “public purpose” as “Land for public facilities such as hospitals, high schools, universities, car parks, and prisons, utilities for electricity and water, commonwealth government and other special uses”.

Reserve 45054 is also Crown land vested to the City by way of a Management Order. A Management Order provides a nominated management body with a statutory right to care, control and manage Crown land in accordance with any conditions on the use and development of the reserve and may grant the management body certain powers to deal with the land, such as the power to lease.

The Management Order for Reserve 45054 permits the land to be used for the purpose of a ‘Depot Site’ and requires the City to seek the consent of the Minister for Lands prior to formalising any agreement for lease over the Reserve.

WMRC’s proposal will enable the current Green Waste Facility operations to continue in the precinct. These operations facilitate productive environmental use of land for storage, transfer and decontamination of green waste.

In recent years WMRC have not undertaken any mulching or grinding on their existing site and have advised within their proposal that they are not planning to do this in future. This will help to limit the amount of dust produced as part of WMRC’s operations however further refinement of the proposal may be appropriately addressed and negotiated through the agreed key terms of any forthcoming lease should Council resolve to proceed with further negotiations.

A summary of the current Green Waste Facility operation is detailed below:

- Throughput FY21/22: 3000t of Garden Organic (GO) Bin Greenwaste and 4000t of Bulk Green waste. With more councils moving from GO to Food Organics Garden Organics (FOGO) the GO throughput is expected decrease in future years.
- FOGO is not being stored or processed on this site.
- Estimated throughput for FY22/23 is 5800t.
- City of Nedlands delivered 248t of Greenwaste in the last FY.
- Delivery traffic per week: 12 side loader compactor trucks with GO Greenwaste and 60-80 smaller trucks from Councils deliver Bulk Greenwaste. Total 80-100 trucks per week.
- 6-7 walking floor semi-trailers need to be loaded per week for transfer to processing sites.
- Current opening hours: 7am to 4pm Monday to Friday

- The current site is licenced for 20,000 tonnes annual throughput

Preliminary discussions with WMRC indicate they are seeking a 3 year lease term (subject to negotiation) for a lease that facilitates the following requirements:

- Approx. 1100sqm storage and loading area.
- Truck accessibility.
- Opening hours from 7am – 4pm Monday to Friday with the option to load semi- trailers on weekends.
- Construction of 2.5m high loading ramp with a footprint of 12m*6.5m.
- Construction of L shaped storage bunker with concrete elements or road barriers.
- Accessible for 17-20 trucks per day.
- Access to nearest fire hydrant or alternatively we install water tank.
- WMRC staff is loading 5-7 semi-trailers per week.
- Estimated throughput for FY22/23 is 5800t.

An overview of the proposed lease area is shown in attachment 2.

Officers believe WMRC's requirements can be accommodated within the main section of the City's Mount Claremont Depot sit with some slight modifications to the layout of the yard to mitigate any potential adverse impacts to the City's operations and adjacent neighbours.

The recommendation proposes granting in-principal approval for WMRC to lease a 1105m² (approx.) portion of Reserve 45054 for a Green Waste Facility subject to delegation to the City's CEO to negotiate the key terms of a lease and the Council reviewing and approving the key terms following negotiations.

If the Council is minded to granting in-principal approval for WMRC's proposal, it is recommended that the lease will be subject to but not limited to the following conditions:

- a. Consent of the Minister for Lands.
- b. All required regulatory approvals from the City of Nedlands being successfully obtained and any conditions thereon being complied with by the proponent, including but not limited to any applicable requirements for environmental health approval or other form of approval required by the City's Local Laws or adopted Policies of Council.
- c. The rent being set at fair market rental in accordance with a market rental valuation assessment.
- d. A redevelopment clause.
- e. An insurance clause providing adequate insurance coverage (including public liability).
- f. An indemnity clause indemnifying the City.
- g. WMRC paying any and all legal costs which have been incurred in the preparation and registration of a lease agreement, and other agreements pertaining to this proposal.
- h. WMRC being responsible for any capital costs (e.g. loading ramp construction, installation of barriers etc.)
- i. WMRC remediating the lease area to its original state at the conclusion of the lease term.

The City will be required to advertise the proposed lease under section 3.58 of the *Local Government Act 1995* and refer any submissions back to Council for consideration.

Consultation

Consultation with WRMC has occurred on their initial proposal.

Internal engagement has also occurred. Officers believe the proposal aligns with the permitted use prescribed by the Management Order for Reserve 45054 and is consistent with the public purpose definition under the MRS. In this regard, it is considered that a proposal for a Green Waste Facility can be considered.

Following the completion of the risk assessment for the access road, a copy of the assessment has been provided to the City of Subiaco, Town of Claremont and WMRC as current users of the access road. A copy has also been provided to John XXIII College.

Strategic Implications

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

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

Values

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

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

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

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

Great for Business
Our City has a strong economic base with renowned Centres of Excellence and is attractive to entrepreneurs and start-ups.

Priority Area

- Working with neighboring Councils to achieve the best outcomes for the western suburbs as a whole

Budget/Financial Implications

The lease would be at no cost to Council.

Should the Council agree to pursue a lease with WMRC, the City is expected to receive revenue equivalent to a market rental valuation assessment for the lease term.

Following the risk assessment of the access road, the City will prepare cost estimates for the recommendations for inclusion in the Mid-Year Budget Review.

Legislative and Policy Implications

The City is bound by specific conditions under the *Local Government Act 1995* with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction, by way of a public tender process or by giving local public notice of the proposed disposition and following the public consultation process as prescribed by sub-section section 3.58 (3) of the Act. In this context, disposing of property means to 'sell, lease or otherwise dispose of, whether absolutely or not'.

Proposals to lease or licence land will be subject to the terms of the City's Retention, Acquisition, Improvement and Disposal of Land Policy.

Crown land reserves vested to the City by way of a Management Order are generally subject to conditions. Consent is required from the Minister for Lands prior to formalising any lease agreement for Reserve 45054.

Decision Implications

Should Council resolve to grant in-principle approval for the disposal of a 1,105m² (approx.) portion of Reserve 45054 to WMRC by way of lease, Officers will arrange for a market rental valuation analysis to be undertaken by a licensed Valuer to determine the rental revenue that may be achieved, it is recommended that the rent is set in accordance with the valuation assessment.

Further to the above, Officers will work with WMRC to negotiate key terms for a lease and refer the key terms back to Council for review and approval.

If Council do not resolve to grant in-principle approval for the disposal of a portion of Reserve 45054 to WMRC by way of lease, Officers will not progress this matter any further.

Conclusion

WMRC's current lease is due to expire on 31 December 2022 and does not provide a further term option or an opportunity for renewal. To allow their operations to continue in the precinct WRMC have requested the use of a 1,105m² (approx.) portion of Reserve 45054 located

within the City's Mount Claremont Depot site in accordance with a lease agreement for the purpose of Green Waste storage and handling. Officers believe this request can be accommodated with minimal impact on the City's operations and presents an opportunity to increase revenue generation from this site.

Further Information

At the September meeting, Council deferred this item until Council is provided with an adequate risk assessment of this service road usage.

The attached Safety Inspection report has been completed by the City's Transport and Development team following a site inspection on 29 September 2022. The inspection noted the six risks and provided recommendations to address each plus some further minor items to consider.

In summary there was 1 high priority, 1 low to medium priority and 4 low priorities. The first 2 matters will be addressed by the City regardless of the consideration of the WMRC lease proposal.

1. Pedestrian Motorist conflicts and intersection of John XXIII Av and the Reserve.

- a. The footpath along the northern verge of John XXIII continues through the intersection. It is perceived that pedestrians and cyclists using the footpath have priority over motorists. The footpath is well used on school days at school opening and finishing times. At other times the footpath may not be frequently used by pedestrians or cyclists.
- b. Assessment:
Crash likelihood: Possible;
Severity: Serious.
Priority: High
- c. Recommendation - The priority of the intersection should be changed to give cars priority over pedestrians, as would be the case if the Reserve were a Gazetted Road. This would include removing the portion of footpath in the intersection and installing pram ramps

2. Delineation of auxiliary left lane.

- a. There is an existing 'Left Turn' pavement marking prior to the entrance of the carparking area. The line marking delineating the auxiliary left lane is missing. This can misguide a driver new to the area and cause confusion for road users.
- b. Assessment:
Crash likelihood: Possible
Severity: Insignificant.
Priority: Low.

- c. Recommendation: A continuity line separating AUL lane and through traffic should be installed. Figure 2 shows the extent of location.

3. Large, paved area and lack of delineation:

- a. The width of the carriageway within the Reserve is approximately 6.0m wide. The carriageway is well defined up to the end of the northern boundary of John XXIII Catholic College. However, the rest of the Reserve is wide and not well delineated. The crossovers are not explicit or well-defined. Several businesses or organisations access yards from the Reserve and these traffic movements are not well defined. Although traffic volume is low the lack of delineation may be hazardous for pedestrians and motorists unfamiliar with the site.
- b. Assessment:
Crash likelihood: Unlikely (motorized vehicle) to Rare (vulnerable road users);
Severity: Minor (motorized vehicle) to Serious (vulnerable road users).
Priority: Low to Medium.
- c. Recommendation: - Delineate inbound and outbound lanes and lot crossovers.

4. Undulated, unsealed and gravel pavement, and dust issue.

- a. The undulated and broken pavement may destabilise a vehicle and could present a tripping hazard for pedestrians. The volume of pedestrians may be low; however, it is not safe for pedestrians. During the site inspection, it was observed that dust may cause lack of visibility for other motorists and road users.
- b. Assessment:
Crash likelihood: Unlikely (motorized vehicle) to Rare (vulnerable road users);
Severity: Minor (motorized vehicle) to Minor (vulnerable road users);
Priority: Low.
- c. Recommendation: Provide uniform grade and sealed surface. If the surface is not sealed, dust suppression measures should be taken.

5. Overgrown branches obstructing visibility:

- a. Overgrown vegetation is partially obstructing drivers' visibility from John XXIII Catholic College carpark.
- b. Assessment:
Crash likelihood: Possible;
Severity: Insignificant;
Priority: Low.
- c. Recommendation: Overgrown vegetation should be trimmed to improve motorists' visibility from the exiting lane of the carparking area (John XXIII Catholic College)

6. Replace the existing STOP sign with a new 'GIVE WAY':

- a. If visibility from a minor approach (in this case exiting lane of the car parking area) is adequate at a 'STOP' sign-controlled intersection, motorists tend to ignore the 'STOP' sign. The visibility from the exiting lane of the carparking area was found to be adequate.

Conversely, traffic on the major road (in this case the Reserve) expect that traffic on the minor approach would stop and watch for traffic given the current intersection control. This presents a situation where vehicles travelling along the Access Road are expecting vehicles exiting the carpark to behave in a manor different to how they will behave. This uncertainty could lead to collisions between vehicles.

- b. Assessment:
Crash likelihood: Possible.
Severity: Insignificant.
Priority: Low.
- c. Recommendation: - The existing 'STOP' sign at the intersection of the Reserve and the car parking area should be replaced with a 'Give way' sign. This will assist with all roads users behaving as expected in this area.

7. Other minor items:

- a. Depending on the future prospect of the Reserve, installation of street lighting may be considered.
- b. The existing waste container should be relocated.
- c. Consideration for stormwater management should be given.

Current Issue Briefing Note (05/10/2022)

Safety Inspection at John XXIII Depot Access Road

Background

The Western Metropolitan Regional Council (WMRC) currently operate a Department of Water and Environmental Regulation (DWER) licensed facility for receipt, stockpiling, and loadout of green waste in the lot adjacent to the City's depot near John XXIII Avenue. WMRC currently lease this land from Christ Church Grammar School (CCGS), however this lease is due to expire on 31 Dec 22 and will not be renewed. The existing facility within the City of Nedlands does not process any green waste. The green waste is processed at contractors' premises.

WMRC approached the City to seek to lease a portion of the City's Depot at 19 John XXIII Avenue, Mount Claremont.

Current Status

Presently WMRC stockpiles green wastes at Lot # 1500 Plan # P419082 owned by CCGS. The storage area is located opposite to the City's Depot. Both properties are accessed via John XXIII Depot Access (the Reserve) which joins John XXIII Avenue. The Reserve is classed as an Access Road in Main Roads' Road Information Mapping System.

At the OCM on 27 Sep 22, Council requested Administration to undertake a risk assessment of traffic impacts of WMRC's proposed lease arrangement on the Reserve. This risk assessment has been undertaken by Administration and has been reviewed by the City's insurer LGIS.

A site inspection was carried out by the City's Transport and Development Team on 29 September 2022 to inspect the road safety deficiency within the Reserve. During the site inspection, the following safety deficiencies were observed. Each deficiency was assessed in accordance with the Austroads Road Safety Audit risk matrix.

1. *Pedestrian Motorist conflicts and intersection of John XXIII Av and the Reserve.*

The footpath along the northern verge of John XXIII continues through the intersection. It is perceived that pedestrians and cyclists using the footpath have priority over motorists. The footpath is well used on school days at school opening and finishing times. At other times the footpath may not be frequently used by pedestrians or cyclists.

When the numbers of pedestrians crossing a road at any time of the day are not high or frequent motorists tend to forget that pedestrians or cyclist may be on the road. As such motorists may miss the presence of pedestrians or cyclists



crossing the Reserve at the intersection or assume vehicles have priority over pedestrians in this area.

Pedestrians and cyclists are considered as vulnerable road users. Any crash between a vulnerable road user and a vehicle could potentially initiate Killed or Seriously injured crash.

Assessment:

Crash likelihood: Possible;

Severity: Serious.

Priority: High.

Recommendation:

The priority of the intersection should be changed to give cars priority over pedestrians, as would be the case if the Reserve were a Gazetted Road. This would include removing the portion of footpath in the intersection and installing pram ramps - refer to Figure 1 for the location.

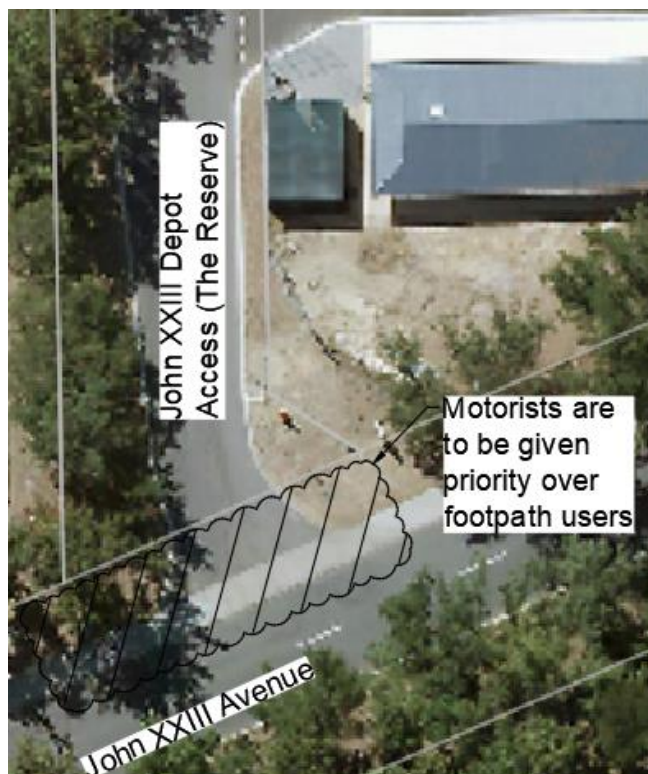


Figure 1 – Intersection of the Reserve and John XXIII Avenue



2. Delineation of auxiliary left lane.

There is an existing 'Left Turn' pavement marking prior to the entrance of the carparking area. The line marking delineating the auxiliary left lane is missing. This can misguide a driver new to the area and cause confusion for road users.

Assessment:

Crash likelihood: Possible
Severity: Insignificant.
Priority: Low.

Recommendation:

A continuity line separating AUL lane and through traffic should be installed. Figure 2 shows the extent of location.

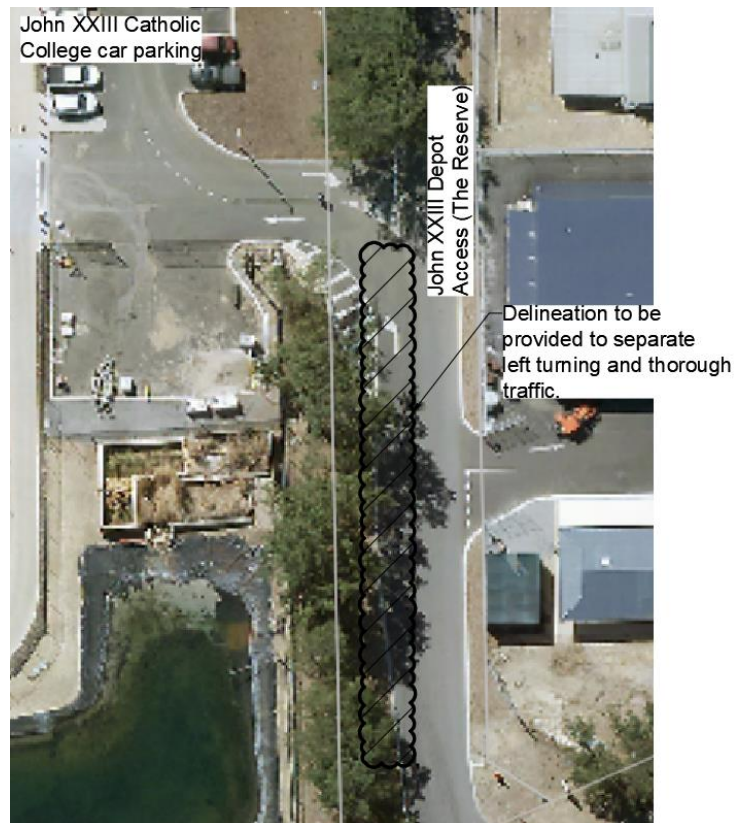


Figure 2 - Extent of Proposed Line Marking



3. *Large, paved area and lack of delineation:*

The width of the carriageway within the Reserve is approximately 6.0m wide. The carriageway is well defined up to the end of the northern boundary of John XXIII Catholic College. However, the rest of the Reserve is wide and not well delineated. The crossovers are not explicit or well-defined. Several businesses or organisations access yards from the Reserve and these traffic movements are not well defined. Although traffic volume is low the lack of delineation may be hazardous for pedestrians and motorists unfamiliar with the site.

Assessment:

Crash likelihood: Unlikely (motorized vehicle) to Rare (vulnerable road users);
Severity: Minor (motorized vehicle) to Serious (vulnerable road users).
Priority: Low to Medium.

Recommendation:

Delineate inbound and outbound lanes and lot crossovers.

4. *Undulated, unsealed and gravel pavement, and dust issue.*

The undulated and broken pavement may destabilise a vehicle and could present a tripping hazard for pedestrians. The volume of pedestrians may be low; however, it is not safe for pedestrians. During the site inspection, it was observed that dust may cause lack of visibility for other motorists and road users.

Assessment:

Crash likelihood: Unlikely (motorized vehicle) to Rare (vulnerable road users);
Severity: Minor (motorized vehicle) to Minor (vulnerable road users);
Priority: Low.

Recommendation:

Provide uniform grade and sealed surface. If the surface is not sealed, dust suppression measures should be taken.



5. *Overgrown branches obstructing visibility:*

Overgrown vegetation is partially obstructing drivers' visibility from John XXIII Catholic College carpark.

Assessment:

Crash likelihood: Possible;
Severity: Insignificant;
Priority: Low.

Recommendation:

Overgrown vegetation should be trimmed to improve motorists' visibility from the exiting lane of the carparking area (John XXIII Catholic College).

6. *Replace the existing STOP sign with a new 'GIVE WAY':*

If visibility from a minor approach (in this case exiting lane of the car parking area) is adequate at a 'STOP' sign-controlled intersection, motorists tend to ignore the 'STOP' sign. The visibility from the exiting lane of the carparking area was found to be adequate.

Conversely, traffic on the major road (in this case the Reserve) expect that traffic on the minor approach would stop and watch for traffic given the current intersection control. This presents a situation where vehicles travelling along the Access Road are expecting vehicles exiting the carpark to behave in a manner different to how they will behave. This uncertainty could lead to collisions between vehicles.

Assessment:

Crash likelihood: Possible.
Severity: Insignificant.
Priority: Low.

Recommendation:

The existing 'STOP' sign at the intersection of the Reserve and the car parking area should be replaced with a 'Give way' sign. As this will assist with all roads users behaving as expected in this area.



7. *Other minor items:*

- a. Depending on the future prospect of the Reserve, installation of street lighting may be considered.
- b. The existing waste container should be relocated.
- c. Consideration for stormwater management should be given.

Council Member Speaking Points

- I. Councilors are requested to provide their opinions.
- II. It is recommended that Item 1 [Pedestrian Motorist conflicts and intersection of John XXIII Av] and the Reserve and Item 2 [Delineation of auxiliary left (AUL)] lane of this briefing note are implemented even if the proposed leasing agreement does not proceed.
- III. John XXIII Catholic College carpark will be contacted regarding Item 2 [Delineation of auxiliary left (AUL)] and 6d [Replace existing 'STOP' sign to 'GIVE WAY'].
- IV. The City of Subiaco and the Town of Claremont have their depots accessing from the Reserve. The relevant authorities and agencies will be consulted with prior to any changes being made.

If you have any questions, please feel free to contact me.

Kind regards,

Daniel Kennedy Stiff
Acting Director – Technical Services

Attachment: Austroads Road Safety Audit Matrix

Attachment:



Austrroads Road Safety Audit Matrix (Ref. Austrroads Guide to Road Safety Part 6: Road Safety Audit)

| | | Severity* | | | | | |
|-----------------------------------|----------------|-------------------|-----------------|--|----------------------|-----------------------------------|---------------|
| | | Insignificant | Minor | Moderate | Serious | Fatal | |
| | | Property damage | Minor first aid | Major first aid and/or presents to hospital (not admitted) | Admitted to hospital | Death within 30 days of the crash | |
| Likelihood (includes exposure) | Almost Certain | One per quarter | Medium | High | High | Extreme (FSI) | Extreme (FSI) |
| | Likely | Quarter to 1-year | Medium | Medium | High | Extreme (FSI) | Extreme (FSI) |
| | Possible | 1 to 3 Years | Low | Medium | High | High (FSI) | Extreme (FSI) |
| | Unlikely | 3 to 7 Years | Negligible | Low | Medium | High (FSI) | Extreme (FSI) |
| | Rare | 7 years+ | Negligible | Negligible | Low | Medium (FSI) | High (FSI) |

*see Severity Guidance Sheet

Safe System crash outcome threshold

The corresponding priorities for mitigation are categorised as:

- Negligible – no action required
- Low – should be corrected or the risk reduced if the treatment cost is low
- Medium – should be corrected or the risk significantly reduced, if the treatment cost is moderate, but not high
- High – should be corrected or the risk significantly reduced, even if the treatment cost is high
- Extreme – must be corrected regardless of cost.

5 Exposure is factored into likelihood.

6 Severity is the likelihood of the outcome occurring.

18.3 CPS52.11.22 Underground Power – Hollywood East, Nedlands North and Nedlands West

| | |
|---|---|
| Meeting & Date | Council Meeting – 22 November 2022 |
| Applicant | City of Nedlands |
| Employee Disclosure under section 5.70 Local Government Act 1995 | Nil. |
| Report Author | Stuart Billingham – Manager Finance Services |
| Director | Michael Cole – Director Corporate Services |
| Attachments | 1. Project Areas – Underground Power in Hollywood East, Nedlands North and Nedlands West. |

Purpose

To receive designs and cost estimates for underground power for Hollywood East, Nedlands North and Nedlands West. In addition, the report also seeks approval to develop a business case for these projects.

Recommendation

Council:

1. receives the designs and cost estimates provided by Western Power for underground power to Hollywood East, Nedlands North and Nedlands West;
2. authorises the CEO to prepare a business case on underground power for Hollywood East, Nedlands North and Nedlands West; and
3. approves an allocation of \$100,000 from the Underground Power Reserve to fund the business case and community engagement.

Voting Requirement

Absolute Majority.

Background

Approximately 78% of the City has underground power installed to their properties, with 1,701 properties remaining without underground power in Hollywood East, Nedlands North and Nedlands West.

At the Ordinary Council Meeting on 28 July 2020 in response to TS13.20:

Council:

1. approves an increase in the operations budget from \$180,000 to \$983,260 to fund the detailed design, project planning and contract documentation with a hold point prior to contract advertising for underground power in Nedlands East (Hollywood East), Nedlands North (Floreat) and Nedlands West (Mt Claremont);
2. approves the CEO to authorise Western Power to proceed with the detailed design, project planning and contract documentation for the Nedlands East (Hollywood East), Nedlands North (Floreat) and Nedlands West (Mt Claremont) underground power projects, with the additional funds required to come from the operational surplus, to be reviewed at the mid-year review, with the balance from the Underground Power Reserve Fund if required; and
3. notes this is a work in progress and a further report will be presented to Council in April 2021 following completion of the design phase activities.

Design works by Western Power commenced in late 2020 and were completed in early 2022 as a result of significant delays due to Western Power resourcing issues.

Discussion

The design works by Western Power have been completed and revised estimates have been provided.

An overview of each of the three project areas can be found in Attachment 1.

Preliminary primary equipment sites have been identified. These sites have been chosen to allow the power network within the project areas to function correctly, and to keep costs as low as possible.

The City understands that the preliminary locations have been chosen by considering both the engineering requirements and minimising the impact on surrounding residents. The primary equipment has been located where possible in public open space, and not on residential verges to maintain amenity.

The Primary equipment locations will be subject to community consultation with adjacent and nearby properties. The final location may change based on the outcome of this consultation and detailed construction planning.

Western Power have provided an additional updated project estimate for the works at a 30% accuracy, based on current market conditions and recent projects. The latest advice indicates the project is likely to cost 30% more than previous estimates. A breakdown is shown in the table below.

| | Capex | WP Net Benefit | LGA to fund Capex | Opex | Design Costs | LGA Funding (Capex + Opex + design) |
|-----------------------|--------------|----------------|-------------------|-------------|--------------|-------------------------------------|
| Hollywood East | \$13,166,764 | \$6,333,189 | \$6,833,575 | \$1,663,295 | \$391,422 | \$8,888,292 |
| Nedlands North | \$5,538,880 | \$2,637,168 | \$2,901,712 | \$481,802 | \$203,527 | \$3,587,041 |
| Nedlands West | \$10,021,730 | \$3,904,338 | \$6,117,392 | \$1,040,325 | \$345,551 | \$7,503,268 |
| Total | \$28,727,374 | \$12,874,696 | \$15,852,678 | \$3,185,422 | \$940,500 | \$19,978,601 |

Note: All costs listed in the table are excluding GST.

All costs associated with Underground Power will be an operational cost to the City. The capex and opex columns listed in the table above refer to Western Power’s classification for their asset management purposes.

The capex portion of the project is the construction of the Western Power network and assets. This involves the transformers, interface to existing network and underground cabling in the streets to the green “domes”.

The opex portion is the new underground connections from the green domes to the properties. That portion of the network is not a Western Power asset so is generally funded by the property owner.

The projects have the following numbers of properties within their boundaries:

1. Hollywood East – LGA contribution \$8,888,292 - 542 allotments with 778 properties in total (750 residential, 1 residential/commercial, 22 commercial, 5 government).
2. Nedlands North – LGA contribution \$3,587,041 - 157 allotments with 273 properties in total (259 residential, 14 commercial).
3. Nedlands West – LGA contribution \$7,503,268 - 339 allotments with 650 properties in total (637 residential, 9 commercial, 4 government).

A cost allocation per property will require a Council decision as this cost would depend on how the City chooses to fund the projects. A further breakdown of the possible cost split is shown in table 2 below using Project cost/number of properties and then a 50:50 split between the City and property owner is shown below and this has been previously circulated to Councilors. This is shown for each individual project, and as a combination of all three projects. This table does not take into consideration properties which already have an underground connection from an existing dome and the meter box.

| Project Name | Total LGA Contribution | Number of Properties | Contribution per property | 50:50 Share |
|---------------------|-------------------------------|-----------------------------|----------------------------------|--------------------|
| Hollywood East | \$8,888,292 | 778 | \$10,921.43 | \$5,460.71 |
| Nedlands North | \$3,587,041 | 273 | \$12,393.82 | \$6,196.91 |
| Nedlands West | \$7,503,268 | 650 | \$10,152.61 | \$5,505.94 |
| Total | \$19,978,601 | 1,701 | \$11,416.86 | \$5,872.60 |

Note: The figures detailed are indicative only. A considerable amount of work is required to determine the final costs charged to residents to take into consideration a range of discounts offered to individual properties, eg already have a connection, proximity of transmission lines

Preliminary analysis indicates that discounts due to proximity to remaining Transmission lines or Primary Equipment sites will after each project as follows:

1. Hollywood East – approx. 4% of properties - potential concession \$75,677
2. Nedlands North – approx. 10% of properties - potential concession \$33,359.03
3. Nedlands West – approx. 19% of properties - \$244,866.89

The total potential concession is \$353,902.98. This equates to \$38.51 per rateable property in the City.

Should Council decide to proceed with the project, Western Power will provide an updated cost estimate to a 10% accuracy after the completion of a Request for Quotation process. This process can only commence after Council provides this direction.

Consultation

The City has updated Elected Members on the progress of the remaining underground power project, most recently at the September 2022 Concept Forum.

Subject to Council endorsement, further community consultation will be undertaken with the wider Nedlands community and also residents in the specific project areas.

Successful community engagement is based on a framework of principles that respect the right of all community members to be informed, consulted, involved and empowered.

City of Nedlands Community

- Ensure the wider community are informed about the project and how it will affect the City's Long Term Financial Plan
- Ensure that the wider community understand the project benefits, risks and challenges
- Communicate clearly why Nedlands needs underground power now
- Validate the support level from the wider community to go ahead with the project

Residents in Project Areas

- Assess willingness from the affected residents to proceed with the project
- Confirm the cost per property residents will be required to pay
- Establish how affected residents are willing to pay?
- Provide affected residents with an expected timeline for completion
- Define the advantages for running the projects concurrently

Strategic Implications

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

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

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

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

Priority Area

- Underground power

Budget/Financial Implications

The completion of the 3 remaining underground projects is a significant undertaking by the City and affected ratepayers.

The latest estimated contribution from the City of Nedlands for the project is \$19,978,601 including the \$940,500 cost for the design phase already paid by the City. It is noted that Western Power will provide an updated cost estimate to a 10% accuracy after their completion of a Request for Quotation process.

To put the estimated cost of the project into perspective, this will be the biggest undertaking by the City. The current capital works budget required \$6.1m in municipal funding.

Under the Council's current Underground Power Policy, up to 50% of the City's contribution is recoverable from ratepayers. The method of recovery is set out in the City's Underground Power Procedure and depends on whether the property is single, multiple dwellings and also whether there is an existing green dome or whether transmission lines will remain.

Under the Underground Power Procedure, the payment by ratepayers of their contribution may be paid by lump sum or over a period of up to 10 years. Any debt owing is paid out in full in the event the property is sold. Interest is charged on outstanding amounts.

The draft Long Term Financial Plan is yet to be considered by Council. Under current available funding, any additional contribution from municipal funds would be at the expense of other operating or capital works projects unless there was a significant increase in rates.

Given the significant undertaking, it is proposed to prepare a business case to better inform Council and the community of the benefits, opportunities and risks associated with the project.

It is recommended that the amount of \$100,000 be funded from the Underground Power Reserve to facilitate the development of the business case and to undertake community engagement.

Legislative and Policy Implications

Given this is a significant undertaking, the Administration recommends a business case be prepared to better inform Council and the community. While this is not a statutory requirement, a project of this size and complexity should be fully explored, with the full implications understood prior to commencement.

Decision Implications

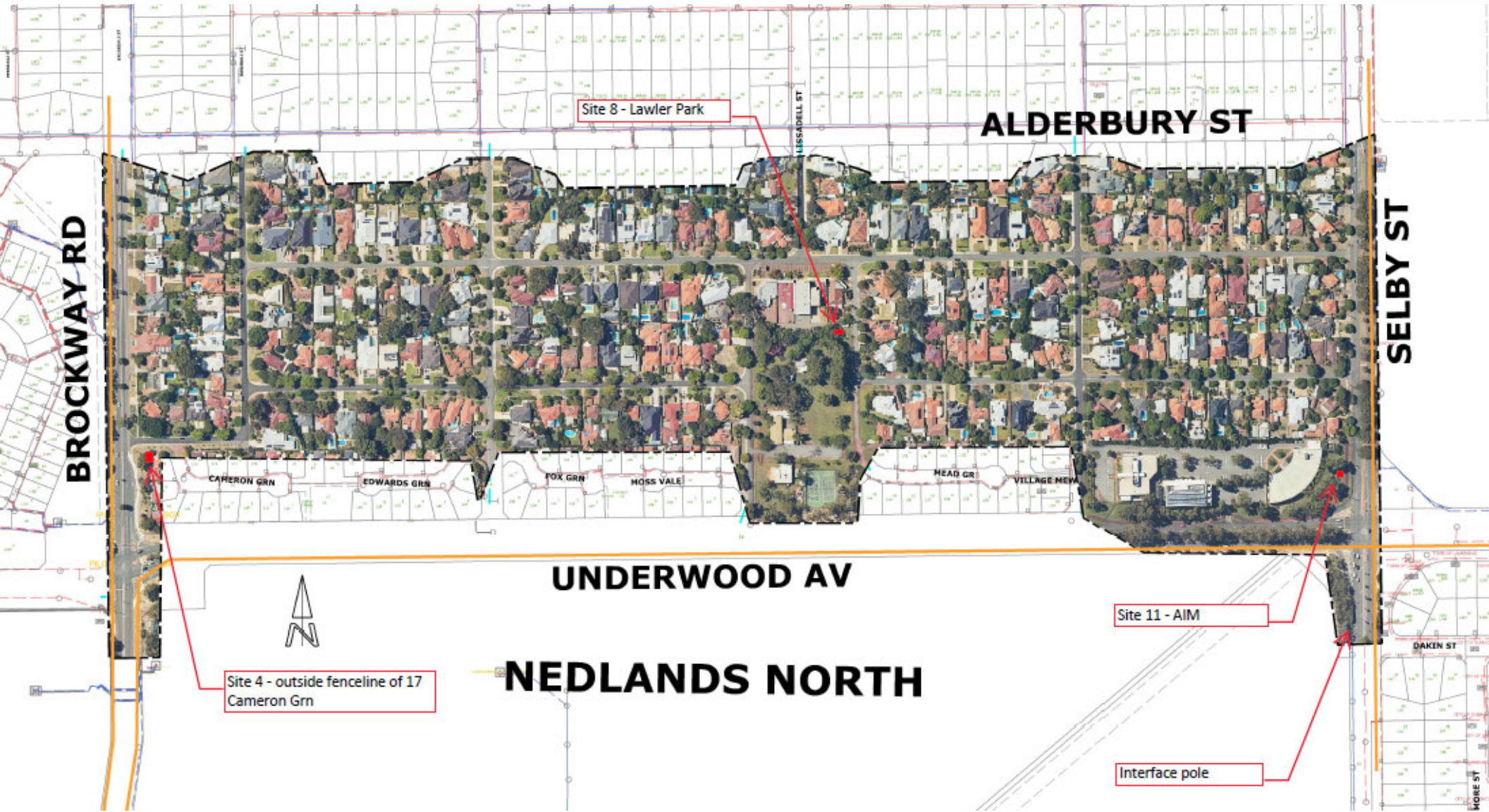
Should Council endorse the recommendations in this report, the CEO will proceed with the development of a business case to better inform Council and the community. A community engagement plan will also be developed. These will be brought back to Council for approval to proceed with community engagement.

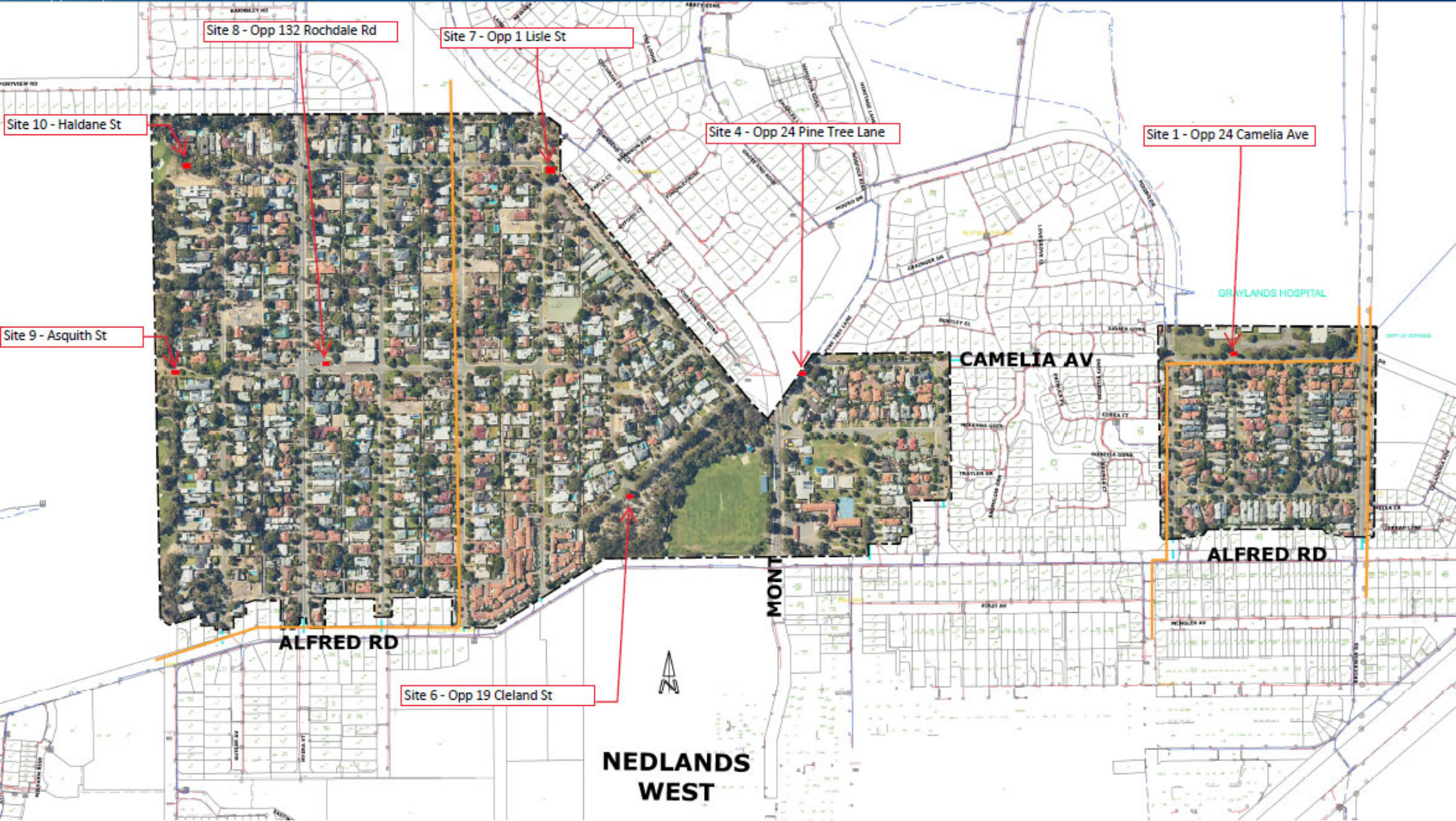
Conclusion

The designs and revised cost estimates for underground power for Hollywood East, Nedlands North and Nedlands West have been provided by Western Power and Council is now requested to endorse recommendations in this report.

Further Information

Nil.





Hollywood East



18.4 CPS53.11.22 Rate Exemption – Kindy in the Park

| | |
|---|--|
| Meeting & Date | Council Meeting - 22 November 2022 |
| Applicant | City of Nedlands |
| Employee Disclosure under section 5.70 Local Government Act 1995 | Nil. |
| Report Author | Kevin Perraudin – Finance Officer (Rates) |
| Director | Michael Cole – Director Corporate Services |
| Attachments | Nil. |

Purpose

This report seeks approval for a rates exemption for Kindy in the Park Inc. for 25 Strickland Street, Nedlands under Section 6.26(2)(g) of the Local Government Act 1995 for 2021-22, from 01/01/2022.

Recommendation

That Council approve a rates exemption for Kindy in the Park Inc. for 25 Strickland Street, Nedlands under Section 6.26(2)(g) of the Local Government Act 1995 for 2021-22, from 01/01/2022.

Voting Requirement

Simple Majority.

Background

Since 2015/16 the former tenant of 25 Strickland Street (City of Nedlands property) was issued rates notices. For 2021/22, the former tenant paid the 1st and 2nd instalments. The lease finished in December 2021.

In January 2022 Kindy in the Park Inc. (Charity Organization) took over the lease for \$1 per annum and has not paid the 3rd and 4th instalments (outstanding amount of \$1,363.03).

Discussion

This report refers to the rates exemption application for 25 Strickland Street, Nedlands, received on 2 July 2022 for the 2021-2022 financial year. The property is used by Kindy in the Park Inc. for charitable purposes.

Under Section 6.26(2)(g) of the Local Government Act 1995, land used exclusively for charitable purposes is not-rateable. Use by property by Kindy in the Park, a not for profit organisation, meets the charitable purpose requirements.

The City has levied rates for 2021/22 of \$2,634.26 + \$81.80 (instalment fees). The first two instalments have been paid by the former tenant and the balance outstanding amount is \$1,363.03.

Consultation

Not applicable.

Strategic Implications

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

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

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

Budget/Financial Implications

Should Council agree to the recommendation, the rates exemption represents a loss of revenue of \$978.50 + \$41.40 (instalment fees) for 2021-22, and \$1,957 for 2022/23.

Legislative and Policy Implications

[Local Government Act 1995](#)

Decision Implications

The application has been assessed as meeting the requirements for an exemption from rates, effective from 1 January 2021. Should Council not endorse the recommendation the applicant can appeal the decision.

Conclusion

The application from Kindy in the Park for a rates exemption meets the requirements of Section 6.26 (2)(g) of the Local Government Act 1995. Council approval is recommended.

Further Information

Nil.

18.5 CPS54.11.22 Monthly Financial Report – October 2022

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

18.6 CPS55.11.22 Monthly Investment Report – October 2022

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

18.7 CPS56.11.22 List of Accounts Paid – October 2022

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

19. Reports by the Chief Executive Officer CEO14.11.22

19.1 CEO14.11.22 Foreshore Management Steering Committee Replacement Member

| | |
|---|---------------------------------------|
| Meeting Date & | Council Meeting – 22 November 2022 |
| Applicant | City of Nedlands |
| Employee Disclosure under section 5.70 Local Government Act 1995 | Nil. |
| Report Author | Nicole Ceric – Executive Officer |
| CEO | Bill Parker – Chief Executive Officer |
| Attachments | Nil. |

Purpose

The purpose of this report is for Council to appoint Councillor Basson to the Foreshore Management Steering Committee.

Recommendation

That Council appoints Councillor Basson to the Foreshore Management Steering Committee.

Voting Requirement

Absolute Majority.

Background

In March 2022, Council established the Foreshore Management Steering Committee and appointed the Mayor and four Councillors (one Councillor from each ward) as per the Terms of Reference. Councillor Hodsdon was appointed the Hollywood Ward Member.

Discussion

Councillor Basson was elected at the extraordinary election on the 16 September 2022 and expressed interest in being a committee member on the Foreshore Management Committee. In response, Councillor Hodsdon resigned from the Foreshore Management

Committee to allow his fellow Hollywood Ward Councillor, Councillor Basson to be the Hollywood Ward Committee Member.

Consultation

Nil.

Strategic Implications

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

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

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

Budget/Financial Implications

There are no budget / financial implications.

Legislative and Policy Implications

Section 5.8 of the [Local Government Act 1995](#) allows Council to establish Committees to assist the Council to exercise the power and discharge the duties of the Local Government.

Section 5.10 of the [Local Government Act 1995](#) states that a committee is to have its members appointed by absolute majority.

[Regulation 4 of the Local Government \(Administration\) Regulations: outlines that a committee member may resign from membership of a committee by giving the CEO or the committee's presiding member written notice of the resignation.](#)

Council Terms of Reference for the Foreshore Management Steering Committee states (extract below):

Membership

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting and up to one non-Councillor Member, being a representative from the Department of Biodiversity, Conservation and Attractions (DBCA) as a non-voting member.
2. Council will appoint one Councillor from each ward as deputy members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.
4. Deputy members are only required to attend and vote if the primary member is absent, an apology or on leave or has resigned.
5. The term of the presiding member and committee members will expire immediately prior to the next ordinary Council election.
6. The presiding member shall be determined by election amongst the members of the committee at the first meeting of the Committee.
7. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 7 above.

Therefore, a replacement member is required to comply with the Council's adopted Terms of Reference.

Decision Implications

Should Council not appoint a replacement member and to the Foreshore Management Steering Committee it would be in breach of the Council's adopted Terms of Reference.

Conclusion

It is recommended that Council appoint Councillor Basson as the Hollywood Ward Committee Member to replace Councillor Hodsdon as requested.

Further Information

Nil.

20. Council Members Notice of Motions of Which Previous Notice Has Been Given

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

21. Urgent Business Approved By the Presiding Member or By Decision

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

22. Confidential Items

Confidential items to be discussed at this point.

23. Declaration of Closure

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