



City of Nedlands

Minutes

Council Committee Meeting

7 December 2021

Attention

These Minutes are subject to confirmation.

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

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, 71 Stirling Highway, Nedlands on Tuesday 7 December 2021 at 7 pm. The meeting was livestreamed.

Declaration of Opening

The Presiding Member declared the meeting open at 7 pm and drew attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Mayor F E M Argyle	(Presiding Member)
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor H Amiry	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano (online from 7.02pm)	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor O Combes	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward

Staff	Mr W R Parker	Chief Executive Officer
	Mr E K Herne	Director Corporate & Strategy
	Mr T G Free	Director Planning & Development
	Mr A D Melville	Acting Technical Services
	Mrs N M Ceric	Executive Officer

Public There were 20 members of the public present and 0 online.

Press The Post Newspaper Representative.

Leave of Absence Nil.
(Previously Approved)

Apologies Ms M E Granich, Executive Manager Community

Disclaimer

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

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Moved – Councillor Hodsdon
Seconded – Councillor Bennett

Council:

- 1. as per the Local Government (Administration) Regulations 1996 regulation 14A (1)(a) approves for Councillor Mangano to attend this meeting online via teams; and**
- 2. as per the Local Government (Administration) Regulations 1996 regulation 14A(4)(b)(ii) approves a private room at the Collie Ridge Motel, 185-195 Throssell Street, Collie, Western Australia as a suitable place.**

CARRIED UNANIMOUSLY 12/-

Councillor Mangano joined the meeting at 7.02pm.

1. Public Question Time

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

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

Nil.

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

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

- | | |
|---|---------|
| Dr Graham Thom, Bruce Street, Nedlands
(spoke in opposition of the recommendation) | PD43.21 |
| Mrs Stella Fatouros, Watkins Road, Dalkeith
(spoke in support of the recommendation) | PD45.21 |
| Mr Daniel Hollingworth, King Street, Perth
(spoke in opposition of the recommendation) | PD45.21 |
| Ms Dervla McCarey, Adams Road, Dalkeith
(spoke in opposition of the recommendation) | PD45.21 |
| Mr Adam Kapinkoff, Walpole Street, Swanbourne
(spoke in support of the recommendation) | PD46.21 |

Moved – Councillor Bennett
 Seconded – Councillor Coghlan

That under Standing Order 3.4(5) Council resolve to extend the time for addresses by members of the public.

CARRIED UNANIMOUSLY 13/-

- | | |
|--|----------|
| Mr Leon Daamen, Greenville Street, Swanbourne
(Statement read by Mayor Argyle on behalf of Mr Daamen in opposition to the recommendation) | PD47.21 |
| Mrs Emily Dickson, Strickland Street, Mt Claremont
(spoke in support of the recommendation) | CPS20.21 |
| Mrs Kathy Sanders, Loch Street, Claremont
(spoke in support of the recommendation) | CPS20.21 |
| Ms Tracy McLaren, Reeve Street, Swanbourne
(spoke in opposition to the recommendation) | TS14.21 |
| Mrs Denise Murray, Sayer Street, Swanbourne
(spoke in opposition to the recommendation) | TS14.21 |
| Mr Robert Walker, St Georges Terrace, Perth
(spoke in support of the recommendation) | Item 9.1 |

3. Disclosures of Financial and/or Proximity Interest

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

3.1 Councillor Smyth – TS13.21 - Hamilton Park Enviro-Scape Master Plan

Councillor Smyth disclosed a proximity interest in Item TS13.21 – Hamilton Park Enviro-Scape Master Plan, her interest being that that she owns and resides at 7 Norfolk Rise which is opposite Hamilton Park. Councillor Smyth declared that she would leave the room during discussion on this item.

4. Disclosures of Interests Affecting Impartiality

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

4.1 Councillor Bennett – 9.1 - Consideration of Responsible Authority Report for 14 Multiple Dwellings, 7 Holiday Accommodation (Short Stay) and Café at 99 Broadway, Nedlands

Councillor Bennett disclosed an impartiality interest in Item 9.1 - Consideration of Responsible Authority Report for 14 Multiple Dwellings, 7 Holiday Accommodation (Short Stay) and Café at 99 Broadway, Nedlands. Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th December 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he will not stay in the room and debate the item or vote on the matter.

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

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

4.2 Councillor Smyth – 9.1 - Consideration of Responsible Authority Report for 14 Multiple Dwellings, 7 Holiday Accommodation (Short Stay) and Café at 99 Broadway, Nedlands

Councillor Smyth disclosed an impartiality interest in Item 9.1 - Consideration of Responsible Authority Report for 14 Multiple Dwellings, 7 Holiday Accommodation (Short Stay) and Café at 99 Broadway, Nedlands. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th December 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she will not stay in the room and debate the item or vote on the matter.

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

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 9 November 2021

Moved – Councillor Hodsdon
Seconded – Councillor Amiry

The Minutes of the Council Committee held 9 November 2021 be confirmed.

CARRIED UNANIMOUSLY 13/-

7. Matters for Which the Meeting May Be Closed

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

Nil.

Please note the following item was brought forward from page 55.

9.1 Consideration of Responsible Authority Report for 14 Multiple Dwellings, 7 Holiday Accommodation (Short Stay) and Café at 99 Broadway, Nedlands

Committee	7 December 2021
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 and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.
Director	Tony Free - Director Planning & Development
Attachments	1. Responsible Authority Report and Attachments

Councillor Bennett – Impartiality Interest

Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th December 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he will not stay in the room and debate the item or vote on the matter.

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

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

Councillor Smyth – Impartiality Interest

Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 17th December 2021. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she will not stay in the room and debate the item or vote on the matter.

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

A similar declaration will be sent to the DAP administration prior to the scheduled MINJAP meeting.

Councillor Smyth & Councillor Bennett left the meeting at 7.53pm.

Moved – Councillor Brackenridge

Seconded – Councillor Coghlan

- 1. Refuse DAP Application reference DAP/21/02084 and accompanying plans date stamped 23 November 2021 (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Nedlands Local Planning Scheme No.3, for the following reasons:**
 - a. The plot ratio is inconsistent with Element Objective O2.5.1 of Volume 2 of the Residential Design Codes by virtue of having a bulk inconsistent with the future character of the area and inappropriate for its setting.**
 - b. The side setbacks are inconsistent with Element Objectives O2.4.1, O2.4.3, O2.7.3 and O2.7.4 of Volume 2 of the Residential Design Codes by virtue of being insufficient to provide appropriate separation to provide for visual privacy, overshadowing, deep soil areas, and setbacks for amenity of adjoining properties.**
 - c. The landscaping is inconsistent with Element Objective O3.3.2 and O 3.3.3 by virtue of having insufficient landscaping and tree growth to offset reduction of tree canopy and requiring an over-reliance of planting on structure.**
- 2. appoints Councillor Brackenridge to coordinate Council's submission and presentation to the Metro Inner-North JDAP for the proposed 14 Multiple Dwellings, 7 Holiday Accommodation (Short Stay) and Café at 99 Broadway, Nedlands; and**

Rationale

The RAR notes three main elements that contribute to building bulk and a detrimental impact to the amenity of adjoining properties and the streetscape. The three main elements are:

- Building separation (side setbacks);**
- Plot ratio; and**
- Tree canopy and deep soil areas.**

The additional plot ratio results in reduced separation and articulation to the north and south elevations and present undue building bulk to adjoining properties. As a result, the street setback is reduced, there is an over-reliance on highlight windows and screening to restrict views and has there is no deep soil area.

The side setbacks do not appropriately respond to the site context of the existing single house to the south and the heritage building to the north. The building is not sited to reduce overshadowing to the private open space and major openings of the houses to the south, including those lots that front Elizabeth Street. Nor does the development provide setbacks that would mitigate the impact of the building bulk when viewed from the existing southern house or cater sufficiently to future development. Overlooking to side properties has also not been fully addressed. Overall, the development will detrimentally impact the amenity of the existing houses to the south.

The setbacks of the development to the north will have a detrimental impact on the streetscape view of the heritage building. The development would adversely affect the utility of the heritage building's windows in terms of sunlight and ventilation.

The increase in plot ratio and reduction in the side setbacks reduce opportunities for landscaping and true deep soil areas. The proposal does not adequately offset the loss of canopy from existing onsite vegetation, nor does it provide sufficient landscaping to soften the appearance of building bulk. The landscaping provided, particularly to the front and side elevations, is insufficient to sustain healthy plant growth.

A reduction in plot ratio and an increase in the side setbacks would reduce the impact of building bulk to adjoining sites. The reduction in plot ratio would give the development room to respond better to the context and character of existing adjoining developments. Greater setback distances would also provide opportunities for more sufficient landscaping that would assist in softening the appearance of the building as viewed from the street.

Amendment

Moved - Councillor Youngman

Seconded - Councillor Coghlan

That a clause 3 be added as follows:

- 1. In the event the JDAP wishes to approve DAP Application reference DAP/21/02084 and accompanying plans date stamped 23 November 2021 (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Nedlands Local Planning Scheme No.3, Council requests that the following condition be incorporated:**

- 10b. Prior to the issue of a building permit, the western-facing balustrades of the balconies on all units shall be solid material or obscure glazed to provide visual screening of the balcony areas when viewed from adjoining properties to the satisfaction of the City of Nedlands.**

The AMENDMENT was PUT and was

CARRIED UNANIMOUSLY 11/-

The Substantive Motion was PUT and was

Lost 6/5

(Against: Crs. Senathirajah Amiry McManus Combes Hodsdon Wetherall)

Regulation 11(da) - The Committee considered that an additional condition should be included to provide further protection to the properties to the west from a privacy perspective.

Moved – Councillor McManus

Seconded – Councillor Youngman

Council Resolution

Council:

- 1. adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 14 Multiple Dwellings, 7 Holiday Accommodation, and a Café at 99 Broadway, Nedlands included at Attachment 1; and**
- 2. instructs the CEO to incorporate Council's Responsible Authority recommendation into the Responsible Authority Report for the development of 14 Multiple Dwellings, 7 Holiday Accommodation and a Café at 99 Broadway, Nedlands.**
- 3. In the event the JDAP wishes to approve DAP Application reference DAP/21/02084 and accompanying plans date stamped 23 November 2021 (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Nedlands Local Planning Scheme No.3, Council requests that the following condition be incorporated:**

- 10b. Prior to the issue of a building permit, the western-facing balustrades of the balconies on all units shall be solid material or obscure glazed to provide visual screening of the balcony areas when viewed from adjoining properties to the satisfaction of the City of Nedlands.**

CARRIED 6/5

(Against: Mayor Argyle Crs. Brackenridge Coghlan Youngman Mangano)

Recommendation to Council

Council:

1. adopts as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of 14 Multiple Dwellings, 7 Holiday Accommodation, and a Café at 99 Broadway, Nedlands included at Attachment 1; and
2. instructs the CEO to incorporate Council's Responsible Authority recommendation into the Responsible Authority Report for the development of 14 Multiple Dwellings, 7 Holiday Accommodation and a Café at 99 Broadway, Nedlands.

Executive Summary

The purpose of this report is for Council to consider the Development Assessment Panel application that proposes 14 Multiple Dwellings, 7 Holiday Accommodation (short-stay dwellings) and a Café at 99 Broadway, Nedlands. Council is requested to make its recommendation to the Metro Inner-North Joint Development Assessment Panel as the Responsible Authority. Council's recommendation will be incorporated into the Responsible Authority Report and lodged with the DAP Secretariat on 9 December 2021.

Administration recommends Council adopt the Officer Recommendation for approval.

Application Details

The application is for a proposed six storey multiple dwelling development, comprising 14 Multiple Dwellings, 7 Holiday Accommodation (short-stay dwellings) and a Café at Lot 541 (No.99) Broadway, Nedlands.

Consultation

In accordance with the deemed provisions and the City's Local Planning Policy - Consultation of Planning Proposals, the development was advertised for a period of 28 days, from 8 October to 5 November 2021.

Public consultation consisted of:

- Letters sent to all landowners and occupiers within a 200m radius of the subject site;
- A sign on site was installed at the site's street frontage;
- A notice was published on the City's website with all documents relevant to the application made available for viewing during the advertising period;
- A notice was placed in *The Post* newspaper; and
- A social media post was made on one of the City's Social Media platforms.

At the conclusion of the advertising period, the City received a total of 22 submissions, inclusive of 1 statement of support.

Amended plans for the proposal were submitted to the City on 16 November and 23 November 2021 that differ from the advertised plans in the following manner:

- Increased depth of soil zone at the rear to 2.2m in order to provide sufficient root area for small and medium sized trees at the rear of the property.
- Additional articulation provided to northern elevation increasing setback of Bedroom 1 on all levels from 2.1m to 3.1m.
- Re-locating the BBQ facilities within the communal space at the rear to be further away from apartment U3.
- Modifying the bathrooms of 5 units (U2 on levels 1-5) to achieve Silver Level requirements of the Liveable Housing Design Guidelines.
- Removing the bike racks from next to the vehicle entrance and replacing with fire cabinet and building utilities.

The amendments made are not considered to trigger the need for formal re-advertising of the proposal. However, the amended plans were made available for public inspection on the City's Your Voice website with a summary of changes proposed.

The main concerns raised in the objections included, but are not limited to:

- Height;
- Parking;
- Traffic;
- Noise;
- Setbacks;
- Landscaping;
- Plot Ratio;
- Solar access; and
- Land use.

Each of these issues are discussed in the Responsible Authority Report. All submissions on this proposal have been given due regard in this assessment in accordance with clause 67(y) of *Planning and Development (Local Planning Schemes) Regulations 2015*.

Design Review

The development was presented to the City's Design Review Panel (DRP) twice. A copy of the minutes from the meeting are contained in Attachment 1 – Design Review Panel Minutes. The application was assessed in accordance with State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0). A summary of the two reviews is provided in the table below.

3	<i>Supported</i>	
2	<i>Supported with conditions / Further Information required</i>	
1	<i>Not supported</i>	
	Original 8 June 2021	Revised Plans 1 November 2021
Principle 1 – Context & Character		
Principle 2 – Landscape Quality		
Principle 3 – Built Form & Scale		
Principle 4 – Functionality & Build Quality		
Principle 5 - Sustainability		
Principle 6 – Amenity		
Principle 7 - Legibility		
Principle 8 – Safety		
Principle 9 – Community		
Principle 10 – Aesthetics		

Amended plans and justification were submitted on 16 November and 23 November 2021. This final set of amended plans and information was referred to the chair of the Design Review Panel, who provided the following comments:

“The proponent has responded positively and effectively to the comments and Recommendations of the DRP. In particular, they have redesigned the garage door to be more in keeping with the emerging streetscape and the neighbouring Julius Elischer office building.

Further they have positively engaged with all the other DRP comments and recommendations. For example, they have:

- Improved the privacy of neighbours by increasing window setbacks in bedrooms to meet the R Codes recommended distances
- Improved the relationship to neighbours by articulating the building mass along the north and south sides
- Improved the planning and amenity of the units internally
- Improved the quality of the circulation and communal spaces
- Provided satisfactory detailed written justifications in response to DRP suggestions

Having considered the revised proposal against the DRP Comments and Recommendations the DRP Chair believes the proposal is now supportable”

In relation to Principle 5 (Sustainability), an Environmental Sustainability Report is recommended as a condition of approval. The contents and recommendations of the report is to be implemented as recommended to the satisfaction of the City.

Recommendation to JDAP

Council's recommendation will be incorporated into the Responsible Authority Report (RAR) and lodged with the DAP Secretariat on 9 December 2021. The following is the officer recommendation that is included in the RAR. In the event that Council does not adopt the officer recommendation, Council's

recommendation will be located at the front of the RAR as the Responsible Authority Recommendation. The officer recommendation will be contained in the rear of the report.

Officer Recommendation

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02084 and accompanying plans date stamped 23 November 2021 (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No.3, subject to the following conditions:

Conditions

General

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. This approval is for a 'Residential (Multiple Dwelling)', 'Holiday Accommodation', and 'Restaurant/Café' land uses as defined under the City of Nedlands Local Planning Scheme No. 3 and the subject land may not be used for any other use without prior approval of the City of Nedlands.

Noise

4. Prior to the issue of a Building Permit, the applicant is to lodge with the City a revised acoustic report prepared by a suitably qualified and licenced acoustic consultant demonstrating compliance of the development with the requirements of the *Environmental Protection (Noise) Regulations 1997*, with all recommendations within the report to be detailed on the building permit plans to the satisfaction of the City of Nedlands.
5. Prior to the issue of a Building Permit, a Noise Management Plan limiting the hours of operation of the communal area and gym, as recommended in the Lloyd George acoustic report, is to be prepared and approved by the City of Nedlands and thereafter implemented at all times.

6. Prior to occupation of the development, a Short Stay Management Plan including contact information for building management is to be provided and approved by the City of Nedlands and thereafter implemented at all times.

Waste Management

7. Prior to the issue of a Building Permit, an amended Waste Management Plan is to be submitted and approved by the City of Nedlands. The approved Waste Management Plan shall be complied with at all times to the satisfaction of the City of Nedlands.

Design

8. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.
9. Prior to occupation of the development the finish of the parapet walls is to be finished in accordance with the hereby approved plans.
10. All screening and obscure glazing shown on the approved plans to be installed prior to occupation and maintained at all times thereafter.

Building

11. Prior to the issue of a Building Permit, amended plans shall be submitted demonstrating two additional visitor bicycle racks being provided on site in a location deemed suitable by the City of Nedlands.
12. Prior to the issue of a Demolition Permit and/or a Building Permit, a Demolition and/or Construction Management Plan 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 relevant demolition or construction process to the satisfaction of the City.
13. Prior to the issue of a Building Permit, a geotechnical report covering the development area is to be prepared by a suitably qualified practitioner at the applicant's cost, to the satisfaction of the City of Nedlands. The report will give due consideration to any potential impacts on neighbouring properties including but not limited to: ground water management, excavation or modifications to existing ground levels; vibration or consolidation of material throughout the demolition and construction phase of the project. The geotechnical report will identify any remedial treatments required to mitigate any adverse impacts and will be lodged with the building permit application, together with certification that the design is suitable for the site conditions as outlined in the geotechnical report.

14. Prior to the commencement of excavation works, a dilapidation report shall be submitted to the City of Nedlands for approval, 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 513 (No. 28) Kingsway, Nedlands
 - b. Lot 512 (No. 30) Kingsway, Nedlands
 - c. Lot 1 (No. 97 Broadway, Nedlands
 - d. Lot 542 (No. 101) Broadway, Nedlands
 - e. Lot 4 (No. 32) Kingsway, Nedlands

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

15. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the City of Nedlands.
16. Prior to occupation, all photovoltaic cells shown on the roof plan of the development shall be installed to the satisfaction of the City and maintained for the lifetime of the development.
17. A minimum of 20% (5) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation.
18. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.
19. All building works to be carried out under this development approval are required to be contained within the site boundaries of the subject lot.

Landscaping

20. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan prepared by TDL, received 23 September 2021. Any modifications to the plans are subject to approval by the City of Nedlands.

21. Prior to the issue of a Building Permit, a Landscaping Management Plan shall be prepared by a suitably qualified consultant and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants.
22. Prior to occupation, the approved Landscaping plan, including any modifications approved by the City of Nedlands, is to be implemented and maintained for the life of the development to the satisfaction of the City of Nedlands.
23. Prior to occupation, all communal and private open space areas shall include a tap connected to an adequate water supply for the purpose of irrigation.
24. Prior to excavation works commencing, the owner shall take reasonable endeavours to obtain agreement from the property owner at 101 Broadway, Nedlands to undertake an arborist report investigating opportunities to minimise adverse health effects to the trees retained within the property boundary of 101 Broadway, Nedlands. If agreement is achieved with the owner of 101 Broadway, Nedlands, a copy of the arborist report shall be provided to the City of Nedlands prior to construction commencement and be included in the appointed contractor's construction management plan.

Vehicle Access and Parking

25. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
26. The vehicle ramp to the basement and circulation areas are to be constructed in accordance with Australian Standard 2890.1-2004 - Off-street car parking to the satisfaction of the City of Nedlands
27. Prior to occupation, all bicycle parking spaces shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.
28. Prior to occupation, the traffic light system shall be installed and operational to the satisfaction of the City of Nedlands.
29. Prior to occupation of the development, all car parking bays designated for visitors/staff shall be clearly marked or signage provided and maintained thereafter by the landowner to the satisfaction of the City of Nedlands

30. Prior to occupation of the development, the crossover is to be modified/upgraded and verge and kerb reinstated at the applicant's cost and to the satisfaction of the City of Nedlands.

Sustainability

31. Prior to the issue of a Building Permit, a Sustainability Report prepared by a suitably qualified consultant shall be submitted and approved to the satisfaction of the City. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

Legal

32. Prior to occupation of any part of the development, the landowner(s) shall enter into a Deed of Indemnity with the City, which indemnifies both the City and its waste collection contractors from claims relating to any damage, injuries or death that may be caused as a result of the on-site waste collection process.
33. Prior to occupation of the approved development, the applicant/owner shall enter into a deed of agreement with the City of Nedlands ("the City") whereby the owner:
 - a. Indemnifies the City against any loss or damage to any road reserve or other property of the City or to any person or property of any person arising out of the installation of the approved awning constructed over the road reserve immediately adjacent the land where the awning will be located or the use of the road reserve in connection with the approved development;
 - b. Agrees to take out and maintain a policy of public liability with a reputable insurer in an amount satisfactory to the City to insure the City and the owner against all claims for loss or damage or injury occurring to any road reserve or property of the City or any person or property of any person as a result of the construction of the development or in respect of the use of that portion of the awning constructed over the road reserve immediately adjacent to the land in connection with the development;
 - c. Agrees to maintain the development at its cost; and
 - d. Agrees that the City can require the awning be removed and for the road reserve to be re-instated within a reasonable time.

The agreement shall be prepared by the City's solicitors to the satisfaction of the City and enable the City to lodge an absolute caveat over the land. The applicant/owner shall be responsible to pay all costs associated with the City's solicitor's costs and incidentals to the preparation of (including all drafts) and stamping of the agreement and the lodgement of the absolute caveat.

Conclusion

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

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

This development has been assessed as generally consistent with the Scheme and the Element Objectives of the R-Codes. The key areas of discussion relate to the setbacks, height, plot ratio, landscaping and solar access proposed. The elements are supported as:

- The building is contained within the building envelope set out in the R-Codes.
- The development provides a rear setback of 9m, which is in excess of the Acceptable Outcomes of the R-Codes.
- The development provides a landscaping area with small and medium trees against the rear boundary to help screen the view to the lower coded property to the west.
- The development is located within the centre of the site, allowing a sunlight corridor to the southern lot to accommodate the backyard of the existing house and any future development.

For the above reasons, it is recommended Council adopt the Officer Recommendation contained in the Responsible Authority Report to approve the development.

Councillor Smyth & Councillor Bennett returned to the meeting at 8.22pm.

BROADWAY, NO.99 (LOT 541) NEDLANDS – MIXED USE DEVELOPMENT (14 MULTIPLE DWELLINGS, 7 HOLIDAY ACCOMMODATION, CAFÉ)

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner-North Joint Development Assessment Panel	
Local Government Area:	City of Nedlands	
Applicant:	Planning Solutions	
Owner:	Caxton Properties Pty Ltd	
Value of Development:	\$8 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Nedlands	
Authorising Officer:	Tony Free – Director Planning & Development	
LG Reference:	DA21/68911	
DAP File No:	DAP/21/02084	
Application Received Date:	23 September 2021	
Report Due Date:	9 December 2021	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	<ol style="list-style-type: none"> 1. Aerial image and zoning map 2. Amended Development plans 3. 3D Architectural Images 4. Applicant report 5. Design Review Panel Minutes 6. Heritage Advice (97 Broadway) 7. Landscape plans 8. Amended Acoustic report 9. Waste Management Plan 10. Short Stay Management Plan 11. R-Codes Assessment 12. Traffic Impact Assessment and Amendments 	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

To be determined on 7 December 2021 Committee Meeting.

Reasons for Responsible Authority Recommendation

To be determined on 7 December 2021 Committee Meeting.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone	Urban
Local Planning Scheme	City of Nedlands Local Planning Scheme No.3
Local Planning Scheme Zone	Mixed Use (R-AC3)
Structure Plan/Precinct Plan	N/A
Use Class and permissibility:	Multiple Dwellings (P) Holiday Accommodation (D) Restaurant/Café (P)
Lot Size:	880m ²
Existing Land Use:	Office
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

The proposal is for a Mixed-use development over 6 storeys comprising of 14 Multiple dwellings, 7 Holiday Accommodation dwellings (short stay dwellings) and one café located at No.99 Broadway, Nedlands.

Proposed Land Use	Multiple Dwellings, Holiday Accommodation, Restaurant/Café
Proposed Net Lettable Area	55m ² (Restaurant/Café)
Proposed No. Storeys	6
Proposed No. Dwellings	21 dwellings (Inclusive of 7 Holiday Accommodation/Short stay dwellings)

Background:Site Description

The subject site is located on the western side of Broadway 40m north of the intersection of Broadway and Elizabeth Street. The site slopes up approximately 6m from front (east) to rear (west). The site currently contains a two-storey commercial building with paving at the rear to allow for parking. Existing vegetation comprising of large bushes and trees are located forward of the building and along the rear boundary.

Existing Context and Character

To the north of the subject site is No.97 Broadway, which contains an existing two-storey office building with an undercroft rear parking area. The building is contained on the City's Municipal Heritage Inventory as "Elischer Studio + Residence".

The properties to the immediate rear are characterised by single and two-storey houses with large front and rear vegetative gardens and are zoned 'Residential' with an R60 coding. To the south of the site there is an existing two-storey single house.

The eastern side of Broadway, located within the City of Perth, is occupied by more intensive residential development, with numerous examples of existing multi-storey apartment buildings. Across Broadway and two lots south of the site is the Broadway Fair Shopping Centre. Nedlands Primary School is less than 100m to the south-west of the site.

Future Character of Locality

LPS3 provided for increased building heights, ranging from three storeys within the R60 coded area to six storeys within the R-AC3 coded area. The area is undergoing a transition to higher density, with a number of larger-scale developments recently approved along Broadway replacing the existing low single houses and small-scale commercial developments.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- Metropolitan Region Scheme
- City of Nedlands Local Planning Scheme No.3

State Government Policies

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

Local Policies

- Local Planning Policy – Consultation of Planning Proposals
- Local Planning Policy – Parking
- Local Planning Policy – Waste Management (Council adopted – subject to WAPC final endorsement)
- Local Planning Policy – Interim Built Form Design Guidelines – Broadway Mixed Use Zone (Council adopted – subject to WAPC final endorsement)

Strategies

- City of Nedlands Local Planning Strategy

Consultation:

Public Consultation

The application was advertised for 28 days from 8 October to 5 November 2021 by the following:

- Letters posted to all landowners and occupiers (including City of Perth residents, on the eastern side of Broadway) 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;
- Advertisement placed in the "Post" local newspaper.
- Posted on the City's social media platforms.
- Notice on the Noticeboard at the City's Administration Office.

Upon conclusion of advertising, a total of 22 responses were received, including one statement of support.

A summary of the key issues is provided below:

Issue Raised	Officer comments
Building Height <ul style="list-style-type: none"> • Interface with western properties and Broadway • Inconsistent with existing development 	Supported Refer to Element 2.2 – Building Height
Plot Ratio <ul style="list-style-type: none"> • Excessive plot ratio • No bonus to be applied • Bulk and scale 	Supported Refer to Element 2.5 – Plot Ratio
Traffic <ul style="list-style-type: none"> • Cumulative traffic impacts should be considered • Exacerbate existing traffic on Broadway 	Supported A Traffic Impact Statement has been prepared by Cardno, dated 2 September 2021 with additional information received 16 November 2021 (Attachment 12). The assessment concluded that the use and development of multiple dwellings and a cafe is estimated to generate a total of 44 vehicles per day or a peak hourly trip generation of 20 (AM) and 24 (PM). The City accepts the findings and conclusion within the report prepared by Cardno and maintains that this development represents a moderate increase in the overall road network.
Overshadowing <ul style="list-style-type: none"> • Impacts to amenity and no natural or solar access. 	Supported Refer to Element 2.2 – Building Height
Visual Privacy <ul style="list-style-type: none"> • Visual privacy impacts to neighbouring properties from balconies • Clear balustrading 	Supported Refer to Element 3.5 – Visual Privacy

<p>Heritage</p> <ul style="list-style-type: none"> No consideration given to the impact on the Julius Elischer Studio at 97 Broadway Heritage impacts to this building as a result of this development 	<p>Supported</p> <p>A heritage report has been commissioned finding that the new development would have a minor impact on the streetscape appearance of 97 Broadway. Refer to Heritage Advice below.</p>
<p>Parking & Vehicle Access</p> <ul style="list-style-type: none"> Insufficient resident and commercial parking Site lines 	<p>Supported</p> <p>Refer to Element 3.9 – Car and Bicycle Parking</p>
<p>Telecommunications Infrastructure Tower</p> <ul style="list-style-type: none"> Existing telecommunications infrastructure located on 97 Broadway and safety impacts 	<p>Noted</p> <p>The adjoining building at 97 Broadway contains multiple telecommunications antennae on the roof, all of which are owned by Optus. It is the antenna operator's responsibility to ensure their equipment complies with any safety regulations during construction and for the life of the development. The applicant has liaised with Optus and forwarded correspondence on to the City confirming that all the telecommunications towers are scheduled to be decommissioned and relocated in early 2022. By the time construction commences on the subject site, the antennae will no longer pose an issue.</p> <p>Notwithstanding, an advice note has been included alerting the owner/applicant of their responsibility to coordinate with the antenna operator for removal.</p>
<p>Inconsistent with Scheme Amendment No.7 & Broadway Interim Design Guidelines</p>	<p>Noted</p> <p>The Minister has resolved to refuse Scheme Amendment No.7 and therefore no changes will be made to Local Planning Scheme No.3.</p> <p>The City has received legal advice questioning the validity of most of the provisions within the policy. Therefore, it has not been used as a basis as assessment. See Local Planning Policies below.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> No deep soil area provided No retention of existing trees Species should be planted as semi-mature 	<p>Supported</p> <p>Refer to Element 3.3 – Tree Canopy and Deep Soil Areas</p>
<p>Uses (Short Term & Café)</p> <ul style="list-style-type: none"> Café is an inappropriate use The short-term accommodation and café will adversely impact traffic and safety of the neighbourhood, and 	<p>Supported</p> <p>Refer to Land Use, and Element 3.9 – Car and Bicycle Parking</p>

increase noise to adjoining residences	
Communal Open Space <ul style="list-style-type: none"> Location and impacts to existing adjoining residents (noise) 	Supported with condition Refer to Element 4.7 - Managing the impact of noise
Construction Management <ul style="list-style-type: none"> Noise, dust, traffic 	Supported with condition A condition is recommended requiring the submission of both a Construction Management Plans & Dilapidation Report.
Setbacks <ul style="list-style-type: none"> Insufficient side setbacks 	Supported Refer to Element 2.7 – Building Separation
Internal Amenity <ul style="list-style-type: none"> Natural ventilation and solar access Size of the units 	Supported Refer to Attachment 11, Element 4.2 – Natural Ventilation, and Element 4.3 – Size and Layout of Dwellings
Support <ul style="list-style-type: none"> Design, mix and number of storeys 	Noted

Amended plans for the proposal were submitted to the City on 16 November and 23 November that differ from the advertised plans in the following ways:

- Increased depth of soil zone to 2.2 metres for proposed trees at the rear of the property.
- Additional articulation provided to northern elevation setting back Bedroom 1 on all levels an additional metre, from 2.1m to 3.1m.
- Rearranging the communal space at the rear to move the BBQ area away from Unit 3 .
- Modifying the bathrooms of 5 units (Unit 2 on levels 1-5) to achieve Silver Level Liveable Housing Design Guidelines.
- Removing the bike racks from next to the vehicle entrance and replacing with fire cabinet and building utilities.
- Shade screens shown on the floor plan of the level 6 units.

The amendments made are not considered to trigger the need for formal re-advertising of the proposal. However, the amended plans were made available for public inspection on the City’s Your Voice website with a summary of changes proposed. All submitters were advised by email of the amended plans.

All submissions on this proposal have been given due regard in this assessment in accordance with Clause 67(y) of the *Planning and Development (Local Planning Schemes Regulations) 2015*.

Design Review Panel Advice

The development was presented to the City’s Design Review Panel (DRP) twice. The final recommendations are summarised below and included in full as Attachment 5:

3	<i>Supported</i>	
2	<i>Supported with conditions / Further Information required</i>	
1	<i>Not supported</i>	
	Original 8 June 2021	Revised Plans 1 November 2021
Principle 1 – Context & Character		
Principle 2 – Landscape Quality		
Principle 3 – Built Form & Scale		
Principle 4 – Functionality & Build Quality		
Principle 5 - Sustainability		
Principle 6 – Amenity		
Principle 7 - Legibility		
Principle 8 – Safety		
Principle 9 – Community		
Principle 10 – Aesthetics		

Amended plans and justification were submitted on 16 November and 23 November 2021. This final set of amended plans and information was referred to the chair of the Design Review Panel, who provided the following comments:

“The proponent has responded positively and effectively to the comments and Recommendations of the DRP. In particular, they have redesigned the garage door to be more in keeping with the emerging streetscape and the neighbouring Julius Elischer office building.

Further they have positively engaged with all the other DRP comments and recommendations. For example, they have:

- *Improved the privacy of neighbours by increasing window setbacks in bedrooms to meet the R Codes recommended distances*
- *Improved the relationship to neighbours by articulating the building mass along the north and south sides*
- *Improved the planning and amenity of the units internally*
- *Improved the quality of the circulation and communal spaces*
- *Provided satisfactory detailed written justifications in response to DRP suggestions*

Having considered the revised proposal against the DRP Comments and Recommendations the DRP Chair believes the proposal is now supportable”

In relation to Principle 5 (Sustainability), an Environmental Sustainability Report is recommended as a condition of approval. The contents and recommendations of the report is to be implemented as recommended to the satisfaction of the City

The development is generally consistent with State Planning Policy 7.0 in regard to design, with a further assessment below.

Heritage Advice

The adjoining building to the north of the site at 97 Broadway is the Elischer Studio building. The building is listed on the City’s Municipal Heritage Inventory as a Category B building. The City is currently undergoing a review of the Heritage List but as the

Elischer Studio building is on the City's Municipal Heritage Inventory it has limited heritage protection at this time.

The City commissioned a heritage architect to provide advice on the interface of the buildings and the potential heritage impact on the Elischer Studio building (Attachment 6). It is noted that the subject development will block views from the Elischer Studio Building windows, which house an existing office, however, the heritage impact is assessed as viewed from the public domain and within the context of the streetscape, not the functionality of the use currently onsite.

The heritage assessment found that the proposed development would have a minor impact on the Elischer Studio Building due to the lesser street setback, which would restrict the south-eastern view corridor of the building as viewed from the street. City Officers note that the view would not be completely obstructed, owing to the fact that the view corridor would be across and through the proposed open portion of balconies facing the street.

Planning Assessment:

The proposal has been assessed against all the relevant provisions of the Scheme, and State and Local Planning Policies as outlined above.

LPS 3 - Clause 32, Table 6 (Additional Requirements that Apply to Land in Scheme Area)

The development meets the provisions of all parts of clause 32 except for sub-clause 4(4), which states "*Minimum tenancy depth facing a street is 10m*".

The Scheme can consider variations to parts of the Scheme under clause 34. The departure from the reduced tenancy depth is considered acceptable for the following reasons:

- The reduction in depth provides an active frontage and ground floor commercial use that reduces the footprint of the café and the corresponding car parking demand.
- Keeping the café small will alleviate potential noise and disturbance issues to adjoining properties as compared to a larger tenancy.
- Reducing the depth allows for more basement parking without impacting the amenity of surrounding properties.
- The reduction in depth allows a functioning local café that will not adversely impact the occupiers, users, inhabitants of the locality or future development.
- The tenancy has sufficient size and utilities to allow it to function as any one of multiple types of non-residential uses should a café prove non-viable.

Land use

Both a Café/Restaurant and Multiple Dwellings are 'P' (Permitted) uses within this zone. The short-term accommodation is defined as Holiday Accommodation within the scheme. Holiday Accommodation is a 'D' (Discretionary) use.

The development proposes 7 Holiday Accommodation (short stay dwelling) units. The relevant objective of the Mixed use zone within the Scheme is:

“To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres and eating establishments which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents”

The Holiday Accommodation is supported for the following reasons:

- The Holiday Accommodation units are integrated into a multiple dwelling development and form part of the unit mix of varied land uses.
- A Noise Management Plan restricting communal space use during certain hours will ensure that all dwellings, not just the Holiday Accommodation, will not adversely impact adjoining properties.
- The Holiday Accommodation units are functionally equivalent to multiple dwellings and have been assessed as acceptable under the R-Codes in terms of internal amenity.

Local Planning Policies

Broadway Interim Built Form Design Guidelines

At its January 2020 meeting, Council adopted the Draft Local Planning Policy – Interim Built Form Design Guidelines – Broadway Mixed Use Zone for the purpose of advertising, with consultation occurring between 15 February and 7 March 2020. The Draft LPP provisions include the following modifications to the Acceptable Outcomes in R-Codes Vol 2:

- A maximum Building height of 12.5m above the natural ground levels based on the ground levels on Broadway for any significant development.
- 2m primary street setback
- 2m side setback (north)
- 4.5m setback (south)
- 7-8m visual privacy setbacks for living rooms and private open space
- 6m visual privacy setback for habitable rooms (bedrooms)
- Development is to comply with LPP - Parking
- Adding an objective to the policy which clarifies the Scheme provision to provide a significant residential component by requiring 70% of the total floor space of all uses within any new development to be used for residential dwellings.
- Adding an objective to the policy regarding visual privacy

The policy has not been used to assess the current application as the City has received legal advice casting significant doubt over many aspects of the policy and whether they can be upheld through an appeal. The policy was also not based on built form modelling, as recommended by the State Design Review Panel. Further, the policy undermines the intent of the R-AC3 coding of the R-Codes and alters how building height is measured such that only a single storey building would be permitted at the rear of the site.

The policy is considered to be inconsistent with the Scheme as it undermines the intent of the Mixed Use zone and is inconsistent with the Scheme provisions and density coding.

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. A copy of the full assessment is included in Attachment 11.

Those elements that were either raised as the main areas of concern during public consultation or which require the imposition of conditions to meet the element are detailed below:

- Building height;
- Street setbacks;
- Building separation;
- Plot ratio;
- Tree canopy and deep soil areas;
- Visual privacy;
- Car and bicycle parking; and
- Managing the impact of noise.

Element 2.2 – Building Height

Element Objectives	Assessment
<p>O2.2.1 – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change</p>	<p>Objective achieved</p> <p>The default Acceptable Outcomes under Table 2.1 of the R-Codes for an R-AC3 site is 6 storeys and a 21m indicative building height inclusive of any roof top articulation.</p> <p>This proposal is for 6 storeys and has a maximum height of 21 m above natural ground level at the highest point. Calculations are based on the rooftop RL 31.96 and the natural ground level directly below of 11.</p> <p>The height is contained within the building envelope and responds to the future scale and character of Broadway for an R-AC3 and is consistent with other approvals.</p>
<p>O2.2.2 – The height of buildings within a development responds to changes in topography</p>	<p>Objective achieved</p> <p>The site slopes 7m down from the west to the east. The development proposes excavation such that the entrance of the ground floor level is level with Broadway.</p> <p>As viewed from Broadway, the building presents as 6-7 storeys. At the western interface, which is coded R60, the building presents as predominately 4.5 storeys. This is attributed by the sloping site, and the use of cut, and increase upper floor setback. The height is considered an appropriate interface that transitions to the R60 coded properties to the rear and aligns with other recent approvals on Broadway.</p>

<p>O2.2.3 – Development incorporates articulated roof design and/or roof top communal open space where appropriate</p>	<p>Objective achieved</p> <p>The proposal has no roof top communal open space. The roof is concealed and incorporates solar panels which is concealed from view. The top storey is articulated and set further back from the rear, north and front boundaries.</p>
<p>O2.2.4 – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces</p>	<p>Objective achieved</p> <p>The adjoining sites to the south (at 101 Broadway, 1-1B Elizabeth Street) are coded R-AC3. A maximum shadow cast does not apply under Element 3.2 Orientation (A3.2.3) to these lots.</p> <p>The shadow cast measured at 12pm during the Winter Solstice proposes the existing single house to the south to be overshadowed by 77%, with the smaller subdivided lots at 1, 1A and 1B Elizabeth Street being overshadowed by 19%, 30% and 7% respectively.</p> <p>The height of the development recognises the need for daylight solar access and is supported as -</p> <ul style="list-style-type: none"> • The development is setback 9m back from west (rear) of the site. This allows for adequate sunlight to the proposed communal open space on site, any future open space to the adjoining southern site (including deep soil areas) and to the existing outdoor living area for the existing single house. • The single houses for 1– 1B Elizabeth Street would retain solar access, with major openings to the north predominantly unshaded. • The shadow cast represents the ‘worst case’ where other months will reduce the extent of the shadow cast such as summer & spring. • There are no existing solar panels on the adjoining houses. • The building height and number of storeys are contained within the building envelope. <p>It is acknowledged that the proportion of overshadowing is greater than what was previously permitted under the R35 coding. However, in order to prevent overshadowing, the development would need to be reduced to 2 storeys which is not considered reasonable in an R-AC3 ‘Mixed Use’ zone.</p>

Element 2.3 – Street setbacks

Element Objectives	Assessment
<p>O2.3.1 – The street setback of the development from the</p>	<p>Objective achieved</p>

<p>street reinforces and/or compliments the existing or proposed landscape character of the street</p>	<p>Table 2.1 recommends a minimum 2m primary street setback for residential and a nil setback at ground floor to a commercial tenancy.</p> <p>The development proposes a nil setback at ground level for the café, a nil setback to the balcony landscaping of level 1, and a 1.9m setback for portions of the balconies on levels 2-6.</p> <p>The landscaping on level 1 is flush with the café entrance and windows below, and softens the development as viewed from the street. The landscaping also provides privacy protection for occupants of the units.</p> <p>The landscaped balcony functions as a green roof for the café rather than a space that would be actively used. In doing so, the design reinforces the proposed landscape character of the street.</p> <p>The remaining balconies above level 1 are highly articulated, with a setback ranging up to 4.9m from the street. These deep balconies are open on the sides and break up the massing of the building.</p>
<p>O2.3.2 – The street setback provides for a clear transition between the public and private realm</p>	<p>Objective achieved</p> <p>The ground floor cafe tenancy level reinforces the intent of the ‘Mixed Use’ zone to provide for an active street level and aids in delineation of the public and private realms, consistent with the intended character. The design of the development appropriately compartmentalises services that have an interface with the street.</p>
<p>O2.3.3 – The street setback assists in achieving visual privacy to apartments from the street</p>	<p>Objective achieved</p> <p>The street setback provides a degree of soft and hard landscaping. Visual privacy is additionally aided by larger balcony planter boxes and a mix of fixed screening and partial screening.</p>
<p>O2.3.4 – The setback of the development enables passive surveillance and outlook from the street.</p>	<p>Objective achieved</p> <p>The proposed street setback incorporates east facing balconies which offer an opportunity for passive surveillance. In addition, the east facing apartments at the upper levels are also designed to have habitable rooms and balconies directed towards the street.</p>

Element 2.7 – Building Separation

Element Objectives	Assessment
<p>O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.</p>	<p>Objective achieved</p>

	<p>The Acceptable Outcome allows for three storey boundary walls to sides and rear and does not set out a minimum side setback distance above three storeys. The Acceptable Outcomes for rear setbacks for 5-8 storeys is 9m.</p> <p>The development achieves a 9m rear setback to the balconies for levels Ground through 5, and a 10m setback for level 6. This exceeds the Acceptable Outcomes for Levels 1-4 and 6 and meets the Acceptable Outcomes for level 5.</p> <p>The northern setback is 2.1m, with a 3.8m wide midsection comprising the bedrooms of all levels set back 3.1m. Southern setbacks increase as one moves towards the rear of the site from 1.2m to 1.8m to 3m.</p> <p>The amended plans have introduced a degree of articulation that serves to break up the building bulk when viewed from the adjoining lots. The dark-coloured recess to the north further reduces the appearance of building bulk when viewed from 97 Broadway and the street.</p> <p>No major openings face directly onto adjoining lots, and the setbacks proposed allow adequate space between buildings should similar development be proposed on adjoining lots in the future.</p>
<p>O2.7.2 – Building separation is in proportion to building height.</p>	<p>Objective achieved</p> <p>Collectively, the rear setback for the whole of the building exceeds the setbacks approved in nearby Broadway developments as 9m is proposed. This provides a greater sense of privacy and distance from adjoining sites. The side setbacks are generally consistent with the streetscape pattern of other approved developments by providing a degree of articulation and varied setbacks to adjoining properties.</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>Objective achieved</p> <p>No existing trees are proposed to remain due to the excavation required for the basement levels. However, a deep vegetated area is proposed within the rear setback that will contain x 2 medium sized trees and x 5 small trees. The landscaping will provide a degree of visual privacy to the rear of all adjoining lots. Further discussion on the landscaping & visual privacy details is provided in Element 3.3 & 3.5.</p>
<p>O2.7.4 – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings</p>	<p>Objective achieved</p> <p>A 9m setback is proposed to the rear, which provides visual privacy and sets the bulk of the building sufficiently back from the lower-coded rear properties. Due to the steep slope of the lot, the building will present as a 4.5 storey building to the rear lot.</p>

Element 2.5 - Plot ratio

Element Objectives	Assessment
<p>O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.</p>	<p>Objective achieved</p> <p>The Acceptable Outcome for plot ratio is 2.0. The design proposes a plot ratio of 2.2, which equates to approximately 176m² of additional floor space.</p> <p>As described in the Element Intent of the R-Codes, 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 building is wholly located within the 21m indicative building envelope in accordance with Table 2.2. • Due to the cutting into the topography of the site, the development presents as predominately 6 storeys from Broadway and proposes a graduated built form of 4.5 storeys to the adjoining R60 coded lots (west). • The side and rear setbacks to the building are otherwise generally consistent with the acceptable outcomes, noting a minimum rear setback of 9m, beyond the minimum of the Acceptable Outcomes has been applied to all levels. This allows for an appropriate built form transition and landscape buffer. • It is considered that an adequate degree of building articulation is provided to each elevation. The massing and overall design has been further supported by the Design Review Panel. • The provision of the cafe tenancy, which contributes to plot ratio, is considered desirable as it will present to the street and provide additional activation which is to be encouraged with an R-AC3 site. The extent of the shadow cast is generally consistent with other approvals along Broadway. • The overall proposed plot ratio is more aligned with an R-AC3 coding which is the intended future scale for this site.

Element 3.3 - Tree canopy and deep soil areas

Element Objectives	Assessment
<p>O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.</p>	<p>Objective achieved</p> <p>The existing commercial building has a large paved area to the rear of the site which was used as commercial parking.</p> <p>The thick vegetation at the front of the site consists of large shrubs of the eucalypts variety. The two trees currently at</p>

	<p>the rear of the site are medium-sized trees that appear to be in only fair condition. No trees are proposed to remain on site due to the excavation required for two levels of basement parking (inclusive of ground floor) across the entirety of the site.</p> <p>A condition is recommended requiring an arborist's report on the trees of the southern adjoining property to ensure they will not be impacted by the works.</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>Objective achieved</p> <p>The Acceptable Outcomes based on the size of the lot recommend 2 medium trees. The development exceeds the Acceptable Outcomes by proposing 2 medium trees plus 5 small trees, all proposed within the communal area to the rear of the site. In addition to additional planting on structure to the front balconies.</p> <p>At the rear, there are two medium trees classified as caesalpinia ferrea trees, which are deciduous and flowering trees. The small trees consist of a mix of Melaleuca lanceolata (dense bottlebrush), Bauhinia blakeana (a flowering ornamental), and cercis canadensis (deciduous shade trees).</p> <p>All trees achieve the Acceptable Outcomes for dimension, soil area, and soil depth of 2.2m which is double the minimum soil depth.</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>Objective achieved</p> <p>The Acceptable Outcomes recommend planting on structure equivalent to 20% of the site in lieu of 10% deep soil area.</p> <p>Though the landscaped area to the rear of the site is not classified as deep soil area because it has structures below, it achieves the Acceptable Outcomes. The landscaped area also has double the Acceptable Outcome soil depth to sustain healthy tree growth and enable to function as effectively deep soil area.</p>

Element 3.5 – Visual Privacy

Element Objectives	Assessment
<p>O3.5.1 – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and</p>	<p>Objective achieved</p> <p>The Acceptable Outcomes range from a 3m setback for major openings to bedrooms, to a 6m setback for balconies and unenclosed outdoor spaces.</p> <p>The development meets the Acceptable Outcomes for everything except for the front and rear balconies, which are setback as follows:</p> <p>4.5m (rear balcony – oblique - south)</p>

<p>the external outlook of habitable rooms.</p>	<p>1.2m (front balcony - south) 2m (front balcony – north) 3.3m (rear balcony – oblique – north) 3.2m (north balcony, top floor)</p> <p>The 3 areas of overlooking are:</p> <ol style="list-style-type: none"> 1. Direct overlooking from Level 6 to the north across the length of the building (3m setback). <p>Overlooking to the north from the top floor is direct and covers the entirety of the site. However, shade screens will provide some level of visual obscurity. From this height the units look over the roof of the adjoining commercial building and not into any private spaces. The building to the north is not anticipated to change in the medium term. Any future building would most likely try to optimise the northern aspect by presenting active spaces and major openings to the north. Non-active spaces and non-habitable rooms would likely face the subject site.</p> <ol style="list-style-type: none"> 2. Direct overlooking from a portion of the front balconies to the north (2.1m setback) and south (1.4m setback) on Levels 2-6. <p>Overlooking to the south from the front balconies is primarily from a narrow (1.2m wide) portion of the balcony unlikely to be used for long times or by large numbers of people. A portion of the balcony is screened, which also prevents direct overlooking from Bedroom 2. Further, all overlooking is into the primary street setback area of the adjoining southern dwelling only. Should JDAP opt to increase visual privacy, it would be appropriate to increase the length of the privacy screen so that it is even with the living room wall.</p> <p>Similarly, overlooking to the north is from a narrow portion of balcony and towards the front portion of the existing Elischer Studio commercial building and the front setback.</p> <ol style="list-style-type: none"> 3. Oblique overlooking to the north (3.1m setback) and south (4.7m setback) from the rear balconies on Levels 2-6. <p>Overlooking to the north is on to an existing car parking area of the commercial building. Overlooking to the south is to a small corner of the adjoining lot, not active habitable spaces. Both areas of overlooking are oblique, with the shade screens on the balcony assisting to further reduce overlooking. Given the transition from R-AC3 down to R60 to the west, and the existence of a single house that may remain in situ for some time, it is recommended that an extra measure of privacy be provided by conditioning the rear glass balustrades to be translucent glazed. Combined with the 9m separation</p>
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	distance, this will ensure an extra measure of privacy in this transition area.
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Element 3.9 - Car and bicycle parking

Element Objectives	Assessment												
<p>O3.9.1 – Parking and facilities are provided for cyclists and other modes of transport.</p>	<p>Objective achieved subject to condition</p> <p>The Acceptable Outcomes are for 11 resident bike racks and 2 visitor bike racks to be provided onsite. The development proposes 15 bike racks for residents. The development also proposes two bike racks within the road reserve. This location is not supported and a condition is imposed requiring them to be relocated to within the boundaries of the site.</p> <p>The application proposes bike racks in the verge instead of onsite. This outcome is not supported and the 2 visitor bike racks are conditioned to be installed within the site.</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>Objective achieved</p> <p>Although the subject site is located within 250m from a bus stop, the area falls just short of being located within a ‘high frequency’ bus route as there is one service that comes in 20 minutes instead of 15 minutes in the peak times. The development has been assessed as being located within ‘Location B’.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 30%;">Acceptable Outcome</th> <th style="width: 30%;">Provided</th> </tr> </thead> <tbody> <tr> <td>Car bays</td> <td>27 bays</td> <td>28 bays</td> </tr> <tr> <td>Visitor bays</td> <td>4 bays</td> <td>4 bays</td> </tr> <tr> <td>Motorcycle/scooter</td> <td>2 bays</td> <td>4 scooter bays</td> </tr> </tbody> </table> <p>Residential car parking exceeds the Acceptable Outcomes and is appropriate to the location. Parking for the café is discussed below.</p>		Acceptable Outcome	Provided	Car bays	27 bays	28 bays	Visitor bays	4 bays	4 bays	Motorcycle/scooter	2 bays	4 scooter bays
	Acceptable Outcome	Provided											
Car bays	27 bays	28 bays											
Visitor bays	4 bays	4 bays											
Motorcycle/scooter	2 bays	4 scooter bays											
<p>O3.9.3 – Car parking is designed to be safe and accessible.</p>	<p>Objective achieved subject to condition</p> <p>Car parking meets AS2890 standards and provides direct access to the building without having to return to the street. As the ramp is single lane, it requires a traffic light system to ensure only one vehicle at a time uses it. A condition is imposed requiring the system to be in place and operational prior to occupation of the building.</p>												
<p>O3.9.4 – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.</p>	<p>Objective achieved</p> <p>Car parking is concealed from view and located behind the café with an entrance off Broadway. This results in minimal visual impact to the street</p>												

Element 4.7 - Managing the impact of noise

Element Objectives	Assessment
<p>O4.7.1 – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.</p>	<p>Objective achieved subject to condition</p> <p>The communal open space to the rear proposes a landscaped area, a bench and dining area with BBQ facilities. It is recommended that should JDAP approve the application, a noise management plan is to be prepared in order to address any potential noise impacts to the adjoining properties, consistent with the recommendations within the Acoustic Report (Attachment 8)</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>Objective achieved subject to condition</p> <p>The preliminary acoustic report provides recommendations to protect amenity, including requirements for building design of the gym and a Noise Management Plan. A further acoustic report is to be provided prior to the issue of a building permit to ensure that the recommendations have been included and that noise sources such as rooftop equipment are adequately shielded.</p>

Telecommunications antennae

The adjoining building at 97 Broadway contains multiple telecommunications antennae on the roof, all of which are owned by Optus. It is the antenna operator's responsibility to ensure their equipment complies with any safety regulations during construction and for the life of the development. The applicant has liaised with Optus and forwarded correspondence on to the City confirming that all the telecommunications towers are scheduled to be decommissioned and relocated in early 2022. By the time construction commences on the subject site, the antennae will no longer pose an issue.

Notwithstanding, an advice note has been included alerting the owner/applicant of their responsibility to coordinate with the antenna operator for removal.

Waste Management

A Waste Management Plan has been prepared by Cardno, dated 2 September 2021, with further information received by the City on 16 November 2021. The plan proposes dual waste chutes from all floors, and for all bins to be contained inside a communal bin store and collected from within the site. This waste management approach is accepted by the City. Implementation of the Waste Management Plan is proposed to be conditioned (with amendments to include the further information provided) should the proposal be approved.

Parking

The City's Local Planning Policy – Parking, recommends that 1 car bay be provided per 2.6m² of restaurant seating area or 1 per 2 persons (whichever is greater), resulting in 10 bays for the subject Cafe. One commercial bay is provided for the Cafe. This is supported for the following reasons:

- The café is limited to 20 patrons due to its size and the limited UAT facilities.
- The size of the café means that it is intended to predominantly serve locals.
- The café is located across from a shopping centre with paid parking.
- The Purple CAT is anticipated to be operational by 2022, which will improve public transport in the area.

Construction Management

Based on the scale of the development and having regard to access to the site, it is considered appropriate that a Construction Management Plan be prepared to ensure no adverse amenity or safety impacts to surrounding properties and pedestrian and vehicle traffic along Broadway. The Construction Management will need to detail matters such as construction vehicle traffic and parking management for contractors, vibration, dust and noise management and method of excavation. Should the development proposal be approved, the Construction Management Plan will be reviewed and approved by the City of Nedlands and enforceable for the duration of the construction period.

Given the amount of excavation proposed it is recommended that dilapidation reports be prepared for the immediately adjacent buildings to ensure any damage is recorded and rectified. Further, due to the close proximity of the pool on the western adjoining lot to the boundary, it is also recommended that a geotechnical report be prepared demonstrating how excavation and development will be safely carried out.

Conclusion:

The development is consistent with the expected future scale of development within the area given the transition from 'Residential R35' to 'Mixed Use R-AC3'. The proposal meets the Element Objectives of the R-Codes and generally responds well to the environment, particularly the large rear setback to the lower-coded single houses to the west. The proposal has been amended several times to respond to the recommendations of the City's DRP and the City such that it is now considered to be supportable for conditional approval.

Officer Recommendation

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/21/02084 and accompanying plans date stamped 23 November 2021 (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No.3, subject to the following conditions:

Conditions

General

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

2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. This approval is for a 'Residential (Multiple Dwelling)', 'Holiday Accommodation', and 'Restaurant/Café' land uses as defined under the City of Nedlands Local Planning Scheme No. 3 and the subject land may not be used for any other use without prior approval of the City of Nedlands.

Noise

4. Prior to the issue of a Building Permit, the applicant is to lodge with the City a revised acoustic report prepared by a suitably qualified and licenced acoustic consultant demonstrating compliance of the development with the requirements of the *Environmental Protection (Noise) Regulations 1997*, with all recommendations within the report to be detailed on the building permit plans to the satisfaction of the City of Nedlands.
5. Prior to the issue of a Building Permit, a Noise Management Plan limiting the hours of operation of the communal area and gym, as recommended in the Lloyd George acoustic report, is to be prepared and approved by the City of Nedlands and thereafter implemented at all times.
6. Prior to occupation of the development, a Short Stay Management Plan including contact information for building management is to be provided and approved by the City of Nedlands and thereafter implemented at all times.

Waste Management

7. Prior to the issue of a Building Permit, an amended Waste Management Plan is to be submitted and approved by the City of Nedlands. The approved Waste Management Plan shall be complied with at all times to the satisfaction of the City of Nedlands.

Design

8. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.
9. Prior to occupation of the development the finish of the parapet walls is to be finished in accordance with the hereby approved plans.
10. All screening and obscure glazing shown on the approved plans to be installed prior to occupation and maintained at all times thereafter.

Building

11. Prior to the issue of a Building Permit, amended plans shall be submitted demonstrating two additional visitor bicycle racks being provided on site in a location deemed suitable by the City of Nedlands.

12. Prior to the issue of a Demolition Permit and/or a Building Permit, a Demolition and/or Construction Management Plan 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 relevant demolition or construction process to the satisfaction of the City.
13. Prior to the issue of a Building Permit, a geotechnical report covering the development area is to be prepared by a suitably qualified practitioner at the applicant's cost, to the satisfaction of the City of Nedlands. The report will give due consideration to any potential impacts on neighbouring properties including but not limited to: ground water management, excavation or modifications to existing ground levels; vibration or consolidation of material throughout the demolition and construction phase of the project. The geotechnical report will identify any remedial treatments required to mitigate any adverse impacts and will be lodged with the building permit application, together with certification that the design is suitable for the site conditions as outlined in the geotechnical report.
14. Prior to the commencement of excavation works, a dilapidation report shall be submitted to the City of Nedlands for approval, 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 513 (No. 28) Kingsway, Nedlands
 - b. Lot 512 (No. 30) Kingsway, Nedlands
 - c. Lot 1 (No. 97 Broadway, Nedlands
 - d. Lot 542 (No. 101) Broadway, Nedlands
 - e. Lot 4 (No. 32) Kingsway, Nedlands

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

15. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the City of Nedlands.
16. Prior to occupation, all photovoltaic cells shown on the roof plan of the development shall be installed to the satisfaction of the City and maintained for the lifetime of the development.
17. A minimum of 20% (5) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation.
18. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.

19. All building works to be carried out under this development approval are required to be contained within the site boundaries of the subject lot.

Landscaping

20. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan prepared by TDL, received 23 September 2021. Any modifications to the plans are subject to approval by the City of Nedlands.
21. Prior to the issue of a Building Permit, a Landscaping Management Plan shall be prepared by a suitably qualified consultant and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants.
22. Prior to occupation, the approved Landscaping plan, including any modifications approved by the City of Nedlands, is to be implemented and maintained for the life of the development to the satisfaction of the City of Nedlands.
23. Prior to occupation, all communal and private open space areas shall include a tap connected to an adequate water supply for the purpose of irrigation.
24. Prior to excavation works commencing, the owner shall take reasonable endeavours to obtain agreement from the property owner at 101 Broadway, Nedlands to undertake an arborist report investigating opportunities to minimise adverse health effects to the trees retained within the property boundary of 101 Broadway, Nedlands. If agreement is achieved with the owner of 101 Broadway, Nedlands, a copy of the arborist report shall be provided to the City of Nedlands prior to construction commencement and be included in the appointed contractor's construction management plan.

Vehicle Access and Parking

25. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
26. The vehicle ramp to the basement and circulation areas are to be constructed in accordance with Australian Standard 2890.1-2004 - Off-street car parking to the satisfaction of the City of Nedlands
27. Prior to occupation, all bicycle parking spaces shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.
28. Prior to occupation, the traffic light system shall be installed and operational to the satisfaction of the City of Nedlands.
29. Prior to occupation of the development, all car parking bays designated for visitors/staff shall be clearly marked or signage provided and maintained thereafter by the landowner to the satisfaction of the City of Nedlands

30. Prior to occupation of the development, the crossover is to be modified/upgraded and verge and kerb reinstated at the applicant's cost and to the satisfaction of the City of Nedlands.

Sustainability

31. Prior to the issue of a Building Permit, a Sustainability Report prepared by a suitably qualified consultant shall be submitted and approved to the satisfaction of the City. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

Legal

32. Prior to occupation of any part of the development, the landowner(s) shall enter into a Deed of Indemnity with the City, which indemnifies both the City and its waste collection contractors from claims relating to any damage, injuries or death that may be caused as a result of the on-site waste collection process.
33. Prior to occupation of the approved development, the applicant/owner shall enter into a deed of agreement with the City of Nedlands ("the City") whereby the owner:
 - a. Indemnifies the City against any loss or damage to any road reserve or other property of the City or to any person or property of any person arising out of the installation of the approved awning constructed over the road reserve immediately adjacent the land where the awning will be located or the use of the road reserve in connection with the approved development;
 - b. Agrees to take out and maintain a policy of public liability with a reputable insurer in an amount satisfactory to the City to insure the City and the owner against all claims for loss or damage or injury occurring to any road reserve or property of the City or any person or property of any person as a result of the construction of the development or in respect of the use of that portion of the awning constructed over the road reserve immediately adjacent to the land in connection with the development;
 - c. Agrees to maintain the development at its cost; and
 - d. Agrees that the City can require the awning be removed and for the road reserve to be re-instated within a reasonable time.

The agreement shall be prepared by the City's solicitors to the satisfaction of the City and enable the City to lodge an absolute caveat over the land. The applicant/owner shall be responsible to pay all costs associated with the City's solicitor's costs and incidentals to the preparation of (including all drafts) and stamping of the agreement and the lodgement of the absolute caveat.

Advice Notes

Verge Works

1. All works within the adjacent thoroughfare (ie: road, crossovers, kerbs, footpath, verge, street tree, hoisting, hoarding, gantry, awnings within the road reserve,

etc.) also require obtaining a separate Private Works on, Over or Under a Thoroughfare Permit from the City of Nedlands prior to construction commencing.

Building

2. A Demolition Permit and a certified Building Permit will be required for the development, prior to any approved works occurring.
3. The Construction Management Plan and Demolition Management Plan is to be prepared in the manner and form provided by the City of Nedlands.

Health

4. Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City beforehand.
5. Prior to commencing a Food Business a proprietor shall lodge with the City a Food Business Registration / Notification Form. A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.
6. Prior to the occupation of the short stay accommodations, application for registration of a lodging house shall be submitted in accordance with the City's Health Local Law to City's Environmental Health services for assessment and approval.

Waste

7. The applicant is advised that as the proposal consists of more than 3 dwellings, the City's Health Local Laws 2017 require an enclosure for the storage and cleaning of waste receptacles to be provided on the premises to the satisfaction of the City.
8. The amended Waste Management Plan is to incorporate the additional information received by the City on 16 November 2021

Telecommunications

9. The applicant is advised by the City's Planning Services that developers are responsible for providing telecommunications infrastructure in their developments.
10. It is the applicant/owner's responsibility to liaise with the owner/operators of the adjacent telecommunications towers at 97 Broadway to ensure all safety standards regarding the telecommunications equipment and electromagnetic radiation are adhered to from the construction phase through the life of the development.



Elizabeth St

Kingsway

Viewway

Broadway

Broadway

Broadway

Broadway

Myers St

PERTH, CITY OF

Cook St

Caporn St

Caporn St

Fairway

Fairway

9

11

13

15

17

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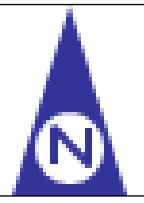
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MIXED USE DEVELOPMENT

99 BROADWAY, NEDLANDS

ISSUED TO CITY OF NEDLANDS FOR DEVELOPMENT APPROVAL

- A00.00 COVER PAGE
- A00.01 LOCAL CONTEXT PLAN
- A01.01 FEATURE SURVEY
- A01.02 SITE PLAN INCL OVERSHADOWING STUDY
- A02.01 BASEMENT
- A02.02 GROUND FLOOR
- A02.03 LEVEL 1
- A02.04 LEVELS 2-5
- A02.05 LEVEL 6
- A02.06 ROOF
- A03.01 STREET VIEW 1
- A03.02 STREET VIEW 2
- A03.03 STREET VIEW 3
- A03.04 CAFÉ VIEW 1
- A03.05 CAFÉ VIEW 2
- A03.06 REAR LOT VIEW
- A03.06 VIEW FROM LOT 101
- A06.01 ELEVATIONS NORTH & EAST
- A06.02 ELEVATIONS SOUTH & WEST
- A06.03 CONTEXT SECTION
- A07.01 CONTEXT 3D VIEW
- A07.02 3D SECTION 1
- A07.03 3D SECTION 2
- A07.04 DAYLIGHT ACCESS & CROSS VENTILATION L1-5
- A07.05 DAYLIGHT ACCESS & CROSS VENTILATION L6
- A12.01 EXISTING VS PROPOSED STREETScape
- A12.02 DESIGN PRECEDENCES
- A12.03 BUILT FORM CONTEXT
- A13.01 LANDSCAPING DETAIL & SECTIONS
- A14.01 PLOT RATIO CALCULATIONS
- ANNEX A DEVELOPMENT SUMMARY



ISSUE	SCALE
DATE	DRN. APP.
22/11/21	SAM SAM

PROJECT
MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
REV-01

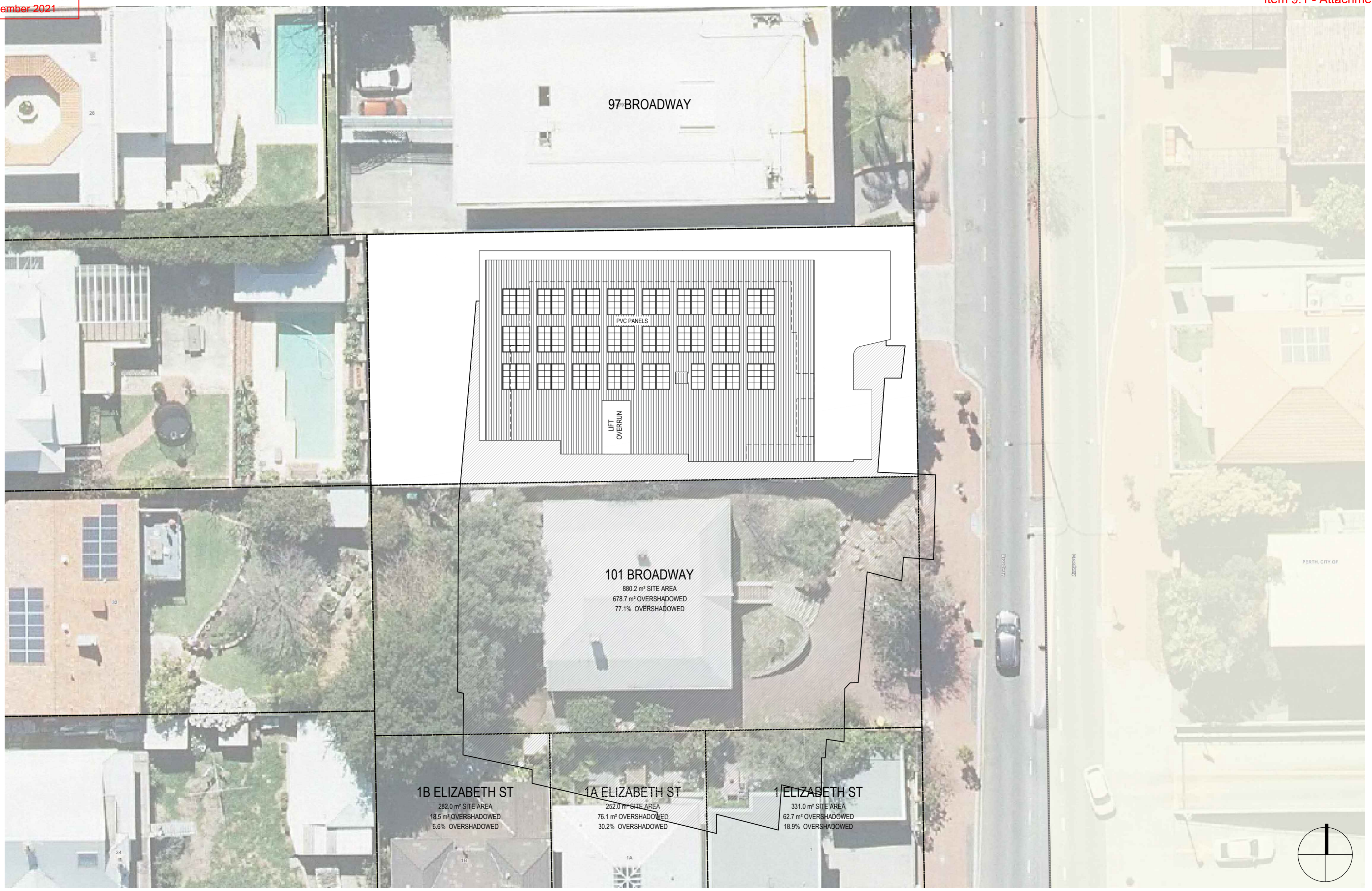
ISSUED FOR DEVELOPMENT APPROVAL



PROJECT #
19051
DRAWING #
01.01

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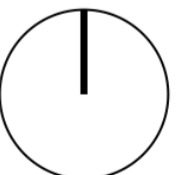
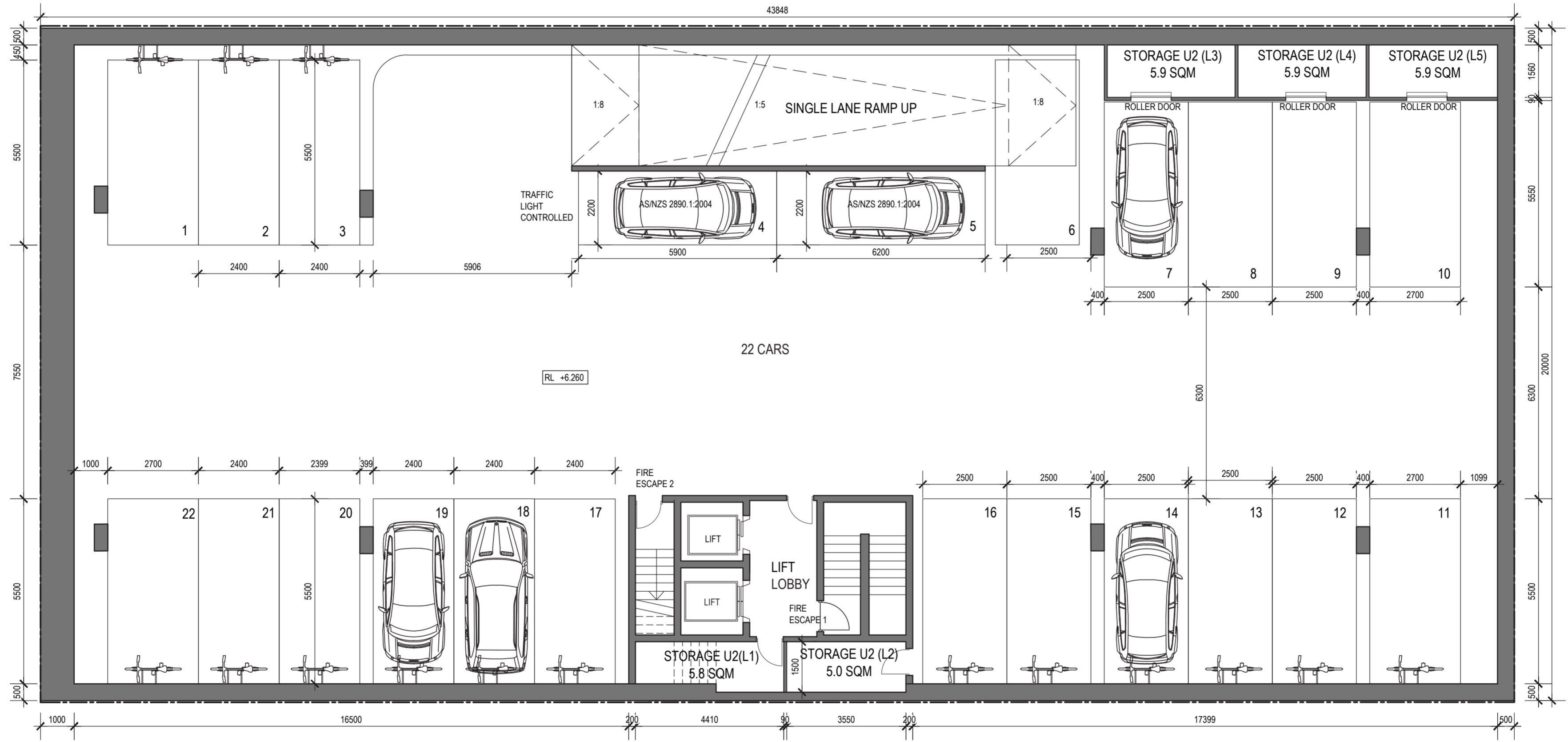
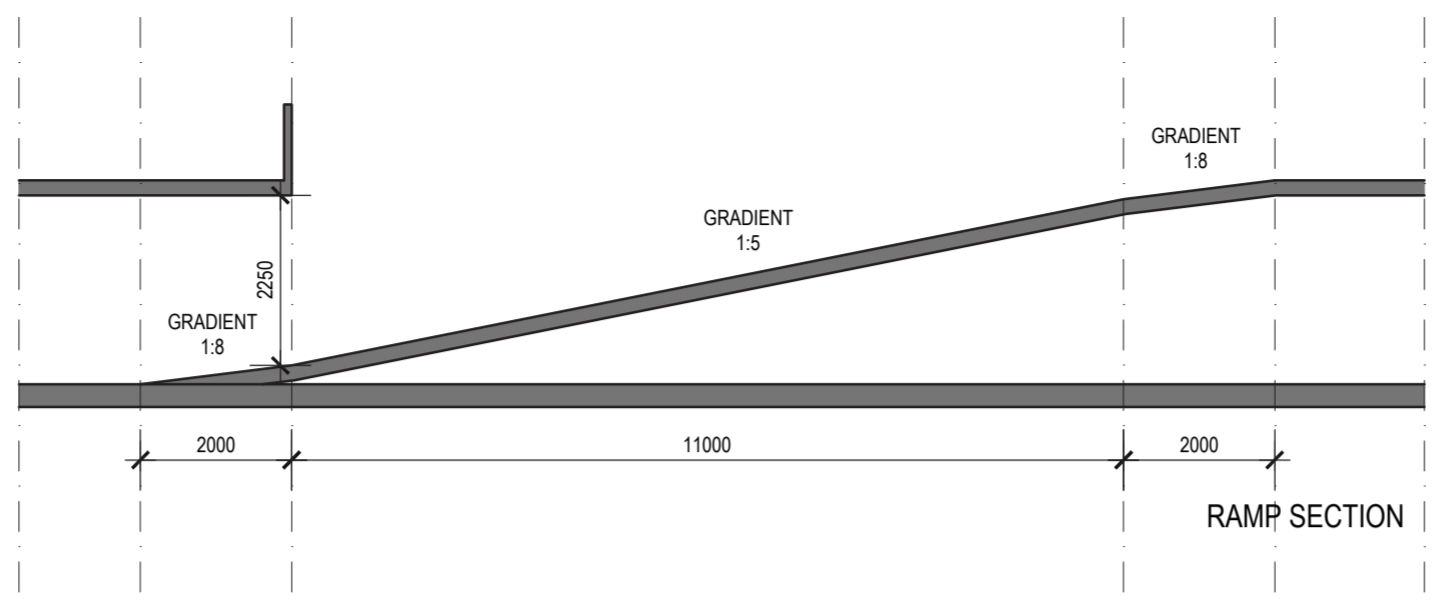
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MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
SITE PLAN INCL. OVERSHADOWING STUDY 21 JUNE, 12:00 NOON

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PROJECT

MIXED USE DEVELOPMENT

99 BROADWAY, NEDLANDS

BASEMENT

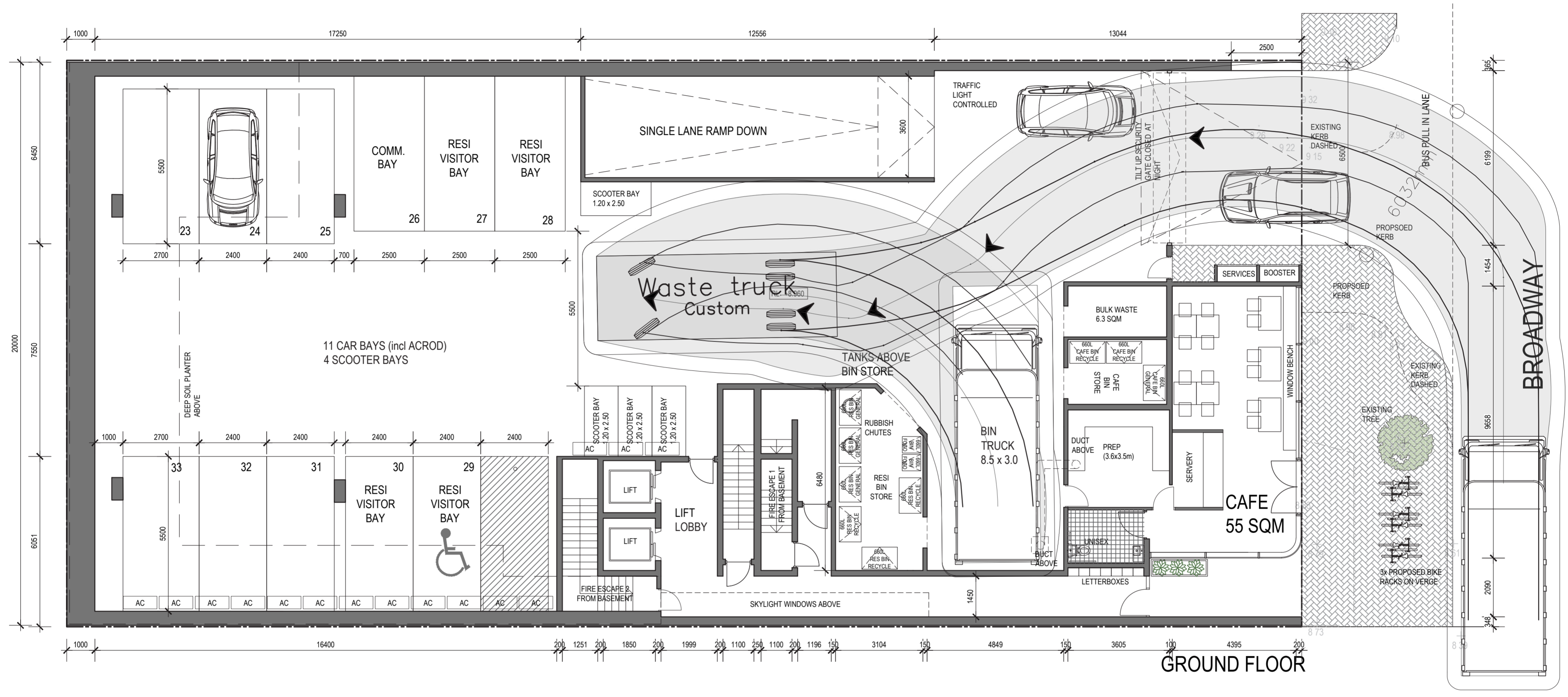
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GROUND FLOOR

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99 BROADWAY, NEDLANDS
GROUND FLOOR

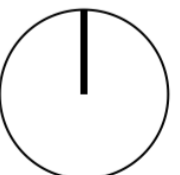
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dmg ARCHITECTURE

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99 BROADWAY, NEDLANDS
LEVEL 1

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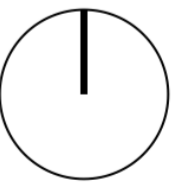
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99 BROADWAY, NEDLANDS
LEVELS 2-5

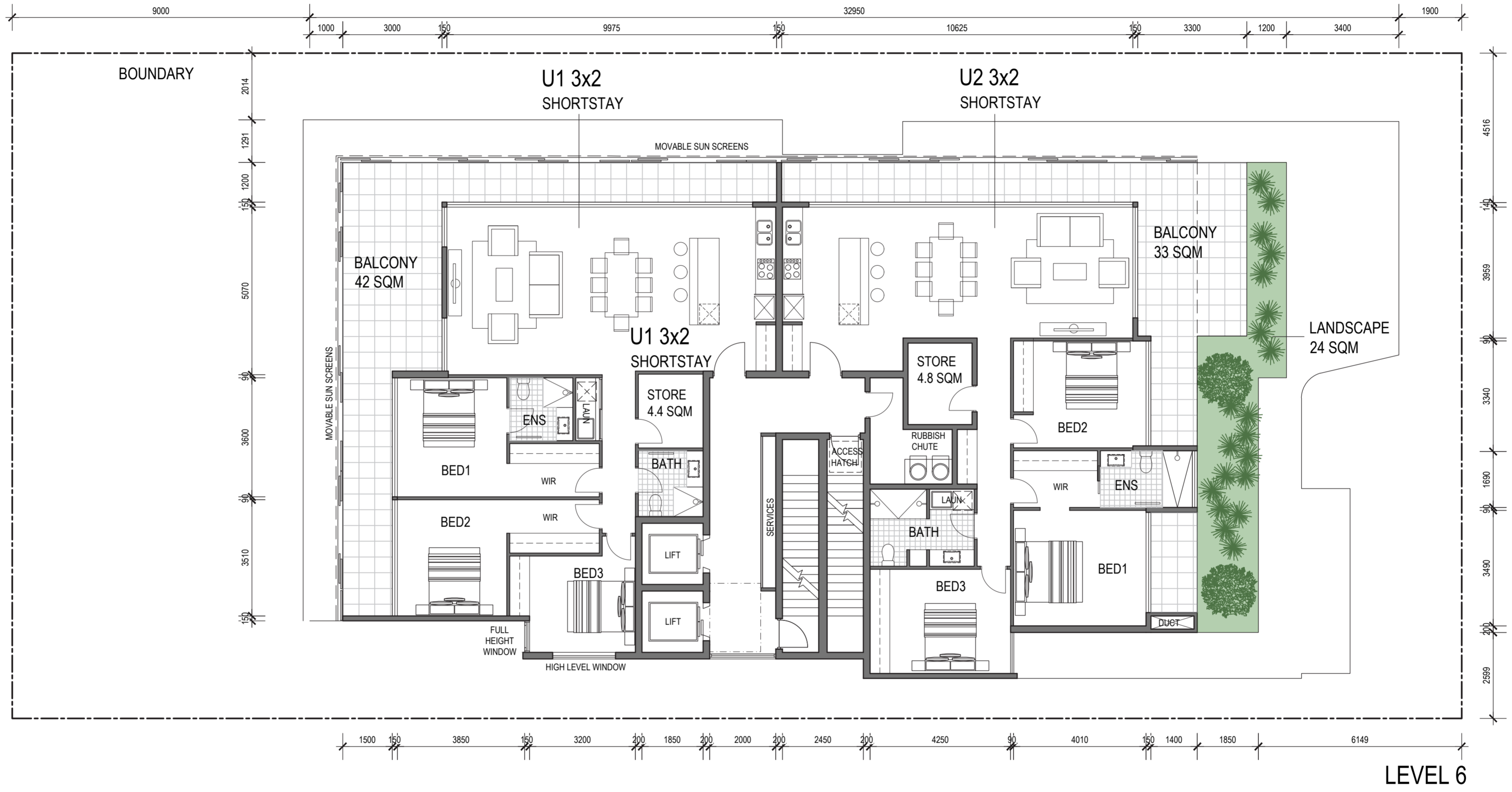
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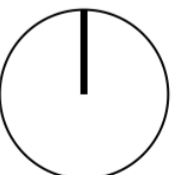
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LEVEL 6



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99 BROADWAY, NEDLANDS
LEVEL 6

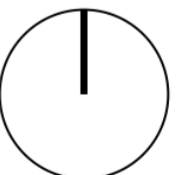
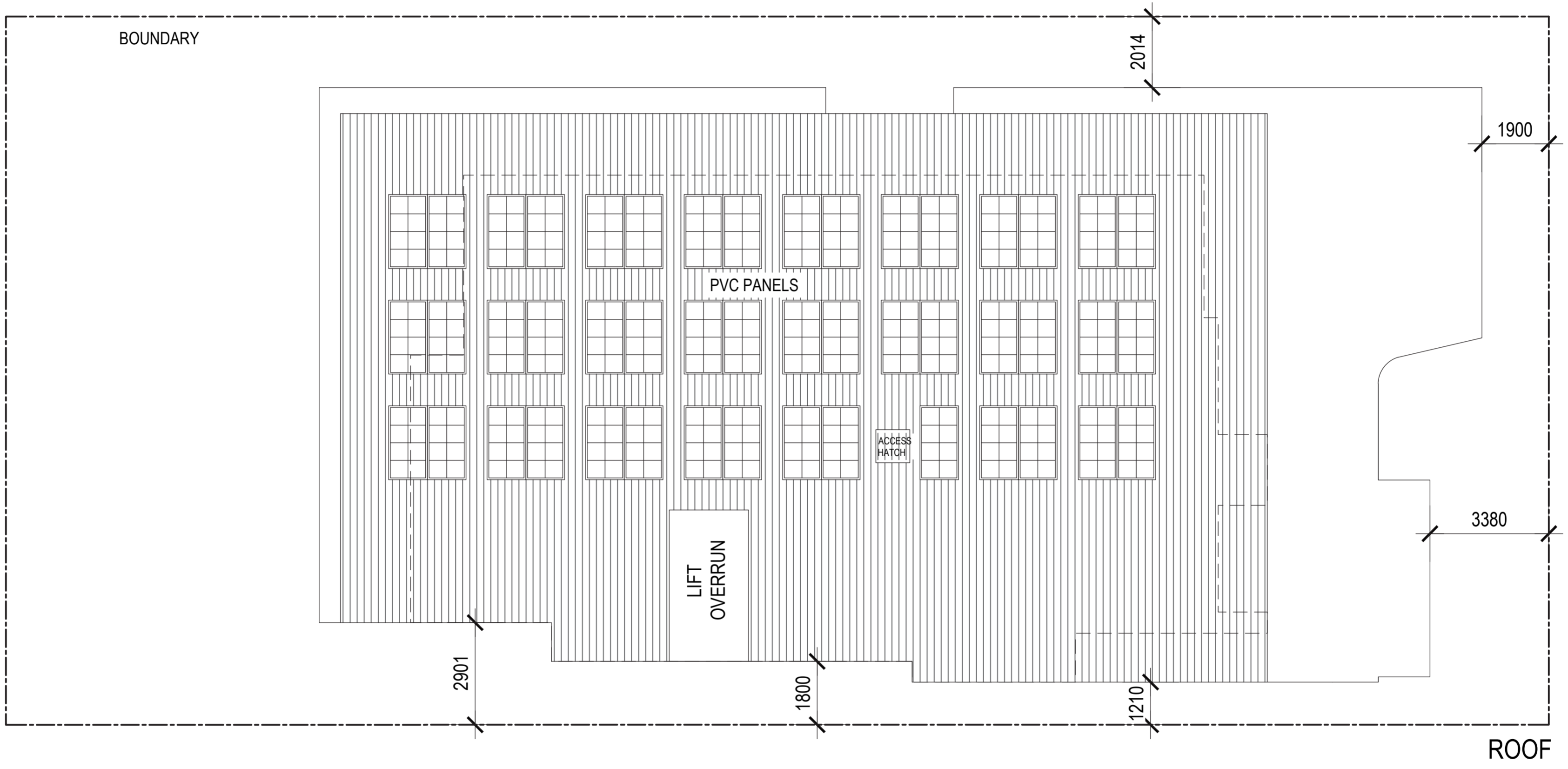
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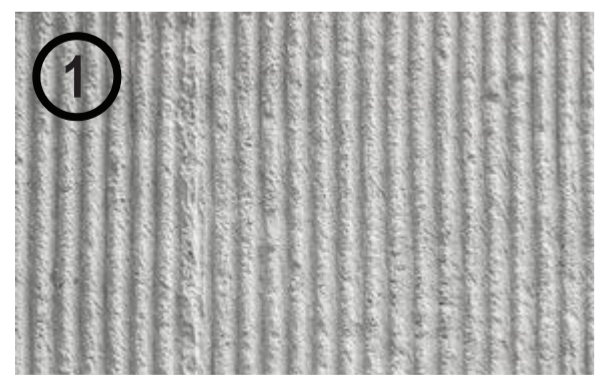
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99 BROADWAY, NEDLANDS
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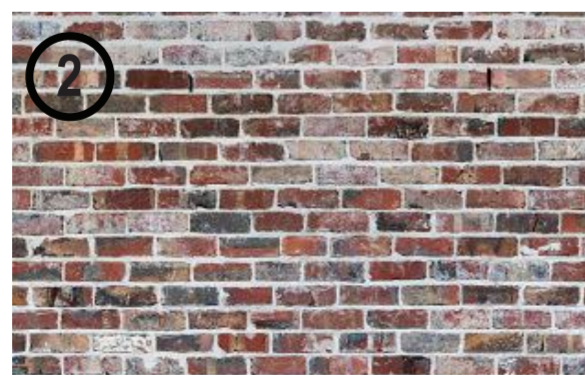
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VERTICALLY TEXTURED CONCRETE



BRICK FINISH



OFF-WHITE RENDER



DARK-GREY RENDER



COMPOSITE PANEL IN TIMBER FINISH



MATT COPPER FINISH TO STREET LEVEL

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PROJECT
MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
STREET VIEW 1

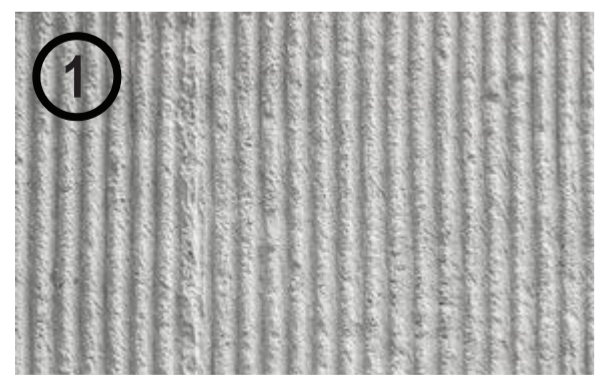
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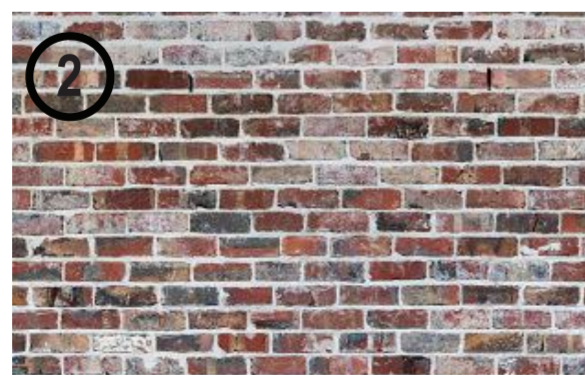
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OFF-WHITE RENDER



DARK-GREY RENDER



COMPOSITE PANEL IN TIMBER FINISH



MATT COPPER FINISH TO STREET LEVEL

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99 BROADWAY, NEDLANDS
STREET VIEW 2

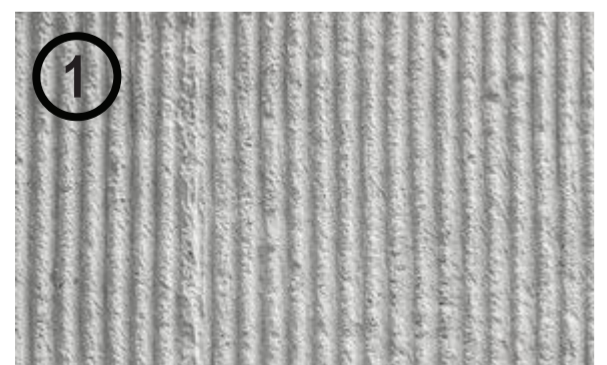
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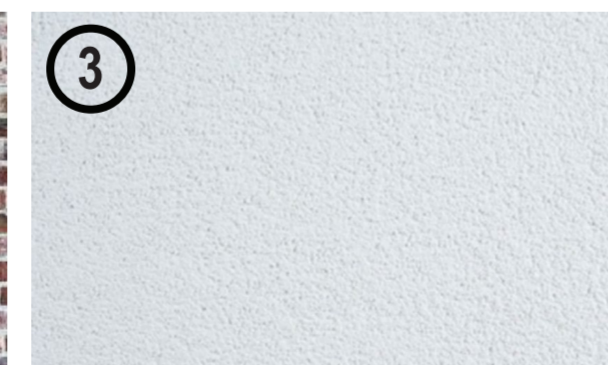
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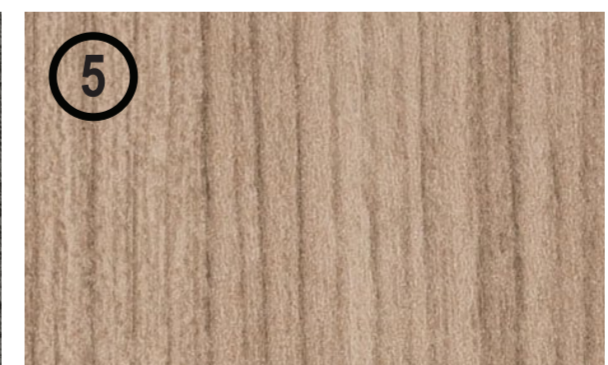
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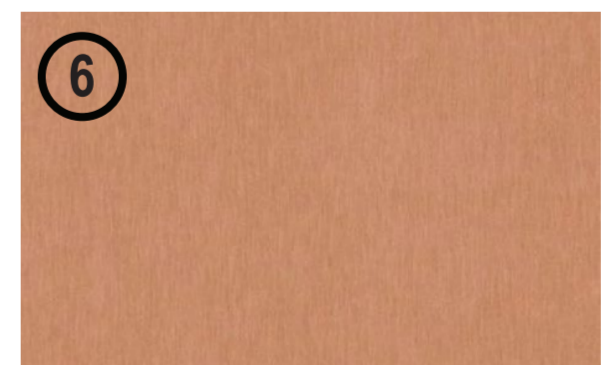
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DARK-GREY RENDER



COMPOSITE PANEL IN TIMBER FINISH



MATT COPPER FINISH TO STREET LEVEL

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MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
STREET VIEW 3

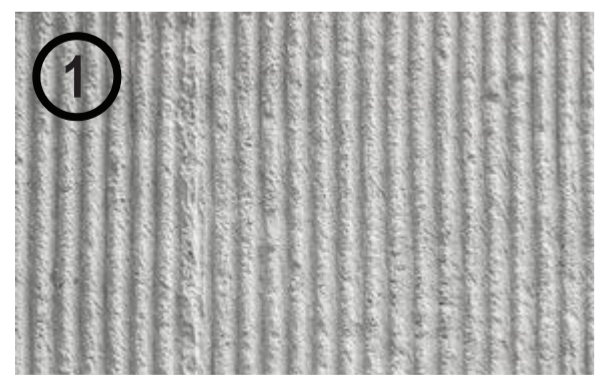
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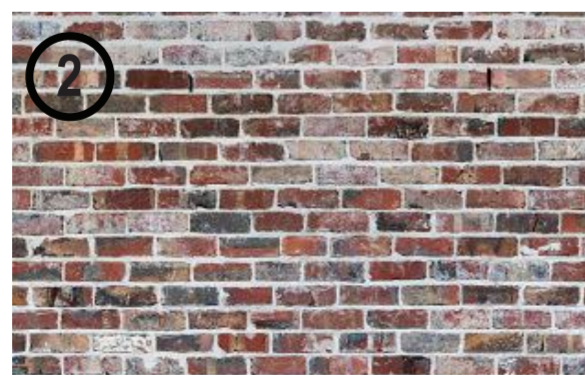
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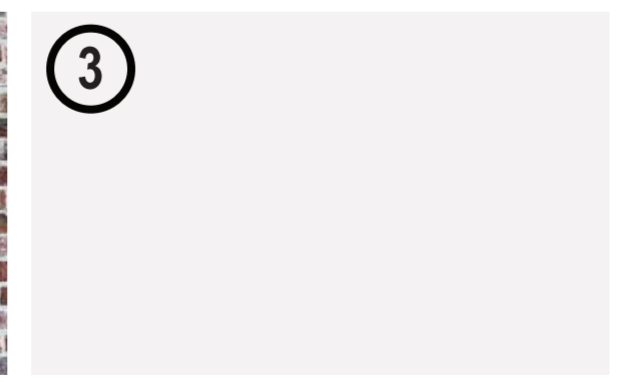
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DARK-GREY RENDER



COMPOSITE PANEL IN TIMBER FINISH



MATT COPPER FINISH TO STREET LEVEL

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PROJECT
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99 BROADWAY, NEDLANDS
CAFE VIEW 1

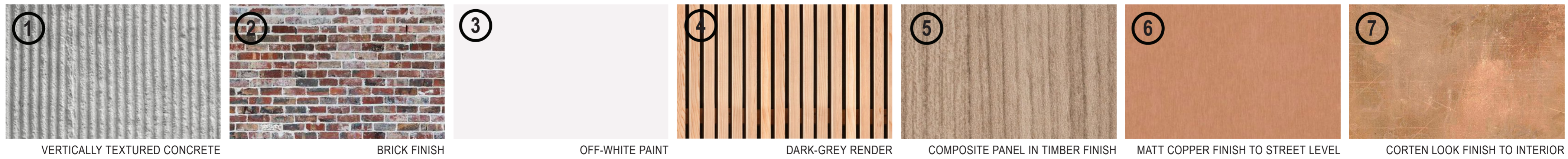
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DARK-GREY RENDER

COMPOSITE PANEL IN TIMBER FINISH

MATT COPPER FINISH TO STREET LEVEL

CORTEN LOOK FINISH TO INTERIOR

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PROJECT
MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
CAFE VIEW 2

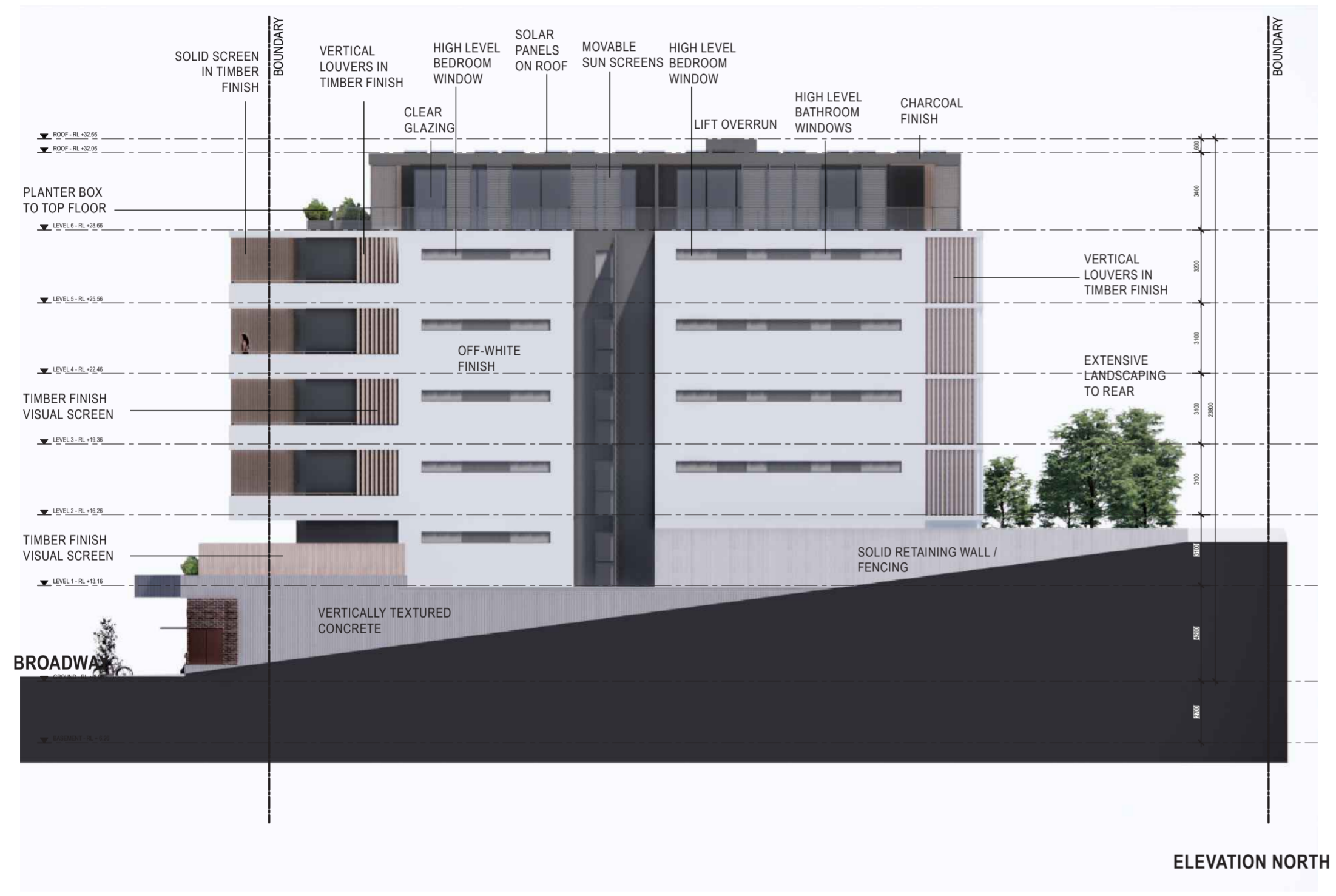
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99 BROADWAY, NEDLANDS
ELEVATIONS NORTH & EAST

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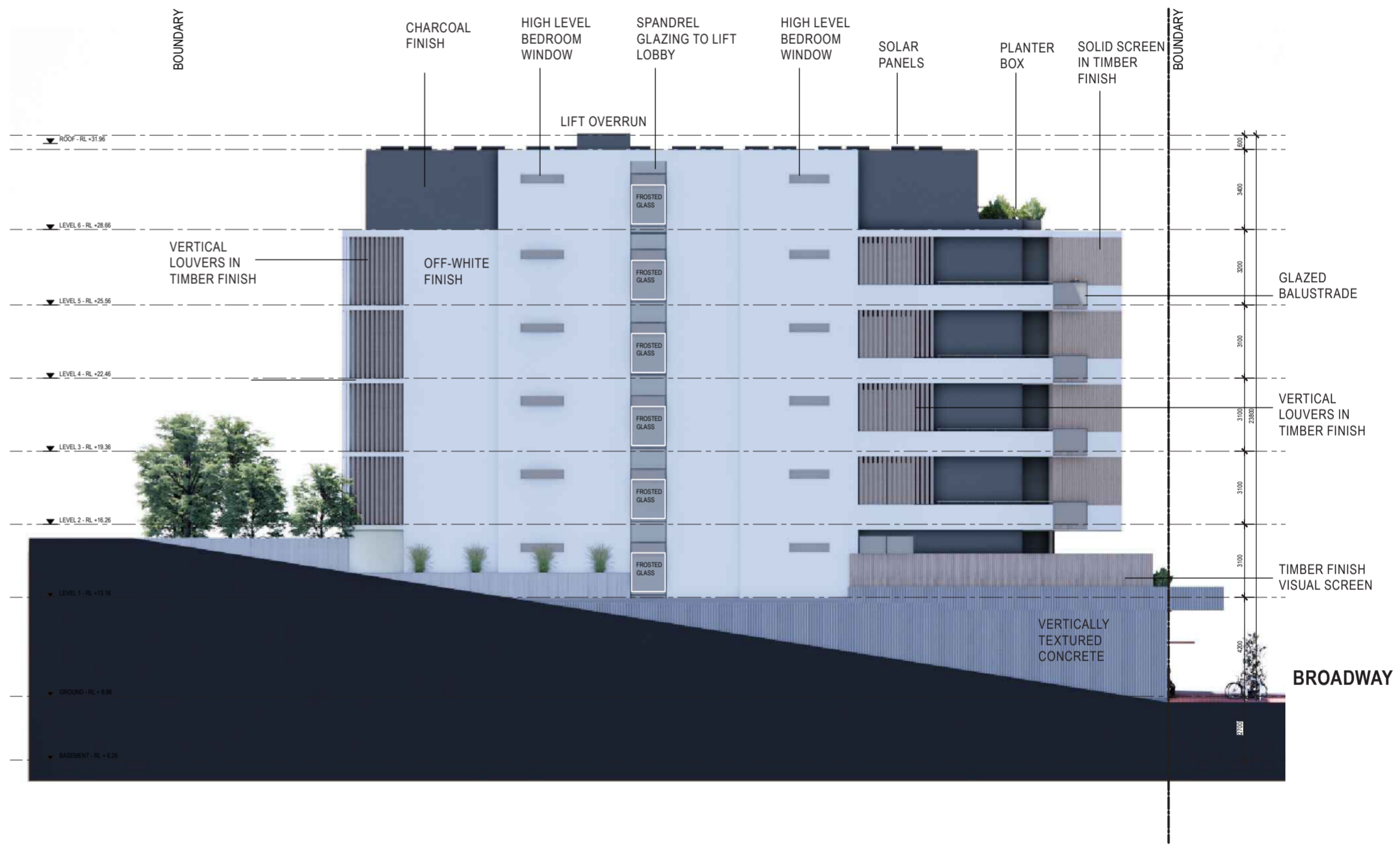
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ELEVATION WEST



ELEVATION SOUTH

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PROJECT
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99 BROADWAY, NEDLANDS
ELEVATIONS WEST & SOUTH

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PROJECT
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99 BROADWAY, NEDLANDS
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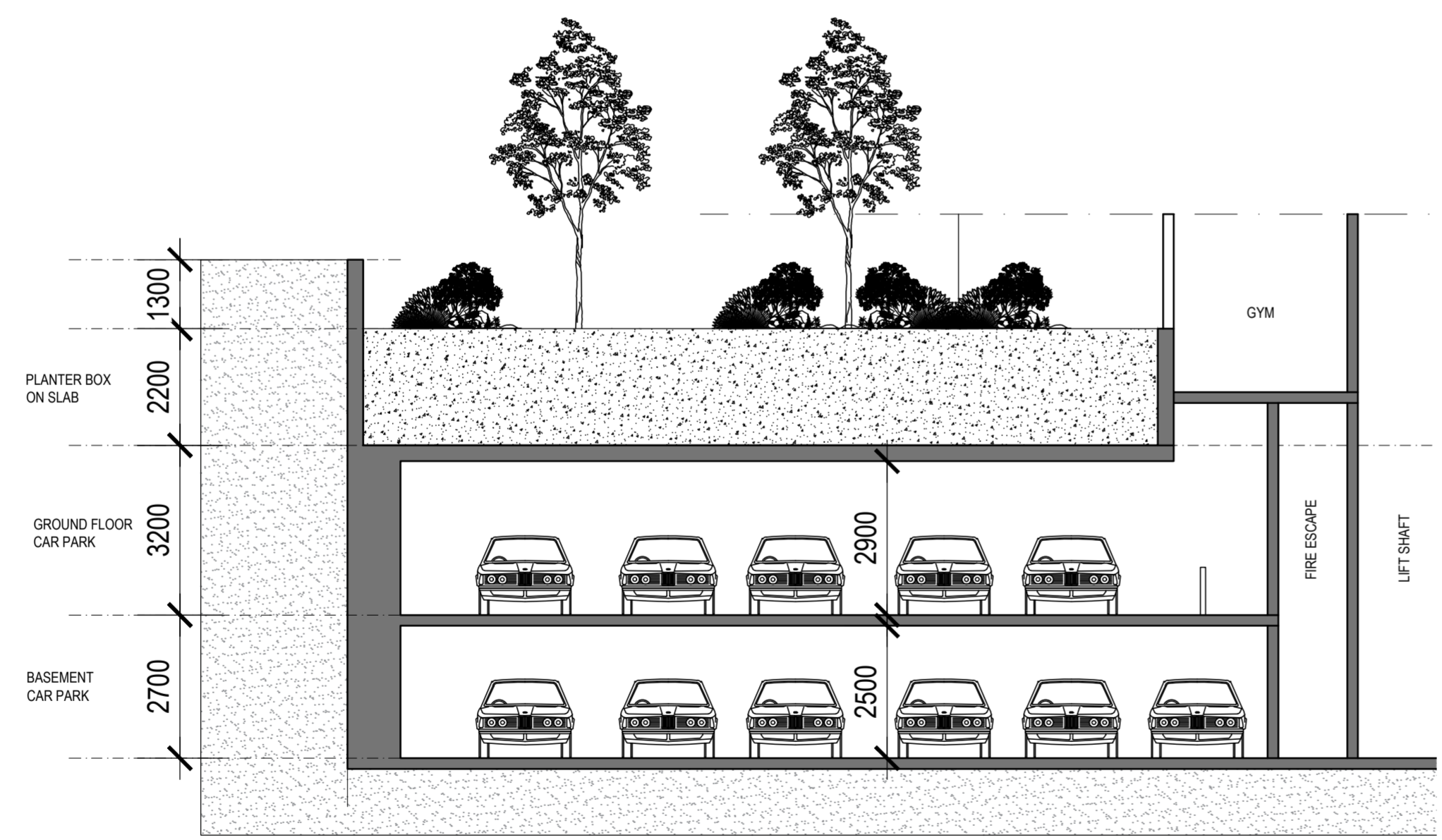
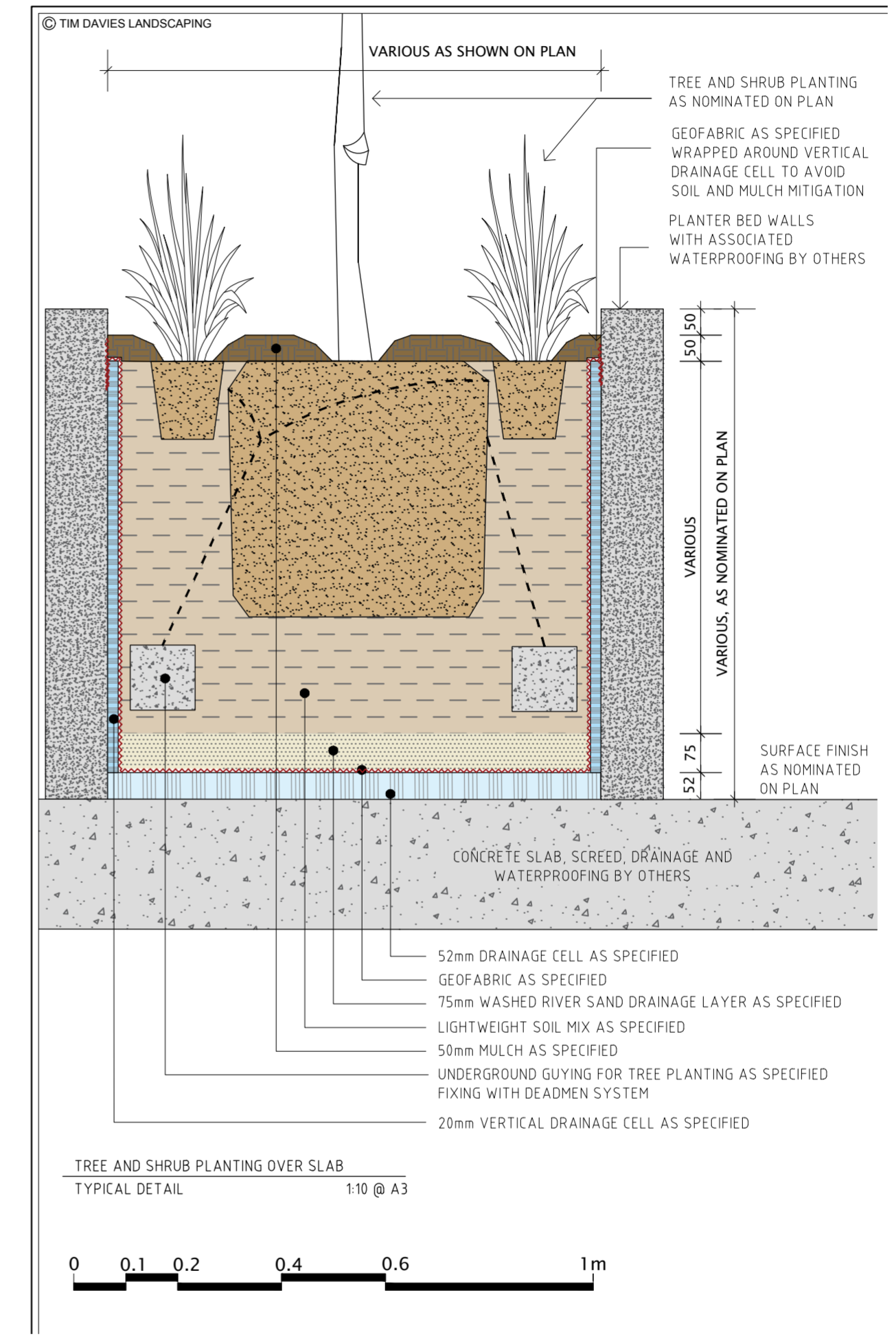
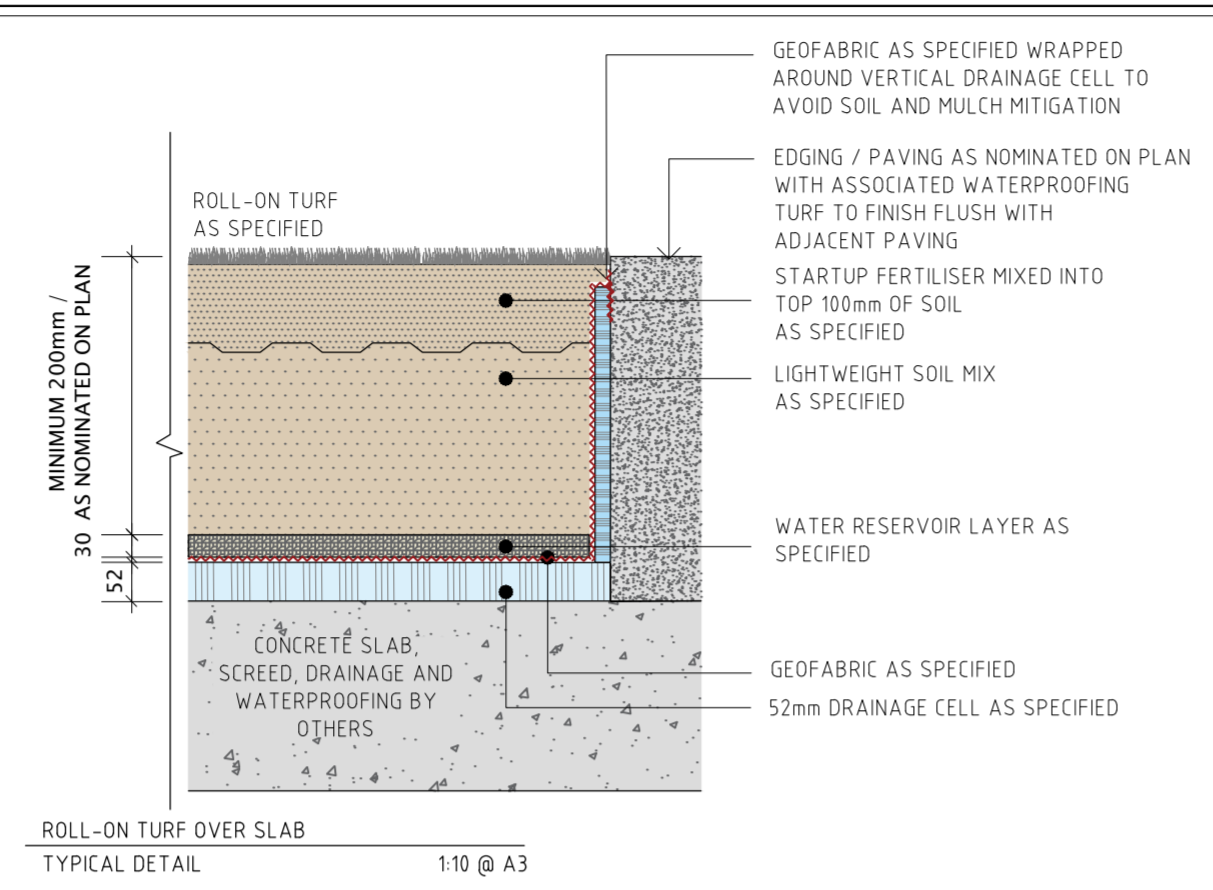
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MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
LANDSCAPING DETAIL & SECTIONS

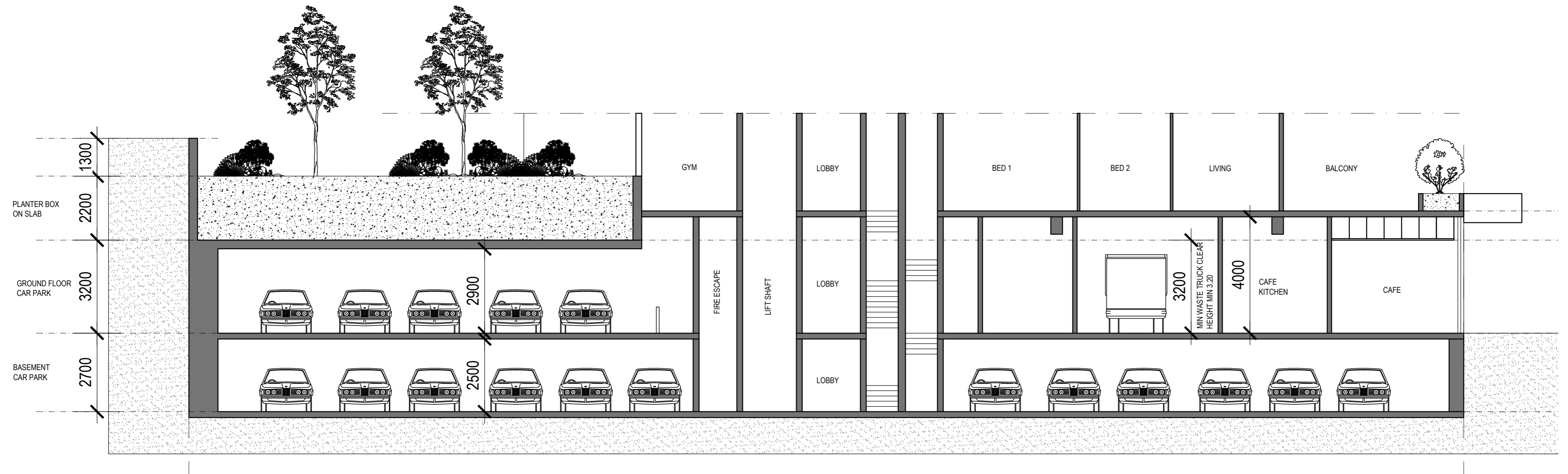
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DRAWING # 13.01

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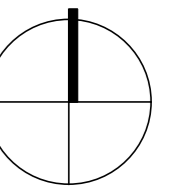
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PROJECT TITLE
99 BROADWAY



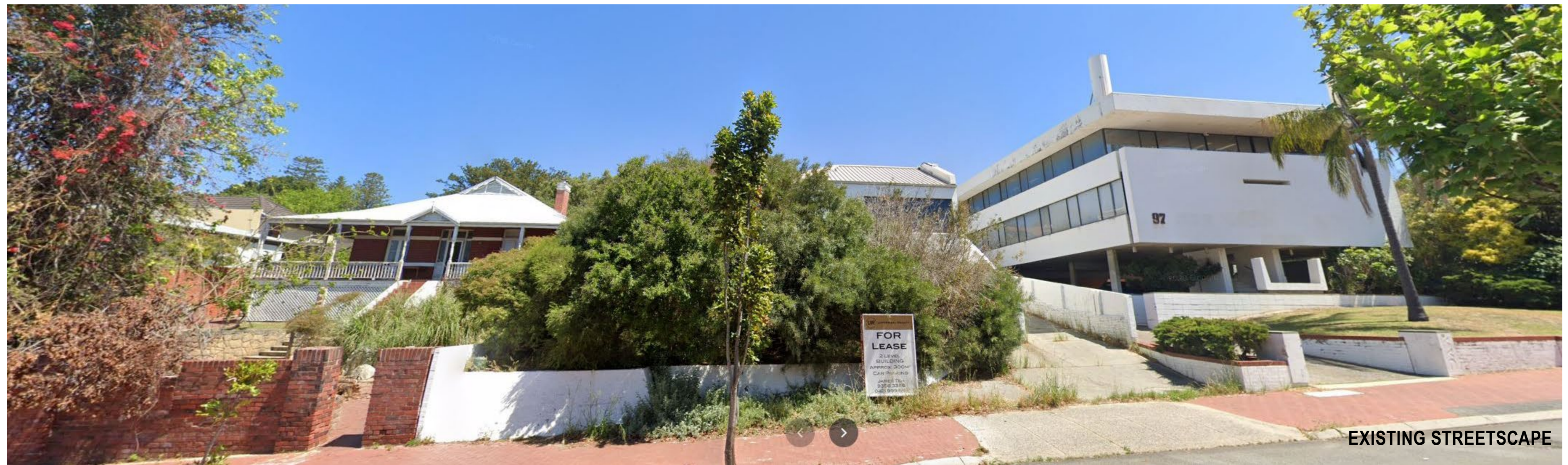
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A02.05



PROPOSED STREETScape



EXISTING STREETScape

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PROJECT
 MIXED USE DEVELOPMENT
 99 BROADWAY, NEDLANDS
 EXISTING VS PROPOSED STREETScape

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12.01



EARTHY TONES AND RAW FINISHES TO GROUND LEVEL OF PROPOSAL



RED BRICK AND EARTHY TONES ARE CHARACTERISTIC FINISHES ALONG THE STREETScape OF BROADWAY

APPROVED PROPOSAL AT 135 BROADWAY



101 BROADWAY



89 BROADWAY

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PROJECT
 MIXED USE DEVELOPMENT
 99 BROADWAY, NEDLANDS
 DESIGN PRECEDENCES

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12.02

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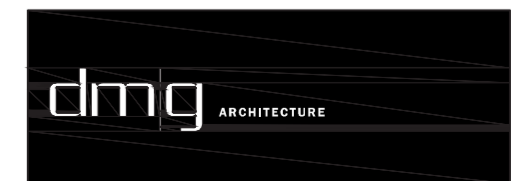


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DATE	DRN.	APP.
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PROJECT

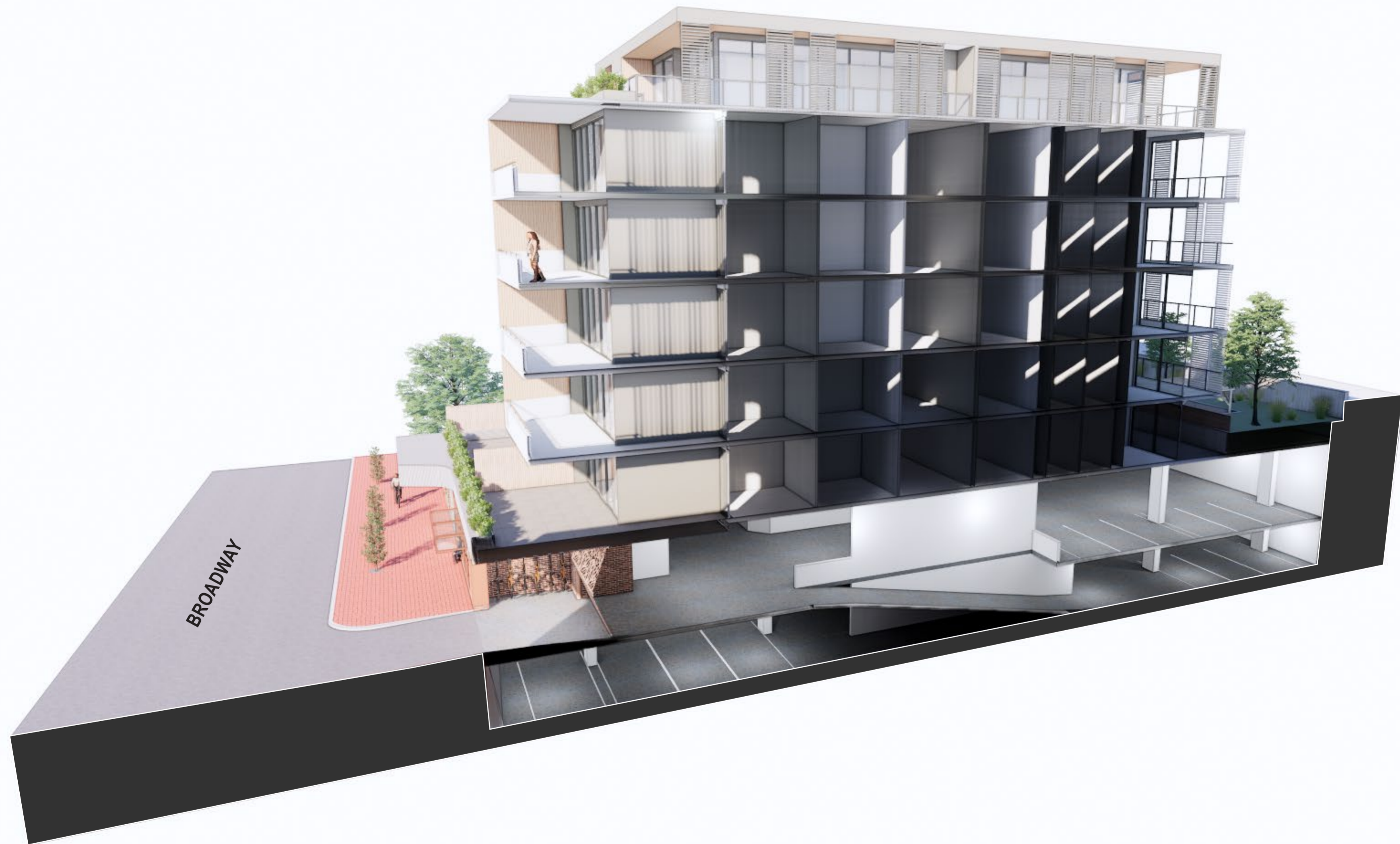
MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
CONTEXT 3D VIEW

ISSUED FOR DEVELOPMENT APPROVAL



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19051
DRAWING #
07.01

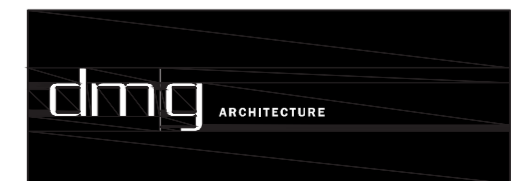
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PROJECT
MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
3D SECTION 1

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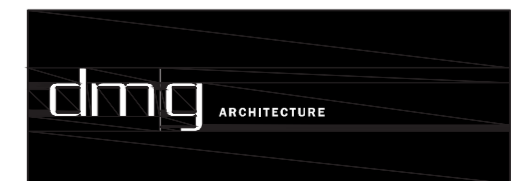
PROJECT #
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PROJECT
MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
3D SECTION 2

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PROJECT #
19051
DRAWING #
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PROJECT
MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
BUILT FORM CONTEXT

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PROJECT

MIXED USE DEVELOPMENT
 99 BROADWAY, NEDLANDS
 VIEW FROM REAR LOT

ISSUED FOR DEVELOPMENT APPROVAL



PROJECT #	19051
DRAWING #	03.06

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PROJECT

MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
VIEW FROM LOT 101

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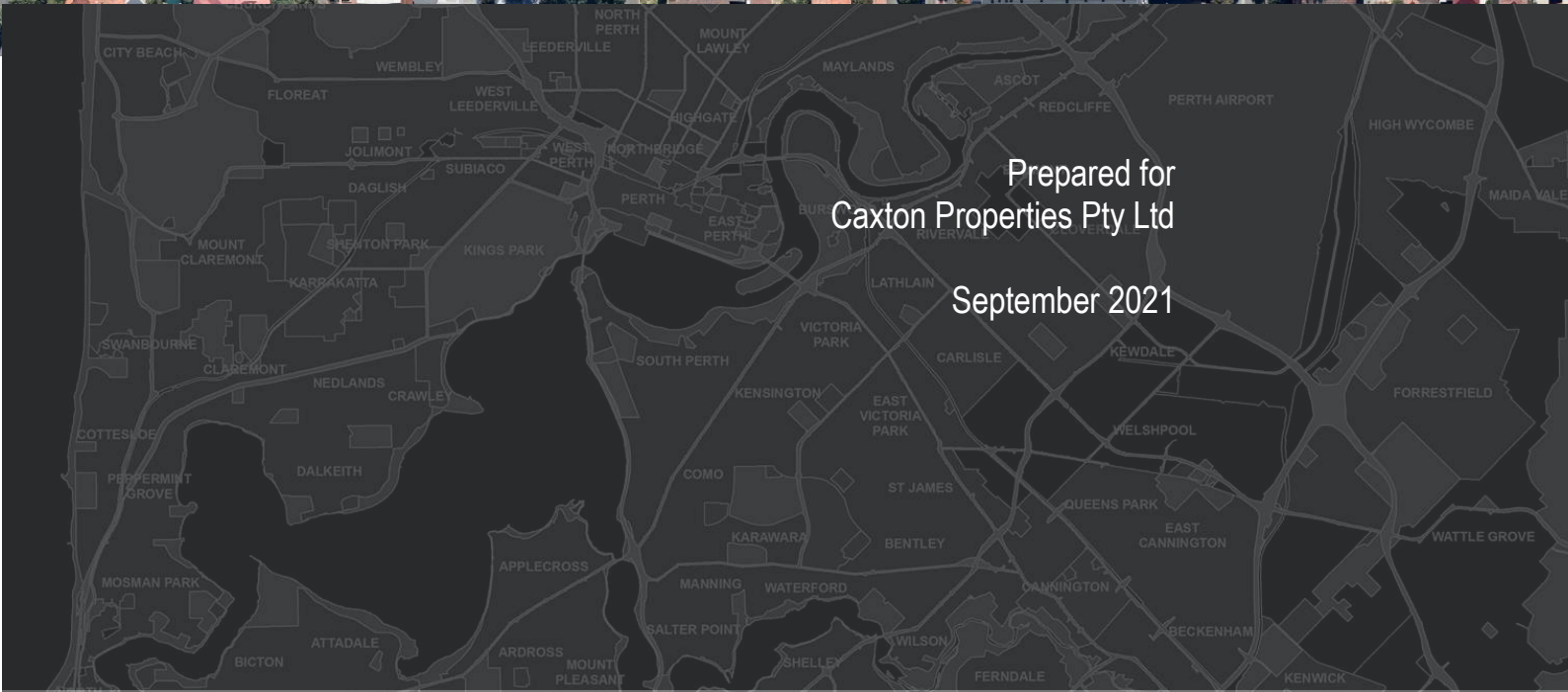
PROJECT #
19051
DRAWING #
03.07



Development Application

Mixed Use Development

Lot 541 (99) Broadway
Nedlands



Prepared for
Caxton Properties Pty Ltd

September 2021

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Client	Caxton Properties Pty Ltd	
Prepared by	Planning Solutions	
	Town Planning	Planning Solutions
	Survey	United Surveys
	Architect	DMG Architecture
	Landscape Architect	Tim Davies Landscaping
	Acoustic	Lloyd George Acoustics
	Waste Management	Cardno
	Traffic Consultant	Cardno

Document Control

Revision number	File name	Document date
Rev 0	210920 6747 DA Report – 99 Broadway	20 September 2021

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Appendix 1: R-Codes Volume 2 Element Objective Assessment

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1 Preliminary

1.1 Introduction

Planning Solutions acts on behalf of Caxton Properties Pty Ltd, the proponent of the proposed mixed-use development at Lot 541 (99) Broadway, Nedlands (**subject site**). Planning Solutions has prepared the following report in support of an Application for Development Approval for a mixed-use development on the subject site.

The proposal will discuss various issues pertinent to the proposal, including:

- Background
- Site details
- Proposed development
- Planning considerations

The proposal involves the development of 21 apartments, inclusive of 7 short-stay apartments and one ground-floor café tenancy on an 880m² site along Broadway. The proposed development will provide high-quality mixed-use development which will support population growth and allow the currently underutilised site to better complement the Broadway public transport corridor, Broadway Fair Shopping Centre, and wider UWA-QEII Centre. The proposal will improve the vibrancy of the local area, as well as providing employment and diverse living opportunities that contribute to the local economy.

1.2 Background

1.2.1 Design Review Panel

An initial set of development plans was presented to the City's Design Review Panel (**DRP**) on 8 June 2021. Overall, the DRP was generally supportive of the proposed design of the development, specifically highlighting the following aspects of the development as strengths:

- *Well-presented design presentation;*
- *Internal apartment layout is generally good as is the architectural language of the development in terms of native species, inclusion of solar panels and amount of community facilities;*
- *Café at the street level provides a good active use;*
- *Air condition equipment located in the basement level;*
- *Sleeved parking area;*
- *Access to natural light.*

Aspects which required further attention were also highlighted, summarised as follows:

- Additional landscaping which addresses the public realm, and provision of deep soil at the rear of the site by reducing basement footprint.
- Increased setbacks should be considered to meet provisions of R-Codes.
- Reduce bulk to ensure plot ratio is 2.0.
- Potential to reduce size of balconies and adding additional openings to maximise northern light.
- Utilise a diversity of materials and provide further details on colours and materials schedule.

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Mixed Use Development
Lot 541 (99) Broadway, Nedlands

The comments of the DRP have been taken into consideration and integrated where possible into the overall design of the development. Refer to **Appendix 2** for a copy of the DRP minutes from 8 June 2021.

2 Site Details

2.1 Land Description

Refer to **Table 1** below for a description of the subject site.

Table 1 – Lot details

Lot	Plan	Volume	Folio	Area (m ²)
541	2948	1737	375	880m ²

There are no encumbrances listed on the Certificate of Title.

Refer **Appendix 3** for a copy of the Certificate of Title and Plan applicable to the subject site.

2.2 Location & Context

The subject site is located 5 kilometres south west of Perth CBD and 640 metres south of Stirling Highway, a Primary Regional Road. The subject site is situated within the municipal boundaries of the City of Nedlands (**City**) and falls within the wider UWA-QEII Centre. The subject site forms part of the Broadway mixed use precinct which includes Broadway Fair Shopping Centre directly adjacent to the site.

The subject site is located within an established mixed residential / commercial neighbourhood. The area is currently transitioning from a lower to higher density locality, with medium-rise mixed use developments now replacing single storey, low density development. The subject site fronts Broadway to the east, abuts a three-storey office building to the north, a single storey dwelling development to the south and a single storey dwelling to the west. The University of Western Australia is located approximately 160m north-east of the subject site. There are multiple parks/reserves located near the subject site, including Matilda Bay Reserve located 650 metres east, JH Abrahams Reserve located 520 metres south-east, and Melvista Park located 740 metres south-west.

The subject site is highly accessible by public transport. It fronts onto Broadway, which has bus services running every 5-10 minutes during peak hours. The available bus services connect to Elizabeth Quay Bus Station, Claremont Station and Leederville Station. The site is located 640m from Stirling Highway, which has bus services every 5 minutes during peak hours. Karrakatta train station is situated approximately 2.32 kilometres north-west of the subject site, providing an alternative route to and from the City.

A variety of local commercial businesses are located south east of the subject site at Broadway Fair Shopping Centre, including a mix of restaurants and bars, cafes, small grocery stores and convenience stores and boutique shops. South-west of the subject site on Kingsway is the Kingsway Methodist Church, and Nedlands Primary School.

2.3 Current Broadway Developments

The local area features an evolving local context resulting from numerous mixed-use developments recently approved along Broadway, consistent with the surrounding R-AC3 density.

Refer **Table 2** below outlining development applications for mixed use developments recently approved, or currently under assessment, along Broadway.

Table 2 – Broadway mixed use development

Site	Status	Details
Lot 538 (93) and 539 (95) Broadway	Approved	Six storey mixed-use development with 38 apartments and a ground floor commercial tenancy (office).
Lot 684 (135) Broadway	Approved	Six storey mixed-use development including 21 apartments, basement parking and ground floor commercial tenancy (café).
Lots 685 (137) and 686 (139) Broadway	Approved	Six storey mixed-use development including 29 apartments and a ground floor commercial tenancy.
Lot 544 (105) Broadway	Approved	Five storey mixed-use development including 19 dwellings and a ground floor commercial tenancy.
Lots 531 (79) and 532 (81) Broadway	Approved	Seven storey mixed-use development including 34 apartments and a ground floor commercial tenancy (shop).
Lot 551 (199a) Broadway	Under Assessment	Six storey mixed-use development including 15 multiple dwellings, providing Specialist Disability Accommodation.

2.4 Land Use and Topography

The subject site contains a two-storey brick office building, dating back to the early 1980s. The existing building is not currently leased.

Vehicle access to the commercial building on the subject site is via a single full-movement crossover from Broadway.

The subject site slopes downwards from the western border of the site to the eastern border, with a relatively steep fall of approximately 7 metres. The proposed development responds to the topography of the site and the immediate area by providing an east-west building, which is appropriately setback from its western and eastern site boundaries. The development also responds to the natural ground level by cutting in to the site to ensure the building height is not greater on the western side of the subject site than the eastern side.

The subject site is immediately surrounded by a mix of low-density residential dwelling, townhouses and commercial development. In the wider local area, there are various other apartment developments. As previously mentioned, the R-AC3 density upcoding along Broadway has made way for a transition from lower density residential development and commercial development to medium density apartment developments and mixed-use developments.

Refer **Photographs 1-10** below, for site photographs, and **Figure 1** for an aerial photograph.



Photograph 1: View of subject site facing south-west from Broadway



Photograph 2: View of subject site facing north-west from Broadway

Item 9.1 - Attachment 1

Mixed Use Development
Lot 541 (99) Broadway, Nedlands



Photograph 3: View of northern adjoining property, facing south-west from Broadway



Photograph 4: View of southern adjoining property, facing west from Broadway

Item 9.1 - Attachment 1

Mixed Use Development
Lot 541 (99) Broadway, Nedlands



Photograph 5: View of development on the opposite side of Broadway, facing east from Broadway



Photograph 6: View of Broadway Fair Shopping Centre, facing south-east across Broadway

Item 9.1 - Attachment 1

Mixed Use Development
Lot 541 (99) Broadway, Nedlands



Photograph 7: View of subject site in front of northern adjoining property, facing south-west on Broadway



Photograph 8: View of 105 Broadway, the site of a recently approved 22 dwelling mixed use development

Item 9.1 - Attachment 1

Mixed Use Development
Lot 541 (99) Broadway, Nedlands



Photograph 9: View looking north along Broadway, in front of subject site



Photograph 10: View looking south along Broadway, in front of subject site.

Mixed Use Development
Lot 541 (99) Broadway, Nedlands



Figure 1: Aerial image

3 Proposed Development

3.1 Overview of Proposed Development

The proposal will involve the development of a 6-storey apartment complex which includes 21 apartments, including 7 short stay apartments and one ground floor café tenancy. Car parking and other building services are located in the basement and ground floor. The particulars of the proposed development are outlined in **Table 3** below:

The proposed development provides extensive community facilities for future residents. The development proposes a large outdoor activity area on level 1, with a communal kitchen and barbeque area. Level 1 also includes a 39sqm residents' gym. A 55m² café is provided on the ground floor, activating the street frontage.

Table 3: Summary of proposed development

Level	Development particulars
Basement	<p>The basement level contains the lift lobby, storage units, resident's parking bays and bicycle parking.</p> <ul style="list-style-type: none"> • 22x resident parking bays • 15x bicycle bays, designed to sit at the back of the standard parking bay • 5x storage units • 2x lifts • Lift lobby • Fire escape 2 • Staircase
Ground Floor	<p>The ground floor contains the café tenancy, lift lobby and lifts, residents, visitor's and café vehicle parking, scooter bays, bulk waste and residential bin store.</p> <p>A driveway of 6.5m width provides access to ground floor parking and the service bay. A planter is provided along the southern boundary of the site, next to the entrance for residents. Entrance for the residents is obtained directly from the pedestrian network along Broadway.</p> <p>A breakdown of the ground floor is outlined below:</p> <ul style="list-style-type: none"> • 55m² café, containing 20 seats, preparation area, servery, a unisex toilet, obtaining direct access from Broadway • 1 x café bin store • 1 x bulk waste • 1x residential bin store • 1x loading zone, suitable for 8.5m x 3m bin struck / service vehicle • 8x visitor bicycle racks • 6x residential car bays • 3x residential visitor car bays • 1x ACROD bay • 1x commercial car bay • 4x scooter bays • Lift lobby, stairs and lifts providing access to the wider apartment complex

Level 1	<p>Level 1 contains the first level of apartments, various community facilities and extensive landscaping:</p> <ul style="list-style-type: none"> • Two 2x2 dwellings (1 of which will be utilised for short stay) • One 3x2 dwelling • 179.5m² of landscaping, including the planters provided on the apartment balconies • 39m² gym facility, for exclusive use of residents • Outdoor pergola area with barbeque facilities, and a 42m² outdoor activity area • Lobby, stairs, and lifts providing access to the wider apartment complex • 2x storerooms, providing future residents with direct access from their respective apartment
Levels 2-5	<p>Level 2-5 contains various apartments, which can be summarised as follows:</p> <ul style="list-style-type: none"> • One 1x1 dwelling • Two 2x2 dwellings • One 3x2 dwelling <p>Units 1 and 2 on levels 2 and 3 will be utilised as short-stay apartments.</p> <p>Storage units are provided for Units 1 and 3, with the store room for Unit 4 provided from the corridor.</p> <p>Levels 2-5 also contain stairs, a common corridor, lifts and lift lobby.</p>
Level 6	<p>Level 6 contains two 3x2 dwellings, both of which will be utilised as short-stay dwellings. Each dwelling contains a storeroom accessible from inside the dwelling.</p>

Refer to **Appendix 4** for a copy of the development plans, renders, perspectives, and feature survey.

3.2 Demolition and clearing

All existing structures on the site will be demolished and removed in preparation for the subject development. Due to the site works required for the proposed development, the existing shrubbery on site will be removed. A significant amount of landscaping is included as part of the proposed development. Including 2 medium sized trees and 5 small trees.

3.3 Access and Parking

Vehicle access is proposed via the full movement crossover from Broadway (6.5m width). The proposed access point provides access to the ground floor parking, and a ramp into the basement car park.

A total of 33 standard parking bays are proposed, with 11 bays located on the ground floor, and 22 bays located in the basement. The parking provision is broken down as follows:

- 28 residential bays
- 3 residential visitor bays
- 1 ACROD bay
- 1 café bay
- 4 scooter / motorcycle bays
- 23 bicycle bays (15 for residents and 8 for visitors)

The ground floor will provide parking for residential visitors and café parking. The 4 scooter / motorcycle bays are also provided on this level. The basement contains 22 residential parking bays.

A Transport Impact Statement (**TIS**) has been prepared by Cardno in accordance with the Western Australian Planning Commission (**WAPC**) guidelines. The findings of the TIS are summarised as follows:

- Access to the public bicycle network is anticipated to be efficient due to the high-quality routes located along Broadway and nearby.
- The site has good access to high frequency public transportation facilities along Broadway.
- Trip generation from the proposed development is anticipated to be 'moderate' and will have minimal impact on the surrounding road network.
- The proposed parking is considered adequate for the proposed development.

Refer **Appendix 5** for a copy of the TIS.

3.4 Landscaping

High quality landscaping is proposed throughout the development, comprising a mix of native and exotic plant species. The proposed landscaping will enhance the overall presentation of the development and improve visual appearance to the streetscape, as well as enhancing the amenity of community spaces. The landscaping plan provides for 7 new trees on site.

The development proposes 176m² of 'planting on structure', which is 20% of the 880m² site area. A large portion of this is provided on level 1, surrounding the outdoor community space and communal dining area. Planters are also provided on the balconies of the level 1 and level 6 apartments, to improve the developments presentation to the street.

All planting beds and turf areas will be fully irrigated and operated off a timed controller with rain sensor shut-off. Irrigation design will comply with waterwise design principles and the City's tree policy. A detailed irrigation plan will be provided at the building permit stage.

Waterwise design principles employed for the proposal include:

- Low water use plant selection suited to the local soil complex;
- Select use of water intensive turf areas;
- Water retention soil preparation; and
- Reduction in soil water loss through prescribing course mulch.

Refer to **Appendix 6** for a copy of the landscaping plan, prepared by Tim Davies Landscaping.

3.5 Waste Management

Cardno has prepared a Waste Management Plan to support the development application. The City's standard rear loader waste collection vehicle will service the residential and commercial bins onsite, directly from the loading zone on the ground floor. As per the Waste Management Plan, the complex/strata manager will oversee the relevant aspects of waste management.

Refer to **Appendix 7** for a copy of the Waste Management Plan.

3.6 Short Stay Management Plan

The development proposes to utilise 7 of the 21 apartments for short stay accommodation. This will give the owner flexibility to provide an additional housing typology that better responds to current market trends. The intent is for Caxton Properties to maintain ownership of the short stay apartments and manage them as part of their wider portfolio.

The apartments let out on a short-term basis will be managed by the owner of the dwellings. Owners will be responsible for managing clients and arranging the cleaning of dwellings. Further detail regarding the proposed management measures is included in the short stay management plan, at **Appendix 8** of this application.

4 Statutory Planning Framework

4.1 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (**MRS**). The purpose of the Urban zone is to provide for residential development and associated local employment, recreation, open space and other community facilities.

The proposed development is consistent with the MRS provisions and may be approved accordingly.

4.2 City of Nedlands Local Planning Scheme No. 3

4.2.1 Zoning and Density

Under the provisions of the City's Local Planning Scheme No. 3 (**LPS3**), the subject site is zoned 'Mixed Use' with an applicable density code of R-AC3.

4.2.2 Zone Objectives

The objectives of the 'Mixed Use' zone under LPS3 are as follows:

- a) *To provide for a significant residential component as part of any new development.*
- b) *To facilitate well designed development of an appropriate scale which is sympathetic to the desired character of the area.*
- c) *To provide for a variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- d) *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres and eating establishments which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

The proposed development will provide a medium density residential development comprising multiple dwellings and short stay accommodation ranging in sizes. The development will incorporate a café tenancy on the ground floor, to ensure the street frontage is activated, and contribute towards the overall amenity of Broadway. Multiple dwellings are provided on upper floors.

The proposed development is designed to meet the demand for high quality apartments and high quality short-stay dwellings to service the existing and future demands of the community. The development has been designed with a focus on incorporating sustainability principles as well as reflecting the character of the surrounding area through careful selection of materials and contemporary design. The proposed development is therefore considered consistent with the objectives of the 'Mixed Use' zone of LPS3.

Refer to **Figure 2** for a zoning map which depicts the subject site and surroundings.

Mixed Use Development
Lot 541 (99) Broadway, Nedlands



Figure 2: Zoning map

4.2.3 Land Use and Permissibility

The development comprises 'multiple dwellings' and a 'restaurant/café', which are both permitted ("P") uses within the Mixed-Use zone. The development also proposes 7 dwellings which will be used as 'holiday accommodation'. Holiday accommodation is a discretionary ("D") use within the Mixed-Use zone.

The proposed holiday accommodation will provide an additional housing typology, providing further flexibility for the landowner to respond to current market trends. The holiday accommodation will be strictly managed, through the implementation of the short-stay management plan, which can be found at **Appendix 8**, to ensure the amenity of permanent residents within the complex will not be negatively affected.

In light of the above, the proposed development is considered consistent with the provisions of LPS3 and may be approved accordingly.

4.2.4 Scheme Amendment No. 7

Scheme Amendment No. 7 (**SA7**) was presented at the City's Special Council Meeting on 3 September 2020. The Officer's recommendation was not to support SA7 as it "*is not based on sound town planning principles in accordance with Schedule 2, Part 2 Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the amendment is premature as the Local Planning Scheme No. 3 was only adopted in April 2019.*"

Council resolved to support SA7 in its current form (standard amendment) and it was sent to the WAPC for review. The WAPC has now determined SA7 as a complex amendment and the amendment therefore requires re-advertising. In accordance with Clause 67 of the deemed provisions, little weight can be given to SA7 in assessing an application for development as the amendment is not 'seriously entertained' and is neither certain nor imminent.

4.3 State Planning Policies

4.3.1 State Planning Policy 7.3 – Volume 2 Apartments

State Planning Policy 7.3: R-Codes Volume 2 Apartments (R-Codes Volume 2) places considerable focus on facilitating positive design outcomes for apartments and applies to apartments in areas coded R40 and above, and in mixed use developments and activity centres.

As a 'performance-based' policy, applications for development approval are to demonstrate that the design achieves the 'Element Objectives' listed for each design element contained within Parts 2, 3 and 4 of the policy. There is no 'deemed-to-comply' pathway, and as such, the 'Acceptable Outcomes' listed in the policy should be treated as examples only, and not strictly applied as a compliance test.

Refer **Appendix 1** for an assessment against the R-Codes Volume 2 element objectives.

4.3.2 State Planning Policy No.7 – Design of the Built Environment

State Planning Policy No.7 – Design of the Built Environment (SPP7) is the lead policy that elevates the importance of design quality, and sets out the principles, processes and considerations which apply to the design of the built environment in Western Australia, across all levels of planning and development.

SPP7 establishes a set of ten 'Design Principles', providing a consistent framework to guide the design, review and decision-making process for planning proposals. Refer **Table 4** below for DMG Architecture's assessment against the ten design principles of SPP7.

Table 4: Assessment against Schedule 1 – Design Principles of SPP7

Design element	Design outcome
<p>1. Context and character <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>	<p>The design adapts features that are found along Broadway to integrate into the developing streetscape. Typical patterns and materials along Broadway include bricks of different colours, limestone retaining walls and white rendered surfaces.</p> <p>Typical built forms and features include various perforated patters, exposed stairs, metal frames, simple contemporary shopfronts and thick horizontal and vertical frames.</p> <p>The proposal applies a variety of those elements such as horizontal white rendered frames for the upper floors that set themselves apart from the base of the building with its raw, vertically lined concrete frame and earth-coloured finishes in form of brick, copper look frames and timber cladding of the interior fit out. The tilt up security gate features a perforated metal screen.</p>
<p>2. Landscape quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p>	<p>A large planting is proposed along the western boundary of the subject site, which supports in both in retaining the steep terrain and screening from the neighbours through a dense green canopy. This landscaping area also surrounds the communal outdoor space.</p> <p>In response to feedback from the City's DRP, additional landscaping planters have been provided on level 1 and level 6 apartment balconies. These planters create a more visually pleasing presence to the public realm along Broadway.</p> <p>Refer to the Landscape design drawings prepared by TDL – Appendix 6.</p>
<p>3. Built form and scale <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p>	<p>With a height limit of 6 storeys above ground level, the building sits within the development envelope. The 6th floor is setback by 9m and will be obscured from the street. The visual impact is further reduced through the utilisation of a dark exterior wall finish.</p> <p>The setback, scale, massing and height of the proposed development responds positively to that of the western adjoining property, both in its current single storey firm, and future development potential as a R60 (3-4 storey) development.</p>
<p>4. Functionality and build quality <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</i></p>	<p>The proposal contains an efficient and simple layout throughout all levels. The spaces are functional and follow a logical flow through the whole building from the arrangement of the car park with centre isle up to the east and west facing penthouse apartments. The arrangements of back of house service rooms at the ground floor are determined by the turning clearances of the west truck which maximises the space to its fullest potential.</p>
<p>5. Sustainability <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p>	<p>The proposal has been designed to provide increased shade to full height openings through slab overhangs and moveable sun screens, especially for the western elevation, these overhangs will provide summer shading and allow an increased amount of natural light into the building during winter season.</p>

Design element	Design outcome
	<p>Every apartment has a minimum of two orientations which enables cross ventilation to all. In addition to that, PVC panel are proposed to offset energy consumption throughout the day, all year around.</p> <p>All landscaped areas will be operated by a timed controller with rain sensor shut-off. Irrigation design will comply with waterwise design principles and the City's tree policy. Water efficient irrigation systems will be installed, using hydro-zoning and water harvesting principals where appropriate.</p> <p>Additional water wise design principals employed include:</p> <ul style="list-style-type: none"> • Low water use plant selection suited to the local soil complex. • Select use of water intensive turf areas. • Water retention soil preparation. • Reduction in soil water loss through prescribing coarse mulch.
<p>6. Amenity <i>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</i></p>	<p>The proposal provides a large communal area with barbeque facilities for residents to use. A fully equipped gym for residents connects to an outdoor area with opportunity to add outdoor gym equipment or to exercise low noise impact activities such as mini-golf or yoga. A secured bicycle storage room is located on the same level for residents of the building. A café is provided at the ground floor, which merges with the entrance to the lift lobby to enhance interaction between patrons and residents, as well as to activate the streetscape.</p> <p>External amenity is enhanced through careful design and use of contextually appropriate materials, whilst utilising landscaping planters on apartment balconies that are visible from the street.</p> <p>The apartment / dwelling mix is appropriate with internal rooms and spaces adequately sized, comfortable and easy to furnish, achieve good levels of daylight, natural ventilation, and outlook.</p> <p>Appropriate levels of acoustic protection and visual privacy, adequate storage space, and ease of access for all has been accommodated.</p>
<p>7. Legibility <i>Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.</i></p>	<p>The proposal has a clearly defined, well lit entrance for residents and visitors which is supported by an extruded canopy that is legible even from distance when approaching the building along Broadway. The car park entrance and exit are also legible and clear.</p>
<p>8. Safety <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p>	<p>A clearly defined entry point with curved glazing of the café creates a translucent, active and safe environment. The carpark will be secured with a gate during night time. Both the lobby and carpark entrance will be well-lit throughout the night to provide high levels of security for all. Boundary and retaining walls and fences are designed to both appear visually pleasing as well as to create fencing for secure spaces for the residents.</p>

Design element	Design outcome
	<p>All other communal areas and walkways will be well-lit. CCTV is an option and will be provided subject to advice / request, to assist in mitigating anti-social behaviour.</p>
<p>9. Community <i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p>	<p>A well-articulated building with sympathetic setbacks and a café for the community and residents contribute to the proposal integrating with the streetscape. A café with full height glazing makes the space visually permeable and invites by-passers to stop and engage. Awning windows that offer bench seating from both sides allow to connect the inside with the outside to enhance the experience for patrons on warm days.</p>
<p>10. Aesthetics <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p>	<p>The design intent is to create a distinct, well-articulated building that applies elements and textures that are characteristic for the area.</p> <p>The base of the building serves the purpose of inviting the residents & community into a warm, comfortable, and trendy space that reflects colours and materials typical for the streetscape in forms of earthy tones such as recycled red brick, copper finishes to frames, the security gate and external access panels as well as timber and corten look finishes.</p> <p>The upper apartment section of the proposal stands in contrast to the ground level. The curved, thick & white balcony balustrades are the mirrored shape to the darker, concrete finished street canopy to highlight the building entrance. The thickness of the ribbons, which are also a typical design element of the area, assists in articulating a playful movement of the street elevation from the ground up to the top floor of the proposal.</p>

4.4 Local Planning Policies

4.4.1 Interim Built Form Design Guidelines – Broadway Mixed Use Zone

The City's Local Planning Policy – Interim Built Form Design Guidelines – Broadway Mixed Use Zone (**Built Form Policy**) identifies the development guidelines for development within the City of Nedlands and applies to all development applications. The majority of the provisions outlined in the Built Form Policy require approval from the Western Australian Planning Commission (**WAPC**), which has not yet been granted. To avoid duplication, the assessment against the elements of the Built Form Policy which do not require WAPC approval (building height, setbacks and façade design) has been undertaken as a combined assessment with the R-Codes Volume 2. Refer **Appendix 1**.

4.4.2 Parking

Local Planning Policy – Parking (Parking Policy) defines the parking standards for residential and non-residential developments within the City. An assessment against the parking requirements is provided in **Table 5** below:

Table 5: Assessment against the parking policy

Land Use	Minimum no. of Car Parking Bays Required	Parking Calculation	Parking Provision
Restaurant/café	1 per 2.6m ² of restaurant seating area or 1 per 2 persons (whichever is greater).	Café seats 20 patrons = 10 bays. 24m ² of seating = 12 bay requirement.	1 bay.
Multiple dwelling	As per R-Codes Volume 2 requirements		Review Appendix 1 and Appendix 5 .

The proposed parking provision for the café will result in an 11-bay shortfall in accordance with the requirements of the City of Nedlands. The shortfall is justifiable for the following reasons:

- The peak time for residential visitors is during the evening following business hours. The residential visitor bays will be available to be used by the café customers of required. As outlined in Appendix 1 and Appendix 5, 4 residential visitor bays are proposed. A more realistic net shortfall is 7 commercial bays.
- The proposed café will operate as a predominantly take-away facility for customers in the immediate 'walk-in' catchment of the area. It's a reasonable expectation and assumption that patrons visiting the café will use public transport, walk or cycle to access the facility, rather than drive. Given the nature of operations of the café, the café will generate a minimal parking demand, and what Broadway needs is small businesses supporting walkability, as opposed to more parking.
- A significant amount of on-street parking is available along Broadway.
- Broadway contains high frequency public transportation routes, promoting use of public transportation as opposed to private motor vehicles. Bicycle networks are also located within close proximity of the subject site.
- The prescribed density along Broadway will increase the number of customers accessing the site via alternative means, rather than a private motor vehicle.
- The policy requirement of 1 bay per 2.6m² is excessive for a 55m², predominantly take-away café.

Taking into account the above, the parking shortfall for the café tenancy is justified and warrants approval accordingly.

4.4.3 Local Planning Policy – Waste Management

The City adopted *Local Planning Policy – Waste Management (Waste LPP)* in March 2020. The policy details the requirements relating to waste management and minimisation to be considered in the design of any proposed development as per the City's Waste Management Guidelines. A Waste Management Plan has been prepared by Cardno in accordance with the Waste LPP Guidelines.

In accordance with the Waste Management Plan provided, the proposed development utilises the City's waste services for waste collection arrangements.

Refer **Appendix 7** for a copy of the Waste Management Plan.

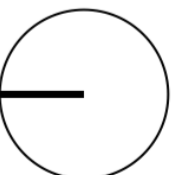
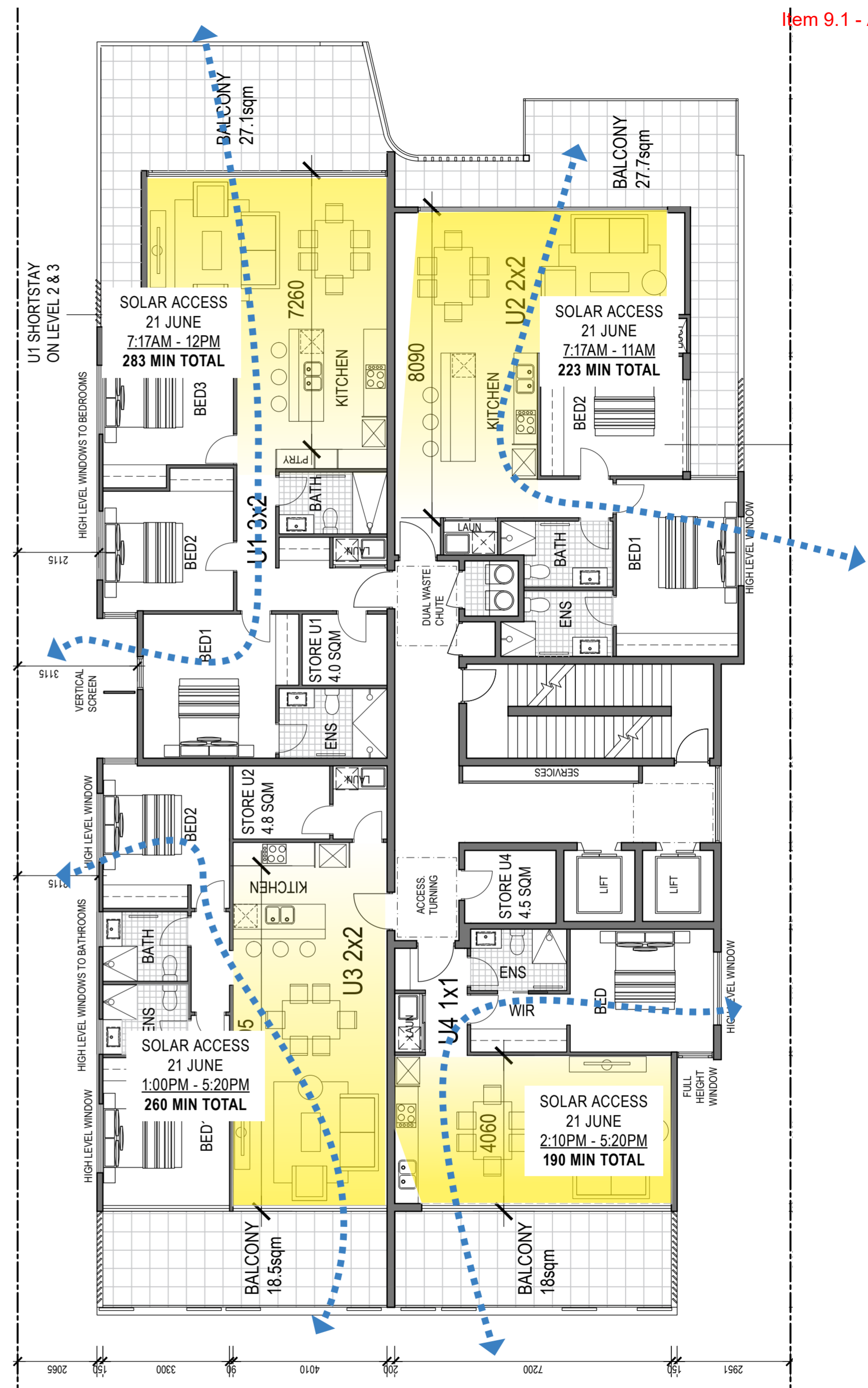
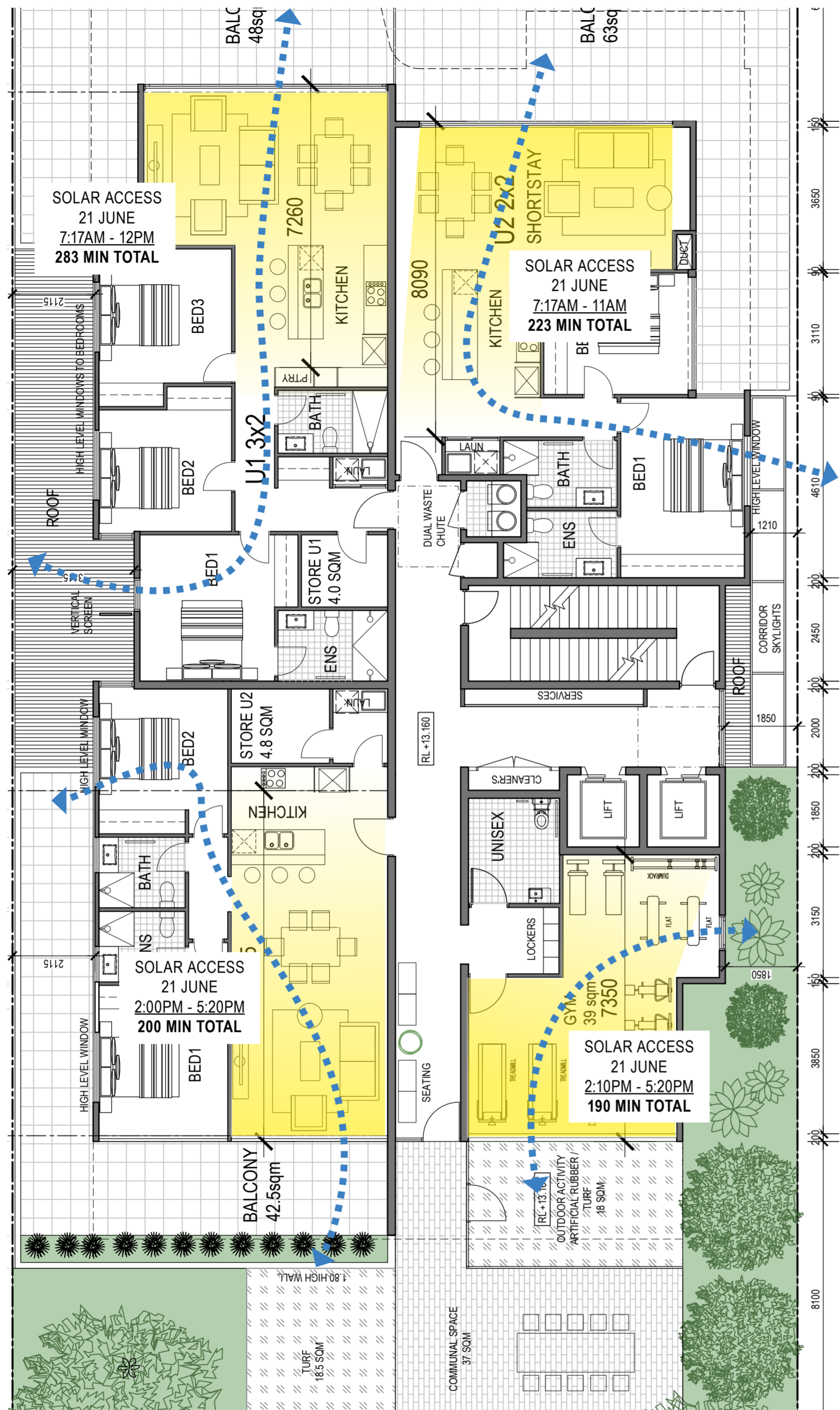
5 Conclusion

This application proposes a 6-storey apartment development on the subject site, including 21 multiple dwellings, a cafe, associated car parking, access and landscaping. The proposed development offers a substantial benefit to the wider community by redeveloping an underdeveloped site with well-designed residential infill development to meet the needs of a growing population, whilst remaining responsive to planned future urban form of the local area which is currently transitioning from a low-density to mid-rise urban centre.

The proposal appropriately responds to all the relevant aspects of the planning framework and warrants approval for the following key reasons:

- The proposal is consistent with the performance-based elements of the statutory planning framework for the subject site, particularly noting its context of R-AC3 density coding.
- The proposed development will assist in providing diverse housing options in an area that is extremely well-serviced by community infrastructure, with excellent access to employment, amenity, and educational opportunities.
- The strategic planning for this area specifically encourages development of the type proposed, and this application will assist in achieving the objectives set out in the adopted planning framework.
- The proposed development will enhance the surrounding locality and will not unduly impact the adjoining residential properties.
- The innovative and well-integrated architectural design created through the use of materials, varied setbacks, colours and layout will positively contribute towards and enhance the streetscape amenity.
- The subject site will be provided with high quality landscaping areas and communal open space.

Having regard for the above, it is considered the proposed development warrants approval.



ISSUE	SCALE
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DATE	DRN. APP.
15/11/21	SAM SAM

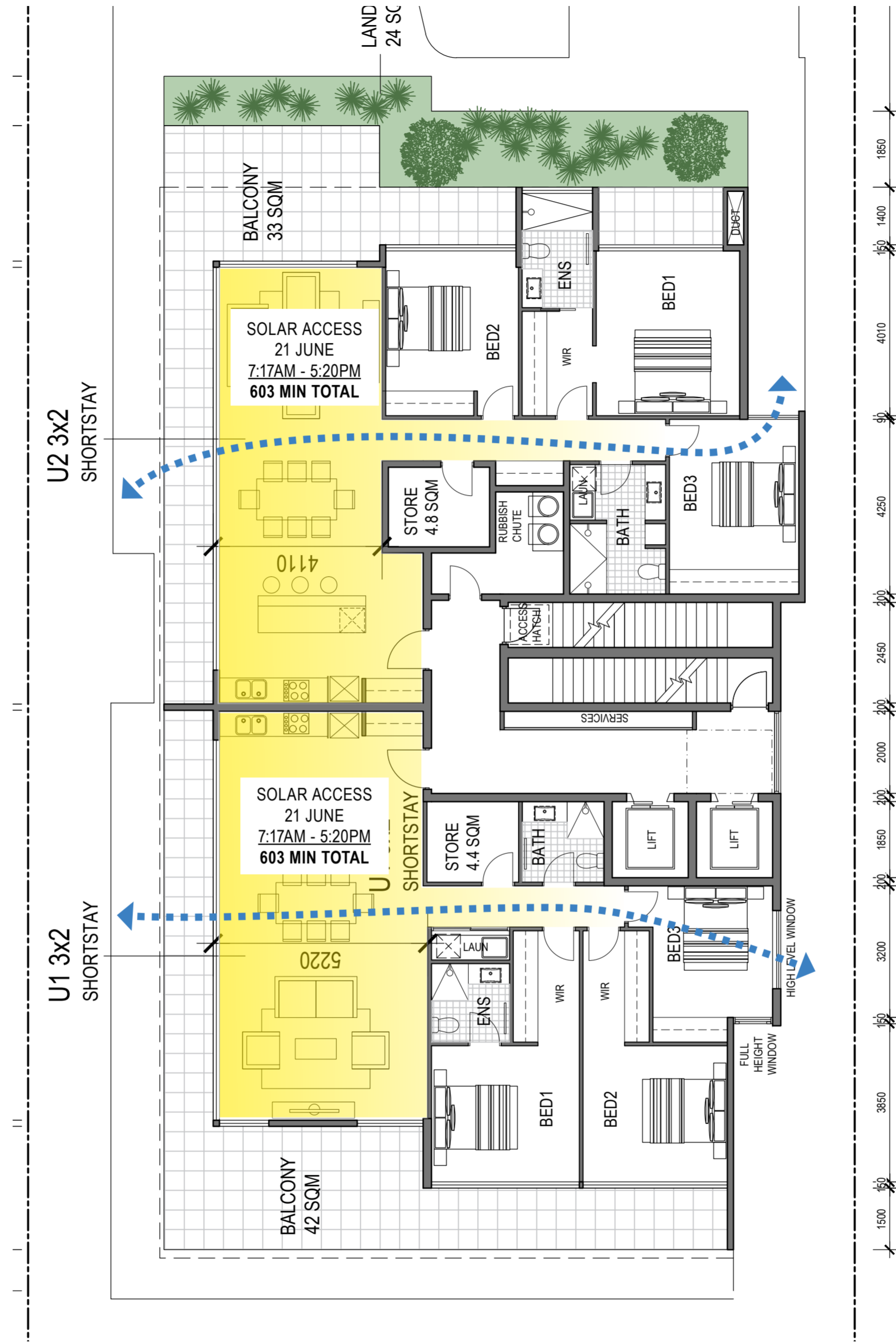
PROJECT
 MIXED USE DEVELOPMENT
 99 BROADWAY, NEDLANDS
 DAYLIGHT ACCESS & CROSS VENTILATION LEVELS 1-5

ISSUED FOR DEVELOPMENT APPROVAL

PROJECT # 19051
 DRAWING # 07.04

dmg ARCHITECTURE

DESIGN MANAGEMENT GROUP
 suite 14 | 23 railway road subiaco 6008 | telephone 08 9 9212 8888
 info@dmgaustralia.com.au | www.dmgaustralia.com.au



ISSUE	SCALE
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DATE	DRN. APP.
15/11/21	SAM SAM

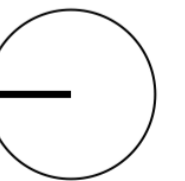
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 99 BROADWAY, NEDLANDS
 DAYLIGHT ACCESS & CROSS VENTILATION LEVEL 6

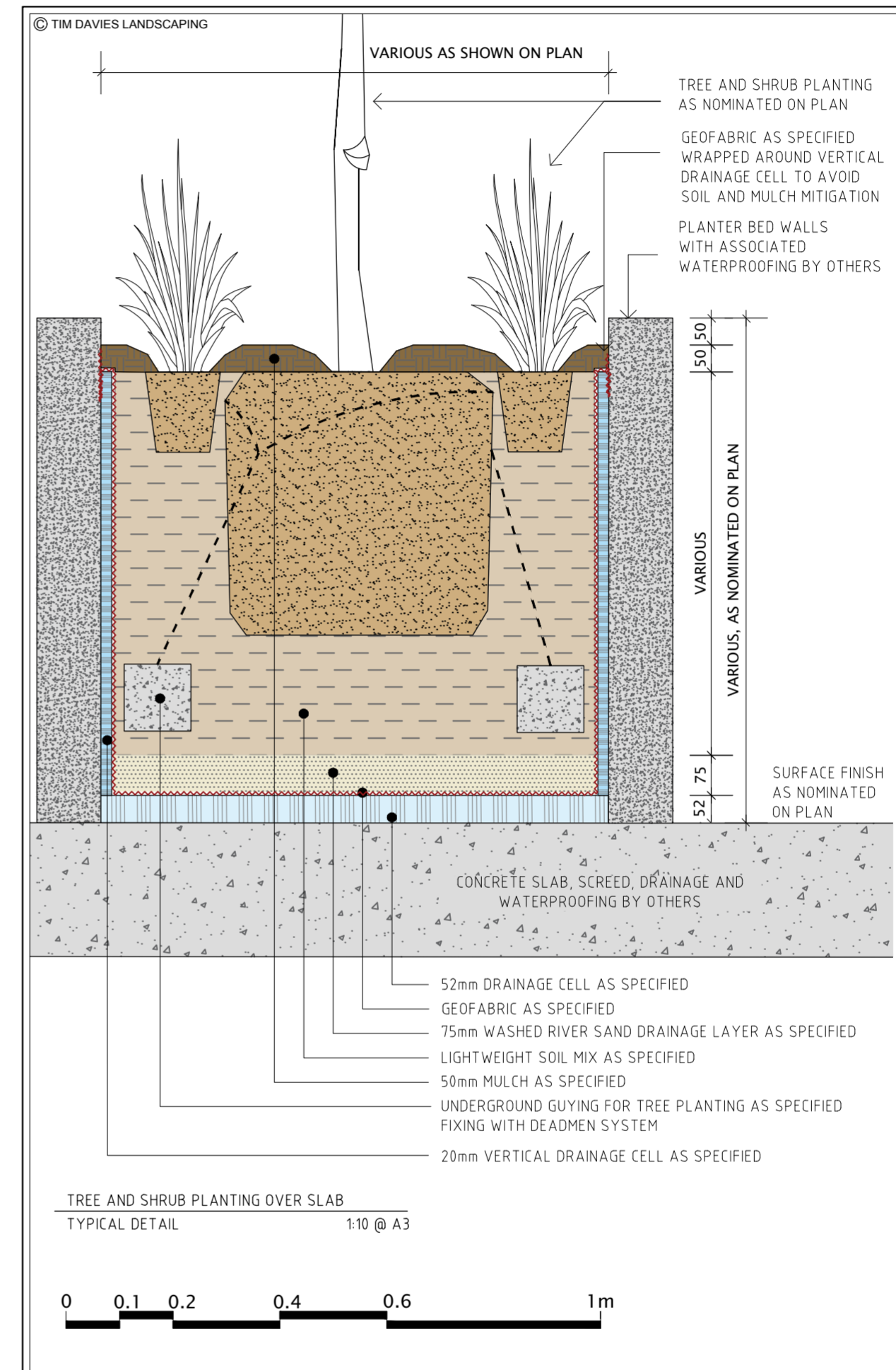
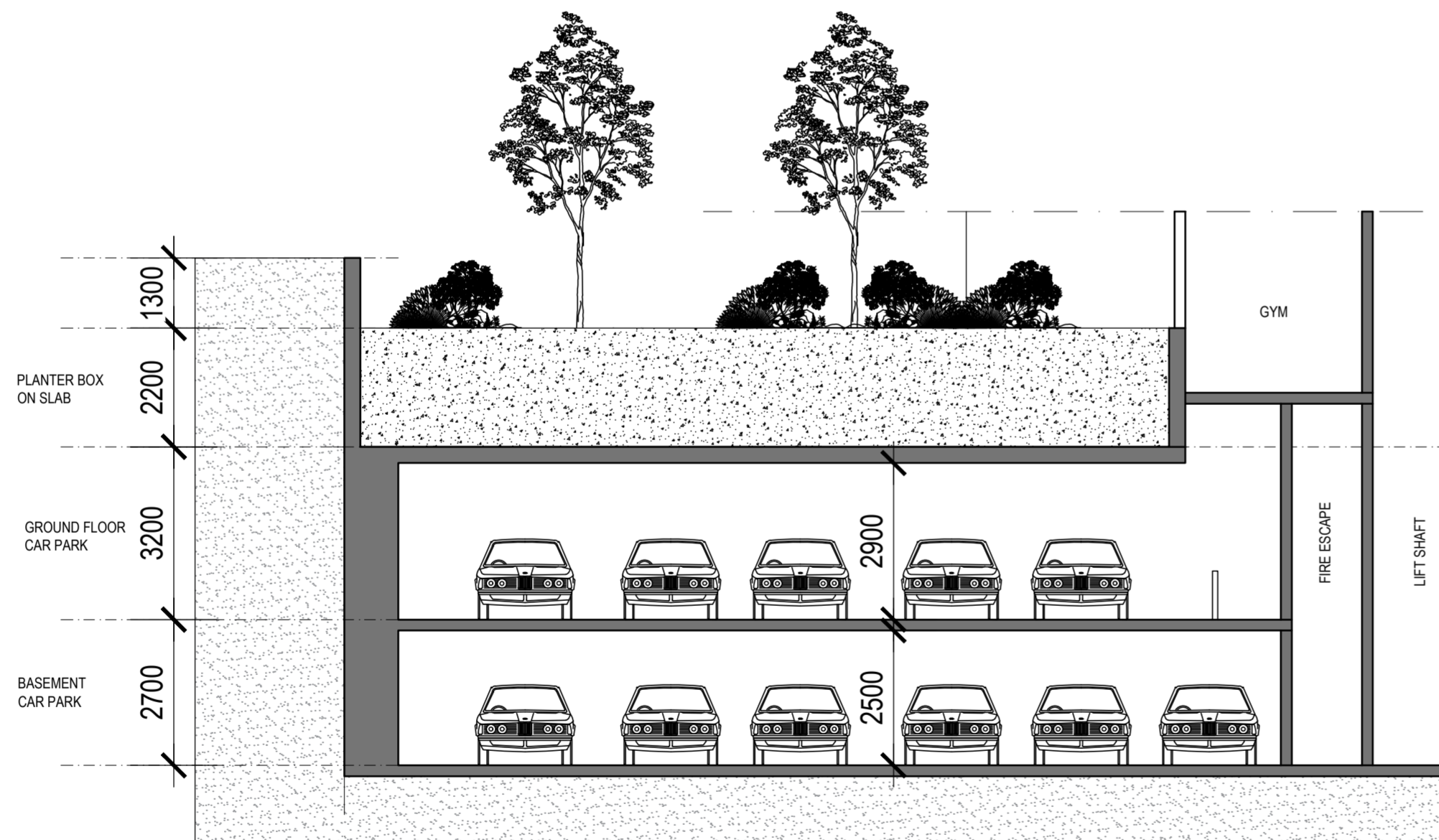
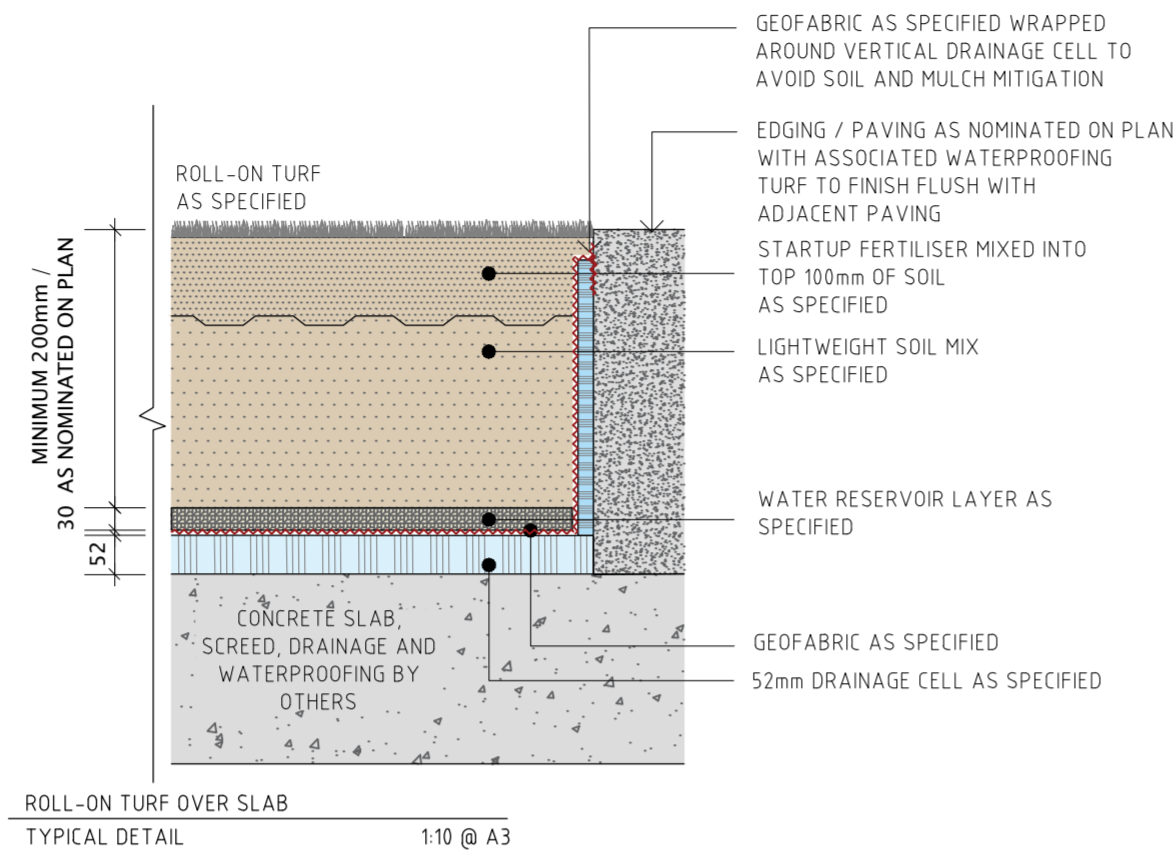
ISSUED FOR DEVELOPMENT APPROVAL

dmg ARCHITECTURE

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PROJECT #
19051
DRAWING #
07.05





ISSUE	SCALE
00	NTS
DATE	DRN. APP.
15/11/21	SAM SAM

PROJECT

MIXED USE DEVELOPMENT
99 BROADWAY, NEDLANDS
LANDSCAPING DETAIL & SECTIONS

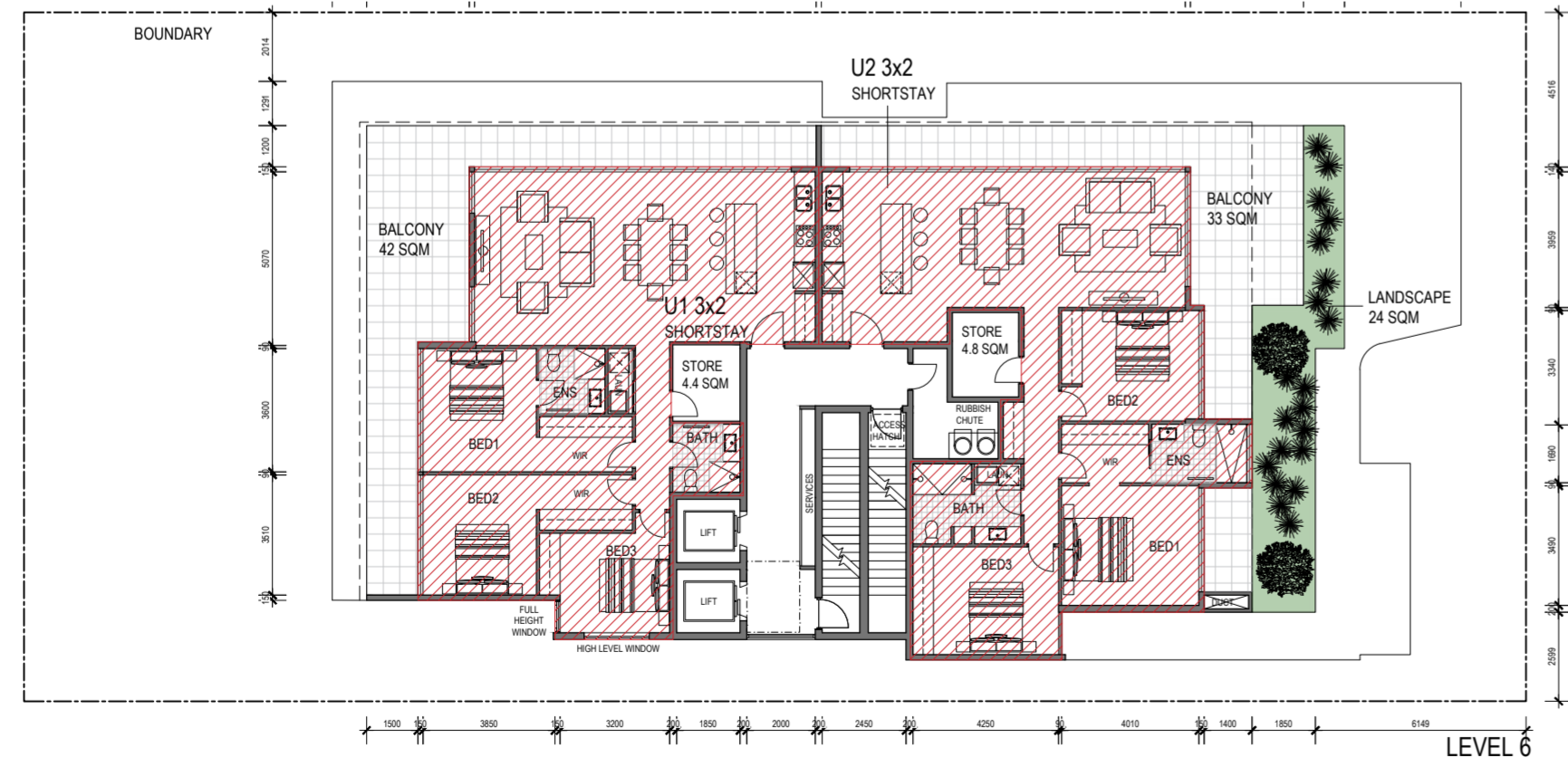
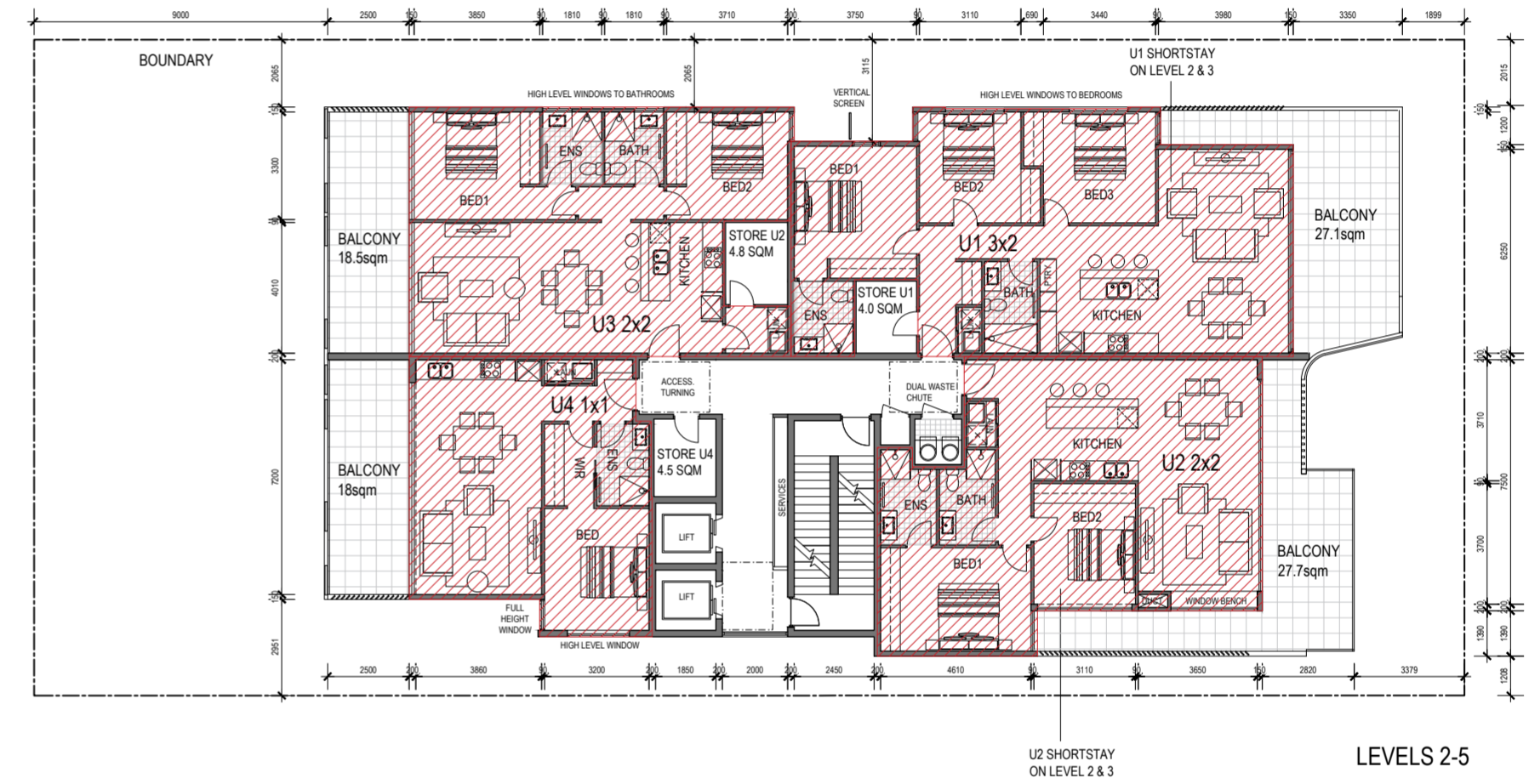
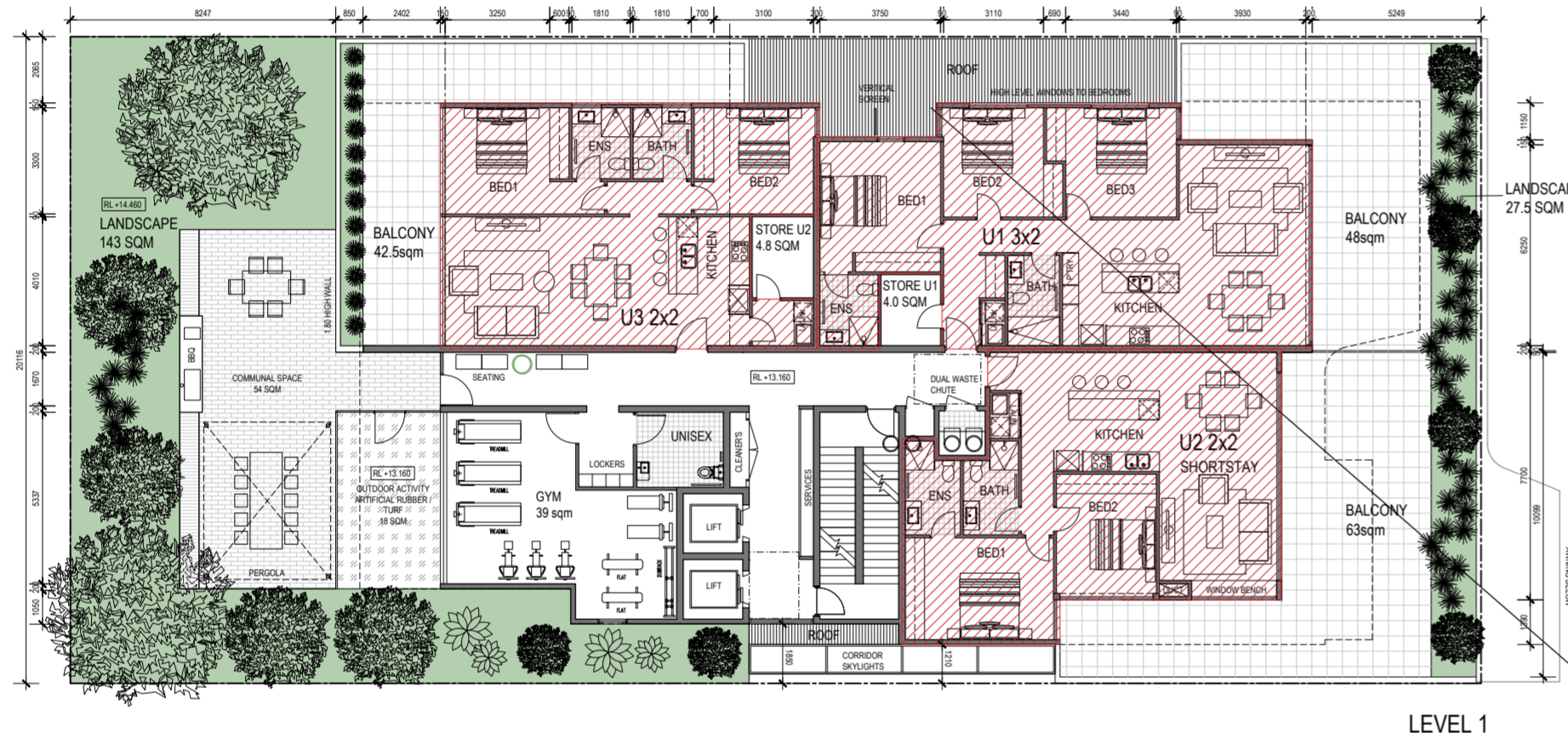
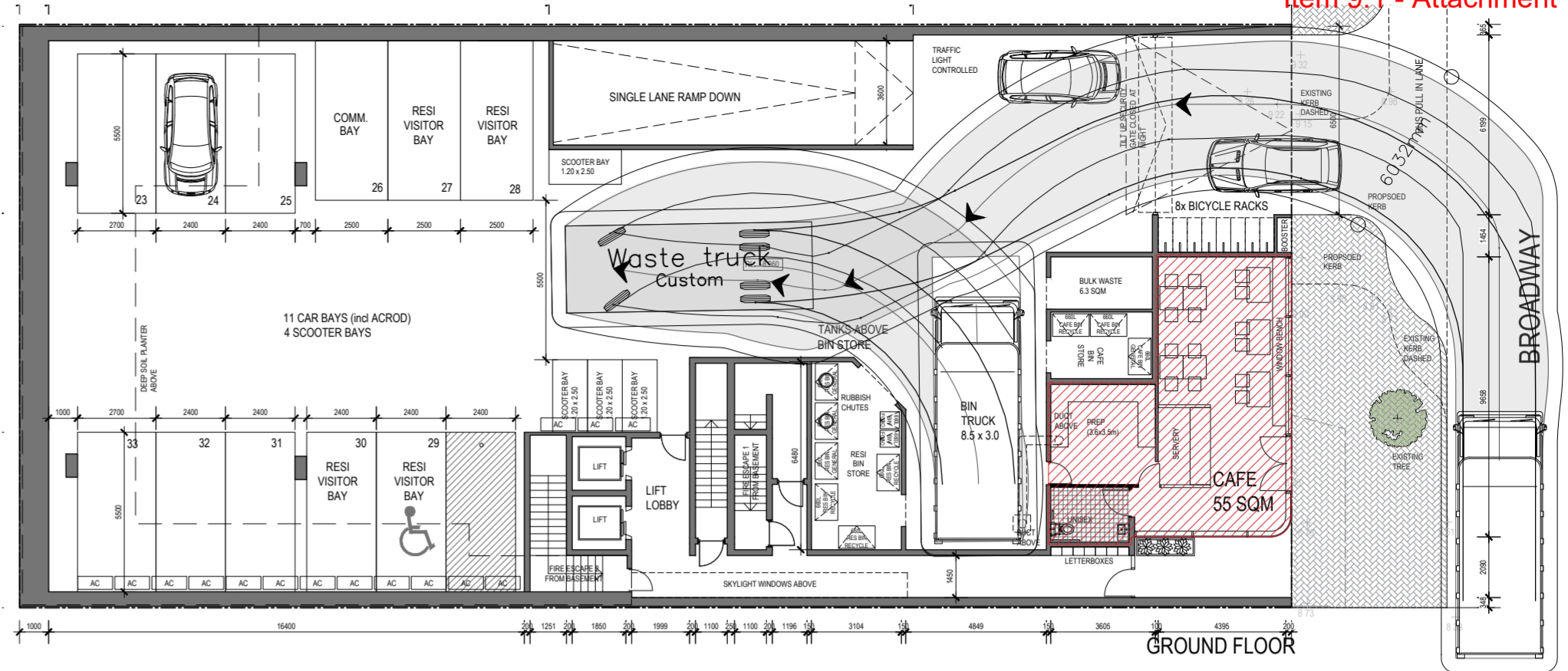
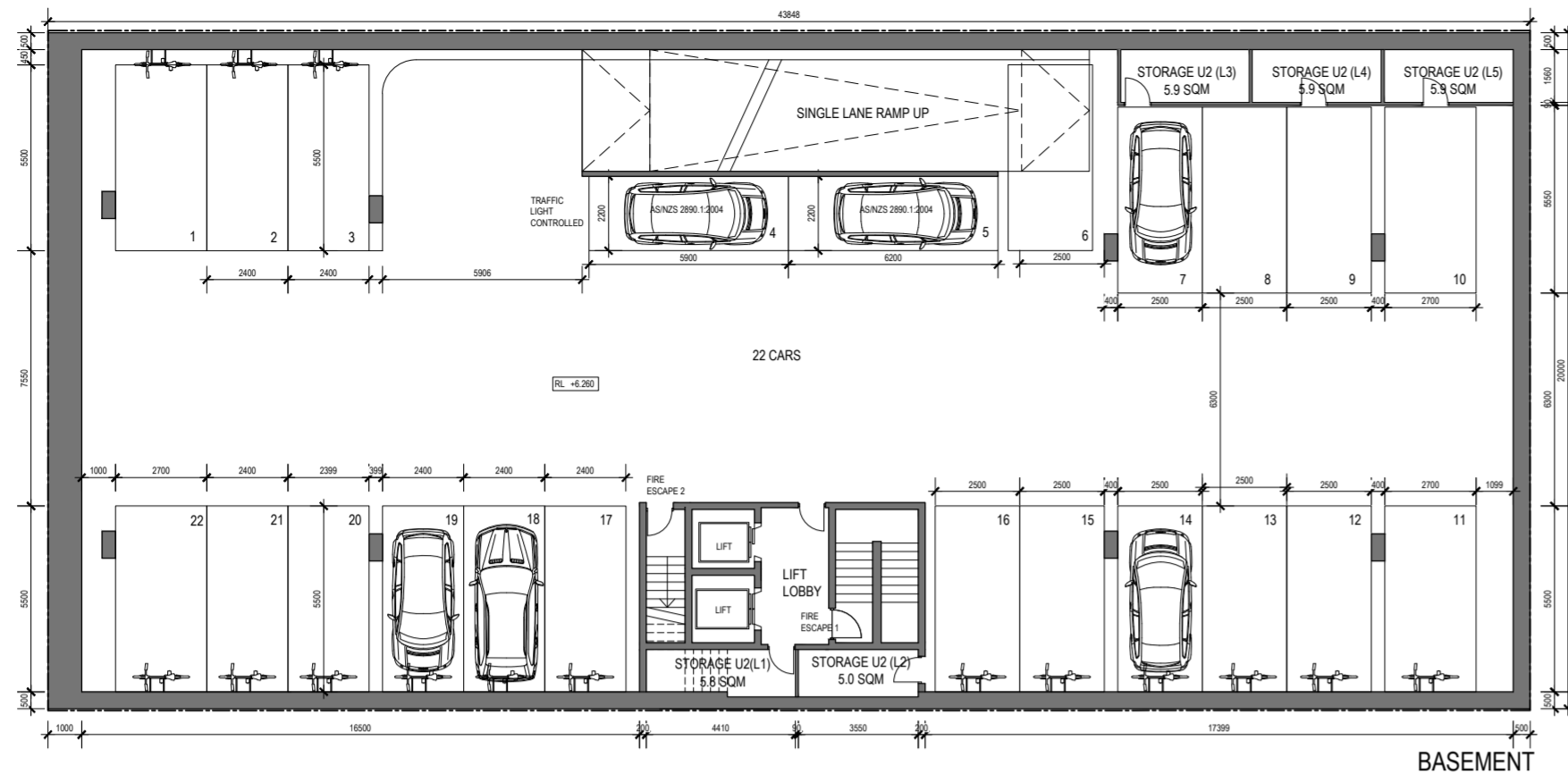
ISSUED FOR DEVELOPMENT APPROVAL

PROJECT # 19051

DRAWING # 13.01

dmg ARCHITECTURE

DESIGN MANAGEMENT GROUP
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Level	Plot Ratio (PR)				
	Café	U1	U2	U3	U4
GF	65.8				
L1		104.3	90.4	84.2	
L2		104.3	90.4	84.2	58.4
L3		104.3	90.4	84.2	58.4
L4		104.3	90.4	84.2	58.4
L5		104.3	90.4	84.2	58.4
L6		116.8	120.7		
Sub Total	65.8	638.3	572.7	421	233.6
Total Proposed PR		1931.4	=	2.19:1	
Avail. PR (2:1)		1760	=	2:1	

ISSUE: 00
 DATE: 15/11/21
 SCALE: NTS
 DRN. APP.: SAM SAM

PROJECT: MIXED USE DEVELOPMENT
 99 BROADWAY, NEDLANDS
 PLOT RATIO CALCULATION

ISSUED FOR DEVELOPMENT APPROVAL

dmg ARCHITECTURE
 PROJECT #: 19051
 DRAWING #: 14.01

DEVELOPMENT SUMMARY

99 BROADWAY, NEDLANDS

dm|g
ARCHITECTURE

SITE DETAILS:

Site Area:	880m ²
Street Frontage:	20.1m
Zoning:	Mixed Use / R-AC3
Building Height:	6 Storeys
Plot Ratio:	2.19
Apt Cross Ventilation:	100% (21 of 21 Apt)

PROPOSED DEVELOPMENT SPECS:

7x 3-Bed x 2-Bath
10x 2-Bed x 2-Bath
4x 1-Bed x 1-Bath
Cafe, Gym, Communal Deck

TOTAL OF 21 UNITS

SETBACKS

Minimum front street setback to the edge of the balcony is 1.90m. Minimum front street setback to windows is 5.25m. Rear setback to the edge of the balcony is 9m and to the windows 11.50m. Smallest side setback to South is 1.20m and to the North 2.12m.

LANDSCAPE:

At 880sqm site area, 10% (88sqm) of deep soil is required. The development achieves a 20% (176sqm) landscape on slab which is considered an acceptable outcome under the planning policy.

The development proposes 2 medium and 5 small trees which is more than the required 1 large or 2 medium trees.

HEIGHT:

The terrain of the site drops by approx. 7m from the rear towards Broadway. The proposal rises 6 floors from Broadway with the top floor set back by 9.40m to the glazing to reduce visibility from the street.

PARKING:

The development proposes the following parking numbers (*refer to Traffic Report for more detail):

33 Car Bays (incl. ACROD)

4 Motorbike Bays

18 Residential Bicycle Bays

6 Public Bicycle Bays

WASTE MANAGEMENT:

All services, waste storage and pickups are entirely within the site. A dual waste chute in the access core connects every floor to the residential general waste bin store located at Ground Level. A clear height of 3.20m at Ground Level with adequate turning radius allows uninterrupted access and egress of an 8.5m long waste truck.



<i>Architectural Design Review Assessment City of Nedlands Design Review Panel</i>	
Design quality evaluation	
Lot 541 (No.99) Broadway, Nedlands – Mixed Use Development comprising of 21 x Multiple Dwellings & Café Tenancy (JDAP)	
Design Review – 8 June 2021	
Panel: <ul style="list-style-type: none"> • Simon Anderson – Chair • Simon Venturi – Deputy Chair • Tony Casella • Dominic Snellgrove 	
Panel Members:	
Apply the applicable rating to each Design Principle	3 <i>Supported</i>
	2 <i>Further information required</i>
	1 <i>Not supported</i>
	0 <i>Yet to be addressed</i>
Summary	<p>The subject site comprises of a singular allotment (880m2 in area) and is located west of Broadway, Nedlands. The site falls approximately 7m from the west to the east with the lowest part of the site being located along Broadway.</p> <p>The subject site is zoned ‘Urban’ by the Metropolitan Region Scheme and ‘Mixed Use’ by the City of Nedlands Local Planning Scheme No.3 and has a density coding of R-AC3. The proposal is for a 6 storey development with reduced side and rear setbacks. Plot ratio appears to be over the acceptable outcome measurement of 2.0.</p> <p>The east of Broadway is located within the City of Perth municipal boundary (previously City of Subiaco). The properties to the west are zoned ‘Residential’ with an R60 density and contain existing low density residential development. To the north of the site, there is an existing three-storey commercial tenancy, with existing low density residential development to the south.</p>
Strengths of the Proposal	<ul style="list-style-type: none"> • Well presented design presentation. • Internal apartment layout is generally good as is the architectural language of the development in terms of native species, inclusion of solar panels and amount of community facilities • Café at the street level provides a good active use • Air conditioning equipment located in the basement level • Sleeved car parking area • Access to natural light

<p>Principle 1 - Context and character</p>	<p>2</p>	<p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>
		<p><u>1a. Comments</u></p> <ul style="list-style-type: none"> • Setback variations are proposed & the interface to the western site coded at R60 needs to be considered sensitively. • No details on the context – existing character & future character. <p><u>1b. Recommendations</u></p> <ul style="list-style-type: none"> • Consider meeting the setbacks and tiering the development to the western boundary. Review other recently approved developments along Broadway. • Provide a streetscape elevation & diagram showing the existing and potential development of sites next door and as viewed from Broadway.
<p>Principle 2 - Landscape quality</p>	<p>2</p>	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 4.12 and 4.16 as relevant.</i></p>
		<p><u>2a. Comments</u></p> <ul style="list-style-type: none"> • Not yet addressed, landscape architect to be appointed with a Landscaping Plan provided. • Concerns with the limited landscaping on the verge & balconies that would assist with the context and character of the area. • No true Deep Soil Area provided. <p><u>2b. Recommendations</u></p> <ul style="list-style-type: none"> • Landscaping Plan to be provided by a Landscape Architect. • Consider a Landscape Plan & Management Plan that will includes species and how planting will be made accessible. • Landscaping that addresses & can be viewed from the public realm eg enlarge first floor planter over the street frontage. • Consider providing Deep Soil Areas to the rear of the site, by reducing the basement footprint
<p>Principle 3 - Built form and scale</p>	<p>1</p>	<p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p> <p><i>As informed by SPP7.3Element Objectives 3.2, 3.3, 4.10 and 4.11 as relevant.</i></p>
		<p><u>3a. Comments</u></p> <ul style="list-style-type: none"> • The overall built form appears to be excessively filling the building envelope, particularly in the absence of deep soil areas.

		<ul style="list-style-type: none"> • Reliance on high level windows, screening and reduced setbacks. • Plot ratio appears to be well over & built form outcomes not optimal. <p><u>3b. Recommendations</u></p> <ul style="list-style-type: none"> • Consider increasing the setbacks to meet R codes, reducing the balcony areas and avoid reliance of screening to reduce the overall bulk and scale. • Check that the plot ratio is in fact 2.0. If not then reduce bulk on the western side of the site addressing R60 lots and on the side neighbours by meeting privacy setbacks.
<p>Principle 4 - Functionality and build quality</p>	<p>3</p>	<p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</i></p> <p><i>As informed by SPP7.3 Element Objectives 4.3, 4.4, 4.6, 4.7, 4.12, 4.15, 4.17, 4.18 as relevant.</i></p> <p><u>4a. Comments</u></p> <ul style="list-style-type: none"> • The overall plan is generally functional and AC in the basement concealed from view is supported. <p><u>4b. Recommendations</u></p> <ul style="list-style-type: none"> • Consideration of the maintenance of AC – how would this be managed when vehicles are parked?
<p>Principle 5 - Sustainability</p>	<p>0</p>	<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.9, 4.1, 4.2, 4.3, 4.11, 4.12, 4.15, 4.16, 4.17 as relevant.</i></p>
		<p><u>5a. Comments</u></p> <ul style="list-style-type: none"> • Principles associated with passive design strategies including cross ventilation and passive solar shading, all contribute to a sustainable design outcome. <p><u>5b. Recommendations</u></p> <ul style="list-style-type: none"> • Not presented or discussed in any detail. An ESD consultant to be provided.
<p>Principle 6 - Amenity</p>	<p>2</p>	<p><i>Good design optimises internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3,4.4, 4.5, ,4.7, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17,4.18 as relevant.</i></p>

		<p><u>6a. Comments</u></p> <ul style="list-style-type: none"> • Setback variations are proposed & the interface to the western site coded at R60 needs to be considered sensitively. • Overlooking and privacy to the western interface and the side neighbours (when developed similarly). • Bedrooms have high level windows – suboptimal for internal amenity and access to sunlight. • Unit 2 – second bathroom not easily accessible. • Large balconies & limited openings to habitable rooms – impacts to access to northern light. • Car parking may be insufficient in comparison with other recent similar proposals on Broadway. <p><u>6b. Recommendations</u></p> <ul style="list-style-type: none"> • Consider adding communal corridors to maximise natural light and cross ventilation. Lift core on the northern side? • Consider meeting the setbacks and tiering the development to the western boundary. • Consider reducing the balconies, increasing setbacks and adding in additional openings to maximise the northern light. • Optimise car parking in regards the R Codes and buildings of similar quality proposed nearby.
<p>Principle 7 - Legibility</p>	<p>3</p>	<p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4,3.6, 3.7, 3.8, 3.9, 4.5 as relevant.</i></p>
		<p><u>7a. Comments</u></p> <ul style="list-style-type: none"> • Front door is legible. <p><u>7b. Recommendations</u></p> <ul style="list-style-type: none"> • No further recommendations.
<p>Principle 8 - Safety</p>	<p>3</p>	<p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1,3.4, 3.6, 3.7, 3.8,3.9, 4.5 as relevant.</i></p>
		<p><u>8a. Comments</u></p> <ul style="list-style-type: none"> • <p><u>8b. Recommendations</u></p> <ul style="list-style-type: none"> • No further recommendations.

<p>Principle 9 - Community</p>	<p>3</p>	<p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.5, 4.9,4.18 as relevant.</i></p>
		<p><u>9a. Comments</u></p> <ul style="list-style-type: none"> • No details on the context – existing character & future character. <p><u>9b. Recommendations</u></p> <ul style="list-style-type: none"> • Provide a streetscape elevation & diagram showing the existing and potential development of sites next door and as viewed from Broadway. Additional details on how the design has responded to the local community needs.
<p>Principle 10 Aesthetics</p>	<p>2</p>	<p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4, 4.8 as relevant.</i></p>
		<p>10a.[Comments]</p> <p><u>10b. Recommendations</u></p> <ul style="list-style-type: none"> • Consider a diversity of materials and increasing the depth of planting on structure to the balconies – in view of the public realm. • More details to be provided on colours & materials schedule, screens and planters.

<i>Architectural Design Review Assessment City of Nedlands Design Review Panel</i>		
Design quality evaluation		
Lot 541 (No.99) Broadway, Nedlands – Mixed Use Development comprising of 21 x Multiple Dwellings & Café Tenancy (JDAP)		
Design Review – 1 November 2021		
Panel:		
<ul style="list-style-type: none"> • Simon Anderson – Chair • Simon Venturi – Deputy Chair • Emma Williamson • Dominic Snellgrove 		
City of Nedlands Representatives:		
<ul style="list-style-type: none"> • Roy Winslow – Manager Urban Planning • Aviva Micevski – Coordinator Statutory Planning 		
Apply the applicable rating to each Design Principle	3	<i>Supported</i>
	2	<i>Further information required</i>
	1	<i>Not supported</i>
	0	<i>Yet to be addressed</i>
Summary		<p>The subject site comprises of a singular allotment (880m² in area) and is located west of Broadway, Nedlands. The site falls approximately 7m from the west to the east with the lowest part of the site being located along Broadway.</p> <p>The subject site is zoned 'Urban' by the Metropolitan Region Scheme and 'Mixed Use' by the City of Nedlands Local Planning Scheme No.3 and has a density coding of R-AC3. The proposal is for a 6 storey development with reduced side and rear setbacks. Plot ratio appears to be over the acceptable outcome measurement of 2.0.</p> <p>The east of Broadway is located within the City of Perth municipal boundary (previously City of Subiaco). The properties to the west are zoned 'Residential' with an R60 density and contain existing low density residential development. To the north of the site, there is an existing three-storey commercial tenancy, which is registered under the City's Municipal Heritage Inventory and an existing low density residential development to the south.</p> <p>The development was previously presented to the 8 June 2021 Design Review Panel.</p>
Strengths of the Proposal		<p><u>Review 1</u></p> <ul style="list-style-type: none"> • Well presented design presentation.

		<ul style="list-style-type: none"> • Internal apartment layout is generally good as is the architectural language of the development in terms of native species, inclusion of solar panels and amount of community facilities. • Café at the street level provides a good active use. • Air conditioning equipment located in the basement level. • Sleeved car parking area. • Access to natural light. <p>Review 2</p> <ul style="list-style-type: none"> • Comprehensive and effective presentation. • Enhanced side and rear setbacks are a good outcome. • Well engaged streetscape. • High level of natural light and ventilation to bedrooms. • Landscaping for rear buffer is effective. • Increased planter depths good on street. • Efficient well planned units that are well designed. • Amenity and cross ventilation good across units. • Small café is well thought out and appropriate. • Parking appears good.
<p>Principle 1 - Context and character</p>	<p>R1 2</p> <p>R2 2</p>	<p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> <p>Review 1</p> <p><u>1a. Comments</u></p> <ul style="list-style-type: none"> • Setback variations are proposed & the interface to the western site coded at R60 needs to be considered sensitively. • No details on the context – existing character & future character. <p><u>1b. Recommendations</u></p> <ul style="list-style-type: none"> • Consider meeting the setbacks and tying the development to the western boundary. Review other recently approved developments along Broadway. • Provide a streetscape elevation & diagram showing the existing and potential development of sites next door and as viewed from Broadway. <p>Review 2</p> <p><u>1a. Comments</u></p> <ul style="list-style-type: none"> • Side elevations appear boxy and do not respond well to the character of the area. • Strengthened context and character is good. <p><u>1b. Recommendations</u></p> <ul style="list-style-type: none"> • Context and character need to be expressed through the built form, particularly though the front elevation.

		<ul style="list-style-type: none"> • Seek inspiration from other designs and how they respond well to local context and character. • Side elevations appear flat and need improvement including further articulation and diversity of materiality. Consider re-introducing the recesses on the previous version.
<p>Principle 2 – Landscape quality</p>		<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 4.12 and 4.16 as relevant.</i></p>
	<p>R1 2</p>	<p><u>Review 1</u></p> <p><u>2a. Comments</u></p> <ul style="list-style-type: none"> • Not yet addressed, landscape architect to be appointed with a Landscaping Plan provided. • Concerns with the limited landscaping on the verge & balconies that would assist with the context and character of the area. • No true Deep Soil Area provided. <p><u>2b. Recommendations</u></p> <ul style="list-style-type: none"> • Landscaping Plan to be provided by a Landscape Architect. • Consider a Landscape Plan & Management Plan that will includes species and how planting will be made accessible. • Landscaping that addresses & can be viewed from the public realm e.g. enlarge first floor planter over the street frontage. • Consider providing Deep Soil Areas to the rear of the site, by reducing the basement footprint
	<p>R2 2</p>	<p><u>Review 2</u></p> <p><u>2a. Comments</u></p> <ul style="list-style-type: none"> • Planter box depths still lacking. • No true deep soil areas. • Lack of planting on site. <p><u>2b. Recommendations</u></p> <ul style="list-style-type: none"> • Maximise deep soil areas and landscaping over the structure. Consider lowering the slab over the rear area of the parking to provide additional soil depth in this area. • Liaise with the City regarding the possibility of additional planting on footpath. • Planter depths and reticulation detail needed.
<p>Principle 3 – Built form and scale</p>		<p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p>

		<p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 4.10 and 4.11 as relevant.</i></p>
	<p>R1 1</p>	<p><u>Review 1</u></p> <p>3a. Comments</p> <ul style="list-style-type: none"> • The overall built form appears to be excessively filling the building envelope, particularly in the absence of deep soil areas. • Reliance on high level windows, screening and reduced setbacks. • Plot ratio appears to be well over & built form outcomes not optimal. <p>3b. Recommendations</p> <ul style="list-style-type: none"> • Consider increasing the setbacks to meet R codes, reducing the balcony areas and avoid reliance of screening to reduce the overall bulk and scale. • Check that the plot ratio is in fact 2.0. If not then reduce bulk on the western side of the site addressing R60 lots and on the side neighbours by meeting privacy setbacks.
	<p>R2 3</p>	<p><u>Review 2</u></p> <p>3a. Comments</p> <ul style="list-style-type: none"> • Clear improvements following first review. • Built form and scale changes now respond well to the site. <p>3b. Recommendations</p> <ul style="list-style-type: none"> • No further recommendations.
<p>Principle 4 – Functionality and build quality</p>		<p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</i></p> <p><i>As informed by SPP7.3 Element Objectives 4.3, 4.4, 4.6, 4.7, 4.12, 4.15, 4.17, 4.18 as relevant.</i></p>
	<p>R1 3</p>	<p><u>Review 1</u></p> <p>4a. Comments</p> <ul style="list-style-type: none"> • The overall plan is generally functional and AC in the basement concealed from view is supported. <p>4b. Recommendations</p> <ul style="list-style-type: none"> • Consideration of the maintenance of AC – how would this be managed when vehicles are parked?
	<p>R2 3</p>	<p><u>Review 2</u></p> <p>4a. Comments</p> <ul style="list-style-type: none"> • Poor functionality of storage rooms – dimensions appear to be very narrow. <p>4b. Recommendations</p> <ul style="list-style-type: none"> • Pumps and tanks may be needed. • Consider using roller doors for greater access to storage.

<p>Principle 5 - Sustainability</p>		<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.9, 4.1, 4.2, 4.3, 4.11, 4.12, 4.15, 4.16, 4.17 as relevant.</i></p>
	<p>R1 0</p>	<p><u>Review 1</u></p> <p>5a. Comments</p> <ul style="list-style-type: none"> Principles associated with passive design strategies including cross ventilation and passive solar shading, all contribute to a sustainable design outcome. <p>5b. Recommendations</p> <ul style="list-style-type: none"> Not presented or discussed in any detail. An ESD consultant to be provided.
	<p>R2 1</p>	<p><u>Review 2</u></p> <p>5a. Comments</p> <ul style="list-style-type: none"> No ESD considerations provided yet. <p>5b. Recommendations</p> <ul style="list-style-type: none"> Employ an ESD consultant for sustainable outcomes.
<p>Principle 6 – Amenity</p>		<p><i>Good design optimises internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3,4.4, 4.5, ,4.7, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17,4.18 as relevant.</i></p>
	<p>R1 2</p>	<p><u>Review 1</u></p> <p>6a. Comments</p> <ul style="list-style-type: none"> Setback variations are proposed & the interface to the western site coded at R60 needs to be considered sensitively. Overlooking and privacy to the western interface and the side neighbours (when developed similarly). Bedrooms have high level windows – suboptimal for internal amenity and access to sunlight. Unit 2 – second bathroom not easily accessible. Large balconies & limited openings to habitable rooms – impacts to access to northern light. Car parking may be insufficient in comparison with other recent similar proposals on Broadway. <p>6b. Recommendations</p> <ul style="list-style-type: none"> Consider adding communal corridors to maximise natural light and cross ventilation. Lift core on the northern side?

		<ul style="list-style-type: none"> • Consider meeting the setbacks and tiering the development to the western boundary. • Consider reducing the balconies, increasing setbacks and adding in additional openings to maximise the northern light. • Optimise car parking in regards the R Codes and buildings of similar quality proposed nearby.
	<p>R2 2</p>	<p><u>Review 2</u></p> <p><u>6a. Comments</u></p> <ul style="list-style-type: none"> • Removal of recess in centre of each side of the building is a poor outcome in terms of outlook and natural light access to apartments. Results in alterations to unit windows that are limited by visual privacy and overlooking, particularly on the north face. • Level 1 communal area could be improved. The size is limited and the location negatively impacts on the Unit 3 Living & Balcony areas. • Bedrooms 2 and 1 Unit U2 have restricted access to natural light, view and vista as a result of significant privacy screening. • Full height windows to bedrooms on the north boundary may be subject to privacy screening. • Top floor north facing balcony may have visual privacy issues requiring screening. <p><u>6b. Recommendations</u></p> <ul style="list-style-type: none"> • Consider redesign of level 1 communal area. BBQ placement could be reconsidered to maximise use of the space and improve amenity. • Consider functional apartment plans that deliver bedrooms capable of hosting sufficient window openings that are not constrained by privacy screens. • Consider introducing a west facing window to the bedroom in U4 in addition to a high level south facing window.
<p>Principle 7 - Legibility</p>		<p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4, 3.6, 3.7, 3.8, 3.9, 4.5 as relevant.</i></p>
	<p>R1 3</p>	<p><u>Review 1</u></p> <p><u>7a. Comments</u></p> <ul style="list-style-type: none"> • Front door is legible. <p><u>7b. Recommendations</u></p> <ul style="list-style-type: none"> • No further recommendations.
	<p>R2</p>	<p><u>Review 2</u></p> <p><u>7a. Comments</u></p>

	3	<ul style="list-style-type: none"> No further comments. <p><u>7b. Recommendations</u></p> <ul style="list-style-type: none"> No further recommendations.
Principle 8 - Safety		<p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1,3.4, 3.6, 3.7, 3.8,3.9, 4.5 as relevant.</i></p>
	R1	<u>Review 1</u>
	3	<p><u>8a. Comments</u></p> <ul style="list-style-type: none"> No comments. <p><u>8b. Recommendations</u></p> <ul style="list-style-type: none"> No further recommendations.
Principle 9 - Community	R2	<u>Review 2</u>
	3	<p><u>8a. Comments</u></p> <ul style="list-style-type: none"> Potential safety issue with bike storage. Interaction between bike storage and internal driveway may be a hazard. <p><u>8b. Recommendations</u></p> <ul style="list-style-type: none"> Reconsider design of bike storage to improve safety.
		<p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.5, 4.9,4.18 as relevant.</i></p>
Principle 9 - Community	R1	<u>Review 1</u>
	3	<p><u>9a. Comments</u></p> <ul style="list-style-type: none"> No details on the context – existing character & future character. <p><u>9b. Recommendations</u></p> <ul style="list-style-type: none"> Provide a streetscape elevation & diagram showing the existing and potential development of sites next door and as viewed from Broadway. Additional details on how the design has responded to the local community needs.
	R2	<u>Review 2</u>
Principle 9 - Community	3	<p><u>9a. Comments</u></p> <ul style="list-style-type: none"> No further comments. <p><u>9b. Recommendations</u></p> <ul style="list-style-type: none"> No further recommendations.
		<p><i>Good design is the product of a skilled, judicious design process that</i></p>
Principle 10		

<p>Aesthetics</p>		<p><i>results in attractive and inviting buildings and places that engage the senses.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4, 4.8 as relevant.</i></p>
	<p><u>R1</u> 2</p>	<p><u>Review 1</u></p> <p><u>10a. Comments</u></p> <ul style="list-style-type: none"> • No comments. <p><u>10b. Recommendations</u></p> <ul style="list-style-type: none"> • Consider a diversity of materials and increasing the depth of planting on structure to the balconies – in view of the public realm. • More details to be provided on colours & materials schedule, screens and planters.
	<p><u>R2</u> 2</p>	<p><u>Review 2</u></p> <p><u>10a. Comments</u></p> <ul style="list-style-type: none"> • Ground floor decorative garage door is considered to be excessive and not reflective of the surrounding context. • Aesthetics appear to have been considered in two halves – building responds to adjoining lot of each half respectively. <p><u>10b. Recommendation</u></p> <ul style="list-style-type: none"> • Julius Elischer side useful for redesign of garage door. • Consider further detailing of design to enhance aesthetics. Further strengthen the aesthetic reference to the adjoining buildings on both sides of the development. • Consider further detailing of balustrading and glass to enhance façade.

**Heritage Impact Statement
for
Elischer Studio (fmr) (1969)
97 Broadway, Nedlands, WA 6009**

**with reference to proposed development
at 99 Broadway, Nedlands**



Elischer Studio (fmr) at 97 Broadway, Nedlands
(JTA 11 November 2021)

prepared by

**JOHN
TAYLOR
ARCHITECT**

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for the



City of Nedlands

November 2021

03321 Elischer Studio.docx

14 November 2021

1 INTRODUCTION

The City of Nedlands has received a development application for a six-storey mixed use development at 99 Broadway, Nedlands. During the City's assessment of the proposal, questions have been raised as to whether the development would impact the heritage significance of the commercial property *Elischer Studio (fmr)* immediately to the north at 97 Broadway, Nedlands.

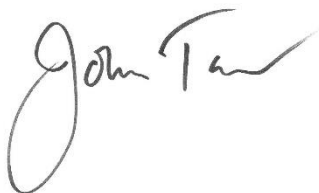
The City has requested that John Taylor Architect provides a brief heritage assessment in respect of *Elischer Studio (fmr)* at 97 Broadway Nedlands, with reference to the potential impact of the development proposal for 99 Broadway.

Elischer Studio (fmr) is listed on the City's City of Nedlands Municipal Heritage Inventory 2012 (final draft dated February 2014) as part of the *Elischer Studio & Residence (fmr)* complex, but is not on the City's Heritage List. The residence portion of the listing addresses the parallel street to the west of Broadway - Kingsway.

The understanding of a place provided by documentary, physical and comparative evidence assists in its heritage assessment, based on a number of objective criteria. The most important of these criteria can be summarised in a Statement of Significance – and this document follows that process, thus allowing consideration of the impact of proposals for change.

The State Heritage Office publications *Criteria for the Assessment of Local Heritage Places and Areas (Practical Guide)*; *Heritage Impact Statement; Development Assessment Framework*; and Australia ICOMOS *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013, are key texts providing guidance in the preparation of this document.

Yours faithfully



Dr John Taylor

FRAIA M.ICOMOS B Arch (UWA) MA (York) PhD (UWA)

2 DOCUMENTARY EVIDENCE

2.1 BACKGROUND TO JULIUS ELISCHER

Julius William Elischer de Thurzobanya was born in Budapest in 1918, and grew up in Austria, Hungary and Germany. He was leader of the student battalions that defended Budapest from the Germans in 1944, where he was wounded and taken prisoner, but escaped and fled Hungary. He was actively involved in the Pan-European movement and was influential, as its International Youth Secretary, in promoting a European Common Market. In his early career as an architect in Germany he was involved in design work for the post-World War Two reconstruction of the country, and in 1949 he worked with Ferdinand Streb, a former employee of Le Corbusier. In the early 1950s, Elischer emigrated to Melbourne, where, he worked for the architectural firm of Frank Heath before opening his own business in which he was able to experiment with building technology. In 1957, Stramit invited Elischer to develop a modular building system in Perth, where he remained. From 1959 he was employed by Reginald Summerhayes as a draftsman, as he was not at that time registered in Australia as an architect.¹ The local profession at that time was conservative and predominantly 'anglophile' in nature and although migrants like Elischer and Iwan Iwanoff would later be considered to have made significant contributions to Western Australian architecture, they were not initially accepted into the establishment.²

Following a brief period teaching architecture at Cornell University in 1963, Elischer established his own architectural office in Perth. Modern Australian architecture was described in the late 1960s as being 'an eclectic collaging of European and American sources',³ brought back by local architects who travelled and studied overseas and by immigrant architects, which latter group included Elischer. He was involved in project home designs in the 1960s, and provided designs for a large number of low-cost housing projects, including flats and retirement homes, as well as one-off buildings, which included churches, chapels, halls, school libraries, offices and factories. He developed a reputation for producing designs that could be economically built to a high standard. During the 1970s, Elischer lectured in design at the University of Western Australia. He retired in 1986, although the practice continued until the early 1990s. An exhibition of a selection of his projects was held at the Cullity Gallery, Faculty of Architecture, Landscape & Visual Arts, University of Western Australia in September 2003 shortly before he died in February 2004.⁴

¹ Goodlich, Mary-Anne, Julius Elischer Architect: Selected projects 1958-1985', Cullity Gallery, Faculty of Architecture, Landscape & Visual Arts, UWA, 9 September – 3 October 2003; *The Way 79: who is who: synoptic biographies of Western Australians*, Crawley Publishers, Nedlands, 1980, p. 112.

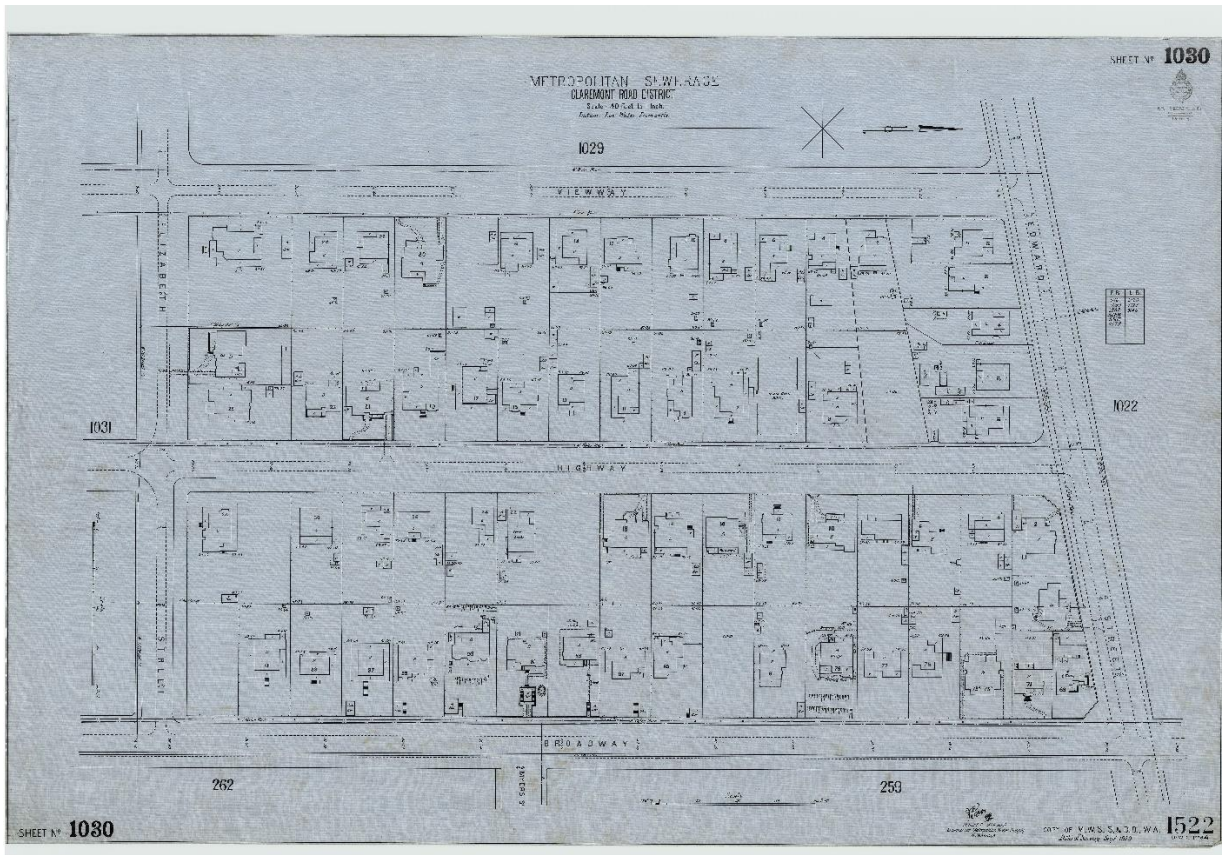
² London, G. Modern Houses. Architect designed houses in Western Australia from 1950-1965, Cullity Gallery, Faculty of Architecture, Landscape & Visual Arts, UWA, 9 September – 3 October, 2003, p. 8.

³ Freeland, J.M. cited in Anderson, S. 'White Light: The Modernism of Julius Elischer', Julius Elischer Architect, Selected Projects 1958-1985, Cullity Gallery, Faculty of Architecture, Landscape & Visual Arts, UWA, 1 September – 20 September, 1997, p. 8.

⁴ Mary-Anne Goodlich, op cit; 'Julius Elischer Architect: Selected projects 1958-1985', Cullity Gallery, Faculty of Architecture, Landscape & Visual Arts, UWA, 9 September – 3 October, 2003, p. 8.

2.2 BACKGROUND TO 97 BROADWAY NEDLANDS

The blocks fronting Broadway on its western side between Edward and Elizabeth Streets were developed in the early twentieth century, and initially accommodated single residences that enjoyed elevated views toward the east. The architectural style of that time was predominantly of the Federation idiom, with some later Inter-war construction.



Plan illustrating the blocks bounded by Viewway and Broadway between Edward and Elizabeth Streets in the first portion of the twentieth century (MWSS&DB sheet 1030, date of survey 1928, State Records Office of WA)

As the twentieth century progressed, the development of the University of Western Australia campus to the east of Broadway and an increased focus on the primacy of the thoroughfare of Broadway resulted in an increase in commercial developments, primarily at its junctions with Stirling Highway, Princess Road and The Avenue. In the latter portion of the century, commercial development extended along Broadway to a greater degree, and the development of *Elischer Studio (fmr)* in 1969 was an example of an ongoing dilution of the former single residential focus to the west of Broadway.

Julius Elischer was an émigré architect whose buildings played an important role in the adoption of international Modernism in WA's post-war architecture. Two of his notable early buildings, dated 1964, are the former Foulkes-Taylor showroom on the corner of Broadway and Cooper Street, Nedlands and the Wollaston Anglican Chapel in Mt Claremont. He was also responsible for the extensions to the City of Nedlands Council building, and Melvista Lodge.

Built in 1969, his home on 28 Kingsway was designed to be linked at the rear by a small bridge to his office-studio at 97 Broadway. 'Elischer always encouraged his family in his workplace especially when his children were young. ...The architectural offices reflected a practice that would have had all the related

professions 'in house'. It embodied an attitude to work and domestic life that planners have only relatively recently tried to incorporate in residential/mixed use zoning.'⁵

Elischer Studio (fmr) appears to have been secure in ongoing commercial usage from 1969 to the current time.

3 PHYSICAL EVIDENCE

3.1 SITING – STREETScape SETTING OF ELISCHER STUDIO (FMR)

As the development proposal of 2021 adjacent to *Elischer Studio (fmr)* primarily concerns the proposed utilisation of the land to the south of the residence for a six-storey mixed use development at 99 Broadway, a detailed physical assessment of the property has not been recorded for this document. A site visit was made to confirm previous familiarity with the physical setting.

Elischer Studio (fmr) is an element of a complex noted on the City of Nedlands' Municipal Heritage Inventory as comprising Julius Elischer's former studio, now commercial premises, addressing Broadway; and Elischer residence (fmr), addressing Kingsway, linked by a bridge. The Broadway commercial office is a three storey rendered masonry building, built in the form of a cube, with the first floor appearing to cantilever over the ground floor, and a front elevation that is largely a blank wall, with deeply recessed glazing set just under the deep flat roof and extending around the building. A second strip of glazing extends along the southern elevation of the first floor.



Aerial view from the south of the block around 97 Broadway. Note the dilution of single residential character facing Broadway. (Google Earth November 2021)

For over 50 years, *Elischer Studio (fmr)* has been notable on Broadway due to its mass, style and distinctive elevation.

⁵ Goodlich, Mary-Anne, Julius Elischer Architect: Selected projects 1958-1985', Cullity Gallery, Faculty of Architecture, Landscape & Visual Arts, UWA, 9 September – 3 October 2003, p. 46.

3.2 COMPARATIVE INFORMATION

The post Second World War era was a period of rapid development and the architecture from this period has not yet been as intensively researched as that of earlier periods, but 97 Broadway, Nedlands seems to be a relatively uncommon example of a commercial premise of its Late-Twentieth Century International architectural style in the 1960s.

There are 41 places that feature Late Twentieth Century International style listed on the HCWA database, of which 6 places are also on the State Register of Heritage Places:

Place 10551 Perth Observatory, 317 & 337 Walnut Rd Bickley
 Place 03048 Western Australian Police Service Complex, 2 Adelaide Tce East Perth
 Place 03553 Beatty Park Leisure Centre & Beatty Park, 220 Vincent St North Perth
 Place 16722 Art Gallery of Western Australia (Main Gallery Building) 4 Roe St Perth
 Place 11923 Subiaco Oval, 304 Roberts Road Subiaco (elements now demolished)
 Place 03550 Co-operative Bulk Handling Building (fmr), 22 Delhi St West Perth

The HCWA database includes 38 places of the Late Twentieth Century Brutalist style, 5 of which are also on the Register:

Place 00353 Bunbury Municipal Offices (fmr), 3 Stephen St Bunbury
 Place 09917 Marsala House, 38 Sycamore Rise Dianella
 Place 13655 David Foulkes-Taylor Showroom (fmr), 33 Broadway Nedlands
 Place 109097 Town Council Offices (fmr) & Library, 298 Fitzgerald St Northam
 Place 16722 Art Gallery of Western Australia (Main Gallery Building) 4 Roe St Perth



The Julius Elischer designed David Foulkes-Taylor Showroom (fmr) at 33 Broadway, Nedlands (JTA December 2005)

The David Foulkes-Taylor Showroom (fmr) at 33 Broadway, Nedlands is similar to St Philip's Anglican Church, Cottesloe (1964), which is another work by Julius Elischer that employs a similar abstract arrangement of windows. This building is on the Heritage Council of Western Australia State Register.

Elischer designed a small number of ecclesiastical buildings in the Late Twentieth-Century Perth Regional style including: Presbyterian/Uniting Church (1974), The Strand, Dianella; St Michael's Anglican Church (1975), cnr Gunbower Street & The Promenade, Mt Pleasant; and, Anglican Church (1978), Bernier Road, Shelley. St Augustine's Congregational-Presbyterian Uniting Church at Mangles Street, Bunbury (demolished) won a citation in the judging of the 1971 Bronze Medal Award of the RAIWA (WA Chapter).

The Demar Showrooms (1974-1980), designed by Elischer at the corner of Cambridge and Kimberley streets, Leederville, has some similarities to 97 Broadway, Nedlands. The simple rectangular form and sheer masonry walls incorporate similar devices to the earlier showroom for Foulkes Taylor at 33 Broadway Nedlands, for filtering natural light from the east and west and through a skylight in the roof. Internally, the planning and structure of the display space shows consideration for flexibility and employs mezzanines and bridges with reinforcing mesh balustrades.

Some of Elischer's residential developments from the same period include: Landall's Mediterranean Village (1966), cnr Albany Highway and Beckenham Street, Cannington; Aitken House (1970), Patula Way, Coolbinia; and retirement units, Lisle & Leaweena Lodges (1978-87), cnr Alfred Road and Lisle Street, Mt Claremont. Other work by Elischer in the City of Nedlands includes additions to the Municipal Offices, cnr Smyth Road and Stirling Highway (1976); Leaweena Lodge cnr Alfred Road and Lisle Street, Mount Claremont (1972) and the Melvista Lodge & Nursing Home, Nedlands (1973).

Drawings in the Elischer series at the J.S. Battye Library of Western Australia History Collection include a number of residences in Nedlands, works to the Nedlands kindergarten and Nedlands primary school.

For the design of both 33 and 97 Broadway, Nedlands (and St Philip's Anglican Church), Julius Elischer seems to have been influenced by the work of Le Corbusier.

Elischer is recognised as one of Western Australia's more influential architects of the 1960s and 1970s.

4. HERITAGE ASSESSMENT***Elischer Studio (fmr)***

1. **HCWA DATA BASE No.** n/a
2. **OTHER NAMES** *Elischer Studio (fmr)*
3. **LOCATION** 97 Broadway, Nedlands, WA 6009
4. **DESCRIPTION OF PLACE INCLUDED IN THIS ENTRY**
Lot no. TBA (Certificate of Title Vol x Folio y)
5. **LOCAL GOVERNMENT AREA** City of Nedlands
6. **OWNER** TBA
7. **HERITAGE LISTINGS**
 - Town Planning Scheme: no -----
 - Heritage List / MHI: no / yes -----
8. **CONSERVATION ORDER**

9. **HERITAGE AGREEMENT**

10. **STATEMENT OF SIGNIFICANCE**
Elischer Studio (fmr), a three storey rendered masonry building of 1969 designed by Julius Elischer in Late-Twentieth Century International style, has cultural heritage significance for the following reasons:

Elischer Studio (fmr) has aesthetic significance as a fine example of a well-designed Late-Twentieth Century International building.

Elischer Studio (fmr) has aesthetic significance for its landmark quality.

Elischer Studio (fmr) has considerable historic value for its association with the well-known Perth architect Julius Elischer.

Elischer Studio (fmr) has rarity value as an example of Late-Twentieth Century International design in the City of Nedlands.

5 PRINCIPAL IMPACTS

The Australia ICOMOS *Burra Charter* is the accepted guiding document for heritage conservation at all levels of government in Australia.

[*The Burra Charter* is available online from the Australia ICOMOS website at australia.icomos.org.]

In consideration of the impact of development at a heritage place, the State Heritage Office's document *Development Assessment Framework* provides further guidance to assessment of change, citing relevant *Burra Charter* articles:

GENERAL APPROACH TO CHANGE

1. Places of cultural significance should be conserved. (Article 2.1)
2. Proposed changes should respect the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible. (Article 3.1)
3. Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture. (Article 3.2)
4. Change is acceptable only where the change has minimal impact on the cultural heritage significance of the place. (Article 21.1)
5. Proposed changes should involve minimal change to significant fabric, achieved only after considering alternatives. (Article 21.2)
6. Proposed changes should retain an appropriate visual setting when it contributes to the cultural heritage significance of the place. New construction, demolition, intrusions or other changes, which would adversely affect the setting, are inappropriate. (Article 8)
7. Change may be necessary to retain cultural heritage significance, but is undesirable where it reduces cultural heritage significance. The amount of change to a place should be guided by the cultural heritage significance of the place and its appropriate interpretation. (Article 15.1)
8. A Conservation Management Plan should be prepared if changes are being considered for a place.
9. Proposed changes will be reviewed according to the impact on the identified cultural heritage values and significant fabric.
10. Proposed changes should be analysed with reference to the Statement of Significance and the policies contained in its Conservation Management Plan. (Article 27.1)

In consideration of the impact of development adjacent to *Elischer Studio (fmr)*, the following images have been copied from development proposal documents produced by dmg architecture (drawings 12.01 and 03.02) and provided by the City of Nedlands to assist with assessment – the documents are listed fully at Appendix 7.2.



The following aspects of the proposal respect or enhance the heritage significance of the place:

Nil

The following aspects of the proposal would detrimentally impact on the heritage significance of the place:

With a lesser street setback, the bulk and scale of the proposed new development would have a detrimental impact on the landmark streetscape character of *Elischer Studio (fmr)* through the loss of a south-east view corridor to the primary eastern elevation of *Elischer Studio (fmr)*.

It is possible that with more recent rezoning to permit higher density development in the area, another similarly-scaled development to the north side of 97 Broadway, also with a lesser setback, would further diminish the aesthetic values of *Elischer Studio (fmr)*.

6. CONCLUSION

Elischer Studio (fmr) is a significant visual reference point on Broadway in Nedlands. It has importance for its association with renowned Nedlands architect Julius Elischer, and its landmark character, which contributes to the streetscape and cultural environment of a principal thoroughfare of the City.

With a lesser setback, the bulk and scale of the proposed new development would have a minor impact on heritage value (primarily aesthetic) - the landmark and streetscape character of *Elischer Studio (fmr)*.

7. APPENDICES:

7.1 KEY REFERENCES:

Apperly, R., Irving, R., & Reynolds, P., *A Pictorial Guide to Identifying Australian Architecture*. Angus & Robertson, Sydney, 1994.

John Taylor Architect, *Heritage Assessment for 33 Broadway Nedlands*, for the RAIA (WA), December 2005.

Hislop, Kate (ed.) *Julius Elischer Architect: Selected projects 1958-1985*, Cullity Gallery, Faculty of Architecture, Landscape & Visual Arts, UWA, 9 September – 3 October, 2003.

State Library of Western Australia, J.S. Battye Library of Western Australia History Collection, *ELISCHER, Julius, 1918-2004*, MN 2608

Williams Albert Edward, *Nedlands: from Campsite to City*, City of Nedlands 1984.

7.2 DOCUMENTS PROVIDED BY THE CITY OF NEDLANDS TO ASSIST WITH ASSESSMENT:

Palassis Architects, City of Nedlands Municipal Heritage Inventory 2012, final draft dated February 2014, pp.93-94: Elischer Studio & Residence (fmr), Nedlands

DRAWINGS: 'Issued to City of Nedlands for Development Approval' by dmg architecture dated 09/09/21, and red ink stamped 'City of Nedlands received 23 September 2021'
Title block: Mixed Use Development, 99 Broadway Nedlands

- A00.00 COVER PAGE
- A00.01 LOCAL CONTEXT PLAN
- A01.01 FEATURE SURVEY
- A01.02 SITE PLAN INCL OVERSHADOWING STUDY
- A02.01 BASEMENT
- A02.02 GROUND FLOOR
- A02.03 LEVEL 1
- A02.04 LEVELS 2-5
- A02.05 LEVEL 6
- A02.06 ROOF
- A03.01 STREET VIEW 1
- A03.02 STREET VIEW 2
- A03.03 STREET VIEW 3
- A03.04 CAFÉ VIEW 1
- A03.05 CAFÉ VIEW 2
- A03.06 REAR LOT VIEW
- A03.06 VIEW FROM LOT 101
- A06.01 ELEVATIONS NORTH & EAST
- A06.02 ELEVATIONS SOUTH & WEST
- A06.03 CONTEXT SECTION
- A07.01 CONTEXT 3D VIEW
- A07.02 3D SECTION 1
- A07.03 3D SECTION 2
- A07.04 DAYLIGHT ACCESS & CROSS VENTILATION L1-5
- A07.05 DAYLIGHT ACCESS & CROSS VENTILATION L6
- A12.01 EXISTING VS PROPOSED STREETScape
- A12.02 DESIGN PRECEDENCES
- ANNEX A DEVELOPMENT SUMMARY

99 BROADWAY, NEDLANDS

DEVELOPMENT APPLICATION PACKAGE

LANDSCAPE DESIGN

I S S U E F O R R E V I E W

- SK01-B** Landscape Design - Plant Palette & Inspiration
- SK02-B** Landscape Masterplan - Ground & First Floor
- SK03-B** Landscape Masterplan - Sixth Floor
- SK04-B** Landscape Compliance Diagram

LANDSCAPE DESIGN - PLANT PALETTE & INSPIRATION

PRELIMINARY TREE SELECTION



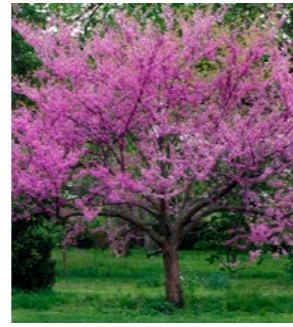
Caesalpinia ferrea



Melaleuca lanceolata



Bauhinia blakeana



Cercis canadensis

PRELIMINARY PLANT SELECTION



Anigozanthos flavidus



Conostylis candicans



Calothamnus quadrifidus



Hibbertia cuneiformis



Hardenbergia comptoniana



Cotyledon silver wave



Casuarina 'Cousin It'



Trachelospermum jasminoides



Olearia axillaris



Trachelospermum asiaticum



Pittosporum tenuifolium



Hibbertia scandens



Templetonia retusa



Myoporum parvifolium



Dianella revoluta



Lomandra tanika



Philodendron xanadu



Isolepis cernua



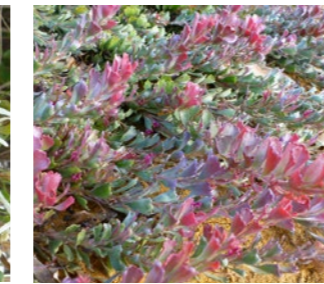
Ficus pumila



Dichondra silver falls



Clematis linearifolia



Adenanthos cuneatus

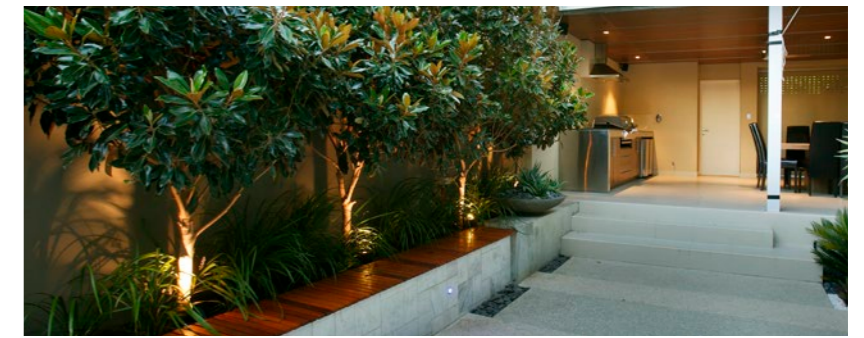
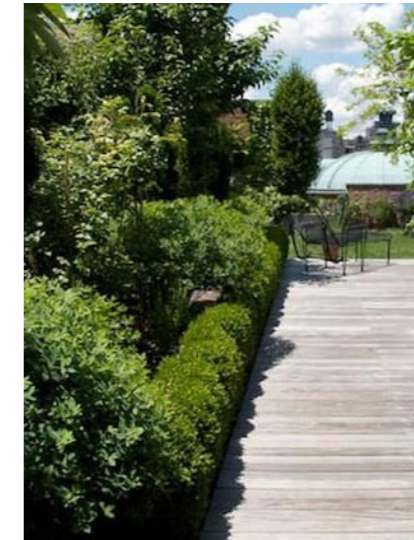


Phormium tenax



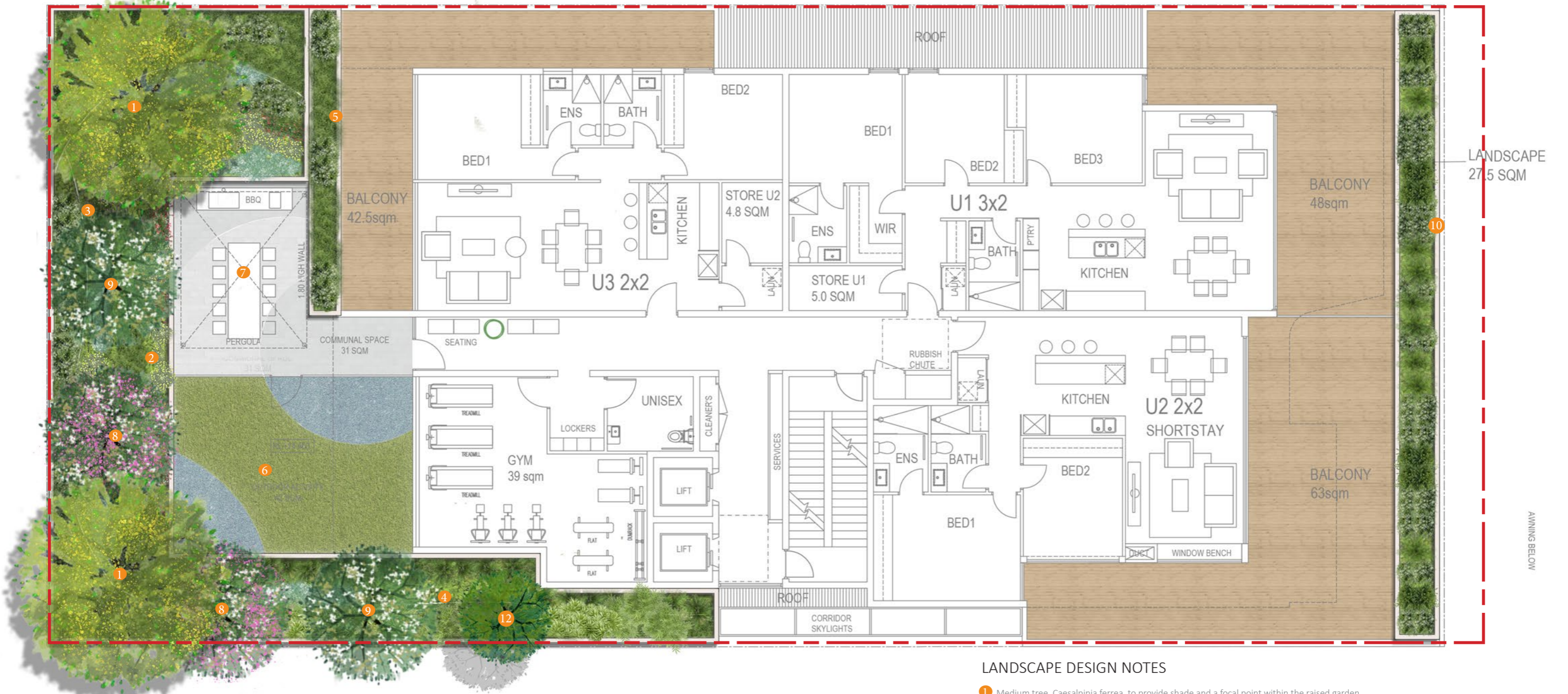
Senecio mandraliscae

INSPIRATION



LANDSCAPE MASTERPLAN - GROUND & FIRST FLOOR

LANDSCAPE PLAN- FIRST FLOOR



LANDSCAPE DESIGN NOTES

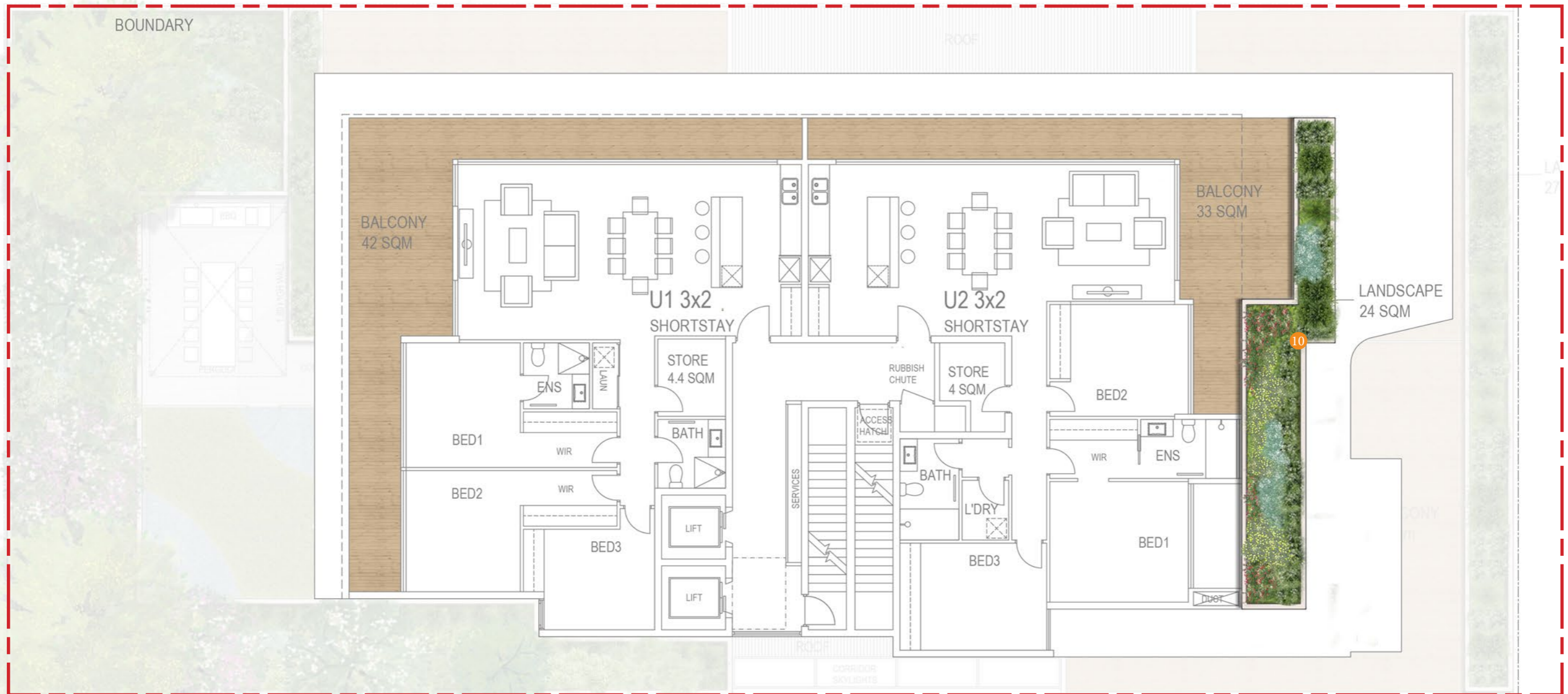
- 1 Medium tree, *Caesalpinia ferrea*, to provide shade and a focal point within the raised garden.
- 2 Native and exotic low groundcovers to provide a diverse range of heights and species within the planter.
- 3 A mix of native and exotic small to medium shrubs and climbers to create a visual barrier along the west fencing.
- 4 Partial/full shade tolerant planting to create a green buffer between the properties.
- 5 1m wide planter filled with cascading plants to provide visual line of site to the balcony as well as provide the communal space with an ecological aesthetic.
- 6 Specified outdoor activity space, with a mix of artificial turf and rubber.
- 7 Communal space under pergola, with amenities such as BBQ.
- 8 Small feature tree, *Bauhinia blakeana*, to provide a visual focal point and bring vibrant colour to the area.
- 9 Small tree, *Melaleuca lanceolata*, to provide colour and aesthetic within the planter.
- 10 Planter along the east side boundary filled with a mix of native and exotic cascading and small planting to create a visual aesthetic for the building.
- 11 Small planter filled with shade tolerant planting to create a green entrance to the building.
- 12 Shade tolerant small tree, *Cercis canadensis*, to provide a green wall to the building and to act as a tall buffer to the neighbouring properties.
- 13 Roof planter with a mix of native and exotic cascading and small planting.

LANDSCAPE PLAN- GROUND FLOOR



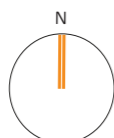
LANDSCAPE MASTERPLAN - SIXTH FLOOR

LANDSCAPE PLAN- SIXTH FLOOR



LANDSCAPE DESIGN NOTES

- 1 Medium tree, *Caesalpinia ferrea*, to provide shade and a focal point within the raised garden.
- 2 Native and exotic low groundcovers to provide a diverse range of heights and species within the planter.
- 3 A mix of native and exotic small to medium shrubs and climbers to create a visual barrier along the west fencing.
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- 13 Roof planter with a mix of native and exotic cascading and small planting.



LANDSCAPE COMPLIANCE DIAGRAM

SPP7.3 COMPLIANCE CRITERIA

SITE AREA SPP7.3	MIN. DSA SPP 7.3	MIN. TREES SPP7.3
Less than 700m ²	10%	1 medium tree plus small trees to suit area
700-1000m ²		2 medium trees
Greater than 1000m ²	7% trees retained (% site area)	OR
		1 large tree and small trees to suit area
		OR
		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

DEVELOPMENT PROVISIONS

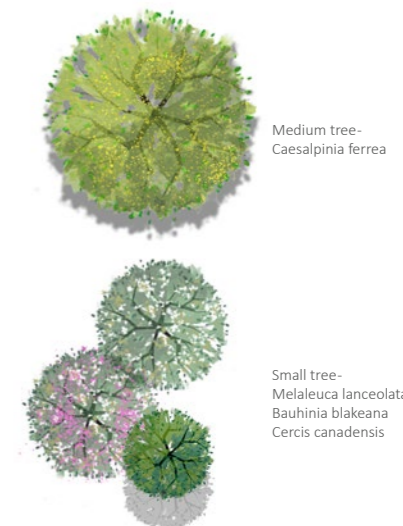
CRITERIA	SPP7.3 STANDARD	DEVELOPMENT PROPOSAL
Site Area	700-1000m ²	880m ²
Min. Trees	2 medium trees	1 medium tree (compliant) and 1 medium tree (non-compliant) and 5 small trees (compliant)
	OR	
	1 large tree and small trees to suit area	
DSA	88m ² (10%) or Planting on structure: 176m ² (20%)	Planting on structure: 176m ² (20%)

NOTE:
1. Planting under canopy cover is not calculated into the Deep Soil Area.

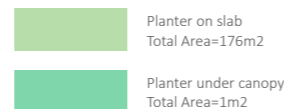
- All planting beds and turf areas are to be fully irrigated and operated off a timed controller with rain sensor shut-off.
- Irrigation design to comply with waterwise design principles and the City's tree policy. Detailed irrigation plan to be provided at building license stage but to include water efficient measures such as subsurface dripline and bubblers.
- Water efficient irrigation system to be installed to best WSUD practice, using hydro-zoning and water harvesting principals where appropriate.
- Additional waterwise design principles employed:
 - > Low water use plant selection suited to the local soil complex.
 - > Select use of water intensive turf areas.
 - > Water retention soil preparation.
 - > Reduction in soil water loss through prescribing course mulch.

SITE AREA	MATURE CANOPY DIA.	MATURE HEIGHT	DSA PER TREE REQ.	MIN. DSA WIDTH	MIN. DSA WIDTH WITH ADDITIONAL RSZ	PLANTED POT SIZE
Small	4-6m	4-8m	9m ²	2m	1.0m (DSA) + 1.0m (RSZ)	100L
Medium	6-9m	8-12m	36m ²	3m	2.0m (DSA) + 1.0m (RSZ)	200L
Large	>9m	>12m	64m ²	6m	4.5m (DSA) + 1.5m (RSZ)	500L

LEGEND

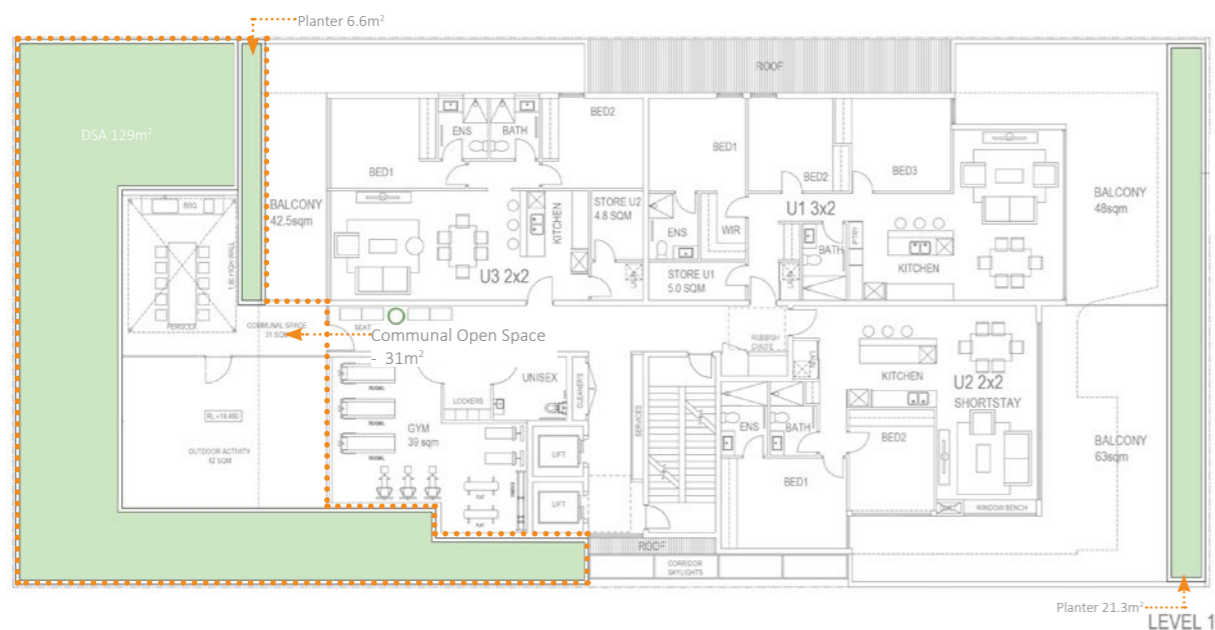


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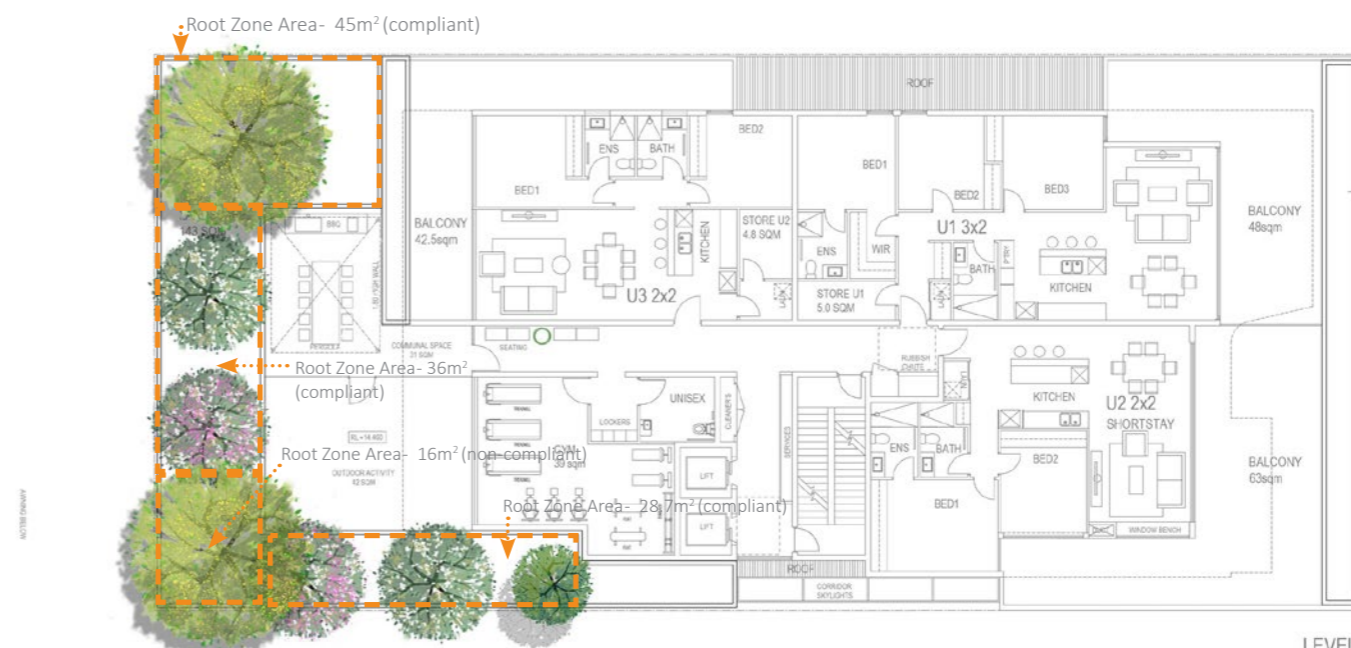


- Proposed plant pot sizes:
 - > Small Tree 100L
 - > Medium 200L
 - > Large Tree 500L
 - > Shrubs/groundcovers 140mm-200mm

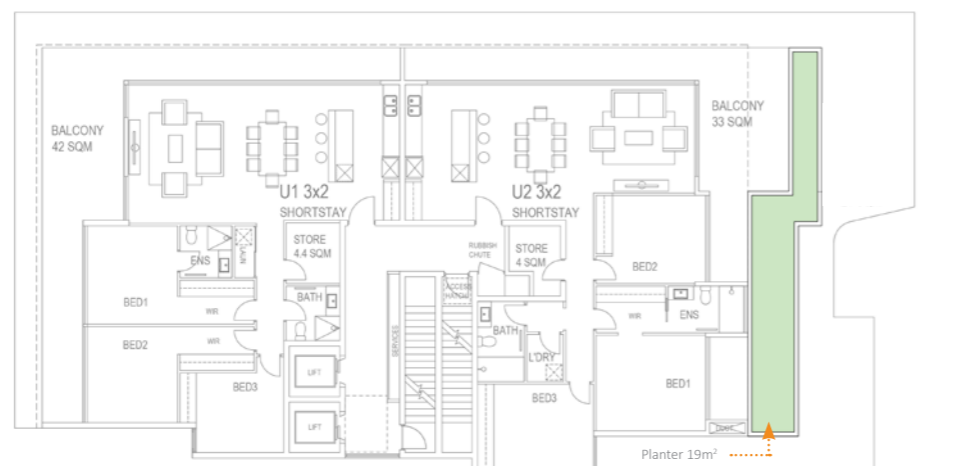
DEEP SOIL AREA DIAGRAM- FIRST FLOOR



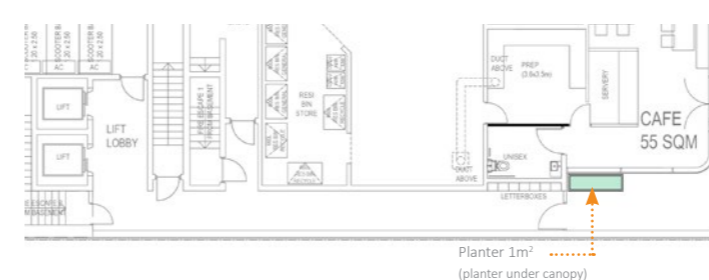
TREE PLANTING DIAGRAM- LEVEL 1



DEEP SOIL AREA DIAGRAM- SIXTH FLOOR



DEEP SOIL AREA DIAGRAM- GROUND FLOOR





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DEVELOPMENT APPLICATION: ACOUSTICS

99 Broadway, Nedlands

Reference: 21036194-01b DA Report

Prepared for:
DMG Architecture

Report: 21036194-01b DA Report

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This report has been prepared in accordance with the scope of services described in the contract or agreement between Lloyd George Acoustics Pty Ltd and the Client. The report relies upon data, surveys, measurements and results taken at or under the particular times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client, and Lloyd George Acoustics Pty Ltd accepts no responsibility for its use by other parties.

Date:	Rev	Description	Prepared By	Verified
03-Jun-21	0	Issued to Client	Terry George	Matt Moyle
2-Sep-21	A	Update to plans	Terry George	-
12-Nov-21	B	Updated following Council comments	Terry George	-

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Appendices

- A Development Plans
- B Terminology

1 INTRODUCTION

It is proposed to construct a 21-apartment, multi-storey mixed-use building at 99 Broadway in Nedlands. The development consists of:

- Basement and ground level car parking;
- Ground floor Café (commercial tenancy);
- Level 1 has 3 apartments and private gymnasium (residences use only) with one apartment designated short stay;
- Levels 2 to 5 have 4 apartments each with identical floor layouts. Levels 2 & 3 will each have 2 short stay units; and
- Level 6 has 2 apartments, both designated short stay.



Figure 1-1 Project Locality

With regards to acoustics, there will be several criteria that the project will need to satisfy including:

- the *National Construction Code*, which provides minimum performance requirements for noise transfer between sensitive spaces, between sensitive spaces and other uses, and considers noise from their own services such as hydraulics, lifts and the like; and
- the *Environmental Protection (Noise) Regulations 1997*, which provide criteria for this development to be satisfied at neighbouring premises.

It is noted the Broadway Fair Shopping Centre is located at 88 Broadway. Being at least 60 metres from the proposed development, its noise impact is considered negligible to this site. The other commercial buildings closer to the site are general office type with negligible noise emissions.

Given the project is only at Development Application (DA) stage, much of the information is unknown and therefore this report presents the criteria that will be addressed through detailed design. However, noise emissions from AC plant located in the ground floor car parking and patrons at the café have been considered in more detail based on past experience.

Appendix A provides the current plans of the development. *Appendix B* contains a description of some of the terminology used throughout this report.

2 CRITERIA

Each of the relevant criteria are provided in the following sections. Compliance with these will be worked through during detailed design.

2.1 Environmental Protection (Noise) Regulations 1997

Environmental noise in Western Australia is governed by the *Environmental Protection Act 1986*, through the *Environmental Protection (Noise) Regulations 1997* (EPNR). The regulations that will be applicable to this project are as follows:

- Mechanical plant and noise from the ground floor commercial tenancy are to comply with regulations 7 and 8 at neighbouring properties and noise sensitive parts of this development; and
- Noise during construction is to comply with regulation 13.

Each of these regulations are explained in detail in *Sections 2.1.1* and *2.1.2*.

2.1.1 Regulations 7 & 8

Regulation 7 defines the prescribed standard for noise emissions as follows:

“7. (1) Noise emitted from any premises or public place when received at other premises –

- (a) Must not cause or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and
- (b) Must be free of –
 - i. Tonality;
 - ii. Impulsiveness; and
 - iii. Modulation”.

A “...noise emission is taken to *significantly contribute to* a level of noise if the noise emission exceeds a value which is 5 dB below the assigned level...”

Tonality, impulsiveness and modulation are defined in Regulation 9. Noise is to be taken to be free of these characteristics if:

- (a) The characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of noise emission; and
- (b) The noise emission complies with the standard prescribed under regulation 7 after the adjustments of *Table 2-1* are made to the noise emission as measured at the point of reception.

Table 2-1 EPNR Adjustments Where Characteristics Cannot Be Removed

Where Noise Emission is Not Music			Where Noise Emission is Music	
Tonality	Modulation	Impulsiveness	No Impulsiveness	Impulsiveness
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

Note: The above are cumulative to a maximum of 15dB.

The baseline assigned levels (prescribed standards) are specified in Regulation 8 and are shown in *Table 2-2*.

Table 2-2 EPNR Baseline Assigned Noise Levels

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor

1. *highly sensitive area* means that area (if any) of noise sensitive premises comprising —
 (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
 (b) any other part of the premises within 15 metres of that building or that part of the building.

The project is located within a predominantly residential area with some commercial uses along Broadway. It is noted the land either sides of Broadway is generally zoned ‘mixed-use’.

The nearest noise sensitive premises are located on the adjacent lots at 101 Broadway and 28-32 Kingsway, as well as across the road at 78 and 82 Broadway. The influencing factor, applicable at the noise sensitive premises, varies between receivers, as shown in *Table 2-3* and based on the land use map shown on *Figure 2-1*.

The latest (2019/20) traffic count for Broadway (south of Stirling Highway) is 9,603 vehicles per day (vpd). Being below 15,000 vpd, this is classed as a secondary road under the Noise Regulations.

Table 2-3 Influencing Factor Calculation

Description	Within 100 metre Radius	Within 450 metre Radius	Total
Industrial Land	0 %	0 %	0 dB
Commercial Land	46 %	11 %	2.8 dB
Transport Factor			2 dB
Total			5 dB

Table 2-4 shows the assigned noise levels including the influencing factor and transport factor at the receiving locations.

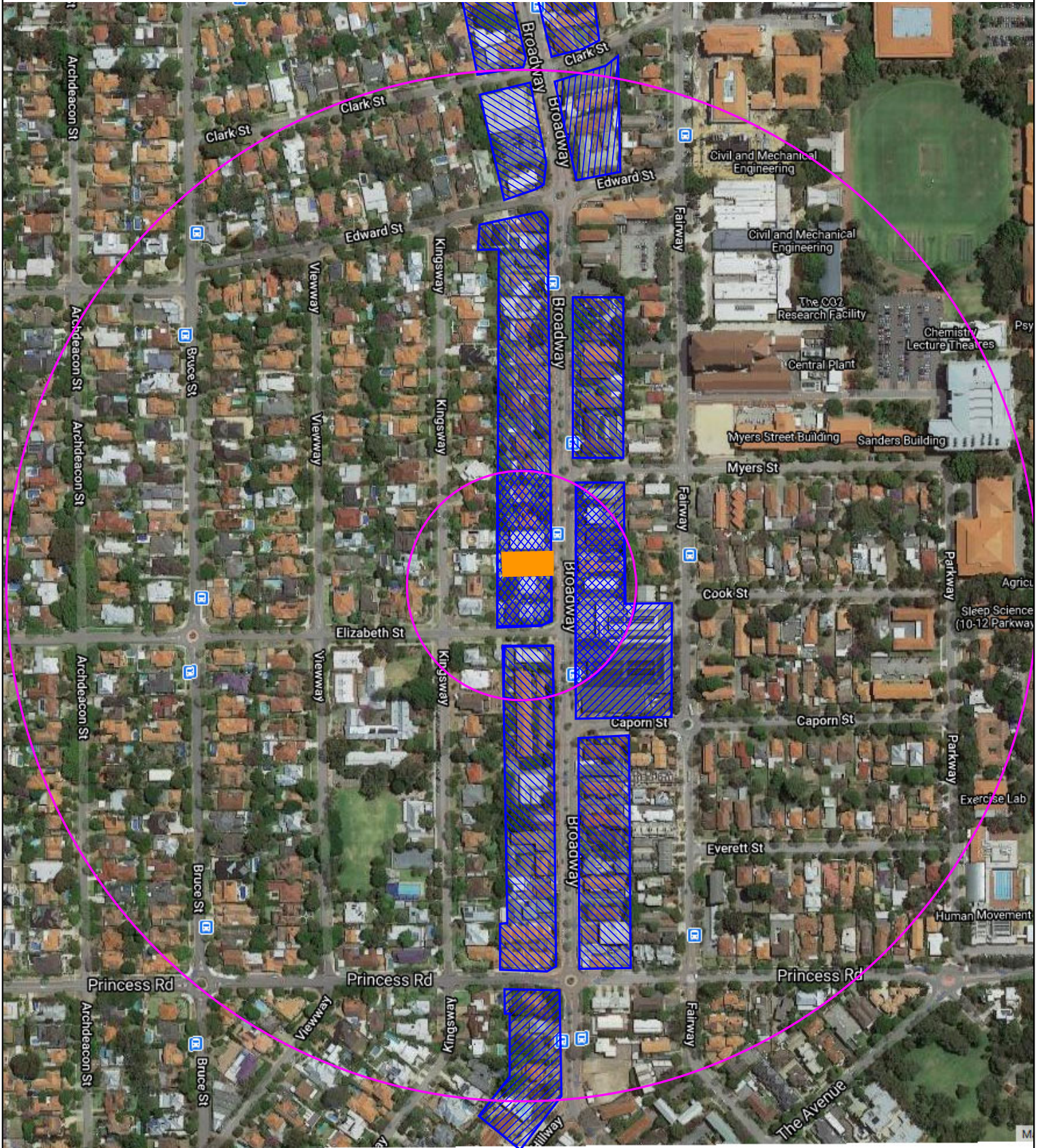
Table 2-4 Assigned Noise Levels

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
99 Broadway 101 Broadway 30-32 Kingsway 78-82 Broadway: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	50	60	70
	0900 to 1900 hours Sunday and public holidays (Sunday)	45	55	70
	1900 to 2200 hours all days (Evening)	45	55	60
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	40	50	60



1. **highly sensitive area** means that area (if any) of noise sensitive premises comprising —
- a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
 - any other part of the premises within 15 metres of that building or that part of the building.

Figure 2-1 Land Use Map

Item 9.1 - Attachment 1



Legend

-  IF Circles
-  Commercial Land Use
-  Project Site

Length Scale 1:4500
0 20 40 80 120 m



Project No: 21036194
Consultant: TG
Date: 2/06/2021
SoundPLAN Version: 8.2



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2.1.2 Regulation 14A

Regulation 14A provides requirements for such activities as the collection of waste, landscaped area maintenance and car park cleaning. Such activities can also be exempt from having to comply with regulation 7, provided they are undertaken in accordance with regulation 14A(2) as follows:

- during daytime hours, defined as:
 - 07:00 to 19:00 Monday to Saturday (excluding public holiday), or
 - 09:00 to 19:00 on a Sunday or public holiday
- in the quietest reasonable and practicable manner and using the quietest equipment reasonably available.

In the case where specified works are to be undertaken outside daytime hours and their noise emissions are likely not to comply with regulation 7, the works also need to be carried out according to a Noise Management Plan which has been approved by the local government authority CEO.

2.1.3 Regulation 13

Construction noise must comply with regulation 13, which states the following:

Regulation 7 does not apply to ... construction work carried out between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday if the occupier of the premises ... shows that –

- a) *The construction work was carried out in accordance with control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;*
- b) *The equipment used on the premises was the quietest reasonably available; and*
- c) *If the occupier was required to prepare a noise management plan ... in respect of the construction site –*
 - i. *The noise management plan was prepared and given in accordance with the requirement, and approved by the Chief Executive Officer; and*
 - ii. *The construction work was carried out in accordance with the management plan.*

Regulation 7 does not apply to ... construction work carried out other than between the [above] hours if the occupier of the premises ... shows that –

- a) *The construction work was carried out in accordance with control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites;*
- b) *The equipment used on the premises was the quietest reasonably available;*
- c) *The construction work was carried out in accordance with a noise management plan in respect of the construction site –*
 - i. *Prepared and given to the Chief Executive Officer not later than 7 days before the construction work commenced; and*
 - ii. *Approved by the Chief Executive Officer;*

- d) *At least 24 hours before the construction work commenced, the occupier of the construction site gave written notice of the proposed construction work to the occupiers of all premises at which noise emissions received were likely to fail to comply with the standard prescribed under regulation 7; and*
- e) *It was reasonably necessary for the construction work to be carried out at that time.*

2.2 Building Code of Australia (BCA)

It is a requirement under the *National Construction Code* (NCC), for sound transmission and insulation to be considered. In this case, the relevant volume of the NCC is Volume One, Building Code of Australia (BCA), with this report specifically addressing Part F5 and Plumbing Code of Australia (PCA), with this report specifically addressing Section D.

The Objective of Part F5, as stated in the *NCC Guide to Volume One* is to:

“...safeguard occupants from illness or loss of amenity as a result of undue sound being transmitted –

- a) *Between adjoining sole-occupancy units; and*
- b) *From common spaces to sole-occupancy units; and*
- c) *From parts of different classifications to sole-occupancy units.”*

The BCA separates the performance requirements into floors and walls for Class 2 and 3 buildings as follows:

FP5.1

Floors separating –

- a) *sole-occupancy units: or*
- b) *a sole occupancy unit from a plant room, lift shaft, stairway, public corridor, public lobby, or the like, or a part of a different classification, must provide insulation against the transmission of airborne and impact generated sound sufficient to prevent illness or loss of amenity to the occupants.*

FP5.2

Walls separating sole-occupancy units or a sole-occupancy unit from a plant room, lift shaft, stairway, public corridor, public lobby, or the like, or parts of a different classification, must provide insulation against the transmission of –

- a) *airborne sound; and*
- b) *impact generated sound, if the wall is separating a bathroom, sanitary compartment, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, sufficient to prevent illness or loss of amenity to the occupants.*

Note that where a kitchen is open plan style, the impact generated sound is considered applicable.

FP5.3

The required sound insulation of a floor or a wall must not be compromised by -

- a) *The incorporation or penetration of a pipe or other service element; or*
- b) *A door assembly.*

In order to satisfy FP5.1 to FP5.3, building elements are to satisfy the acoustic performances nominated in *Table 2-5*, being a summary of the Deemed-to-Satisfy Provisions provided in F5.1 to F5.7 and FV5.1 to FV5.2.

Table 2-5 BCA Deemed-to-Satisfy Provisions

Partition	Deemed-to-Satisfy Provisions	
	Laboratory	On-Site
Floors (F5.4a) Separating SOU's or SOU from plant room, lift shaft, stairway, public corridor, public lobby or the like, or parts of a different classification.	$R_w + C_{tr} \geq 50$ $L_{n,w} \leq 62$	$D_{nT,w} + C_{tr} \geq 45$ $L_{nT,w} \leq 62$
Walls (F5.5a) Separating SOU's (Habitable to Habitable) Separating SOU's (Habitable to bathroom, sanitary compartment, laundry or kitchen) Separating SOU to Plant room or lift shaft Separating SOU to Stairway, public corridor, public lobby, or parts of a different classification	$R_w + C_{tr} \geq 50$ $R_w + C_{tr} \geq 50$ & D.C. $R_w \geq 50$ & D.C. $R_w \geq 50$	$D_{nT,w} + C_{tr} \geq 45$ $D_{nT,w} + C_{tr} \geq 45$ $D_{nT,w} \geq 45$ $D_{nT,w} \geq 45$
Doors (F5.5b) Separating SOU to Stairway, public corridor, public lobby or the like.	$R_w \geq 30$	$D_{nT,w} \geq 25$
Services (F5.6) SOU (Habitable) to duct, soil, waste, water supply or storm water (not associated with the SOU) SOU (Non-Habitable) to duct, soil, waste, water supply or storm water (not associated with the SOU)	$R_w + C_{tr} \geq 40$ $R_w + C_{tr} \geq 25$	N/A N/A

Notes:

SOU – Sole Occupancy Unit

D.C. Discontinuous Construction

3 ENVIRONMENTAL NOISE

As the project is in its early stages, details of the mechanical plant are unknown, therefore noise from AC plant and patrons at the Café were modelled based on data on file for similar projects.

The drawings show the AC plant located in the ground level car parking area. The modelling methodology and results are presented in the following sub-sections. The software used was *SoundPLAN 8.2* with the ISO 9613 (ISO 17534-3 improved method) algorithms selected. These algorithms have been selected as they include the influence of wind. Input data required in the model are:

- Meteorological Information;
- Topographical data;
- Ground Absorption; and
- Source sound power levels.

3.1 Meteorological Information

Meteorological information utilised is provided in *Table 3-1* and is considered to represent worst-case conditions for noise propagation. At wind speeds greater than those shown, sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and dominate the ambient noise levels.

Table 3-1 Modelling Meteorological Conditions

Parameter	Night (1900-0700)	Day (0700-1900)
Temperature (°C)	15	20
Humidity (%)	50	50
Wind Speed (m/s)	Up to 5	Up to 5
Wind Direction*	All	All

* Note that the modelling package used allows for all wind directions to be modelled simultaneously.

It is generally considered that compliance with the assigned noise levels needs to be demonstrated for 98% of the time, during the day and night periods, for the month of the year in which the worst-case weather conditions prevail. In most cases, the above conditions occur for more than 2% of the time and therefore must be satisfied.

3.2 Topographical Data

Topographical data was based on that publicly available from *Google* in the form of spot heights, noting the topography slopes down from west to east across the lot. This was combined with the plans of the proposed building to create a 3D noise model – refer *Figure 3-1*.

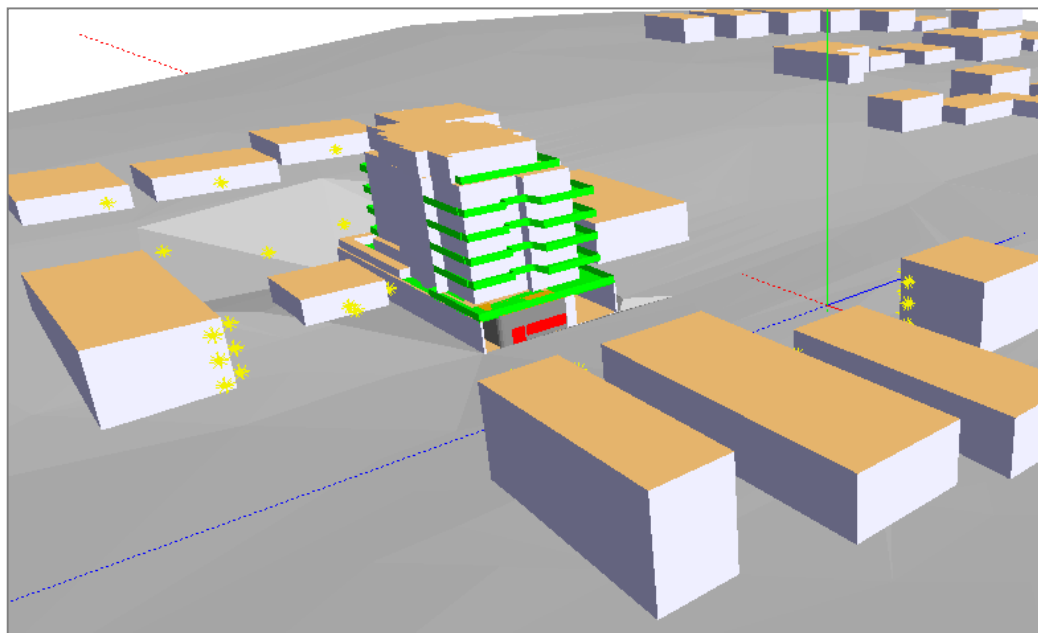


Figure 3-1 Noise Model Image

3.3 Ground Absorption

Ground absorption varies from a value of 0 to 1, with 0 being for an acoustically reflective ground (e.g. water or bitumen) and 1 for acoustically absorbent ground (e.g. grass). In this instance, a value of 0.0 has been used as an average across the study area.

3.4 Source Sound Levels

Overall, 22 outdoor condensing units were assumed; one per apartment and one for the commercial tenancy. Given the commercial tenancy is relatively small, all units are assumed identical.

The sound power levels used in the modelling are provided in *Table 3-2*.

All AC units were modelled as point sources located 1 metre above roof level.

Patrons inside the Café were modelled as an area source. Each person was assumed talking at a sound power level (L_w) of 70 dB(A) and 50% (10 people) are talking simultaneously.

Table 3-2 Source Sound Power Levels, dB

Description	Octave Band Centre Frequency (Hz)								Overall dB(A)
	63	125	250	500	1k	2k	4k	8k	
Apartment & Commercial AC Units (x 22)	78	72	68	67	66	61	56	53	70
16 patrons inside Café (50% talking)	66	77	81	83	75	73	70	66	79

3.5 Results

Noise levels were predicted at various receivers surrounding the proposed development and to the development itself, with results presented in *Table 3-3* and *Figure 3-2* and *Figure 3-3* as contour maps at ground level.

The calculations assume the cafe door and front window are completely open as a worst case scenario. The cafe is also assumed to have an acoustically absorbent ceiling to provide acoustic amenity to patrons. All air-conditioning units are assumed to be operating at maximum sound level simultaneously. Where a receiver has more than one floor, the worst-case noise level is presented.

To neighbouring premises, the highest noise from the cafe is predicted to be 42 dB(A). Patron noise is not considered to contain intrusive characteristics as defined by the Regulations and can therefore be compared to the assigned noise levels. Based on this, compliance is achieved Monday to Friday 7am to 10pm and Sundays and public holidays 9am to 10pm. Outside of these hours, other management controls may need to be examined if the cafe is busy. Cafe noise is predicted to be compliant to the development itself (both short stay and permanent).

Table 3-3 Predicted Noise Levels, dB LA10

Receiver	Cafe Noise	AC Noise
1 Elizabeth Street	34	21
28 Kingsway	21	12
30 Kingsway	18	8
32 Kingsway	26	12
34 Kingsway	20	18
76 Broadway	38	30
78 Broadway	40	31
82 Broadway	42	31
101 Broadway	31	27
99 Broadway (Short Stay)	37	27
99 Broadway	37	31

The highest noise from mechanical plant to neighbouring premises and the development itself is 31 dB(A). It is possible that such equipment can be considered tonal and therefore subject to a + 5 dB adjustment as per *Table 2-1*. An adjusted level of 36 dB(A) is compliant at all times.

It must be noted that the AC plant size and their noise levels are currently unknown such that the modelling assumptions are to be reviewed during detailed design. Based on the modelling assumptions, compliance with the Regulations is achieved, however the following is to be considered during design:

- All plant is to be the quietest reasonably available. Where equivalent items of plant are being compared, noise levels shall also be considered, with preference given to the quieter model;
- Where plant has the option of a night/quiet model, this shall be programmed to the unit during night hours;
- Any exhaust fans should be axial type fans so that in duct attenuation can be incorporated on the outside air side of the fans if necessary;
- All plant is to be suitably vibration isolated from the structure; and,
- An environmental noise assessment is to be undertaken during detailed design in regards to mechanical plant noise to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.



99 Broadway, Nedlands -
Cafe Patron Noise - Windows and Doors Fully Open

L_{A10} Noise Level Contours
Ground Floor Level

SoundPLAN v8.2
ISO 9613 Algorithms

2 June 2021



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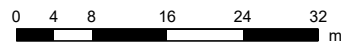


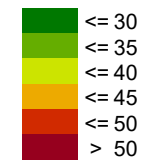


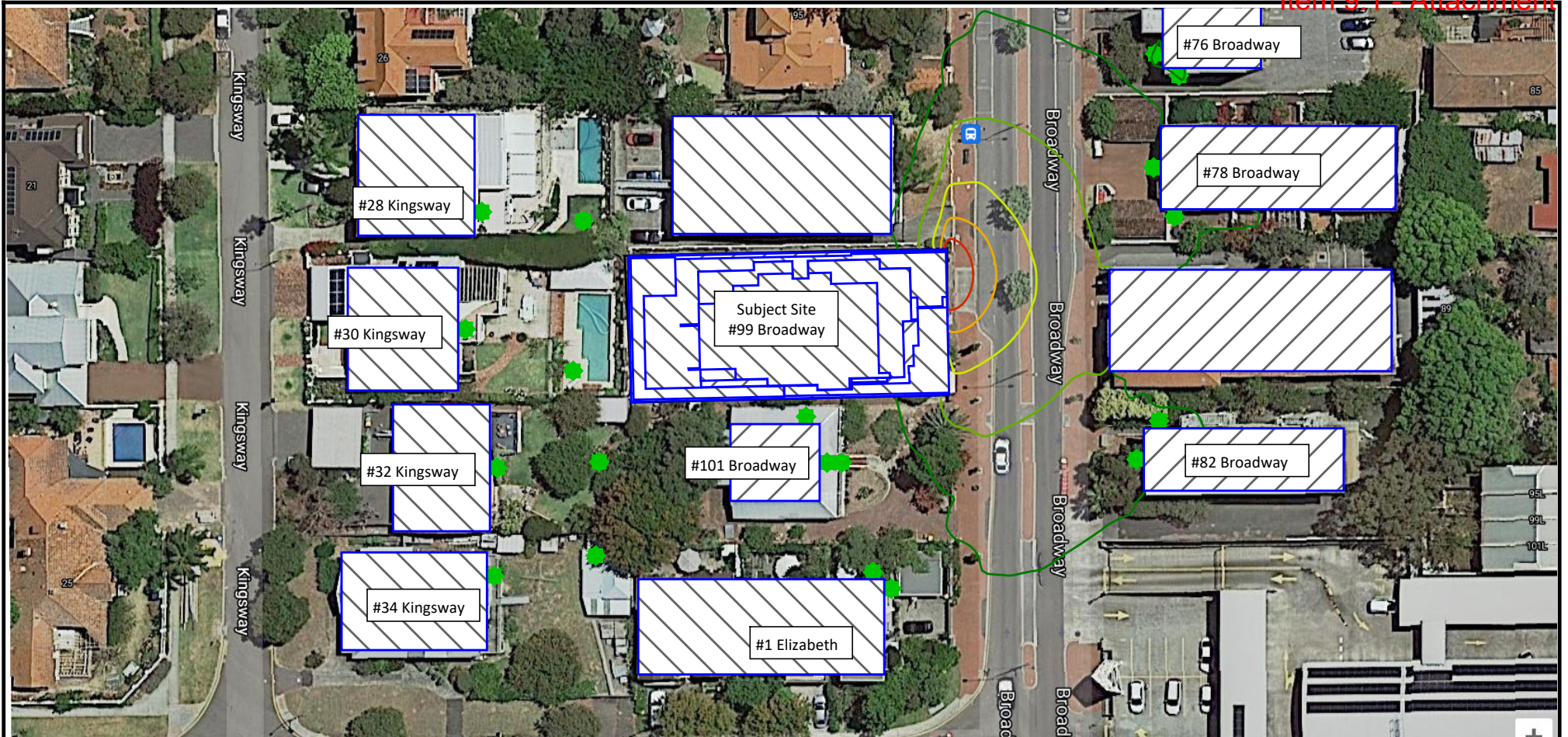
Figure 3-2

Legend

-  Modelled Building
-  Point receiver

Noise levels
L_{A10} dB





99 Broadway, Nedlands -
Mechanical Plant Noise

L_{A10} Noise Level Contours
Ground Floor Level

SoundPLAN v8.2
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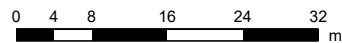




Figure 3-3

Legend

-  Modelled Building
-  Point receiver

Noise levels
L_{A10} dB



3.6 Other Noise

3.6.1 Communal Space

A communal space is shown on Level 1. For the most part, these are not used significantly and generate negligible noise. However, to assist in minimising noise impacts to neighbours and the development itself, a Noise Management Plan is recommended as part of the Strata Agreement, containing the following provisions:

- Clear signage should be put in place so that residents are aware to not occupy the area between 10pm and 7am Monday to Saturday and 10pm to 9am Sundays and public holidays; and
- At no time is amplified music (or musical instruments) or ball games permitted.

It is noted that to Unit 3 a 1.8 metre high wall is provided, which will assist in minimising noise to this unit. To the neighbouring residences, the surrounding landscaped area is minimum 1.3 metres higher than the communal area and therefore this will also assist in minimising noise emissions.

3.6.2 Gymnasium

Noise from a gymnasium within a residential development is generally significantly less than commercial gyms. In this project, the gym is located on Level 1 with car park below. The gym is well separated from apartments on the same floor. An apartment will be located above the gym. To minimise noise impacts, the following is recommended:

- Floor construction above the gym is to be:
 - Minimum 200mm thick concrete;
 - 13mm thick sound-rated plasterboard ceiling suspended from the slab above using anti-vibration hangers;
 - 75mm thick, 14kg/m³ fibrous insulation to be overlaid above the ceiling;
 - Any penetrations within the ceiling shall be kept to a minimum with preference given to surface mounted lights or small recessed acoustically rated (or boxed out) down-lights. Mechanical supply and return air ducts shall incorporate acoustic boots. Recessed ceiling speakers are not permitted.
- As a minimum, the floor shall consist of a 12mm impact mat/tile such as available from Regupol (supplied by ABS West). If deemed necessary, higher degrees of isolation can be provided on top of the impact mat using Embelton proprietary Isolated Cardio Platform.
- Entry door shall be rated to minimum R_w 30, such as 35mm thick, solid timber core with Raven perimeter and bottom seals;
- Any music within the gym shall be background type only with no substantial bass (no sub-woofers);
- Signage to be provided advising users that dropping of weights is not permitted and correct form must be used;
- High impact equipment (e.g. medicine balls) are not permitted;
- Hours of use of the gym shall be agreed by the strata body and may restrict night-time use.

3.6.3 Short Stay Apartments

For Short Stay guests, a management plan will be prepared, which will address minimising noise, as well as other aspects.

4 BCA PART F5

The BCA Part F5 report addresses all acoustic issues associated with the Building Code of Australia (BCA) and will address construction requirements for walls, floors, ceilings and the like as well as providing specific guidance for hydraulic, mechanical, electrical and lift services. The development of this report will be in close consultation with the architect and will form part of their specification. However, some preliminary comments are provided below:

- Floors

A floor separating sole-occupancy units or sole-occupancy units from parts of a different classification (car park, cafe) must achieve $R_w + C_{tr} \geq 50$ (airborne) and between sole-occupancy units $L_{n,w} \leq 62$ (impact). This can typically be achieved by:

- Minimum 200 mm thick concrete slab;
- Hard floor finishes (timber, vinyl, tiles etc) on floor above to be installed on an impact isolation mat and carpet to be installed on standard underlay; and
- 13 mm suspended plasterboard ceiling with minimum 150 mm cavity. Where smaller cavities are desirable, insulation can be placed above the ceiling.

- Walls

A wall separating sole-occupancy units must achieve $R_w + C_{tr} \geq 50$ (airborne) performance with some walls also requiring discontinuous construction (DC). This can typically be achieved by:

- Two leaves of 90 mm acoustic brick with 70 mm air gap and 13 mm cement render on both sides. Ties between leaves to be anti-vibration type; or
- Single leaf masonry minimum 150 mm thick (e.g. concrete panel). Where a discontinuous construction is required a steel stud offset by 20 mm from the wall with 13 mm plasterboard and glass or mineral wool insulation in the cavity will be required.

The wall performance requirements are provided on *Figure 4-1* to *Figure 4-3*.

- External glazing

- All external glazing is recommended to be rated $R_w + C_{tr} \geq 26$ e.g. 6 mm thick glass in fixed frame or awning/casement closing on compressible seals. This is to control flanking noise between sole-occupancy units via the external façade. Whilst not required for this project, this will also minimise neighbourhood noise.

In addition to the above reports, subsequent reports of acoustic advice, site inspections, results of testing and the like may occur throughout the construction and commissioning of the project.

R_w 50	
R_w 50 & DC	
$R_w + C_{tr}$ 50 & DC	
$R_w + C_{tr}$ 50	

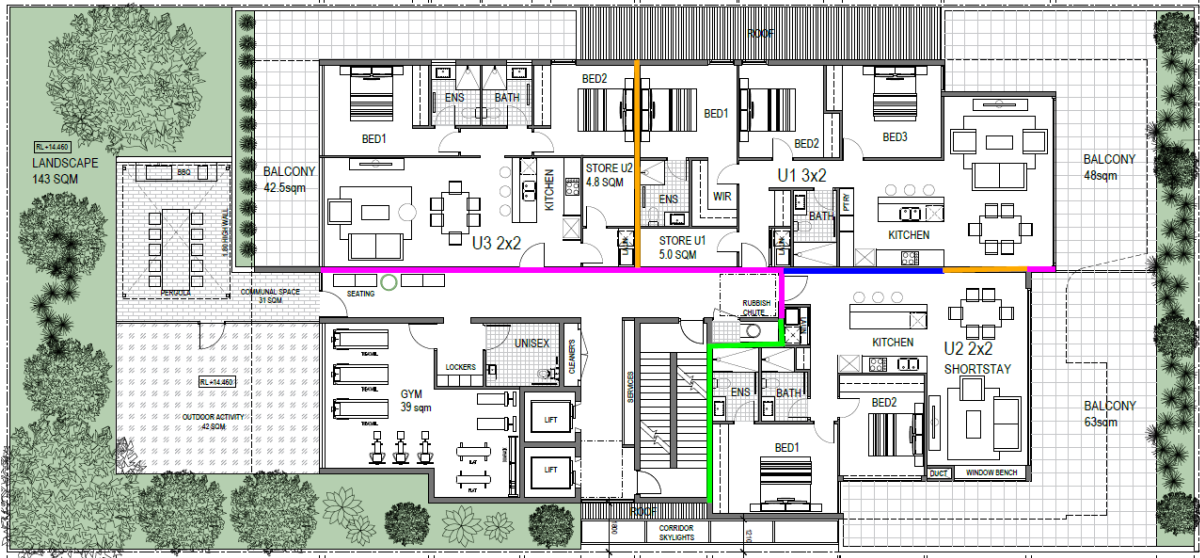


Figure 4-1 Minimum Wall Acoustic Ratings for BCA Part F5, Level 1

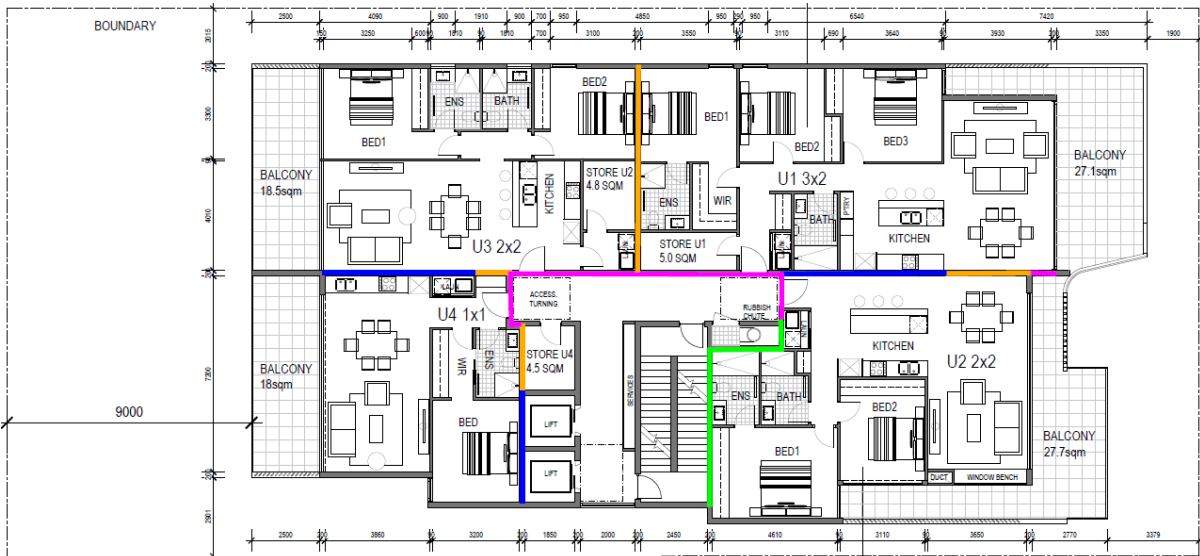


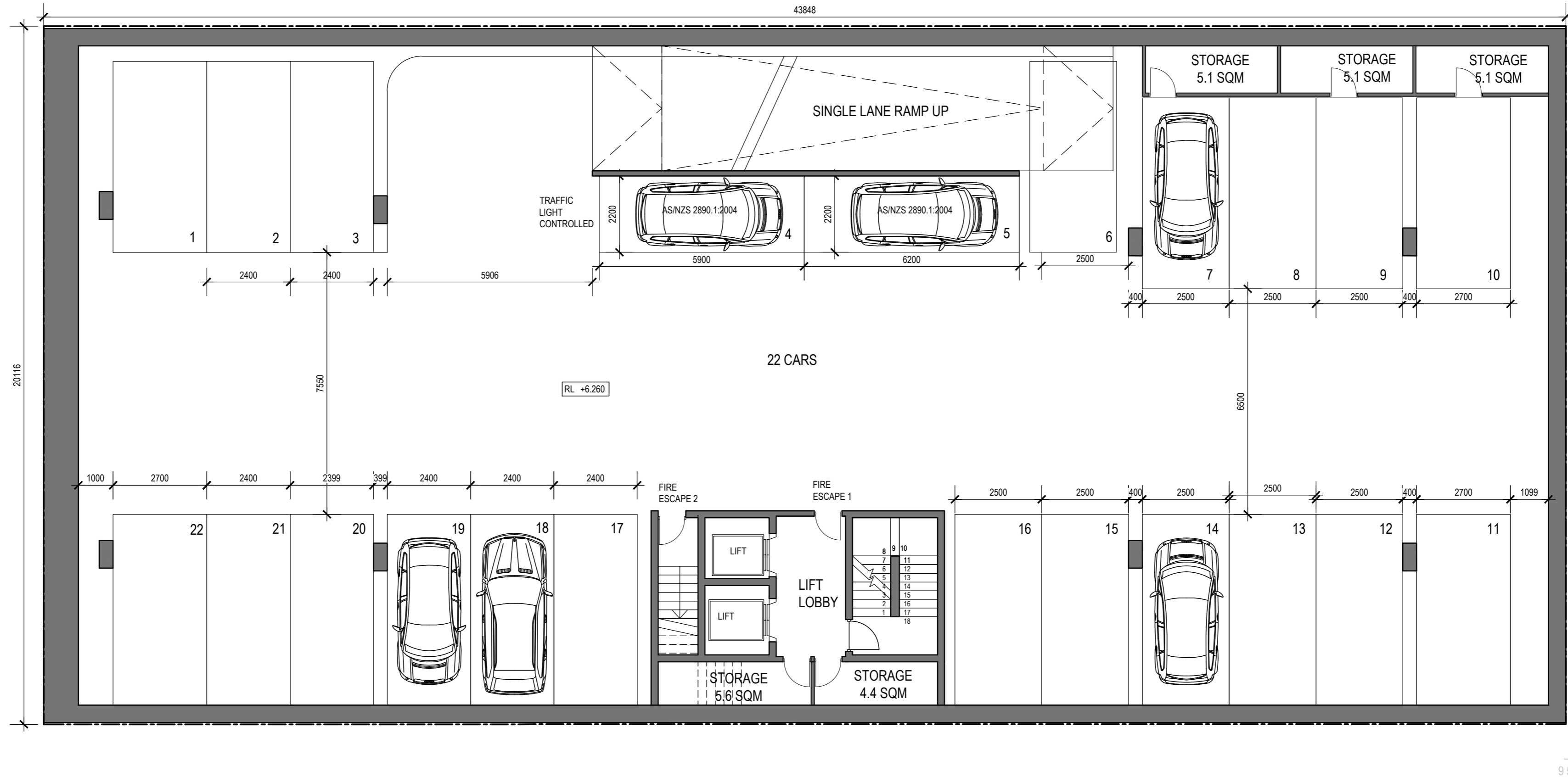
Figure 4-2 Minimum Wall Acoustic Ratings for BCA Part F5, Levels 2 to 5



Figure 4-3 Minimum Wall Acoustic Ratings for BCA Part F5, Level 6

Appendix A

Development Plans



9/52

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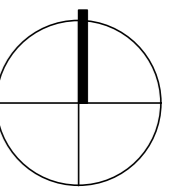
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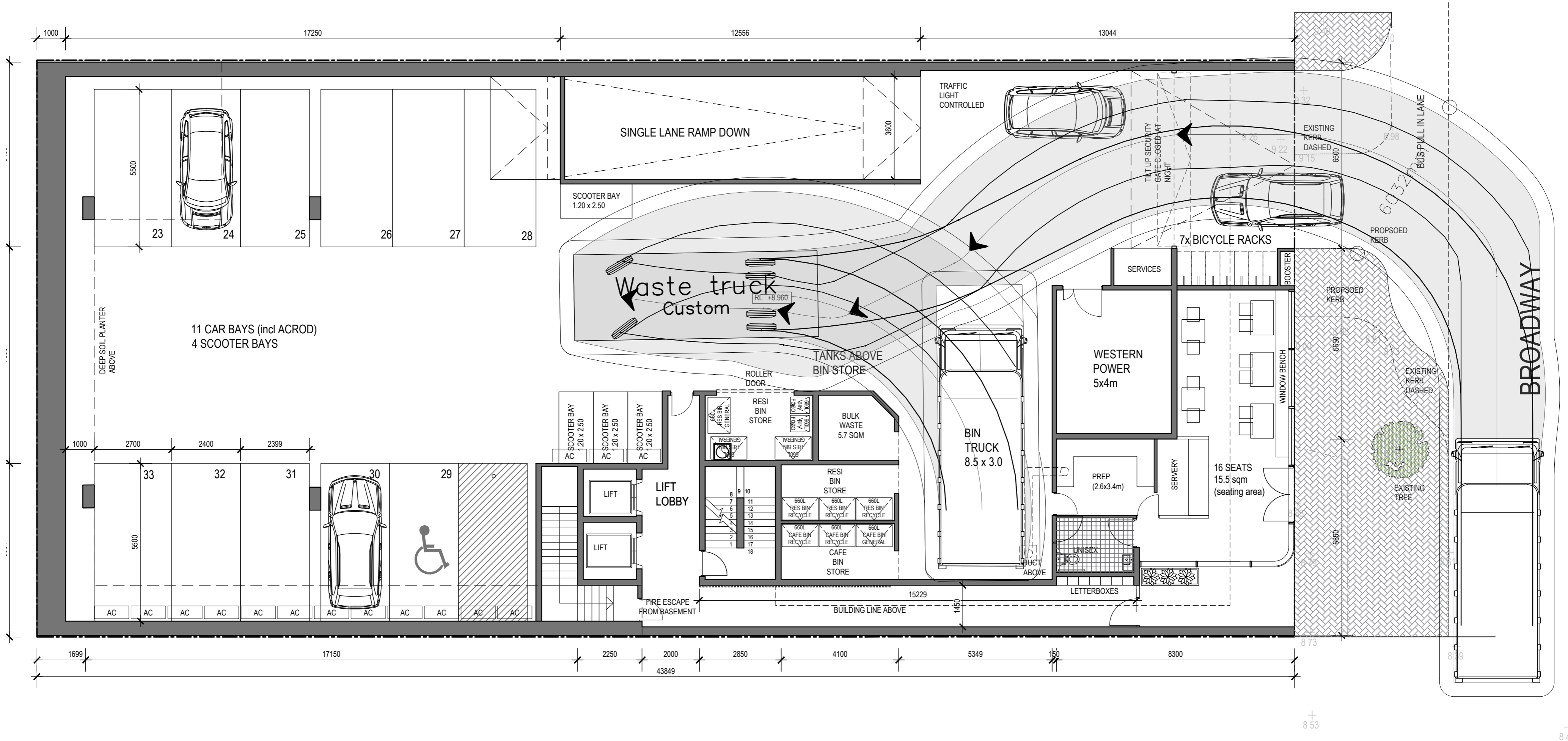
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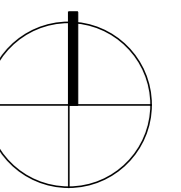
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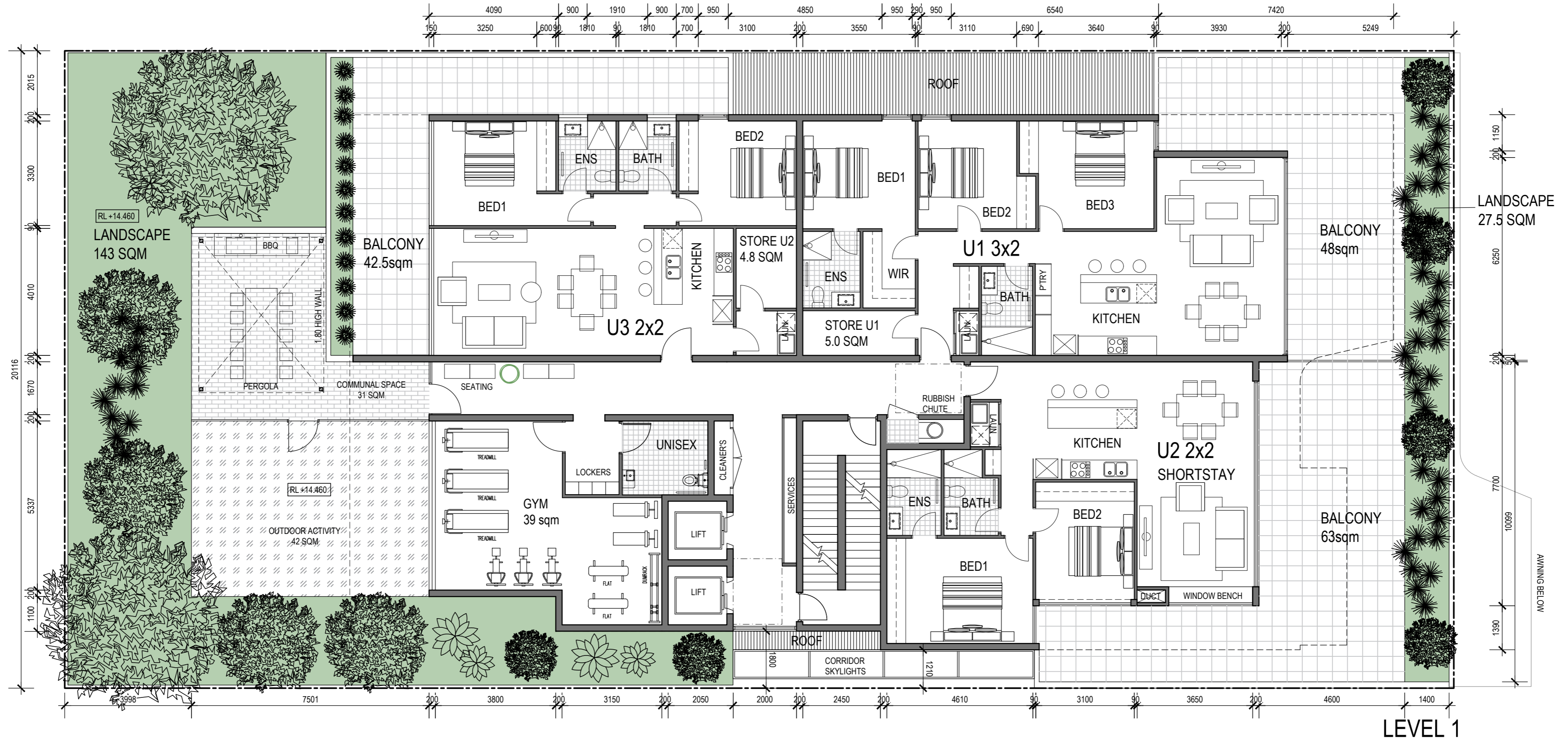
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LEVEL 1

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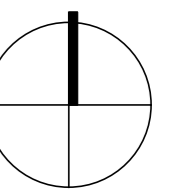
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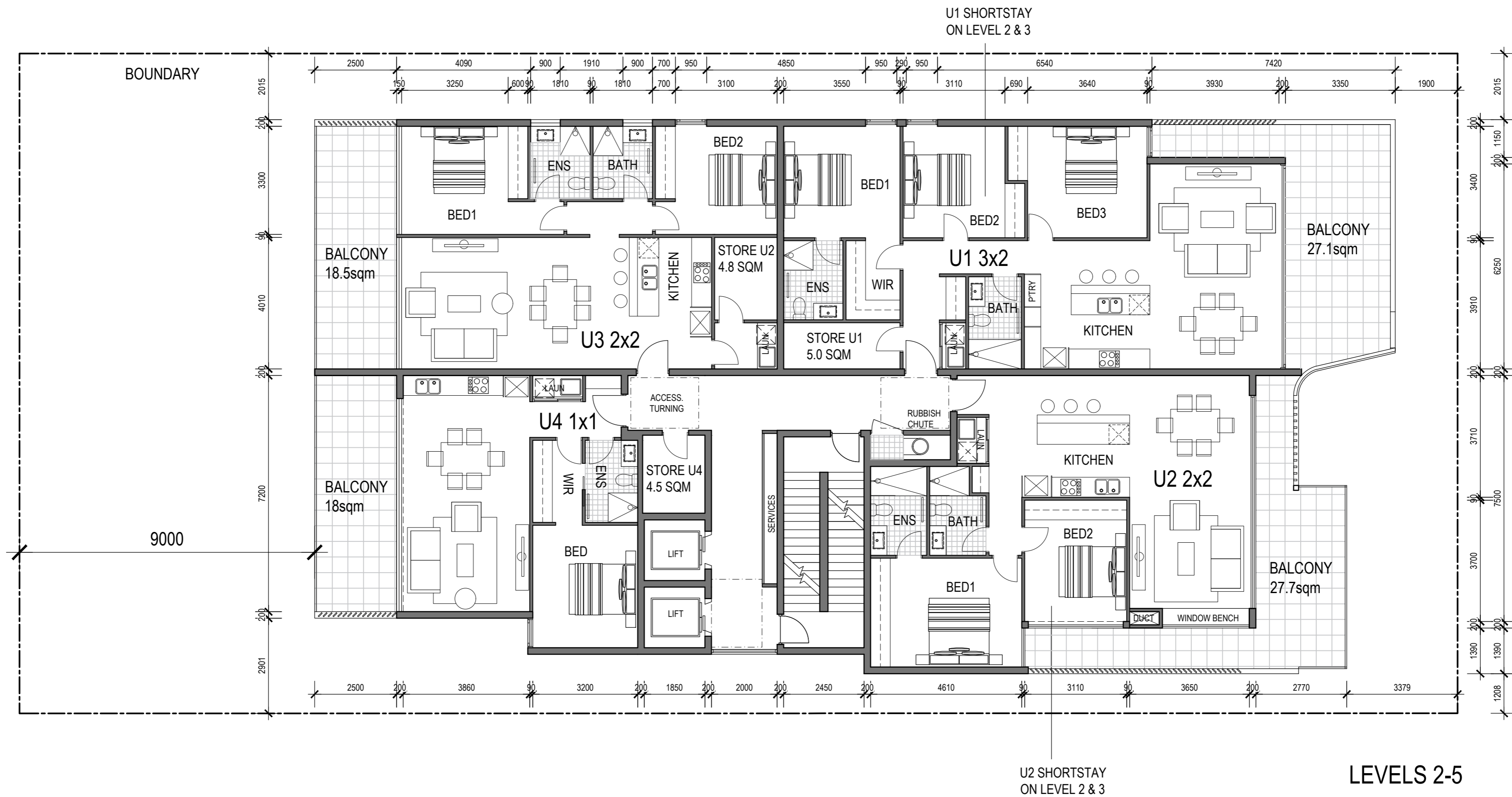


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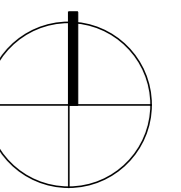
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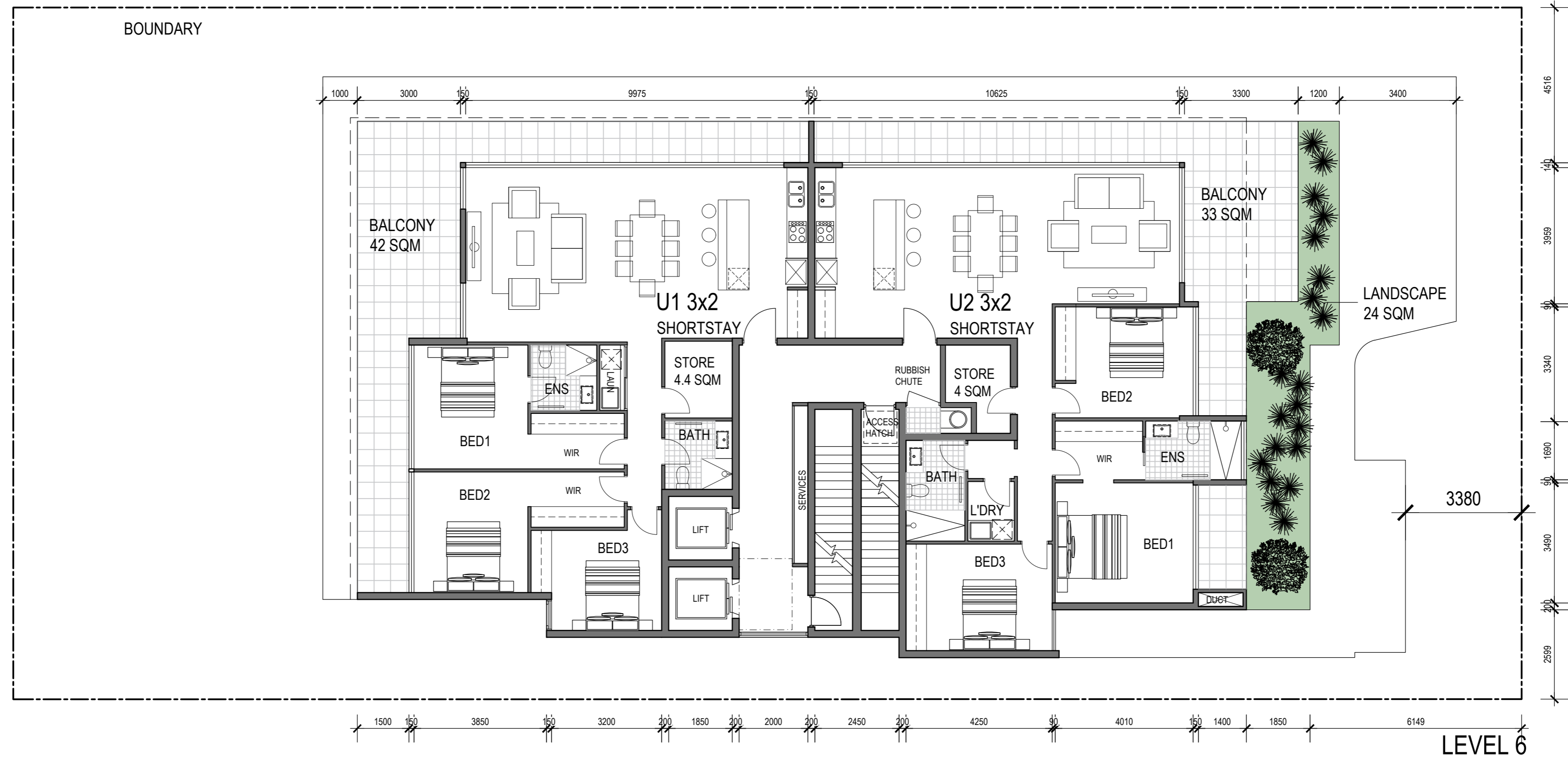
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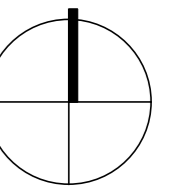




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Appendix B

Terminology

The following is an explanation of the terminology used throughout this report.

Decibel (dB)

The decibel is the unit that describes the sound pressure and sound power levels of a noise source. It is a logarithmic scale referenced to the threshold of hearing.

A-Weighting

An A-weighted noise level has been filtered in such a way as to represent the way in which the human ear perceives sound. This weighting reflects the fact that the human ear is not as sensitive to lower frequencies as it is to higher frequencies. An A-weighted sound level is described as L_A dB.

R_w

This is the weighted sound reduction index and is similar to the previously used STC (Sound Transmission Class) value. It is a single number rating determined by moving a grading curve in integral steps against the laboratory measured transmission loss until the sum of the deficiencies at each one-third-octave band, between 100 Hz and 3.15 kHz, does not exceed 32 dB. The higher the R_w value, the better the acoustic performance.

C_{tr}

This is a spectrum adaptation term for airborne noise and provides a correction to the R_w value to suit source sounds with significant low frequency content such as road traffic or home theatre systems. A wall that provides a relatively high level of low frequency attenuation (i.e. masonry) may have a value in the order of -4 dB, whilst a wall with relatively poor attenuation at low frequencies (i.e. stud wall) may have a value in the order of -14 dB.

$L'_{n,w}$

This is the weighted normalised impact sound pressure level, which is determined by measuring the sound pressure level in the receiving room in one-third-octave bands between 100 Hz and 3.15 kHz and moving a grading curve in integral steps, such that the curve is as high as possible without the sum of deficiencies exceeding 32 dB. The normalisation is to a receiving room sound absorption area of 10m^2 . The lower the $L'_{n,w}$ value the better the acoustic performance.

Discontinuous Construction

Wall systems having a minimum 20mm cavity between 2 separate leaves, and:

- (a) for masonry, where wall ties are required to connect leaves, the ties are of the resilient type; and
- (b) for other than masonry, there is no mechanical linkage between the leaves except at the periphery.

Note a staggered stud wall is not deemed to be discontinuous.

Sound Power Level (L_w)

Under normal conditions, a given sound source will radiate the same amount of energy, irrespective of its surroundings, being the sound power level. This is similar to a 1kW electric heater always radiating 1kW of heat. The sound power level of a noise source cannot be directly measured using a sound level meter but is calculated based on measured sound pressure levels at known distances. Noise modelling incorporates source sound power levels as part of the input data.

Sound Pressure Level (L_p)

The sound pressure level of a noise source is dependent upon its surroundings, being influenced by distance, ground absorption, topography, meteorological conditions etc and is what the human ear actually hears. Using the electric heater analogy above, the heat will vary depending upon where the heater is located, just as the sound pressure level will vary depending on the surroundings. Noise modelling predicts the sound pressure level from the sound power levels taking into account ground absorption, barrier effects, distance etc.

L_{ASlow}

This is the noise level in decibels, obtained using the A frequency weighting and the S (Slow) time weighting as specified in IEC 61672-1:2002. Unless assessing modulation, all measurements use the slow time weighting characteristic.

L_{AFast}

This is the noise level in decibels, obtained using the A frequency weighting and the F (Fast) time weighting as specified in IEC 61672-1:2002. This is used when assessing the presence of modulation only.

L_{APeak}

This is the greatest absolute instantaneous sound pressure in decibels using the A frequency weighting as specified in IEC 61672-1:2002.

L_{Amax}

An L_{Amax} level is the maximum A-weighted noise level during a particular measurement.

L_{A1}

An L_{A1} level is the A-weighted noise level which is exceeded for one percent of the measurement period and is considered to represent the average of the maximum noise levels measured.

L_{A10}

An L_{A10} level is the A-weighted noise level which is exceeded for 10 percent of the measurement period and is considered to represent the “intrusive” noise level.

L_{Aeq}

The equivalent steady state A-weighted sound level (“equal energy”) in decibels which, in a specified time period, contains the same acoustic energy as the time-varying level during the same period. It is considered to represent the “average” noise level.

L_{A90}

An L_{A90} level is the A-weighted noise level which is exceeded for 90 percent of the measurement period and is considered to represent the “background” noise level.

One-Third-Octave Band

Means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20 000 Hz inclusive.

L_{Amax} assigned level

Means an assigned level which, measured as a L_{ASlow} value, is not to be exceeded at any time.

L_{A1} assigned level

Means an assigned level which, measured as a L_{ASlow} value, is not to be exceeded for more than 1% of the representative assessment period.

L_{A10} assigned level

Means an assigned level which, measured as a $L_{A\text{ Slow}}$ value, is not to be exceeded for more than 10% of the representative assessment period.

Tonal Noise

A tonal noise source can be described as a source that has a distinctive noise emission in one or more frequencies. An example would be whining or droning. The quantitative definition of tonality is:

the presence in the noise emission of tonal characteristics where the difference between -

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

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

This is relatively common in most noise sources.

Modulating Noise

A modulating source is regular, cyclic and audible and is present for at least 10% of the measurement period. The quantitative definition of modulation is:

a variation in the emission of noise that —

- (a) is more than 3 dB $L_{A\text{ Fast}}$ or is more than 3 dB $L_{A\text{ Fast}}$ in any one-third octave band;
- (b) is present for at least 10% of the representative.

Impulsive Noise

An impulsive noise source has a short-term banging, clunking or explosive sound. The quantitative definition of impulsiveness is:

a variation in the emission of a noise where the difference between $L_{A\text{ peak}}$ and $L_{A\text{ Max slow}}$ is more than 15 dB when determined for a single representative event;

Major Road

Is a road with an estimated average daily traffic count of more than 15,000 vehicles.

Secondary / Minor Road

Is a road with an estimated average daily traffic count of between 6,000 and 15,000 vehicles.

Representative Assessment Period

Means a period of time not less than 15 minutes, and not exceeding four hours, determined by an inspector or authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission.

Ambient Noise

Means the level of noise from all sources, including background noise from near and far and the source of interest.

Specific Noise

Relates to the component of the ambient noise that is of interest. This can be referred to as the noise of concern or the noise of interest.

Influencing Factor (IF)

$$= \frac{1}{10} (\% \text{ Type A}_{100} + \% \text{ Type A}_{450}) + \frac{1}{20} (\% \text{ Type B}_{100} + \% \text{ Type B}_{450})$$

where:

% Type A₁₀₀ = the percentage of industrial land within a 100m radius of the premises receiving the noise

% Type A₄₅₀ = the percentage of industrial land within a 450m radius of the premises receiving the noise

% Type B₁₀₀ = the percentage of commercial land within a 100m radius of the premises receiving the noise

% Type B₄₅₀ = the percentage of commercial land within a 450m radius of the premises receiving the noise

+ Traffic Factor (maximum of 6 dB)

= 2 for each secondary road within 100m

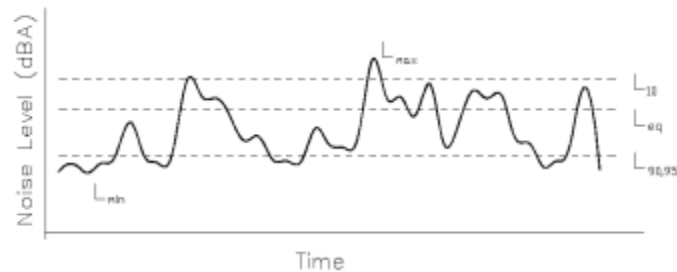
= 2 for each major road within 450m

= 6 for each major road within 100m

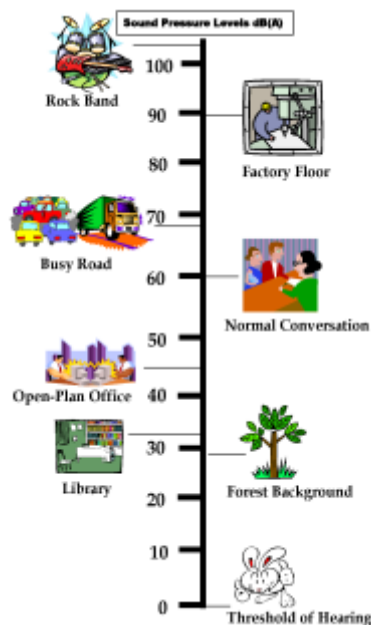
Background Noise

Background noise or residual noise is the noise level from sources other than the source of concern. When measuring environmental noise, residual sound is often a problem. One reason is that regulations often require that the noise from different types of sources be dealt with separately. This separation, e.g. of traffic noise from industrial noise, is often difficult to accomplish in practice. Another reason is that the measurements are normally carried out outdoors. Wind-induced noise, directly on the microphone and indirectly on trees, buildings, etc., may also affect the result. The character of these noise sources can make it difficult or even impossible to carry out any corrections.

Chart of Noise Level Descriptors



Typical Noise Levels



Waste Management Plan

99 Broadway, Nedlands

CW1170000

Prepared for
Caxton Properties Pty Ltd

2 September 2021



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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.

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1 Introduction

Cardno has been commissioned by Caxton Properties Pty Ltd to prepare a Waste Management Plan (WMP) for the proposed mixed-use development (the Development) located at 99 Broadway within the City of Nedlands.

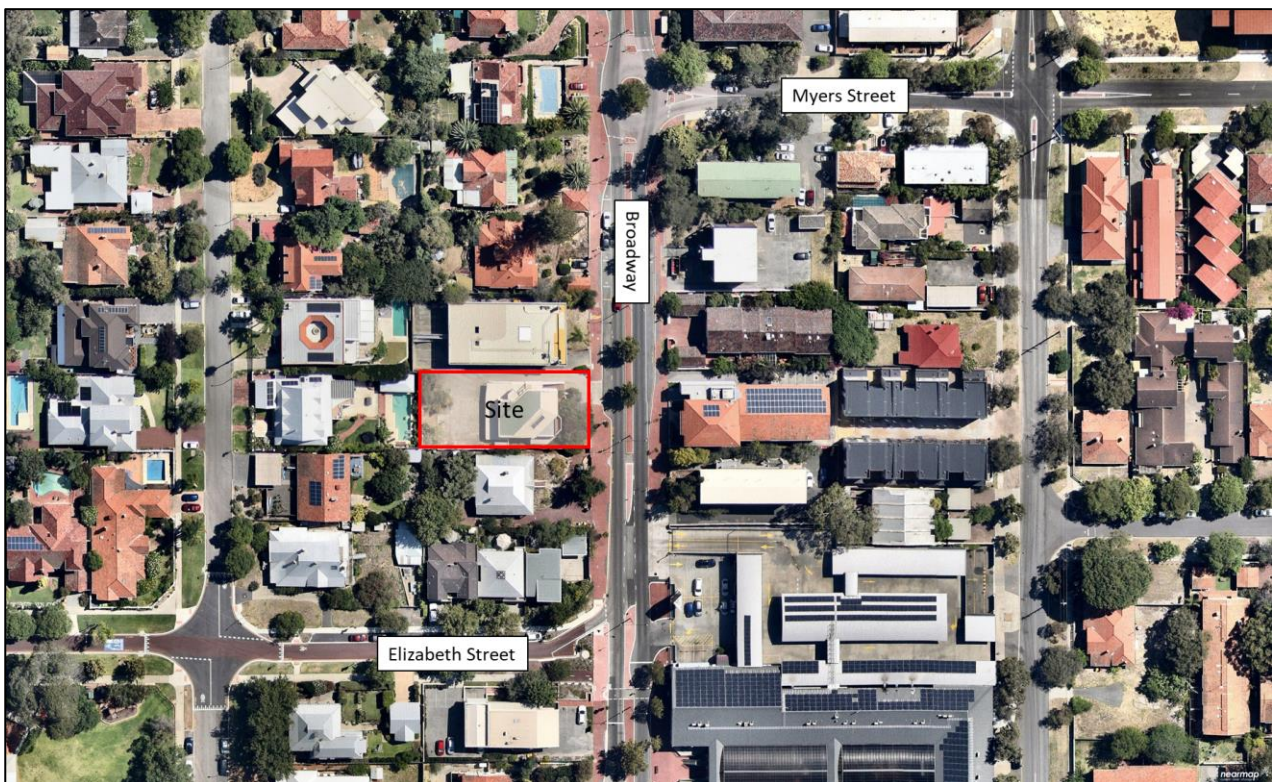
The scope of this WMP is limited to the estimation of general waste, recycling, and food organic and garden organic (FOGO) volumes generated by the Development and includes recommendations for the appropriate collection, storage, handling and transportation of waste and recycling, in accordance with the requirements outlined in the City of Nedlands Local Planning Policy and the WALGA's Commercial and Industrial Waste Management Plan Guidelines.

Estimations of generated volumes of liquid and bulk rubbish are not provided. Specialist contractors will need to be commissioned by the Development operators for the collection and disposal of liquid waste and bulk rubbish, as necessary.

1.1 Site Description

The proposed Development is located at 99 Broadway within the City of Nedlands as illustrated in **Figure 1-1**.

Figure 1-1 Site Location



Source: Nearmap (2021)

Plans for the proposed development outlines a six-storey building with the majority of its land use dedicated for residential apartments and a café on the ground floor. The anticipated usages generating waste from the proposed Development is tabulated in **Table 1-1**.

The proposed Development will front onto Broadway on the eastern side and is surrounded by residential, commercial and retail developments. The bin enclosure for the development is proposed to be located on the ground floor of the subject site and is accessible from Broadway.

Architectural plans outlining the usage of floor space are provided in **Appendix A**.

Table 1-1 Proposed Development

Type of Premises	Quantity
1 Bedroom Apartment	4 units
2 Bedroom Apartment	10 units
3 Bedroom Apartment	7 units
Commercial (Café)	55 sqm

1.2 Waste and Recycling Collection Services

The proposed development will use the waste collection service provided by the City of Nedlands for the collection of general, recycling and FOGO waste which is anticipated to be collected twice a week.

General, recycle and FOGO waste collections will be undertaken on-site and arranged to occur during off-peak hours to minimise disruption to traffic operations as well as minimise any impacts to residents and tenants.

1.3 Refuse Storage Room

The Mobile Garbage Bin (MGB) storage for the Development will be in separate refuse rooms for residential and commercial tenancies located on the ground floor.

1.3.1 Construction Considerations

The refuse rooms for the Development will be designed with the following considerations:

- Floors to be even and flat for safe storage of bins;
- Access doors will be self-closing to prevent access to vermin;
- Doors to bin storage area should be wide enough for bins to fit through;
- Adequate aisle width for easy manoeuvring of bins;
- No double stacking of rows of bins;
- All wall joins will be sealed to a height of 150 mm for ease of washing;
- Wall*s are to be painted with washable paint;
- Washing facilities with hot and cold taps located at a minimum height of 1.5 m (and no higher than 1.7 m) for washing of bins, equipment and refuse room floors;
- Drainage of waste water from washing facilities will drain to main sewers;
- All electrical outlets will be installed at a height of 1.6 m for ease of use and safety;
- Light switches for the refuse rooms must be installed at a height of 1.6 m to prevent obstruction by bins and equipment;
- Sufficient lighting of the refuse rooms should be provided by motion detected automatic artificial lighting in order to facilitate access to the refuse rooms;
- Adequate ventilation will be provided to the refuse rooms to ensure sufficient turnover of the air mass to prevent odour nuisance;
- Appropriate signage to be provided;
- To be designed to not permit stormwater to enter into the drain;
- Bins not to be visible from the property boundary or areas trafficable by the public; and
- Bins are reasonably secured from theft and vandalism.

2 Waste Generation and Management

In order to ensure that the waste from the Development is properly managed, it was necessary to estimate the volume of waste that is likely to be generated on the premises. The City has advised that a waste management plan for a three-bin collection system i.e. general waste, recyclables and FOGO is required. The waste generation rates indicated in the City’s Local Planning Policy was used to calculate the estimated waste anticipated to be generated by the proposed residential apartments. The City of Nedlands does not provide any waste generation rates for commercial tenancies. Hence the rates for the proposed commercial (café) tenancy was based on the waste generation rates outlined in the City of South Perth’s *Waste Guidelines for New Developments*.

Using these general, recycling and FOGO waste generation rates, a broad estimation of the daily waste to be generated by the proposed development has been calculated.

2.1 General Waste, Food Organics/Garden Organics Waste and Recycling Streams

Waste and recyclables will be sorted on-site and as close to source as possible. Sorting will rely on appropriate education of residents, tenants and staff in addition to adequate signage for bins located in the refuse rooms. Waste and recycling will be based on the following streams:

- > General Waste.
- > Co-mingled Recycling, which includes clean aluminium foil and trays, glass bottles and jars, long-life milk and juice cartons, cardboard, plastic containers, tins and cans.
- > Food organics and garden organics (FOGO), which includes food and green waste, uncontaminated wood waste, forestry residues and other biodegradable organic residues. The City will dictate what can be included in these bins.

2.1.1 Other Streams

Storage, handling and collection of liquid wastes are not covered in this WMP. The Development operator will need to source and enter into an agreement with an appropriate registered and accredited waste collection contractor from the City.

Storage, handling and collection of bulk wastes, such as mattresses and other hard rubbish and electronic waste such as old batteries are not covered in this WMP.

It should be noted that the City offers bulk rubbish and green waste collections twice a year for residential tenants. This collection enables residential tenants to dispose hard waste items, green waste, mattresses and electronic waste.

2.2 Waste and Recycling Estimate

The waste generation of the residential component of the development was calculated based on the requirements of the City. The City requires that sufficient general, recycle and FOGO bins are provided for the proposed multi-residential apartment development.

For the commercial tenancies, bin requirements have been calculated using the waste generation rates for a takeaway/ café use as indicated in the City of South Perth’s *Waste Guidelines for New Developments*.

A summary of the estimated waste generation rates for each waste stream is provided in **Table 2-1** and **Table 2-2**. Waste estimates were obtained by way of the calculations outlined in **Appendix B**.

Table 2-1 Waste Generation Rates for the Development (Residential)

Type of Premises	General Waste (L)	Co-mingled Recycling (L)	FOGO (L)
1-bedroom	80 L/dwelling/week	240 L/dwelling/fortnight	40 L/dwelling/week
2-bedroom	120 L/dwelling/week	240 L/dwelling/fortnight	40 L/dwelling/week
3-bedroom	120 L/dwelling/week	240 L/dwelling/fortnight	40 L/dwelling/week

Table 2-2 Weekly Waste Generation Rates for the Development (Café)

Type of Premises	Quantity	General Waste Rate	Co-mingled Recycling Rate	Weekly General Waste (L)	Weekly Co-mingled Recycling (L)
Café (Pre-packed Food only)	55 sqm	150 L/100sqm/day	150 L/100sqm/day	578	578

The waste volumes presented are estimates only and are representative of the design drawings of the Development provided in May 2021.

2.2.2 Bin Requirement

A breakdown of the anticipated MGB requirements for the proposed residential and commercial development and associated storage area minimum requirements are provided in **Table 2-3**. Please note the estimates are indicative of the area required for the storage of bins exclusively, and does not allow for the movement of bins or access to the bin enclosure. Bin sizes proposed are as recommended by the City of Nedlands.

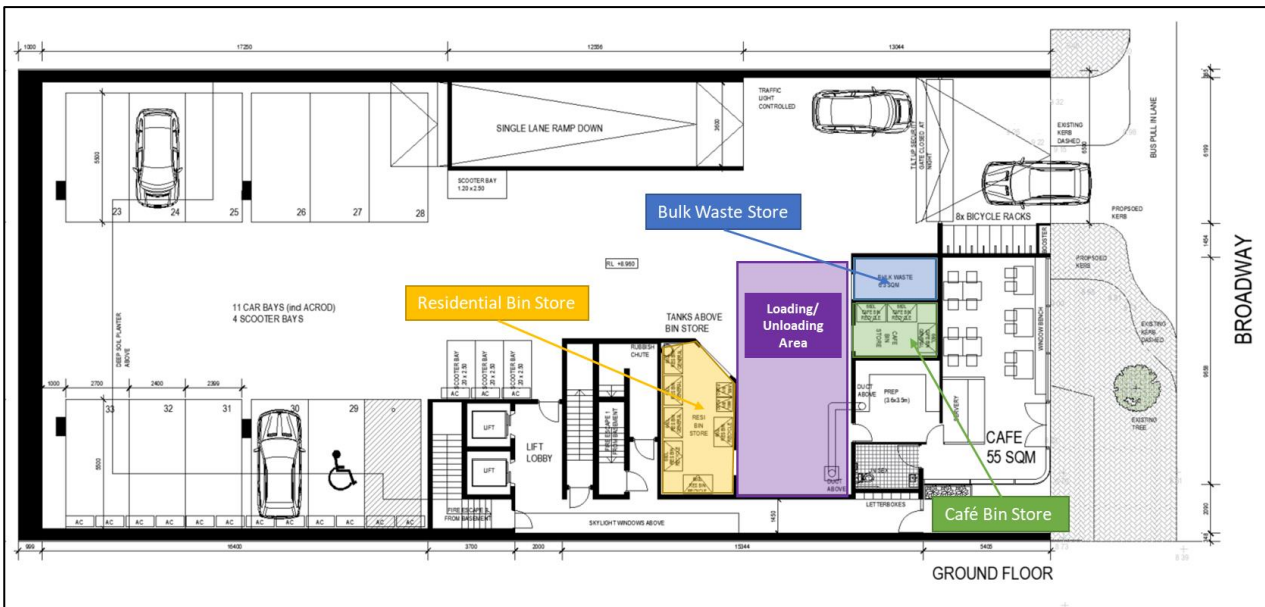
Table 2-3 Bin Requirements for Enclosure of Proposed Site

Floor Item	Residential			
	Depth (mm)	Width (mm)	Quantity	Area Required (m ²)
Residential				
660 L MGBs for Wastes	850	1370	3	3.49
660 L Co-mingled Recycling Bins	850	1370	3	3.49
240 L FOGO Bins	735	580	2	0.85
Total Area Required				7.84
No of Bins for Residential				8

Floor Item	Commercial (Café)			
	Depth (mm)	Width (mm)	Quantity	Area Required (m ²)
Residential				
660 L MGBs for Wastes	850	1370	1	1.16
660 L Co-mingled Recycling Bins	850	1370	1	1.16
Total Area Required				2.33
No of Bins for Café				2

A layout of the anticipated bin enclosure is illustrated in **Figure 2-1**.

Figure 2-1 Bin Store



Source: DMG Architecture

2.3 Bin Enclosure Layout

MGBs will be stored in an allocated enclosure within the Ground Floor of the Development and will be easily and safely accessible from within the development. The waste bins will generally be stored directly abutting the walls of the enclosures.

2.4 Design Consideration

A number of problems can arise from inadequate consideration of waste management in developments. Some of these problems include noise, odour, hygiene issues, vermin, negative impacts on the health, safety, environment and security. To avoid these issues, it is vital to consider waste management in the design and planning of multiple dwelling developments.

2.4.1 Odour

The enclosure is located away from public areas which will prevent odour nuisance.

2.4.2 Noise

The bin enclosure is located away from public areas to limit noise that may otherwise disturb surrounding residents when materials are placed in the bins.

2.4.3 Vermin

The use of lidded MGBs will eliminate access by vermin. The use of bait stations will also be considered by the Development operator if required.

2.4.4 Washing of Bins and Enclosure

The Strata/Facility Manager will be responsible for the organisation of regular washing of bins and for maintenance of the storage area. The area will have graded floors that drain to sewer which will allow for the cleaning of the store and bins.

2.4.5 Aesthetics

The bin enclosure has been designed with the Development and as such will be consistent with the overall aesthetics, avoiding the placement of bins along the external faces of the building.

2.4.6 Protection from Vandalism

The bin enclosure will be closed off from public access and will use gates and/or doors to promote a sense of ownership and community in order to deter vandalism and anti-social behaviour. No bins will remain or be stored outside of the enclosure

2.5 Transfer of Waste and Recycling

2.5.1.1 Waste Transfer

Residents and tenants will transfer waste to the dedicated refuse stores located on the site as required. These wastes will be emptied into their respective bins within the associated bin stores.

2.5.1.2 Co-mingled Recycling Transfer

Residents and tenants will transfer waste to the dedicated refuse stores located on the site as required. These wastes will be emptied into their respective bins within the associated bin stores.

2.5.1.3 Food Organic and Garden Organics (FOGO) Transfer

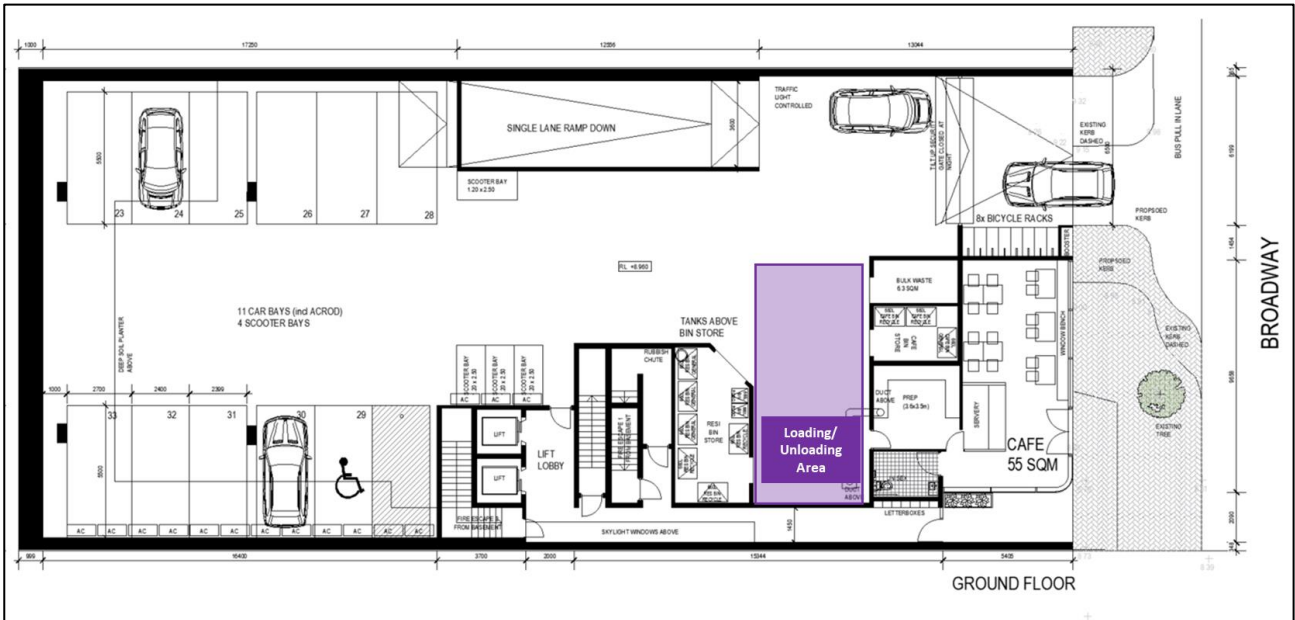
Residents and tenants will transfer FOGO waste to the dedicated refuse stores located on the site as required. These wastes will be emptied into their respective FOGO bins within the associated bin stores.

2.6 Collection of Waste and Recycling

The City will service the residential and commercial development by providing for 4x660L bins for general waste, 4x660L bins for recycling waste and 2x240L for FOGO waste.

Waste collection is proposed to be undertaken on-site at the dedicated collection area illustrated in **Figure 2-2**.

Figure 2-2 Dedicated collection area



Source: DMG Architecture

The Strata/Facility Manager or staff will provide access to the proposed bin enclosures. The City’s staff will ferry loaded MGBs from the bin enclosure to the waste truck for disposal on the days of collection and return the empty MGBs back to the respective bin enclosures.

2.6.2 Waste Collection Frequencies

It is anticipated that the residential collection frequencies will be as follows:

- > General waste is to be collected twice weekly by the City of Nedlands;
- > Recycle waste is to be collected twice weekly by the City of Nedlands; and
- > FOGO waste is to be collected twice weekly by the City of Nedlands.

Similarly, the anticipated collection frequency for commercial waste is as follows:

- > General waste is to be collected twice weekly by the City of Nedlands; and
- > Recycle waste is to be collected once a week by the City of Nedlands.

2.6.3 Provision for Service Vehicles

Waste collection is proposed to be on site. A service area is provided on the ground floor near the proposed bin store. A swept path analysis was undertaken for a 7.5m waste truck as illustrated in **Figure 2-3** and **Figure 2-4**. The swept path analysis shows that the City’s waste truck is able to manoeuvre into the Site in a forward gear, reverse into the proposed waste collection area and exit in a forward gear.

Figure 2-3 Swept Path (Waste Truck) - Ingress

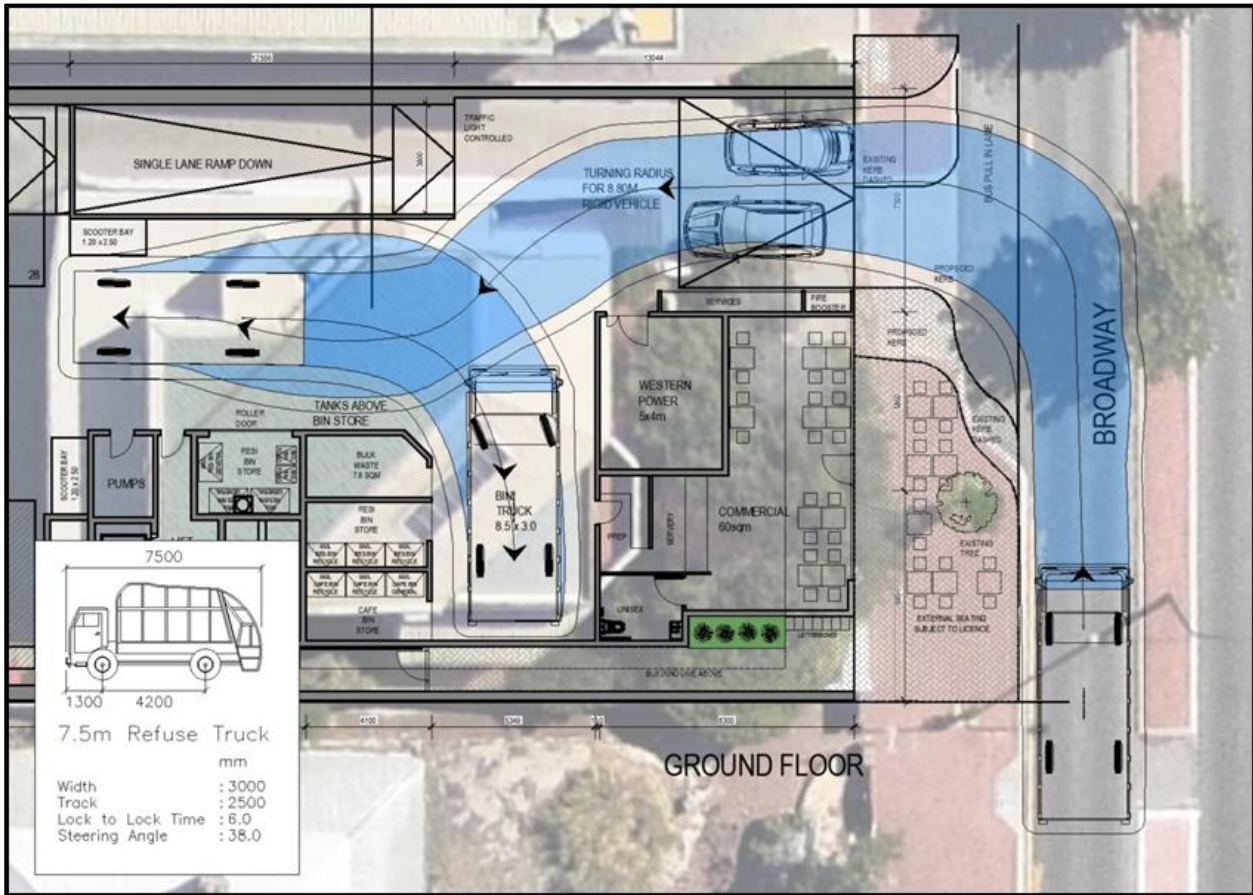
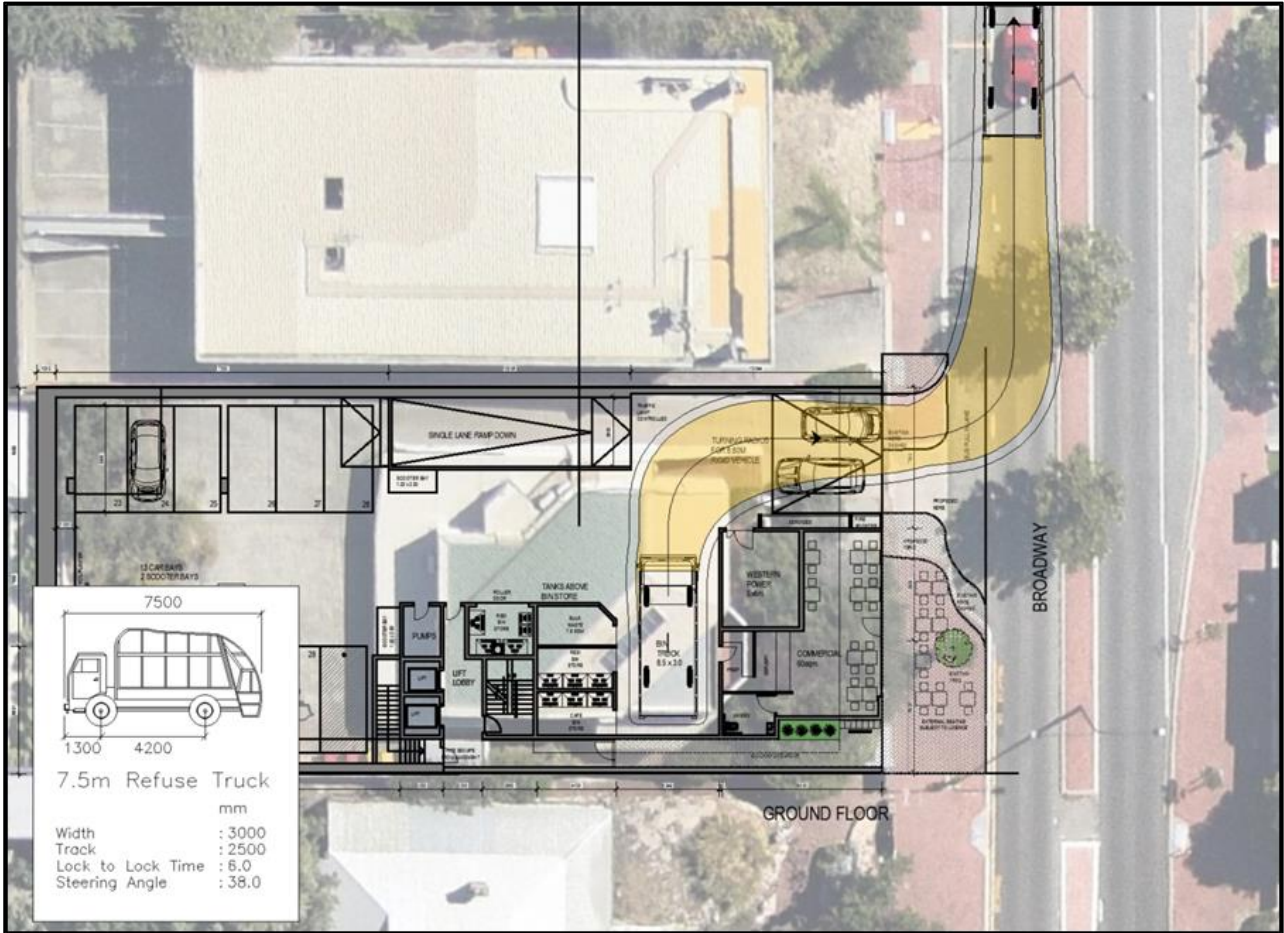


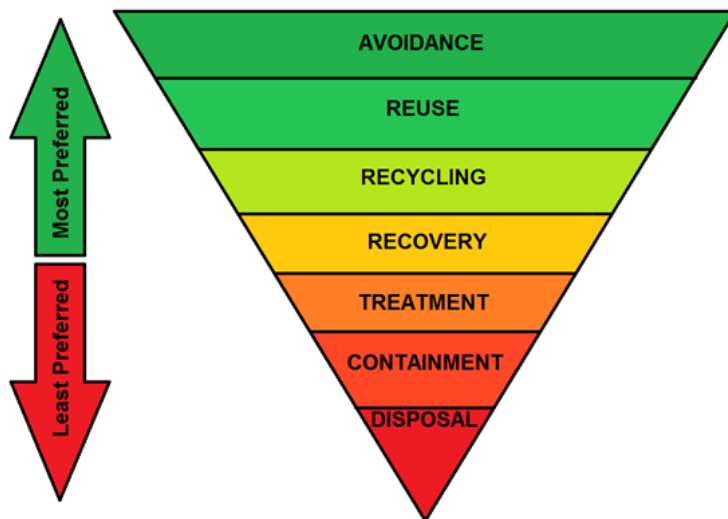
Figure 2-4 Swept Path (Waste Truck) - Egress



3 Waste Reduction and Management Strategy

This waste management plan has been developed with the strategic approach of reducing waste through best practices and education of residents, tenants and staff. Best practices for waste minimisation will optimise the Development’s use of the waste minimisation hierarchy, which seeks to encourage sustainable options for waste. The waste hierarchy is demonstrated below.

Figure 3-1 Waste Hierarchy



3.1 Provision of Information

Information dissemination is essential in order to communicate well the best practices of waste management. Suitable types of information which can be provided includes:

- Online information;
- Marketing materials such as posters and leaflets demonstrating procedures of waste segregation and waste collection days; and
- Sufficient labelling of bins, signage of storage areas and equipment to reinforce waste separation.

However, information on its own is not enough and it must be paired with initiatives to be effective.

3.2 Engagement

A regular engagement between all the stakeholders of the development should take place in order to remind the residents, tenants and staff the proper and best practices of waste management. The engagement should include

- Demonstration of waste management systems pertinent to an individual’s role;
- Distribution of waste management strategy documents in relevant locations;
- An explanation of the benefits of waste separation and recycling; and
- Training on all pertinent equipment related to waste management;

3.3 Monitoring and Review

The Strata/Facility Manager who will oversee the implementation of the Waste Management Plan, should continually monitor and review the waste management plan activities.

The Strata/Facility Manager will be responsible for the following:

- Monitoring and maintenance of bins and the Bin Storage Area;

- Monitor and manage bulk waste accumulation and communicate with the City for bulk waste collection services;
- Assist with ferrying of bins to and from the Bin Storage area and Bin Presentation Area on collection days;
- Monitor residents and tenant's behaviour and identify requirements for further waste segregation and management education; and
- Engage with the local government to ensure efficient and effective waste service to the development.

In the event that waste generation rates for the Development change, a waste audit may be required by the City or other regulatory bodies. Similarly, should a change to the waste regulations be implemented by the City or other regulatory bodies, a waste audit may be required in addition to further waste stream separation.

4 Conclusion

This Waste Management Plan demonstrates that the proposed development provides a sufficiently sized Bin Storage Area for storage of general, recyclable and FOGO waste based on the estimated waste generation and a suitable configuration of bins.

The collection of general, recyclable and FOGO waste is achieved using:

- > 4x660L general waste bins for residential and cafe, collection twice each week;
- > 3x660L recycling waste bins for residential, collection twice each week;
- > 1x660L recycling waste bins for café tenancy, collection once a week; and
- > 2x240L FOGO bins for residential, collection twice a week;

The waste collection vehicle is anticipated to collect the general, recycling and FOGO bins on site. The Strata /Facility Manager or staff will provide access to the proposed bin enclosures. The City staff will ferry loaded MGBs from the bin enclosure to the waste truck for disposal on the days of collection and return the empty MGBs back to the respective bin enclosures.

5 References

WALGA (n.d.), Commercial and Industrial Waste Management Guidelines, Perth.

City of Nedlands (n.d.), Local Planning Policy – Waste Management, Nedlands

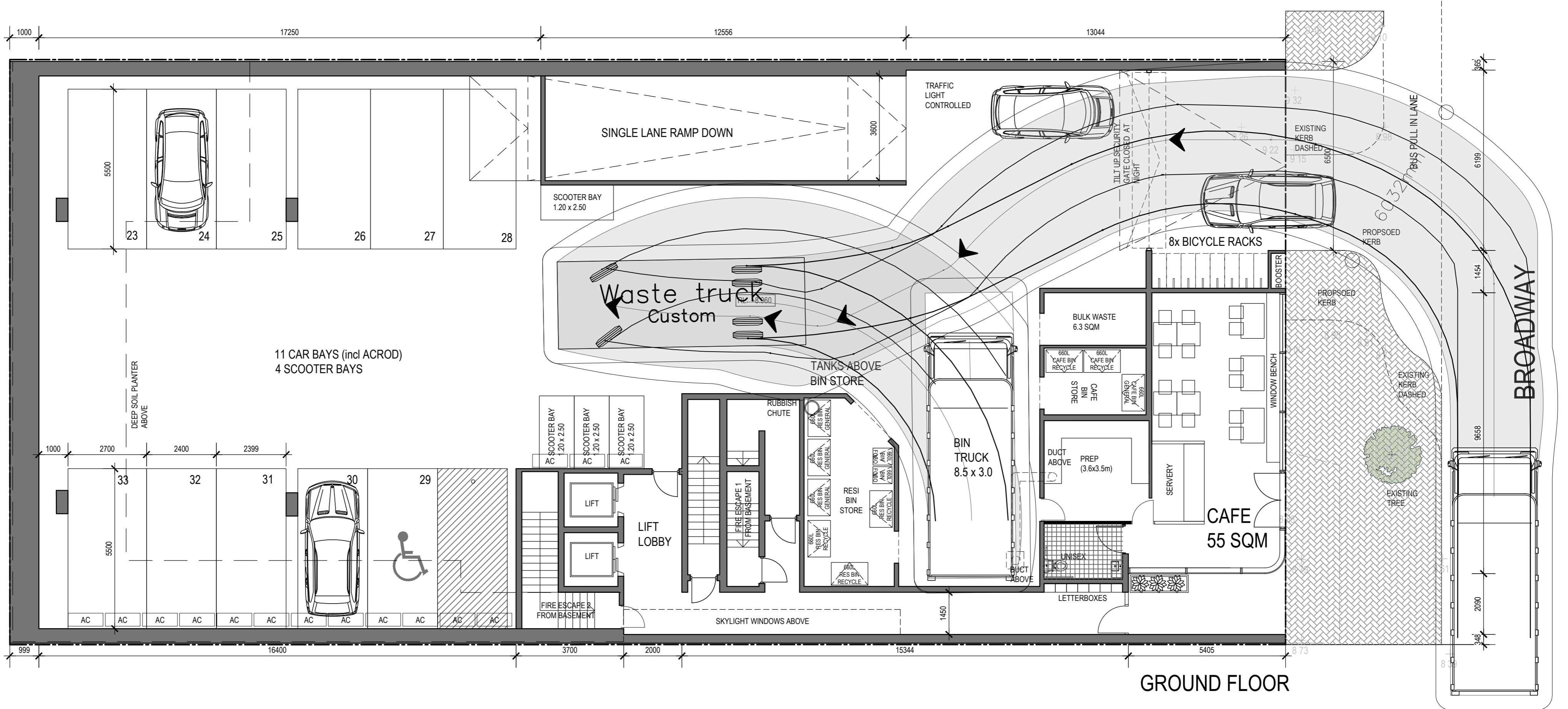
City of South Perth (n.d.), Waste Guidelines for New Developments, South Perth

99 Broadway, Nedlands

APPENDIX

A

ARCHITECTURAL PLANS



SCALE
1:100 @ A2

PROJECT TITLE
99 BROADWAY

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dmg ARCHITECTURE

PROJECT #
19051
DRAWING #
A02.02

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APPENDIX

B

WASTE CALCULATIONS

Waste generation rate as per City of Nedlands Local Planning Policy Waste Management

General Waste, Recycling and FOGO Generation Rates

Type of Premises	General Waste (L)	Co-mingled Recycling (L)	FOGO (L)
1-bedroom	80 L/dwelling/week	120 L/dwelling/week	40 L/dwelling/week
2-bedroom	120 L/dwelling/week	120 L/dwelling/week	40 L/dwelling/week
3-bedroom	120 L/dwelling/week	120 L/dwelling/week	40 L/dwelling/week

The following equation was used to calculate the anticipated weekly waste generation for residential waste:

$$\text{Total Amount of Waste Type} = (\text{Number of Units} \times \text{Waste Rate}) \times 7 \text{ days}$$

The total number of bins required for general waste for residential units with waste collection taking place twice a week was calculated using the following equation:

$$\text{Total Number of Bins Required} = \frac{\text{Total Weekly Waste Generated}}{660 \text{ L}} \times \frac{1}{2}$$

The total number of bins required for recycling for residential units with waste collection taking place twice a week was calculated using the following equation:

$$\text{Total Number of Bins Required} = \frac{\text{Total Weekly Waste Generated}}{660 \text{ L}} \times \frac{1}{2}$$

The total number of bins required for FOGO for residential units with waste collection taking place twice a week was calculated using the following equation:

$$\text{Total Number of Bins Required} = \frac{\text{Total Weekly Waste Generated}}{240 \text{ L}} \times \frac{1}{2}$$

Waste generation rate as per City of South Perth's Waste Guidelines for New Developments

General Waste and Recycling Generation Rates

Type of Premises	General Waste (L)	Co-mingled Recycling (L)	FOGO (L)
Café (Pre-packed Food only)	150 L/100m2/day	150 L/100m2/day	N/A

The following equation was used to calculate the anticipated weekly waste generation for commercial waste for the proposed development:

$$\text{Total Weekly Waste Generated} = (\text{Floor Area} \times \text{Waste Rate}) \times \text{no of days per week}$$

The total number of bins required for the collection of general waste twice a week for the proposed Café was calculated using the following equation:

$$\text{Total Number of General Bins Required} = \frac{\text{Total Weekly Waste Generated}}{660 \text{ L}} \times \frac{1}{2}$$

The total number of bins required for the collection of recycling waste once a week for the proposed Café was calculated using the following equation:

$$\text{Total Number of Recycling Bins Required} = \frac{\text{Total Weekly Waste Generated}}{660 \text{ L}}$$

99 BROADWAY, CRAWLEY SHORT STAY ACCOMODATION MANAGEMENT PLAN

Roles and Responsibilities of the Building Manager

- Ensure that all Guests and Visitors comply to the Code of Conduct;
- Have to day-to-day management of the Short Stay Accommodation;
- Respond to complaints in a timely manner and guests to report problems or incidents promptly;
- Supply and ensure that the following are readily visible inside the property:
 - The Code of Conduct
 - Fire and Emergency Plan
 - a list of Emergency and After Hours contacts
- Liaise with Guests for the occupancy and vacation of premises;
- Ensure that the premises are clean and maintained to a high standard; and
- Ensure that bed linen is clean and replaced upon Guest vacation.

Code of Conduct

This Code of Conduct aims to establish acceptable standards of behavior for all Guests and Visitors to minimize any adverse impact on other occupants to the building and surrounding neighbours.

The following Code of Conduct governs Guests and Visitor behavior and use of the property. All Guests and Visitors agree to abide by the following guidelines:

GUESTS & VISITORS

- A responsible adult (over 18 years of age) shall be on site at all times when children are present.
- No unauthorised people are permitted to stay overnight.

NOISE AND NUISANCE

- Guests and their Visitors agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour.
- Noise should cease after 9pm Sunday to Thursday and after 10pm Friday and Saturday

VEHICLE PARKING

- Guests agree to use the parking spaces clearly marked for the apartment they are staying at and not to park on lawn or garden areas on the property, on the

street verge, or street outside the property.

- Guests and their Visitors agree not to park any additional vehicles on the property in excess of the parking spaces provided.

SHIRE REGULATIONS

- Guests and their Visitors agree to comply with all Shire regulations, including noise and fire limitations.

PREMISE CONDITION AND CLEANLINESS

- Guests and their Visitors agree to leave the premise in a clean and tidy condition upon vacating, with all fittings and chattels in their original condition and position at the beginning of stay.
- Guests and their Visitors are to advise the Building Manager of any damage or disrepair within 24 hours of this occurring.
- Any damage repairs or excessive cleaning that is attributable to Guests and their Visitors will be paid for by the Guests.

FIRES

- Guests and their Visitors agree not to burn any candles, open fires or similar to within the premises and common areas.
- No open fires are permitted outside at any time.
- No smoking is permitted inside the unit and on the entire property. If you desire to smoke you must not do this within the boundaries of the property.

RUBBISH DISPOSAL

- Guests and their Visitors agree to contain all their rubbish in the bins provided.

KEYS

- At the end of the agreed tenancy, Guests agree to lock the premise, close all windows and return the keys to the Building Manager.

- Any lost or damaged keys will be replaced at the Guest's expense.

TERMINATION OF ACCOMMODATION

- If Guests are found to have contravened any of the above Code of Conduct responsibilities a verbal warning will be issued.
- If the contravention is not rectified immediately the accommodation booking may be terminated with 2 hours' notice at the Building Manager's discretion.

Fire & Emergency Plan

Emergency Contact Details:

FOR EMERGENCIES DIAL 000

Building Manager:

Local Hospital:

Local Shire:

Police:

Fire Evacuation Route

Plan below:

ELEMENT 2.2		BUILDING HEIGHT	
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 achieved 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>O2.2.1 – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.</p>	<p>The subject site and adjoining land fronting Broadway are designated an R-AC3 density code. Table 2.1 Primary controls table of the R-Codes contemplates a building height of 6 storeys in this area. The adjoining sites to the west are coded R60, where a building height of 3 storeys is contemplated to provide a transition.</p> <p>The proposed maximum building height varies between 18.8m on the eastern portion of the development and 23 metres on the western portion. This is due to the sloping nature of the site.</p> <p>In the interest of moderating the effect of building height and in response to the site’s sloping topography(addressed in more detail in O2.2.2), the top level has been set back such that it is not evident to Broadway.</p> <p>In terms of future scale and character, it is necessary to consider the R-AC3 density coding. The R-AC3 coding of sites along Broadway is expected to create a mid-rise urban centre consistent with the streetscape character type depicted in Appendix 4 of SPP7.3.</p> <p>A number of approvals have been recently granted in the locality, which are outlined below:</p> <ul style="list-style-type: none"> • 135 Broadway (300m south of the subject site). This development was approved by the former Metro West JDAP in April 2020 at seven storeys in height. The site at 135 Broadway is subject 	<p>Objective achieved</p> <p>The default Acceptable Outcomes under Table 2.1 of the R-Codes for an R-AC3 site is 6 storeys and a 21m indicative building height inclusive of any roof top articulation.</p> <p>This proposal is for 6 storeys and has a maximum height of 21 m above natural ground level at the highest point. Calculations are based on the rooftop RL 31.96 and the natural ground level directly below of 11.</p> <p>The height is contained within the building envelope and responds to the future scale and character of Broadway for an R-AC3 and is consistent with other approvals.</p>	

	<p>to the same density code as the subject site.</p> <ul style="list-style-type: none"> • The development at 93-95 Broadway (100m north of the subject site) was approved by the MINJDAP in September 2020 at 6 storeys (Figure 2 below). • A six-storey mixed use development, comprising 29 apartments and a ground floor commercial tenancy was approved by the MINJDAP at 137 and 139 Broadway. • A seven-storey mixed use development including 34 apartments and a ground floor tenancy was approved at 79 and 91 Broadway. • Recently, a six storey mixed use development comprising 19 dwellings was approved at 105 Broadway, located within close proximity of the subject site 	
<p>O2.2.2 – The height of buildings within a development responds to changes in topography.</p>	<p>The subject site slopes downwards from the west to the east, with a relatively steep fall of approximately 7 metres. The development responds to the natural ground level by cutting in to the site to ensure the building height is consistent. The building is setback to ensure the 6th floor is not visible from Broadway or the adjoining western property.</p>	<p>Objective achieved</p> <p>The site slopes 7m down from the west to the east. The development proposes excavation such that the entrance of the ground floor level is level with Broadway.</p> <p>As viewed from Broadway, the building presents as 6-7 storeys. At the western interface, which is coded R60, the building presents as predominately 4.5 storeys. This is attributed by the sloping site, and the use of cut, and increase upper floor setback. The height is considered an appropriate interface that transitions to the R60 coded properties to the rear and aligns with other recent approvals on Broadway.</p>
<p>O2.2.3 – Development incorporates articulated roof design and/or roof top communal open space where appropriate.</p>	<p>The top storey of the proposed development provides an articulated roof design which utilises various form, colours and materials to create visual interest.</p> <p>Two penthouse short-stay apartments are provided on the 6th storey, with large balconies providing views and minimising building bulk. Communal open</p>	<p>Objective achieved</p> <p>The proposal has no roof top communal open space. The roof is concealed and incorporates solar panels which is concealed from view. The top storey is articulated and set further back from the rear, north and front boundaries.</p>

	<p>space is provided on level 1 instead of the roof. This is more appropriate considering the topography of the site. This has allowed for the provision of a significant amount of landscaping on level 1 around the communal area, which acts as a visual buffer between the subject site and the adjacent western property</p>	
<p>O2.2.4 – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.</p>	<p>The single storey dwelling to the south is 77.1% overshadowed at midday on June 21. Given the zoning of the locality, the orientation of the subject site, and the width of the property to the south, this level of overshadowing is inevitable and expected.</p> <p>The single storey dwellings further south along Elizabeth Street are also slightly affected by overshadowing at this time. 1 Elizabeth Street is 18.9% overshadowed, 1A Elizabeth Street is 30.2% overshadowed and 1B Elizabeth Street is 6.6% overshadowed. This level of overshadowing is considered minimal, and acceptable given the zoning along Broadway</p>	<p>Objective achieved</p> <p>The adjoining sites to the south (at 101 Broadway, 1-1B Elizabeth Street) are coded R-AC3. A maximum shadow cast does not apply under Element 3.2 Orientation (A3.2.3) to these lots.</p> <p>The shadow cast measured at 12pm during the Winter Solstice proposes the existing single house to the south to be overshadowed by 77%, with the smaller subdivided lots at 1, 1A and 1B Elizabeth Street being overshadowed by 19%, 30% and 7% respectively.</p> <p>The height of the development recognises the need for daylight solar access and is supported as -</p> <ul style="list-style-type: none"> • The development is setback 9m back from west (rear) of the site. This allows for adequate sunlight to the proposed communal open space on site, any future open space to the adjoining southern site (including deep soil areas) and to the existing outdoor living area for the existing single house. • The single houses for 1– 1B Elizabeth Street would retain solar access, with major openings to the north predominantly unshaded. • The shadow cast represents the ‘worst case’ where other months will reduce the extent of the shadow cast such as summer & spring.

		<ul style="list-style-type: none"> • There are no existing solar panels on the adjoining houses. • The building height and number of storeys are contained within the building envelope. <p>It is acknowledged that the proportion of overshadowing is greater than what was previously permitted under the R35 coding. However, in order to prevent overshadowing, the development would need to be reduced to 2 storeys which is not considered reasonable in an R-AC3 'Mixed Use' zone.</p>
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ACCEPTABLE OUTCOMES
Acceptable Outcome pathway may not be applicable where a performance solution is provided

<p>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.</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>Building height (storeys) <i>refer 2.2</i></td> <td>2</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>5</td> <td>3</td> <td>6</td> <td>7</td> <td>9</td> <td></td> </tr> </tbody> </table>											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		<p>The proposed development is 6 storeys (21m), consistent with the table and indicative storey height.</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																																				
Building height (storeys) <i>refer 2.2</i>	2	3	3	4	4	5	3	6	7	9																																					

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>Local Planning Policy-Interim Built Form Design Guidelines-Broadway Mixed Use Zone. Clause 4.1 Building Height (a) The portion of the building abutting Broadway is minimum of two storeys in height. (b) The maximum building height is 12.5m (4 storeys) above road level.</p> <p>The height elements of this Policy are subject to WAPC consideration and are currently not certain or imminent.</p>

ELEMENT 2.3		STREET SETBACKS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT	
<p>O2.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.</p>	<p>The subject site is zoned ‘Mixed Use’ under the City’s LPS3, with an applicable density coding of R-AC3. The primary controls of Table 2.1 contemplate a nil setback for developments with a commercial use at the ground floor, or 2m for proposals without a commercial use.</p> <p>The proposed development provides a nil building setback at ground floor. The café tenancy fronts the street, to provide activation and intimacy between the café and the public realm.</p> <p>The City’s interim built form local planning policy prescribes a minimum setback of 2 metres to the primary street for storeys 1-7. Level 1 provides a nil setback to the balcony, although 1.4m is occupied by a landscaping planter. The landscaping planter presents an attractive frontage to the public realm and provides privacy to the eastern facing apartments on level 1. A minimum 5.2m setback is provided to the apartments on level 1. This setback helps to soften the impact of the building on the public realm and ensures privacy for the residents.</p> <p>Levels 2-5 provide a 1.9m setback to the balconies, whilst the apartments themselves are setback at least 5.45m. This provides further interest to the street through articulation. Varied materials are used for the balustrades and screens of the balconies, further enhancing visual interest to the street.</p> <p>The balcony of level 6 is setback further to a distance of 5.3m. Level 6 provides an additional landscaping</p>	<p>Objective achieved</p> <p>Table 2.1 recommends a minimum 2m primary street setback for residential and a nil setback at ground floor to a commercial tenancy.</p> <p>The development proposes a nil setback at ground level for the café, a nil setback to the balcony landscaping of level 1, and a 1.9m setback for portions of the balconies on levels 2-6.</p> <p>The landscaping on level 1 is flush with the café entrance and windows below, and softens the development as viewed from the street. The landscaping also provides privacy protection for occupants of the units.</p> <p>The landscaped balcony functions as a green roof for the café rather than a space that would be actively used. In doing so, the design reinforces the proposed landscape character of the street.</p> <p>The remaining balconies above level 1 are highly articulated, with a setback ranging up to 4.9m from the street. These deep balconies are open on the sides and break up the massing of the building.</p>	

	planter along the balcony, with the setback to the apartment itself being 8m	
O2.3.2 – The street setback provides a clear transition between the public and private realm.	<p>The commercial tenancy is located on the ground floor of the development fronting Broadway. No apartments are located on the ground floor, therefore there is a clear transition between the public and private realm.</p> <p>The R-AC3 coding of sites along Broadway is expected to create a mid-rise urban centre consistent with the streetscape character type depicted in Appendix 2 of SPP7.3. This type of urban form is likely to consist of similar outcomes, being non-residential on the ground floor which transitions to apartments above.</p>	<p>Objective achieved</p> <p>The ground floor cafe tenancy level reinforces the intent of the ‘Mixed Use’ zone to provide for an active street level and aids in delineation of the public and private realms, consistent with the intended character. The design of the development appropriately compartmentalises services that have an interface with the street.</p>
O2.3.3 – The street setback assists in achieving visual privacy to apartments from the street.	<p>None of the apartments are located on the ground floor, therefore privacy is created through distance above the public street, where views into apartments are not achievable.</p> <p>The composition of apartments with the location of balconies, landscaping planters and windows further facilitates privacy from the street.</p>	<p>Objective achieved</p> <p>The street setback provides a degree of soft and hard landscaping. Visual privacy is additionally aided by larger balcony planter boxes and a mix of fixed screening and partial screening.</p>
O2.3.4 – The setback of the development enables passive surveillance and outlook to the street.	<p>The proposed setbacks to Broadway, combined with the location of balconies and windows from habitable spaces offers an outlook to the street. This allows for passive surveillance from the dwellings to the street, limiting opportunities for crime and antisocial behaviour in accordance with Crime Prevention Through Environmental Design (CPTED) principles. Furthermore, the nil setback of the café, combined with significant amounts of glazing, provides further opportunities for passive surveillance to the street.</p>	<p>Objective achieved</p> <p>The proposed street setback incorporates east facing balconies which offer an opportunity for passive surveillance. In addition, the east facing apartments at the upper levels are also designed to have habitable rooms and balconies directed towards the street.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<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>		<p>Outcome not achieved for a portion of the balconies, which are set back 1.9m from the street.</p> <p>Nil setback to café achieves objective.</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	
	Site R-Coding	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	2m or Nil ⁵	2m or Nil ⁵	2m or Nil ⁵	2m or Nil ⁵	2m or Nil ⁵		
(4) Minimum secondary street setback 1.5m (5) Nil setback applicable if commercial use at ground floor												
LOCAL PLANNING FRAMEWORK							REQUIREMENT					
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:												

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 achieved 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>A2.4.1. and Table 2.1 define a nil side boundary setback as an acceptable outcome within the R-AC3 zone.</p> <p>Southern boundary (side)</p> <p>The development proposes a nil setback on the ground floor. Level 1 provides a nil to 1.8m setback to the southern boundary. The nil setback is to the balcony of the ‘U2’ apartment. The portion of the balcony abutting the southern boundary is screened by a semi-permeable composite panel with a timber finish, to prevent overlooking and retain privacy of the southern residential dwelling</p> <p>Levels 2-5 provide a 1.28m setback to the balcony of the ‘U2’ dwelling’ and bedroom 1, and a 2.59m setback to bedroom 2 and the living room. No overlooking opportunities are provided from bedroom 1,</p> <p>and the balcony is appropriately screened using a composite panel with a timber finish. The screening creates articulation and provides visual interest to the southern boundary, whilst preventing overlooking and protecting privacy. The setbacks are consistent with the Acceptable Outcomes of this element, based on Table 2.1 of SPP7.3. It also important to note the existing building on the adjoining property is setback approximately 2.3 metres, creating an additional buffer between the two developments.</p>	<p>Objective achieved</p> <p>The amended plans have introduced a degree of articulation that serves to break up the building bulk when viewed from the adjoining northern lot. The recess is also proposed in a darker colour to further create the appearance of reduced bulk.</p> <p>Setbacks to the south are articulated even further, with the building stepping back away from the southern boundary as one moves towards the rear. This allows adequate space for future development of a similar size without impacting amenity.</p> <p>A 9m setback for all floors is proposed to the lower-coded (R60) rear property to the west. This exceeds visual privacy acceptable outcomes, and exceeds building separation acceptable outcomes for storeys 1-4, and meets the acceptable outcomes for storeys 5 and 6.</p>

Level 6 provides a similar side setback to levels 2-5, although the balcony of the eastern apartment does not wrap around the southern portion of the building.

The separation between the two buildings will allow satisfactory ventilation, noting winds would predominantly be south-westerly which would flow through the open spaces which are east-west oriented.

Western boundary (rear)

The development proposes a 3.99m setback to the pergola of the outdoor communal space on level 1, and an 8.24m setback to the balcony of U3. A significant landscaping buffer is provided, increasing the amenity for residents utilising the communal facilities.

Levels 2-5 provide a 9m setback to both apartments on the western side of the building. This significantly exceeds the requirement of the acceptable outcomes and the City's LPP for rear setbacks, apart from level 5, which requires a 9m setback (and the proposal is therefore fully compliant).

A 10m setback is proposed to the balcony of level 6.

Northern boundary (side)

The development proposes a nil setback to the northern boundary on the ground floor and level 1.

Levels 2-5 provide a consistent 2.01m setback. Similar to the southern façade, screening is provided along the balconies facing north to prevent overlooking and retain privacy of the northern commercial building.

Level 6 provides a 3.29m setback to the northern boundary, providing a greater setback to ensure overlooking and bulk is reduced.

<p>O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.</p>	<p>n terms of the existing situation, there are no consistent side/rear setbacks in this streetscape with different styles of development having occurred over time. The R-AC3 coding will create a medium-rise urban centre over time, resulting in a built form pattern which will be contiguous based on the design elements of SPP7.3. The proposed side and rear setbacks are therefore consistent with the desired streetscape character.</p> <p>The design responds appropriately to the different street contexts, providing an active ground floor use, whilst ensuring the apartments are adequately setback from the street.</p>	<p>Objective achieved</p> <p>The rear setback for the whole of the building exceeds the setbacks approved in nearby Broadway developments. This provides a greater sense of privacy and distance from the existing single house to the rear of the lot.</p> <p>The side setbacks are consistent with the streetscape pattern of other approved developments by providing a degree of articulation and varied setbacks to adjoining properties.</p>
<p>O2.4.3 – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.</p>	<p>The considerable rear setback allows for a significant landscaped area along the western boundary of the site, including the communal area, and providing a pleasant screening to the adjacent residential property.</p> <p>Waterwise principles will be implemented – refer to Appendix 6 for the landscaping plan. On-structure landscaping meets the Acceptable Outcomes, with a further analysis of landscaping provided in section 3.3 below</p>	<p>Objective achieved</p> <p>No existing trees are proposed to remain. However, a large vegetated area is proposed within the rear setback that will contain some small and medium sized trees. Additional information provided shows that the soil depth of the trees will be 2.2m. Landscaping is further discussed below.</p>
<p>O2.4.4 –The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.</p>	<p>The perceived height of the proposed development would equal approximately five storeys from the rear dwelling, due to the increase in gradient towards the western boundary.</p> <p>The proposed setbacks to the side and rear boundary provides an adequate transition from the R-AC3 zoning to the R60 property adjacent to the western boundary, and R-AC3 sites adjacent to the northern and southern boundaries. Acknowledging the sensitivity of the interface along the western boundary of the development site, substantial setbacks have been provided to ensure there is a significant buffer between the buildings.</p>	<p>Objective achieved</p> <p>A 9m setback is proposed to the rear, which provides ample visual privacy and sets the bulk of the building far from the lower-coded rear properties and, due to the steep slope of the lot, will present as a 4.5 storey building to the rear lot.</p>

Complementing the setbacks to the southern and northern boundaries, window placement is carefully considered to ensure privacy is not compromised. Screening is provided along the balconies to prevent overlooking – the choice of materials for the screening still allows ventilation and light, whilst providing visual interest and breaking up the façade.

The neighbouring properties to the north and south along Broadway are coded R-AC3, with the ultimate built form outcome likely to be consistent with a mid-rise urban centre as shown in Appendix 4 of SPP7.3. Over time, it is considered that this scale of development will become common.

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)

	Table 2.1	Proposed
Boundary wall height	3 storeys	1 storey
Minimum side setbacks	Nil	1.2m (south) 2.1m (north)
Minimum rear setback	Nil	9m to balcony

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
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Boundary wall height (storeys)^{1,2} <i>refer 2.4</i>	1 ³		1 ³	2 ³	2 ³		2	3	4		
Minimum side setbacks⁶ <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		
<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>											
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> .										See Objectives 2.7 <i>Building separation</i> , 3.3 <i>Tree canopy and deep soil areas</i> , 3.5 <i>Visual privacy</i>	
LOCAL PLANNING FRAMEWORK						REQUIREMENT					
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>						<p>Local Planning Policy-Interim Built Form Design Guidelines-Broadway Mixed Use Zone.</p> <p>Clause 4.2 Building setbacks are provided in accordance with Table 2.</p> <ul style="list-style-type: none"> • Primary street: 2m • Rear (minimum): 6m • Side (minimum): <ul style="list-style-type: none"> - North 2m - South 4.5m 					

ELEMENT 2.5		PLOT RATIO	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
<p>O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.</p>		<p>The overall plot ratio is 2.19, whilst the Acceptable Outcome contemplates a plot ratio of 2.0 for R-AC3 coded sites.</p> <p>Based on the lot area of 880m², the maximum plot ratio subject to the Acceptable Outcome is 1,760m². 1,892m² is proposed, equating to an approximate 6.9% variation to the Acceptable Outcome. The variation is considered very minor in the context of the overall development.</p> <p>The proposal originally presented to the DRP had a plot ratio closer to 2.5:1. Following the advice received by the DRP, the plot ratio was substantially reduced to 2.15:1, by increasing rear setbacks, and reducing the overall footprint and bulk of the building. The proposed plot ratio is generally consistent with other recently approved residential developments occurring in the immediate surrounding locality, such as at 135 Broadway where a six-storey mixed use development was approved with a plot ratio of 2.17 and 93-95 Broadway where a six-storey mixed use development was approved with a plot ratio of 2.19.</p> <p>In terms of bulk, the building is well defined and articulated along all frontages. Building height, street setbacks, and side and rear setbacks all achieve the requirements of the R-Codes, and as such the minor plot ratio variation does not manifest as excessive building bulk. The development utilises glazing, varying materials and articulation on all levels to create a visually interesting building, and to mitigate perceived building bulk.</p>	<p>Objective achieved</p> <p>The Acceptable Outcome for plot ratio is 2.0. The design proposes a plot ratio of 2.2, which equates to approximately 176m² of additional floor space.</p> <p>As described in the Element Intent of the R-Codes, 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 building is wholly located within the 21m indicative building envelope in accordance with Table 2.2. • Due to the cutting into the topography of the site, the development presents as predominately 6 storeys from Broadway and proposes a graduated built form of 4.5 storeys to the adjoining R60 coded lots (west). • The side and rear setbacks to the building are otherwise generally consistent with the acceptable outcomes, noting a minimum rear setback of 9m, beyond the minimum of the Acceptable Outcomes has been applied to all levels. This allows for an appropriate built form transition and landscape buffer. • It is considered that an adequate degree of building articulation is provided to each elevation. The massing and overall design has been further supported by the Design Review Panel. • The provision of the cafe tenancy, which contributes to plot ratio, is considered desirable

		<p>as it will present to the street and provide additional activation which is to be encouraged with an R-AC3 site.</p> <ul style="list-style-type: none"> • The extent of the shadow cast is generally consistent with other approvals along Broadway. • The overall proposed plot ratio is more aligned with an R-AC3 coding which is the intended future scale for this site.
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ACCEPTABLE OUTCOMES
Acceptable Outcome pathway may not be applicable where a performance solution is provided

A2.5.1 – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument.
(Excerpt from table 2.1)

Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres	
	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1
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

Acceptable outcome not achieved

Acceptable outcome:
2.0 (1760m²)

Proposed:
2.2 (1936m²)

(6) Refer to Definitions for calculation of plot ratio

LOCAL PLANNING FRAMEWORK **REQUIREMENT**

<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	
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ELEMENT 2.6		BUILDING DEPTH	
ELEMENT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT
<i>Development is to achieve the following Element Objectives</i>		<i>Outline the rationale demonstrating that the proposal has achieved the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O2.6.1 – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.	<p>All 21 apartments are dual aspect with openings facing more than one direction and enabling cross ventilation through the living areas of most of the apartments. Detailed cross ventilation and solar access drawings are provided in the development application plans at Appendix 4.</p> <p>All apartments have generous floor-to-floor heights (3.1m for levels 1-5 and 3.4m level 6 apartments) enabling a greater sense of space and better opportunities for sunlight being received within the apartment. Proposed screening on the balconies are permeable and will still allow sunlight and ventilation into the apartments.</p> <p>A variety of articulations and window placements ensure sufficient daylight to habitable rooms. All apartments feature large, glazed doors onto outdoor living areas that maximise good solar access and natural ventilation.</p>	Objective achieved All units are dual aspect and have openings facing at least two different directions to allow for sunlight and ventilation.	
O2.6.2 – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.		Objective achieved Amended plans have provided articulation in the walls that allow major openings to more bedrooms and living areas than originally proposed. This increases sunlight and ventilation, particularly to those units to the south that previously only had obscured openings.	
O2.6.3 – Room depths and / or ceiling heights optimise daylight and solar access and natural ventilation.		Objective achieved Room depths and ceiling heights provide adequate solar access and air flow to indoor habitable spaces.	
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 <i>4.1 Solar and daylight access</i> and <i>4.2 Natural ventilation</i> .		Acceptable outcome achieved No single aspect apartments are proposed.	
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>			

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 achieved 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>	
O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.		Adequate setbacks are provided between the building and the property boundary, to ensure sufficient separation is provided between the proposed development and adjacent buildings, particularly to the adjacent western dwelling.	Objective achieved The area is transitioning to RAC-3 zoning, and the proposed setbacks are broadly consistent with other approved setbacks along Broadway while allowing sufficient distance from existing low storey development to the three lot boundaries.
O2.7.2 – Building separation is in proportion to building height.		<p>Within the development The development proposes a single building with no internal void or separation between multiple buildings on the site.</p> <p>To adjoining properties For buildings up to six storeys in height, the stated acceptable outcome for boundary separation is 9 metres as per Table 2.7 below. A minimum of approximately 25 metres separates the proposed development from the western property (dwelling.). An 8.2m setback to the western boundary is provided on level 1, and a 9-10m setback is provided for levels 2-6. This complies with the requirements of the RCodes and ensures the amenity and visual privacy of the western adjoining property is maintained.</p> <p>Furthermore, the significant setback from the western boundary has allowed for a large landscaping buffer.</p> <p>Medium size trees are utilised well to ensure overlooking is further minimised to the outdoor living area of the adjacent property. Also, given the natural sloping topography of the site, the western façade of the building will appear like a 4-5 storey building, rather than a 6-storey building.</p>	<p>Objective achieved Though the building does not graduate the setbacks for each floor or part of the development, the greater than acceptable outcome rear setback and the articulated elevations to the north and south provide an adequate separation from the main wall of the building.</p> <p>Additionally, the top floor is set back further from all lot boundaries than the lower floors.</p> <p>The reduction in setbacks listed in the table below for the acceptable outcomes are for the balconies located on the street front elevation. A portion of these balconies directly facing adjoining properties is proposed to be unscreened. This allows a reduction in mass as compared to a screened balcony or solid wall.</p> <p>The visual privacy component is supported for the reasons discussed within the visual privacy section of this assessment.</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.			Objective achieved The building achieves acceptable levels of internal amenity as discussed in the other sections throughout this assessment.
O2.7.4 – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings			Objective achieved The development includes wide areas of communal open space and landscaping on the first-floor level to the rear of the site, sufficient to cater for the needs of the residents and provide a buffer to the rear properties.

In lieu of significant separation from the southern and northern boundaries, windows have been carefully placed and screening has been utilised to protect the privacy of the southern adjoining property. Notwithstanding this, the commercial building to the north is not a sensitive land use, meaning overlooking and privacy is not as much of an issue.

Refer Elements 2.4 and 3.5 of this assessment for further justification.

See also landscaping below.

ACCEPTABLE OUTCOMES

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

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

Table 2.7 Building separation

	Separation between:	Building height		
		≤ 4 storeys (up to 15m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)
Within site boundary	Habitable rooms/balconies	12m	18m	24m
	Habitable and non-habitable rooms	7.5m	12m	18m
	Non-habitable rooms	4.5m	6m	9m
To adjoining property boundaries	Habitable rooms/balconies and boundary	Refer 2.4 <i>Side and rear setbacks</i> (Table 2.1) and 3.5 <i>Visual privacy</i> (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.

Habitable rooms/balconies and boundary to adjoining properties	Table 2.1	Proposed
≤ 4 storeys	Refer 2.4 and 3.5	Refer 2.4 and 3.5
5-8 storeys	9m	9m (rear) 2m (north) 1.2m (south)

LOCAL PLANNING FRAMEWORK

REQUIREMENT

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

ELEMENT 3.2 ORIENTATION

ELEMENT OBJECTIVES

Development is to achieve the following Element Objectives

APPLICANT COMMENT

ASSESSOR COMMENT

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

<p>O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.</p>	<p>The proposed development includes a café tenancy at the ground floor of Broadway, ensuring the ground floor is activated to the public realm.</p> <p>The proposed development is oriented east west. Each apartment has a ‘dual interface’, providing sufficient opportunities for solar and daylight access, particularly to the living rooms. Furthermore, in response to feedback from the DRP, full sized windows have been provided along the northern façade to maximise daylight access.</p> <p>Detailed daylight access and cross ventilation plans are provided in the development plans at Appendix 4.</p>	<p>Objective achieved</p> <p>The building and cafe entrance is at footpath level on Broadway to maintain the activity of the streetscape.</p> <p>The building is oriented to allow openings to more than one elevation for every unit in order to optimise solar and daylight access.</p> <p>The ground levels to the rear will remain consistent with the single house adjoining the rear of the site.</p>
<p>O3.2.2 – Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.</p>	<p>The adjoining property to the south is overshadowed by 77.1%. This level of overshadowing is considered reasonable in the R-AC3 coding along Broadway, noting there must be an expectation of some overshadowing in medium density areas. There are no solar collectors on the adjoining property</p>	<p>Objective achieved</p> <p>See O2.2.4 above</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<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>Direct access is achieved off Broadway adjacent to the café entrance.</p>	
<p>A3.2.2 – Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.</p>	<p>n/a</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>n/a</p>	

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

ELEMENT 3.3	TREE CANOPY AND DEEP SOIL AREAS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
<p>O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.</p>	<p>There is no existing healthy vegetation or trees on site needing to be retained.</p>	<p>Objective achieved</p> <p>The existing commercial building has a large paved area to the rear of the site which was used as commercial parking.</p> <p>The thick vegetation at the front of the site consists of large shrubs of the eucalypts variety. The two trees currently at the rear of the site are medium-sized trees that appear to be in only fair condition. No trees are proposed to remain on site due to the excavation required for two levels of basement parking (inclusive of ground floor) across the entirety of the site.</p> <p>A condition is recommended requiring an arborist's report on the trees of the southern adjoining property to ensure they will not be impacted by the works.</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>5 small trees and 2 medium trees are proposed to be planted on the development site, which exceeds the number set out in Table 3.3a. Given there is no existing healthy vegetation or trees on the subject site, the proposed landscaping will greatly improve the canopy cover of the site. The location of the trees is carefully considered in the development to play a functional role. The location of the trees surrounds the outdoor communal area, providing shade and increasing amenity for residents utilising this space. The trees, once fully established, will act as a buffer between the proposed development and the western adjoining property. As demonstrated in the development plans, the trees will prevent overlooking into the outdoor area of the western adjoining property for levels 2-4.</p>	<p>Objective achieved</p> <p>The Acceptable Outcomes based on the size of the lot recommend 2 medium trees. The development exceeds the Acceptable Outcomes by proposing 2 medium trees plus 5 small trees, all proposed within the communal area to the rear of the site. In addition to additional planting on structure to the front balconies.</p> <p>At the rear, there are two medium trees classified as caesalpinia ferrea trees, which are deciduous and flowering trees. The small trees consist of a mix of Melaleuca lanceolata (dense bottlebrush), Bauhinia blakeana (a flowering ornamental), and cercis canadensis (deciduous shade trees).</p>

	<p>For more details on the species and location of the trees, please refer Appendix 6 (Landscaping Plan) of the DA Report and section 4.12 of this assessment.</p>	<p>All trees achieve the Acceptable Outcomes for dimension, soil area, and soil depth of 2.2m which is double the minimum soil depth.</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>As no deep soil areas are proposed, under Table 3.3a of the Acceptable Outcomes, the development incorporates a total of 176m² of on-structure planting area (20%). Trees have been strategically located on the western portion of the to soften the impact of the development from adjoining and surrounding sites and enhance the amenity of the communal areas.</p> <p>The landscaping design plans produced by TDL contain waterwise design principles that will be implemented across the site.</p>	<p>Objective achieved</p> <p>The Acceptable Outcomes recommend planting on structure equivalent to 20% of the site in lieu of 10% deep soil area.</p> <p>Though the landscaped area to the rear of the site is not classified as deep soil area because it has structures below, it achieves the Acceptable Outcomes. The landscaped area also has double the required soil depth to sustain healthy tree growth and enable to function as effectively deep soil area.</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>n/a</p> <p>No retention of trees proposed.</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>Outcome not achieved</p> <p>No report provided.</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>Outcome achieved through condition requiring assessment of nearby trees.</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="107 576 719 1086"> <thead> <tr> <th>Site Area</th> <th>Minimum deep soil area</th> <th>Minimum requirement for trees ¹</th> </tr> </thead> <tbody> <tr> <td>Less than 700m²</td> <td rowspan="2">10% OR</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% OR	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>Outcome achieved</p> <p>Deep soil areas are provided with the necessary soil volume to achieve healthy plant growth and collocated with the communal open space.</p>
Site Area	Minimum deep soil area	Minimum requirement for trees ¹										
Less than 700m ²	10% OR	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
Small	4-6m	4-8m	9m ²	2m	1m (DSA) + 1m (RSZ)	100
Medium	6-9m	8-12m	36m ²	3m	2m (DSA) + 1m (RSZ)	200
Large	>9m	>12m	64m ²	6m	4.5m (DSA) + 1.5m (RSZ)	500
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.					Outcome achieved 2 medium trees and 5 large trees proposed within soil area towards the rear of site. These trees are dense, shade producing trees that will replace the removed tree cover.	
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.					Outcome achieved No decking or paving is located within the rear strip of landscaping area.	
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.					Outcome achieved 176m ² (20%) planting on structure provided in lieu of 10% deep soil. The landscaping strip at the rear has a depth of 2.2m and will function to facilitate healthy plant growth.	
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>Broadway Policy:</p> <ul style="list-style-type: none">(a) Where the subject site adjoins a site with a lower density code to the rear, at least 50% of the deep soil area required under Clause A 3.3.4 of the R-Codes Volume 2 is located adjoining the boundary with that adjoining site. – 81 sqm(b) Deep soil areas provided at a maximum of 1m above the natural ground level. – excavation(c) Mature tree canopy cover is provided to at least 80% of the rear lot boundary width – 100% provided
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ELEMENT 3.4		COMMUNAL OPEN SPACE	
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 achieved 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.	<p>One large communal area is provided for residents on level 1 of the proposed development. The communal area is segregated from the wider development and is accessible from the lobby area. The communal area contains landscaping, a dining area covered by a pergola, and mature trees for enhanced resident amenity. Barbecue facilities are also provided. The area is accessible to northern and western sunlight and is well ventilated.</p> <p>An outdoor activity space is also provided, which may be utilised for an array of activities, including low impact physical exercise such as yoga, pilates etc</p>	<p>Objective achieved</p> <p>A total of 221m2 communal open space is proposed at level 1, located at the rear of the site. Of that 143m2 is designated for landscaping which includes a combination of x 2 medium trees and x 5 small trees. This also assists in providing a landscaping buffer to assist in screening the bulk of the development from the R60 property to the rear. Colocation of these two items results in high quality communal open space for residents and opportunities for landscaping, including medium sized trees.</p> <p>The remainder is allocated for BBQ facilities, seating and outdoor areas for recreational use. Inside the building is also a communal gym of 39m2.</p>	
O3.4.2 – Communal open space is safe, universally accessible and provides a high level of amenity for residents.	<p>The communal area is universally accessible via the lift and stairs. The communal area is a safe space which is private and separated from Broadway.</p>	<p>Objective achieved</p> <p>Communal open space is directly accessible via the communal lift and stairs with a level ground and minimum 1.5m circulation area. The area provides for a minimum 3 hours direct sunlight and is not abutting any waste storage areas, air-conditioning units or parking.</p>	
O3.4.3 – Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.	<p>The amenity of adjoining apartments has been carefully considered through the design process. Where integration between walkways, communal open space and dwellings is proposed, the use of landscape planting, highlight windows, and shading devices maintain appropriate levels of amenity for all users.</p>	<p>Objective achieved subject to condition</p> <p>The communal open space is located to the rear of the site. Unit 3 now includes a 1.8m high wall and a deep balcony edge to minimise the impacts from the communal open space. BBQ facilities and outdoor areas are located further south and abutting the indoor gym.</p>	

	<p>Notwithstanding, it is recommended a Noise Management Plan is included as a condition of approval. This is to ensure that the overall management of the communal area meets the noise regulations and minimises any impacts to neighbouring properties in terms of noise, odour and light spill.</p>
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ACCEPTABLE OUTCOMES
Acceptable Outcome pathway may not be applicable where a performance solution is provided

<p>A3.4.1 – Developments include communal open space in accordance with Table 3.4</p> <p>Table 3.4 Provision of communal open space</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #fce4ec;">Development size</th> <th style="background-color: #fce4ec;">Overall communal open space requirement</th> <th style="background-color: #fce4ec;">Minimum accessible / hard landscape area (included in overall area requirement)</th> <th style="background-color: #fce4ec;">Minimum open space dimension</th> </tr> </thead> <tbody> <tr> <td>Up to 10 dwellings</td> <td>Informal seating associated with deep soil or other landscaped areas</td> <td>NA</td> <td>NA</td> </tr> <tr> <td>More than 10 dwellings</td> <td>Total: 6m² per dwelling up to maximum 300m²</td> <td>At least 2m² per dwelling up to 100m²</td> <td>4m</td> </tr> </tbody> </table>	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	<p>Outcome achieved 126m² recommended with 221m² provided.</p>
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										
<p>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.</p>	<p>Outcome achieved Path exists from front door to lift to communal open space.</p>												
<p>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.</p>	<p>Outcome achieved Communal space has an open northern aspect to allow sunlight.</p>												
<p>A3.4.4– Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.</p>	<p>Outcome achieved Open space is located adjacent to landscaping.</p>												
<p>A3.4.5 – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.</p>	<p>Outcome achieved No utilities (bins, condensers, etc.) located within communal open space.</p>												

<p>A3.4.6 – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.</p>	<p>Outcome achieved subject to condition Condition lighting plan. Communal open space is overlooked by adjoining balconies.</p>
<p>A3.4.7 – Communal open space is designed and oriented to minimise the impacts of noise, odour, light-spill and overlooking on the habitable rooms and private open spaces within the site and of neighbouring properties.</p>	<p>Outcome achieved subject to condition Noise management plan required to be implemented to limit use of outdoor communal space during evening and early morning hours.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	<p><i>Communal Open Space</i> (a) <i>Active communal open space is located adjacent to the primary street (and/or a secondary street, where applicable), and is not provided adjacent to a shared boundary with a Residential-zoned lot.</i> (b) <i>Passive communal open space may be located in any location on the lot. SUPPORTED</i></p>

ELEMENT 3.5		VISUAL PRIVACY	
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 achieved 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>O3.5.1 – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.</p>	<p>Apartments facing west, towards the adjoining dwelling, have been appropriately setback to ensure sufficient separation between the development and the site boundary.</p> <p>The southern façade of the building has been designed carefully, ensuring no major openings / windows overlook to the adjoining property. Balconies that wrap around to the southern façade have incorporated composite panel screening, which not only acts to protect visual privacy and prevent overlooking, but also breaks up the façade, creating an articulated and visually interesting building.</p> <p>Similar design principles have also been incorporated on the northern façade, although the land use of the northern adjoining site is not sensitive. No major openings exist on the southern façade of the northern adjoining building, meaning privacy and overlooking opportunities or minimised.</p>	<p>Objective achieved</p> <p>Table 3.5 recommends that the first four storeys of the development to be setback 3m from major openings to bedrooms, 4.5m setback to major openings of other habitable rooms and 6m setback to unenclosed private spaces (balconies and courtyards). The 5th storey and above is to be setback a minimum 9m to major openings and balconies. It is noted that this setback is not applicable to solid walls, high sill levels or areas which are screened.</p> <p>By way of comparison, the Broadway LPP recommends a setback of 6m – 8m for major openings to habitable rooms and 7-8m for balconies where it adjoins an R60 coded lot. In all other instances a 4.5m is to apply to habitable rooms and 6m for balconies.</p> <p>The development meets the Acceptable Outcomes for everything except for the front and rear balconies, which are setback as follows:</p> <p>4.5m (rear balcony – oblique - south) 1.2m (front balcony - south) 2m (front balcony – north) 3.3m (rear balcony – oblique – north) 3.2m (north balcony, top floor)</p> <p>The 3 areas of overlooking are:</p> <ol style="list-style-type: none"> 1. Direct overlooking from Level 6 to the north across the length of the building (3m setback). 	

		<p>Overlooking to the north from the top floor is direct and covers the entirety of the site. However, shade screens will provide some level of visual obscurity. From this height the units look over the roof of the adjoining commercial building and not into any private spaces. The building to the north is not anticipated to change in the medium term. Any future building would most likely try to optimise the northern aspect by presenting active spaces and major openings to the north. Non-active spaces and non-habitable rooms would likely face the subject site.</p> <p>2. Direct overlooking from a portion of the front balconies to the north (2.1m setback) and south (1.4m setback) on Levels 2-6.</p> <p>Overlooking to the south from the front balconies is primarily from a narrow (1.2m wide) portion of the balcony unlikely to be used for long times or by large numbers of people. A portion of the balcony is screened, which also prevents direct overlooking from Bedroom 2. Further, all overlooking is into the primary street setback area of the adjoining southern dwelling only. Should JDAP opt to increase visual privacy, it would be appropriate to increase the length of the privacy screen so that it is even with the living room wall.</p> <p>Similarly, overlooking to the north is from a narrow portion of balcony and towards the front portion of the existing Elischer Studio commercial building and the front setback.</p> <p>3. Oblique overlooking to the north (3.1m setback) and south (4.7m setback) from the rear balconies on Levels 2-6.</p> <p>Overlooking to the north is on to an existing car parking area of the commercial building. Overlooking to the south is to a small corner of the adjoining lot, not active habitable spaces.</p>
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		<p>Both areas of overlooking are oblique, with the shade screens on the balcony assisting to further reduce overlooking.</p> <p>Given the transition from R-AC3 down to R60 to the west, and the existence of a single house that may remain in situ for some time, it is recommended that an extra measure of privacy be provided by conditioning the rear glass balustrades to be translucent glazed. Combined with the 9m separation distance, this will ensure an extra measure of privacy in this transition area.</p>
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ACCEPTABLE OUTCOMES
Acceptable Outcome pathway may not be applicable where a performance solution is provided

<p>A3.5.1 – Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.</p> <p>Table 3.5 Required privacy setback to adjoining sites</p>				Table 3.5	Proposed														
<table border="1"> <thead> <tr> <th rowspan="2">Cone of vision from unscreened:</th> <th colspan="2">First 4 storeys</th> <th rowspan="2">5th storey and above</th> </tr> <tr> <th>Adjoining sites coded R50 or lower</th> <th>Adjoining sites coded higher than R50</th> </tr> </thead> <tbody> <tr> <td>Major opening to bedroom, study and open access walkways</td> <td>4.5m</td> <td>3m</td> <td rowspan="3">Refer Table 2.7</td> </tr> <tr> <td>Major openings to habitable rooms other than bedrooms and studies</td> <td>6m</td> <td>4.5m</td> </tr> <tr> <td>Unenclosed private outdoor spaces</td> <td>7.5m</td> <td>6m</td> </tr> </tbody> </table>	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	Major opening to bedroom, study	3m	3.1m (north) 3m (south) Outcome achieved
		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																	
Major openings to other habitable rooms	4.5m		4.5m (top floor north) Outcome achieved																
Unenclosed private outdoor spaces	6m		4.5m (rear balcony – oblique - south) 1.2m (front balcony - south) 2m (front balcony – north) 3.3m (rear balcony – oblique – north)																

			<p>3.2m (north balcony, top floor)</p> <p>Outcome not achieved</p>
<p>A3.5.2 – Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).</p>	<p>Outcome achieved</p> <p>Balconies are unscreened at least 25% of their perimeter.</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>Outcome achieved</p> <p>Living rooms have direct, unscreened outlook either towards Broadway or towards the rear of the site.</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>Outcome not achieved</p> <p>Direct overlooking from the top floor to the north across the length of the building. (3m setback).</p> <p>Direct overlooking from the front balconies to the north (2.1m setback) and south (1.43m setback).</p> <p>Oblique overlooking to the north (3.1m setback) and south (4.7m setback) from the rear balconies.</p>		
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>		
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	<p>Broadway Policy: 6m (balcony to south)</p>		

ELEMENT 3.6		PUBLIC DOMAIN INTERFACE	
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 achieved 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.	<p>The proposed apartments are elevated above the public realm to enhance the privacy and safety of residents, while maintaining interaction with the street through the inclusion of balconies and providing passive surveillance.</p> <p>The ground level comprises the café tenancy, providing an activated use and frontage to the public realm. Parking is appropriately screened from view through the use of an attractively designed gate.</p>	<p>Objective achieved</p> <p>The nil setback and side entrance with visibility through the café windows provides a safe and legible access. The design of the façade maintains the privacy of residents through overhanging landscaping areas on the first floor balconies. This also allows opportunities for casual street surveillance and safety of residents and pedestrians within the public thoroughfare.</p>	
O3.6.2 – Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.		<p>Objective achieved</p> <p>Street facing development provides an active frontage in the form of a café, with a side entrance to the units. Shade is provided by a portion of building overhang into the road reserve and a covered entrance to the units.</p>	
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.		n/a	
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).		<p>Outcome achieved</p> <p>Carpark is located beneath the building and outside of the primary street setback.</p>	
A3.6.3 – Upper level balconies and/or windows overlook the street and public domain areas.		<p>Outcome achieved</p> <p>Balconies overlook Broadway.</p>	
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.		<p>Outcome achieved</p> <p>Balconies contain a mix of materials to provide street surveillance while maintaining privacy.</p>	
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.		n/a	

<p>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.</p>	<p>n/a</p>
<p>A3.6.7 – Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.</p>	<p>Outcome achieved Entrance off of the street is a straight path bordered by café windows with no opportunities for concealment.</p>
<p>A3.6.8 – Bins are not located within the primary street setback or in locations visible from the primary street.</p>	<p>Outcome achieved Bins are located and collected from within the ground floor of the building.</p>
<p>A3.6.9 – Services and utilities that are located in the primary street setback are integrated into the design of the development and do not detract from the amenity and visual appearance of the street frontage.¹ (1) Firefighting and access to services such as power and water meters require careful consideration in the design of the front façade. Consult early with relevant authorities to resolve functional requirements in an integrated design solution.</p>	<p>Outcome achieved Fire cabinet is integrated into the design of the building. Other utilities are located within the car park area of the ground floor.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

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 achieved the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O3.7.1 – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.		The pedestrian entry from Broadway is designed in accordance with universal design principles, providing access to the main lobby of the building.	Objective achieved Entries and pathways are directly on to the street, easy to identify, and safe for residents and visitors.
O3.7.2 – Entries to the development connect to and address the public domain with an attractive street presence.		The pathway is clearly defined and will be well-lit at night time. The pathway provides a continuous path of travel between the street, the lobby, the lift, the staircase and other communal areas. Pedestrian paths provide a legible, well-defined, continuous path of travel to building entrances and car parking. A lift is incorporated to ensure universal access to all levels and all apartments. A skylight is also provided in the entrance corridor to provide natural daylight	Objective achieved Entries from the residential portion of building and the cafe connect directly to the public realm with an attractive street presence and an active frontage.
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.			Outcome achieved Building entrance connects directly to lift lobby and stairs.
A3.7.2 – Pedestrian entries are protected from the weather.			Outcome achieved Building overhangs provide weather protection.
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.			Outcome achieved Pedestrian entry provides a straight path to the building without opportunities for concealment and with casual surveillance provided from the café. Skylight windows above the pedestrian entrance allow sunlight and weather protection. Lighting plan to be conditioned.
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.			Outcome achieved Pedestrian path adjoining the vehicle entrance of the building is unlikely to be frequently used, as residential

	visitors parking within the building will use the internal residential entrance.
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.	Outcome achieved Letterboxes are inset into the entrance. No other services are located within the entrance.
A3.7.6 – Bins are not located at the primary pedestrian entry.	Outcome achieved Bins are located within the ground floor car park.
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

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 achieved 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 is provided via a full movement crossover from Broadway. Access points have visual truncations in accordance with Figure 3.8a to provide clear sight lines for vehicles, pedestrians, and cyclists. The traffic report prepared by Cardno demonstrates access is functional and safe, and traffic impacts are acceptable.	Objective achieved The door adjacent to the garage door is a service door not used by the public. Visitors parking inside the building will enter through the internal lobby entrance and not use this path. The driveway is to the north of the truncation, meaning that all vehicles entering the driveway will be on the left side of the road and have more than 2.5m line of sight for pedestrians.	
O3.8.2 – Vehicle access points are designed and located to reduce visual impact on the streetscape.	The crossover to Broadway is in a similar location to the existing crossover, although has been modified to suit the characteristics of the proposed development. The crossover will not have an undue impact on the streetscape. The access gate for the building is designed in a manner consistent with the rest of the development	Objective achieved Vehicle access points are the minimum necessary and integrated into the design of the building so as not to present a blank façade to the street.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			

<p>A3.8.1 – Vehicle access is limited to one opening per 20m street frontage that is visible from the street.</p>	<p>Outcome achieved Vehicle access is by a single garage entrance, visible from the street.</p>
<p>A3.8.2 – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.</p>	<p>Outcome achieved Vehicle entrance is slightly set back from, but readily apparent from, the street and integrated into the design of the building.</p>
<p>A3.8.3 – Vehicle entries have adequate separation from street intersections.</p>	<p>Outcome achieved There are no nearby street intersections that would impact the vehicle entrance.</p>
<p>A3.8.4 – Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.</p>	<p>Outcome achieved All units are at least one level above the vehicle entrance and there are no inclines that would result in headlights to units.</p>
<p>A3.8.5 – Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.</p>	<p>Outcome achieved Driveway meets the minimum requirements for vehicle access, including waste trucks.</p>
<p>A3.8.6 – Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:</p> <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 <p>OR</p> <p>the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.</p>	<p>Outcome achieved The vehicle entrance is designed for two-way access.</p>
<p>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).</p>	<p>Outcome not achieved A 0.9 truncation is provided adjacent to the services and booster cabinet. This area is a service entrance that will not be frequently used by visitors. The cabinet is to the left as cars enter the building, which will allow adequate vehicle sightlines for users of the footpath. Vehicles exiting the development will be on the north side of</p>

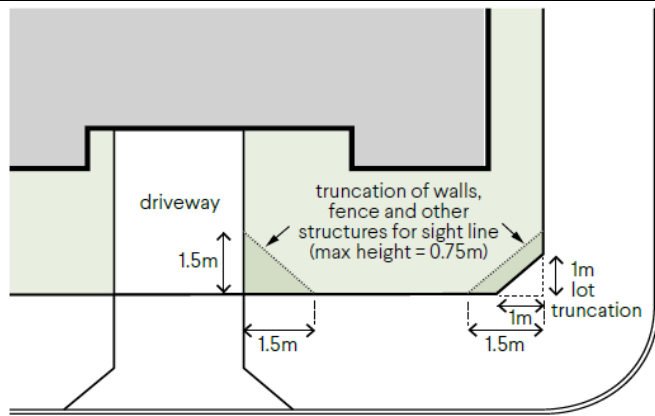


Figure 3.8a Truncation at street corner to provide sightlines (refer A3.8.7).

the driveway and achieve the necessary separation distance for sightlines from the fire cabinets.

Outcome achieved for:
2.5m truncation has been provided to the north of the site.

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

ELEMENT 3.9 CAR AND BICYCLE PARKING		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has achieved the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<p>O3.9.1 – Parking and facilities are provided for cyclists and other modes of transport.</p>	<p>The subject site is classified as a Location A site as it is within 250m from a high-frequency bus route which runs along Broadway.</p> <p>Extensive facilities are provided for visitor and resident cyclists. Residential bicycle racks are provided in the residential parking bays in the basement, and visitor bays are provided on the ground floor of the development. 4 scooter / motorcycle bays are provided on the ground floor of the development.</p>	<p>Objective achieved subject to condition</p> <p>The Acceptable Outcomes are for 11 resident bike racks and 2 visitor bike racks to be required onsite. The development proposes 15 bike racks for residents. The development also proposes two bike racks within the road reserve. This location is not supported and a condition is imposed requiring them to be relocated to within the boundaries of the site.</p>

	<p>Standard residential and visitor bays are provided on the ground floor of the development, in a convenient location for public use. On-street parking is also available in the immediate area for use by visitors to the dwellings and café if necessary.</p>	<p>The application proposes bike racks in the verge instead of onsite. This outcome is not supported and the minimum 2 required visitor bike racks are conditioned to be installed within the site.</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>The proposed development provides the required number of residents’ bays and resident visitor bays pursuant to the Acceptable Outcomes for this element.</p> <p>Residents:</p> <p>The subject site is in Location A, where the Acceptable Outcomes require 20 bays for the 21 dwellings. 28 residents’ bays are provided on site which is considered to meet the needs of the future residents.</p> <p>Visitors:</p> <p>1 bay within the ground floor car park will be allocated to the cafe and 4 bays for residential visitors. 4 residential visitors car bays are required under the Acceptable Outcomes. In support of the provision of visitor parking, the following is noted:</p> <p>There are further opportunities for visitor parking in this location noting the availability of on-street parking available in the immediate vicinity. Peak visitor demand is typically in the evenings when the on-street bays are not likely to be occupied by café visitors.</p> <p>12 café visitor bays are required pursuant the City’s Parking LPP. Further justification for the 11-bay shortfall is provided in the TIS prepared by Cardno, and section 4.4.2 of the DA report.</p>	<p>Objective achieved</p> <p>Although the subject site is located within 250m from a bus stop, the area falls just short of being located within a ‘high frequency’ bus route as there is one service that comes in 20 minutes instead of 15 minutes in the peak times. The development has been assessed as being located within ‘Location B’.</p> <table border="1" data-bbox="1424 584 2119 807"> <thead> <tr> <th></th> <th>Acceptable Outcome</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>Car bays</td> <td>27 bays</td> <td>28 bays</td> </tr> <tr> <td>Visitor bays</td> <td>4 bays</td> <td>4 bays</td> </tr> <tr> <td>Motorcycle/scooter</td> <td>2 bays</td> <td>4 scooter bays</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Residential car parking exceeds the Acceptable Outcomes and is appropriate to the location. Parking for the café is discussed below. 		Acceptable Outcome	Provided	Car bays	27 bays	28 bays	Visitor bays	4 bays	4 bays	Motorcycle/scooter	2 bays	4 scooter bays
	Acceptable Outcome	Provided												
Car bays	27 bays	28 bays												
Visitor bays	4 bays	4 bays												
Motorcycle/scooter	2 bays	4 scooter bays												
<p>O3.9.3 – Car parking is designed to be safe and accessible.</p>	<p>Car parking and vehicle circulation areas are designed in accordance with AS2890.1. All visitor bays will be marked appropriately to aid visibility. Visitor bays are located on the ground floor and not within the residents’ car parking area which is clearly separated.</p>	<p>Objective achieved subject to condition</p> <p>Car parking meets AS2890 standards and provides direct access to the building without having to return to the street. As the ramp is single lane, it requires a traffic light system to ensure only one vehicle at a time uses it. A condition is imposed requiring the system to be in place and operational prior to occupation of the building.</p>												

<p>O3.9.4 – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.</p>	<p>Car parking is accessed via Broadway through an electric gate. The gate will appropriately screen the parking area, whilst being designed in a manner that does not detract from the visual amenity of the streetscape.</p>
<p>Objective achieved Car parking is concealed from view and located behind the café with an entrance off Broadway. This results in minimal visual impact to the street</p>	

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

A3.9.1 – Secure, undercover bicycle parking is provided in accordance with Table 3.9 and accessed via a continuous path of travel from the vehicle or cycle entry point.

Table 3.9 Parking ratio

Parking types		Location A	Location B
Car parking ¹	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling
	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling
	Visitor	1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above	
Bicycle parking ¹	Resident	0.5 space per dwelling	
	Visitor	1 space per 10 dwellings	
Motorcycle/ Scooter parking ²	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays		

¹ Calculations of parking ratios shall be rounded up to the next whole number.
² For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.

Definitions:
Location A: within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre.
Location B: not within Location A.

Outcome achieved

11 resident bike racks are recommended for residents with 15 proposed. Bicycle storage for residents is provided in the lower basement in front of each car bay, or in the storage area associated with each unit. Access is via a continuous path of travel.

Outcome not achieved

2 visitor bike racks are recommended to be provided for visitors. The proposal proposes 3 visitor bike racks within the road reserve along Broadway. It is recommended that 2 bays are to be provided inside the allotment as a condition of approval.

A3.9.2 – Parking is provided for cars and motorcycles in accordance with Table 3.9.

Outcome achieved

	Recommended	Provided
Car bays	20 bays	28 bays
Visitor bays	4 bays	4 bays
Motorcycle/scooter	2 bays	4 scooter bays

The proposal meets the Acceptable Outcomes for parking.

<p>A3.9.3 – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9.</p>	<p>Outcome achieved Parking does not exceed double above.</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>n/a</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>Outcome achieved Car parking is located beneath the building and not 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>Outcome achieved Car parking is not visible from dwellings or private outdoor spaces.</p>
<p>A3.9.7 – Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.</p>	<p>Outcome achieved subject to condition Visitor parking is on ground floor level and adequate signage is to be conditioned to prevent visitors from accessing lower basement level.</p>
<p>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.</p>	<p>n/a</p>
<p>A3.9.9 – Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.</p>	<p>n/a</p>
<p>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.</p>	<p>n/a</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

ELEMENT 4.1		SOLAR AND DAYLIGHT ACCESS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has achieved the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.1.1 – In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.	The development is located within climate zone 5. Approximately half the apartments are oriented in a northerly direction, with windows carefully configured to ensure winter sunlight is received. Given the eastwest narrow configuration of the site, it is not possible to ensure all apartments face in the northerly direction. In saying that, each dwelling has a large balcony opening into a living area. Each dwelling will receive a significant amount of sunlight throughout the day, as demonstrated by the solar diagrams in the development plans.	Objective achieved The development meets the acceptable outcomes and demonstrates that all units receive direct sun.	
O4.1.2 – Windows are designed and positioned to optimise daylight access for habitable rooms.	There are no habitable rooms within the development that rely on a 'lightwell' for ventilation.	Objective achieved All units are dual aspect units (though some of the elevations include highlight or obscure windows), which are positioned to optimise the amount of daylight received.	
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 and glare control measures are provided throughout the development. Measures include providing a roof above each balcony, regulating the amount of sun received by each apartment. Adjustable shade screens are also provided for the western facing apartments from levels 2-5. The 2 medium trees proposed will provide additional shading for levels 1-3.	Objective achieved Shading and glare control is provided in the form of operable screens along the balconies to block sunlight and minimise heat gain and glare.	
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> : <ul style="list-style-type: none"> a) Dwellings with a northern aspect are maximised, with a minimum of 70 per cent of dwellings having living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June AND b) A maximum of 15 per cent of dwellings in a building receiving no direct sunlight between 9am and 3pm on 21 June. 		Outcomes achieved 70.8% (17 dwellings) obtain 2 hours direct sun between 9am and 3pm on 21 June. No dwellings receive nil sun between 9am and 3pm on 21 June.	

<p>A4.1.2 – Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.</p>	<p>Outcomes achieved Amended plans show all habitable rooms with a non-glazed area on one wall.</p>
<p>A4.1.3 – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.</p>	<p>Outcomes achieved No lightwells or skylights are used to provide daylight. All habitable rooms contain an opening facing outdoors.</p>
<p>A4.1.4 – The building is oriented and incorporates external shading devices in order to:</p> <ul style="list-style-type: none"> - minimise direct sunlight to habitable rooms: <ul style="list-style-type: none"> ▪ between late September and early March in climate zones 4, 5 and 6 only AND ▪ in all seasons in climate zones 1 and 3 <p>permit winter sun to habitable rooms in accordance with A 4.1.1 (a).</p>	<p>Outcomes achieved Overhanging balconies to the east and west provide shade for the balconies directly below during mid-summer. Balconies are equipped with moveable screens to block sun.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

<p>ELEMENT 4.2 NATURAL VENTILATION</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 achieved 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>O4.2.1 – Development maximises the number of apartments with natural ventilation.</p>	<p>Apartments within the proposed development are designed to maximise natural ventilation and the majority contain openings in two different orientations. No single aspect apartments are proposed. A total of 16 of the 21 (76%) proposed apartments will be cross ventilated. This exceeds the 60% requirement of A4.2.2 below.</p>	<p>Objectives achieved All apartments are capable of cross ventilation with openings on more than one elevation.</p>
<p>O4.2.2 – Individual dwellings are designed to optimise natural ventilation of habitable rooms.</p>		<p>Objectives achieved All units have natural ventilation.</p>
<p>O4.2.3 – Single aspect apartments are designed to maximise and benefit from natural ventilation.</p>		<p>Objectives achieved No single aspects are proposed.</p>

	Ventilation paths are shown in the development plans at Appendix 4.	
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.	Outcomes achieved All habitable rooms achieve this outcome.	
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 x ceiling height (a) For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings.	Outcomes achieved All dwellings are capable of cross ventilation with openings on more than one elevation. There are no single aspect apartments.	
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.	n/a	
A4.2.4 – No habitable room relies on lightwells as the primary source of fresh-air.	Outcomes achieved No lightwells or skylights are used to provide ventilation. All habitable rooms contain an opening facing outdoors.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

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 achieved 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>	
O4.3.1 – 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>The apartment room layouts are functional, well-organised and provide a high standard of amenity. The size of all apartments and bedrooms/living rooms meets the minimum sizes as set out in the ‘Acceptable Outcomes’ for this element.</p> <p>The proposed development includes a mix of one-, two-, and three- bedroom apartments. This offers a diversity of housing stock to meet the needs of the locality, with the larger three-bedroom apartments providing opportunities for families and luxury sized living. All dwellings exceed the minimum size requirements under the Acceptable Outcomes.</p>	<p>Objectives achieved</p> <p>All units are of an appropriate size and a layout that allows functionality and flexibility appropriate to the expected number of occupants.</p>	
O4.3.2 – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.	<p>Minimum floor to floor heights of at least 3.1m are achieved for all apartments. This is consistent with the Acceptable Outcome A4.3.3 for this design element. All rooms are well-proportioned and most dwellings benefit from cross ventilation and sunlight access as outlined above.</p> <p>The apartment sizes and habitable rooms are consistent with A4.3.1 and A4.3.2 below</p>	<p>Objectives achieved</p> <p>All units are well-proportioned to allow for access to sunlight and ventilation in every habitable room.</p>	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.3.1 – Dwellings have a minimum internal floor area in accordance with Table 4.3a.		<p>Outcomes achieved</p> <p>All dwellings achieve the minimum internal floor area.</p>	

Table 4.3a Minimum floor areas for dwelling types

Dwelling type	Minimum internal floor area
Studio	37m ²
1 bed	47m ²
2 bed x 1 bath ¹	67m ²
3 bed x 1 bath ¹	90m ²

¹An additional 3m² shall be provided for designs that include a second or separate toilet, and 5m² for designs that include a second bathroom.

A4.3.2 – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.

Table 4.3b Minimum floor areas and dimensions for habitable rooms

Habitable room type	Minimum internal floor area	Minimum internal dimension
Master bedroom	10m ²	3m
Other bedrooms	9m ²	3m
Living room – studio and 1 bed apartments	N/A	3.6m
Living room – other dwelling types	N/A	4m

¹Excluding robes

Outcomes achieved

All rooms achieve the specified outcome.

A4.3.3 – Measured from the finished floor level to finished ceiling level, minimum ceiling heights are:

- Habitable rooms – 2.7m
- Non-habitable rooms – 2.4m
- All other ceilings meet or exceed the requirements of the NCC.

Outcomes achieved

All rooms achieve the specified outcome.

<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>n/a - There are no single aspect units.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

<p>ELEMENT 4.4 PRIVATE OPEN SPACE AND BALCONIES</p>		
<p>ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i></p>	<p>APPLICANT COMMENT</p>	<p>ASSESSOR COMMENT</p>
<p>O4.4.1 – Dwellings have good access to appropriately sized private open space that enhances residential amenity.</p>	<p>Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with the Acceptable Outcomes:</p> <ul style="list-style-type: none"> • Each of the single bedroom apartments has an outdoor living area at least 10m². • Each of the two-bedroom apartments has an outdoor living area at least 10m². • The three-bedroom apartments have an outdoor living area of 25m² 	<p>Objective achieved</p> <p>The balconies are appropriately sized to be useable outdoor areas that enhance residential amenity and allow sunlight and ventilation into the major living areas.</p>
<p>O4.4.2 – Private open space is sited, oriented and designed to enhance liveability for residents.</p>	<p>Each apartment will have a generous balcony, significantly exceeding the size required under the R-Codes. Each balcony has been oriented in an east / west direction to ensure views are maximised, whilst also protecting the privacy of adjoining developments through the use of permeable composite screens.</p>	<p>Objective achieved</p> <p>Private open space is in the form of balconies to units, which are sited and designed to enhance liveability by having sufficient dimension and size to be useable on a daily basis.</p>

	<p>Adjustable shade screens are also provided for the residents on the westerns side of the development to provide a level of protection from the afternoon sun. Eastern facing balconies provide opportunities for passive surveillance of the public realm.</p> <p>Each private open space will receive a significant amount of sun and is directly accessible from a habitable room in the apartment.</p> <p>Clothes drying areas/facilities are not provided within balconies, rather, each apartment is to be fitted with a mechanical dryer. The facility will include solar panels, which offsets the energy consumption of mechanical dryers.</p>	
<p>O4.4.3 – Private open space and balconies are integrated into the overall architectural form and detail of the building.</p>	<p>The materials and treatments are consistent with the overall design of the development and are contextually appropriate for the Broadway precinct. The materials used, including the off white rendering, is consistent with the form of numerous buildings along Broadway. Frame features and composite panelling with a wood finish add varying elements to the balcony design, creating visual interest to the public realm. A landscaping planter is also proposed on Level 1, further creating an attractive interface with Broadway.</p>	<p>Objective achieved</p> <p>The private open space for the units comprises balconies that are well-sized and located to the front or rear. The balconies are integrated into the architectural form and detail of the building.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<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>Outcome achieved</p> <p>All units meet the acceptable outcome.</p>

Table 4.4 Private open space requirements		
Dwelling type	Minimum Area ¹	Minimum Dimension
Studio apartment + 1 bedroom	8m ²	2.0m
2 bedroom	10m ²	2.4m
3 bedroom	12m ²	2.4m
Ground floor / apartment with a terrace	15m ²	3m
¹ Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.		
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.		Outcomes achieved U3 ground floor includes a landscaping strip along the boundary wall to soften the development and add vegetation to the living area outlook.
A4.4.3 – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.		Outcomes achieved Landscaping is integrated into the balconies to provide privacy from the street and soften the appearance of the ground floor. Vegetation along the boundaries to the rear assists in providing visual privacy to adjoining lots.
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.		Outcomes achieved No services are visible from the street. All services are integrated into the design of the building.
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

ELEMENT 4.5		CIRCULATION AND COMMON SPACES	
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 achieved the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.	All corridors within the development achieve the minimum 1.5m width, as recommended by the Acceptable Outcomes. This is considered to meet the needs of residents and visitors, with sufficient space for universal access. Common spaces have been carefully considered and are designed in an attractive manner. The main common area on level 1 is surrounded by extensive and high-quality landscaping. The gym will also provide further opportunities for interaction between residents.	Objective achieved Circulation spaces can adequately cater for safe and convenient access by providing minimum 1.5m clearance.	
O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.		Objective achieved Circulation and common spaces have access to natural sunlight, good amenity, and opportunities for social interaction between residents.	
ACCEPTABLE OUTCOMES			
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.5.1 – Circulation corridors are a minimum 1.5m in width.		Outcomes achieved All circulation corridors are a minimum width of 1.5m	
A4.5.2 – Circulation and common spaces are designed for universal access.		Outcomes achieved Circulation and common spaces are wide enough to allow universal access.	
A4.5.3 – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.		Outcomes achieved Circulation and common spaces have limited opportunities for concealment.	
A4.5.4 – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.		Outcomes achieved Internal hallways can be lit at night without impacting units.	
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.		Outcomes achieved No windows from units open onto circulation areas or common spaces.	
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>			

ELEMENT 4.6		STORAGE															
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT														
O4.6.1 – Well-designed, functional and conveniently located storage is provided for each dwelling.		<p>5 store rooms are provided in the basement for 5 of the dwellings, being U2 for levels 1-6. The other 16 store rooms are provided within the dwelling itself. The dimensions and size of each store room is consistent with the ‘Acceptable Outcomes’ requirements of Table 4.6.</p> <p>The development includes a 6.3m² bulk store in the lower ground floor which may be used for larger items.</p>	<p>Objective achieved</p> <p>The storage provided is easily accessible, convenient, and is of a sufficient size for residents.</p>														
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>																	
<p>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.</p> <p>Table 4.6 Storage requirements</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Storage area¹</th> <th>Minimum dimension¹</th> <th>Minimum height¹</th> </tr> </thead> <tbody> <tr> <td>Studio dwelling</td> <td>3m²</td> <td rowspan="4">1.5m</td> <td rowspan="4">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> </tbody> </table> <p>¹ Dimensions exclusive of services and plant.</p>		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	<p>The three-bedroom units do not achieve the minimum area but do achieve the minimum dimensions. Minimum dimensions are shown as either 4m² or 4.8m² for the various three-bedroom units.</p> <p>The reduction is acceptable as separate bike racks are provided, leaving the storage space available for bulky goods.</p>	
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																

<p>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.</p>	<p>Outcome achieved Approximately half the units have storerooms attached to the units. The remaining units have storage areas in the ground floor or basement adjacent to their relevant car bay.</p>
<p>A4.6.3 – Storage provided separately from dwellings or within or adjacent to private open space¹, is integrated into the design of the building or open space and is not readily visible from the public domain. Storage on/adjacent to private open space is additional to required open space area and dimensions.</p>	<p>Outcome achieved Storage is provided in the basement and within individual dwellings. Stores are not readily visible from the public domain.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

ELEMENT 4.7 MANAGING THE IMPACT OF NOISE		
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 achieved the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i></p>	
<p>O4.7.1 – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.</p>	<p>Broadway is a relatively low-traffic road which creates low noise. The properties to the west and south are residential in nature and are not considered to result in the transmission of excessive noise. The property to the north appears to be an office, which would also transmit minimal noise.</p> <p>The siting of onsite open space is detached from areas of potential noise creation in the public realm and largely detached from dwellings.</p>	<p>Objective achieved subject to condition</p> <p>The communal open space to the rear proposes a landscaped area, a bench and dining area with BBQ facilities. It is recommended that should JDAP approve the application, a noise management plan is to be prepared in order to address any potential noise impacts to the adjoining properties, consistent with the recommendations within the Acoustic Report (Attachment 8)</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>Suitable glazing treatments will be incorporated into the development to reduce sound transfer and transmission from external sources. The dwellings are also separated by dividing walls with limited opportunities for direct noise impacts between dwellings (eg. there are no windows in close proximity to one another).</p> <p>The bin storage areas are located within the ground floor of the proposed development and are therefore considered to have minimal noise impact on the apartments above.</p> <p>Air conditioning units and mechanical plants are screened and located on the ground floor.</p> <p>Appropriate materials will be used within the gym and café tenancy to ensure noise is transmission is minimised.</p>	<p>Objective achieved subject to condition</p> <p>The preliminary acoustic report provides recommendations to protect amenity, including requirements for building design of the gym and a Noise Management Plan. A further acoustic report is to be provided prior to the issue of a building permit to ensure that the recommendations have been included and that noise sources such as rooftop equipment are adequately shielded.</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>Outcome not achieved No additional acoustic treatments proposed.</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>Outcome achieved</p>
<p>A4.7.3 – Major openings to habitable rooms are oriented away or shielded from external noise sources.</p>	<p>Outcome achieved Major openings do not face onto external noise sources such as communal open space or utilities.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

<p>ELEMENT 4.8 DWELLING MIX</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 achieved 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>O4.8.1 – A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.</p>	<p>The proposed development includes a mix of one, two, and three-bedroom standard apartments. In total the development includes:</p> <ul style="list-style-type: none"> • 4 one-bedroom apartments; • 10 two-bedroom apartments; and • 7 three-bedroom apartments. <p>This offers a diversity of housing stock to meet the needs of the locality and various age groups. The apartment mix also contributes towards the residential infill targets of the strategic planning framework.</p>	<p>Objective achieved The development comprises a sufficient mix of dwelling types and sizes to cater for diverse household types and demographics.</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> <p>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</p> <p>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>	<p>Outcome achieved</p> <p>The development includes a mix of dwelling sizes including at least 20 percent of apartments comprising:</p> <p>10 2x2 units 7 3x2 units 4 1x1 units</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>Outcome achieved</p> <p>Floors 1-5 contain a mix of 3 or 4 dwelling types.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

<p>ELEMENT 4.9 UNIVERSAL 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 achieved 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>O4.9.1 – 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 proposed development incorporates universal design features, providing opportunities for people with disabilities and/or limited mobility to reside and visit. Such features include easy at grade building access from the street and parking areas, lift access to all apartments and generously proportioned lobbies, communal accessways and apartments providing ample manoeuvring space.</p> <p>The variety of apartments proposed are also designed to cater for a variety of age groups which supports the concept of ‘ageing in place’.</p> <p>All apartment entries have the required latch-side clearances for universal access.</p>	<p>Objectives achieved</p> <p>U2 units have been designed to achieve Silver Level requirements.</p>
<p>ACCEPTABLE OUTCOMES</p> <p><i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		

<p>A4.9.1 –</p> <p>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</p> <p>b) 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).</p>	<p>Outcomes achieved</p> <p>U2 units have been designed to achieve Silver Level requirements. This achieves minimum 20% across all dwellings.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

<p>ELEMENT 4.10 FAÇADE 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 achieved 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>O4.10.1 – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.</p>	<p>Local Planning Policy</p> <p>The City’s Interim Built Form Design Guidelines – Broadway Mixed Use Zone Policy (Built Form Policy) sets out percentage requirements for active façade treatment. This includes 70% minimum for primary street frontages and 50% minimum for secondary street frontages.</p>	<p>Objective achieved</p> <p>The garage door has been modified to a simpler design to reflect the adjoining heritage building.</p>
<p>O4.10.2 – Building façades express internal functions and provide visual interest when viewed from the public realm.</p>	<p>The primary street frontage has a 62% activated frontage, which includes the pedestrian access and café tenancy. The other 38% is dedicated to bicycle parking and the full movement crossover into the building.</p> <p>An awning is provided over the pedestrian entrances to the resident’s lobby and the café and extends approximately 1.9m. The awnings are well integrated into the overall design, and do not encroach on any verge trees.</p> <p>O4.10.1 and O4.10.2</p>	<p>Objective achieved</p> <p>The streetscape provides articulated balconies and landscaping to provide visual interest when viewed from the street.</p>

Refer to the context analysis plans, and design precedents provided by DMG Architecture in Appendix 4.

To summarise, a mix of red brick and earthy tones have been used on the ground floor, which is characteristic of the streetscape along Broadway. Typical patterns and materials along Broadway include bricks of different colours, limestone retaining walls and white rendered surfaces. Typical built forms and features include various perforated patterns, exposed stairs, metal frames, contemporary shopfronts and thick horizontal and vertical frames.

The proposal applies a variety of those elements such as horizontal white rendered frames for the upper floors that set themselves apart from the base of the building with its raw, vertically lined concrete frame and earth coloured finishes in form of brick, copper look frames and timber cladding of the interior fit out.

The tilt up security gate features a perforated metal screen. A landscaping planter box has also been incorporated on the first level.

The material choices made for this project ensure a good build quality and longevity due to the fact that they are easy to maintain and resilient over time

ACCEPTABLE OUTCOMES

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

A4.10.1 – Façade design includes:

- scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm
- rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.

A4.10.2 – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.

Outcome achieved

The building contains a podium level, four storeys above that comprise a defined middle, and an upper floor different in style so as to be a defined top.

<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>Outcome achieved</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>Outcome achieved</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>Outcome achieved</p>
<p>A4.10.6 – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.</p>	<p>n/a - No signage is shown on the plans. Separate approval may be required for signage.</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

<p>ELEMENT 4.11 ROOF DESIGN</p>		
<p>ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i></p>	<p>APPLICANT COMMENT</p>	<p>ASSESSOR COMMENT</p>
<p>O4.11.1 – Roof forms are well integrated into the building design and respond positively to the street.</p>	<p>The proposed development features a flat roof. This is commonly used for mixed use developments. It is not considered necessary for the proposal to incorporate a pitched roof – the development is a different form and scale to the surrounding residential areas, and it would serve no planning or design purpose to replicate their roof form.</p>	<p>Objective achieved The roof form is integrated into the building design and set back from all boundaries to reduce the impact of height on adjoining properties.</p>
<p>O4.11.2 – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.</p>	<p>A significant number of solar panels are proposed on the roof. Landscaping planters are also proposed on level 6</p>	<p>Objective achieved The roof space is used for solar energy generation but not for communal space or access.</p>

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.	Outcome achieved The top floor is set back further from all boundaries so as to have minimal visibility from the street and to reduce the visual appearance from adjoining properties, consistent with the future streetscape character of other nearby approved developments.
A4.11.2 – Building services located on the roof are not visually obtrusive when viewed from the street.	Outcome achieved All services are to be conditioned to be screened from view.
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 usable roof space
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

ELEMENT 4.12 LANDSCAPE DESIGN		
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<i>Development is to achieve the following Element Objectives</i>	<i>Outline the rationale demonstrating that the proposal has achieved 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.	<p>A landscaping plan has been prepared by TDL and is included with this report (refer Appendix 6). The existing tree along Broadway is proposed to be retained, and a planter box has been provided at the entrance next to the café.</p> <p>A large landscaping planter has been included on the balcony of the level 1 apartments facing Broadway, to assist creating a more visually attractive development to the public realm. A planter is also provided on the balcony of level 6.</p> <p>The communal area on level 1 is surrounded by on-structure planting to enhance the areas amenity and</p>	<p>Objectives achieved</p> <p>Majority of the landscaping is provided to the rear and acts as a screen to adjoining properties. Landscaping to the street provided privacy to the upper floor balconies while softening the appearance of the dwelling from the street.</p>

	<p>provide a buffer to the adjacent western development. Species selection and overall design of the landscaping areas have been carefully considered by TDL. The amount of planting proposed complies with the on-structure planting requirements of the R-Codes, and also serve a functional purpose.</p>	
<p>O4.12.2 – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.</p>	<p>The landscaping plan includes a species list that is appropriate to the site context and conditions, providing a variety of textures and colours while being hardy enough to function adequately within common areas.</p> <p>For further details on plant species, please refer Landscaping Plan</p>	<p>Objectives achieved</p> <p>Larger trees to the rear of the site provide vegetative screening to the lower coded property to the west, and provide visual privacy to the rear of the northern and southern lots.</p>
<p>O4.12.3 – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.</p>	<p>Water efficient irrigation systems and water sensitive design technologies will be incorporated wherever possible. For further details on planting strategies and irrigation, please refer to the Landscaping Plan.</p>	<p>Objectives achieved</p> <p>Landscaping plan demonstrates waterwise principles.</p>
<p>O4.12.4 – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.</p>	<p>The landscape design is entirely consistent and integrated with the building design. Planter boxes are strategically located throughout the development to enhance the amenity of spaces and the appearance of the apartment complex from the street.</p>	<p>Objectives achieved</p> <p>Landscaping is integrated into the design of the development and built form.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.12.1 – Submission of a landscape plan prepared by a competent landscape designer. This is to include a species list and irrigation plan demonstrating achievement of Waterwise design principles.</p>		<p>Outcome achieved</p> <p>Landscaping has been prepared by a landscape designer and demonstrated waterwise principles.</p>
<p>A4.12.2 – Landscaped areas are located and designed to support mature, shade-providing trees to open space and the public realm, and to improve the outlook and amenity to habitable rooms and open space areas.</p>		<p>Outcome achieved</p>

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

ELEMENT 4.13 ADAPTIVE REUSE		
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 achieved 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>	
O4.13.1 – New additions to existing buildings are contemporary and complementary and do not detract from the character and scale of the existing building.	N/A	N/A
O4.13.2 – Residential dwellings within an adapted building provide good amenity for residents, generally in accordance with the requirements of this policy.	N/A	N/A
ACCEPTABLE OUTCOMES		
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.13.1 – New additions to buildings that have heritage value do not mimic the existing form and are clearly identifiable from the original building.		
A4.13.2 – New additions complement the existing building by referencing and interpreting the scale, rhythm and materiality of the building.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

ELEMENT 4.14 MIXED USE		
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 achieved 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>	
O4.14.1 – Mixed use development enhances the streetscape and activates the street.	The proposed development incorporates a café at the ground floor, which provides activation to Broadway. A significant amount of glazing is incorporated into the café, to ensure interaction between the café and the public realm is achieved.	Objective achieved The café use at ground floor activates the streetscape, while the design minimises blank facades.

	<p>The apartments fronting Broadway have large balconies, providing passive surveillance to the street and pedestrian realm. A use of attractive and contextually appropriate materials has been selected to ensure the developments presence to the street is enhanced.</p>	
<p>O4.14.2 – A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.</p>	<p>The café is located directly below the apartments on the ground floor and is not visible from inside the apartments on the upper floors. Therefore, impacts from lighting are appropriately mitigated.</p> <p>The café tenancy and private gym will contain appropriate noise insulation measures. Similarly, the slabs separating the commercial and residential above will be constructed to an appropriate standard to reduce noise impacts.</p> <p>The proposed bin stores are located away from the dwellings and are enclosed from the residential lobby on the ground floor, minimising the impact of odour. Waste management will be undertaken in accordance with the waste management plan prepared by Cardno</p>	<p>Objective achieved</p> <p>Residential units are located at the higher levels, with all servicing and utilities in the ground floor. This ensures minimal impact to units from café use.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.14.1 – Where development is located within a mixed use area designated within the local planning framework, ground floor units are designed for future adaption to non-residential uses.</p>	<p>Outcome achieved</p>	
<p>A4.14.2 – Ground floor uses including non-commercial uses, such as communal open space, habitable rooms, verandahs and courtyards associated with ground floor dwellings, address, enhance and activate the street.</p>	<p>n/a</p>	
<p>A4.14.3 – Non-residential space in mixed use development is accessed via the street frontage and/or primary entry as applicable.</p>	<p>Outcome achieved</p>	
<p>A4.14.4 – Non-residential floor areas provided in mixed use development has sufficient provision for parking, waste management, and amenities to accommodate a range of retail and commercial uses in accordance with the requirements.</p>	<p>Outcome not achieved</p> <p>Parking shortfall under the local planning policy is supported. Refer to officer's report.</p> <p>Outcome achieved</p> <p>Waste management, tenancy layout and amenities area is sufficient to provide for a range of non-residential use classes.</p>	

<p>A4.14.5 – Mixed use development is designed to mitigate the impacts of non-residential uses on residential dwellings, and to maintain a secure environment for residents.</p>	<p>Outcome achieved</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>	

<p>ELEMENT 4.15 ENERGY EFFICIENCY</p>		
<p>ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i></p>	<p>APPLICANT COMMENT</p>	<p>ASSESSOR COMMENT</p>
<p>O4.15.1 – Reduce energy consumption and greenhouse gas emissions from the development.</p>	<p>Sustainability is integrated into the first principles of design, maximising access to daylight and ventilation to reduce overall energy use.</p> <p>Compliance with NCC Section J – Energy Efficiency will achieve the requisite NATHERS 5 star minimum individual energy rating, minimum 6 star collective energy rating) and passive natural ventilation - reduces reliance on mechanical technology for heating and cooling which in turn minimizes energy use, resource consumption and operating costs over the life-cycle of the project.</p> <p>The building includes a significant amount of rooftop solar panels which will serve to reduce fossil fuel energy consumption on an ongoing basis.</p> <p>At detailed design phase, appropriate gas and water fixtures will be installed which minimise wastage and</p>	<p>Objective achieved with condition</p> <p>Units have been designed with adequate sunlight and ventilation to encourage energy reduction. Solar panels have been provided to the roof.</p> <p>The requirement for a Sustainability Report has been included as a condition of approval to ensure the development meets sustainability outcomes.</p>

	<p>promote sustainable use to minimise greenhouse gas emissions where possible.</p> <p>The development is located within a key public transit corridor which promotes alternate forms of transportation for residents. Reduced vehicle reliance may also reduce the overall greenhouse gas emissions resulting from the development.</p> <p>Waterwise design principles will be incorporated into the landscaping on site, as outlined in the landscaping Plan prepared by TDL</p>	
--	---	--

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

<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>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.</p>	<p>Outcomes achieved</p> <p>Solar panels provided. Landscaping achieves waterwise design. At detailed design phase, appropriate gas and water fixtures will be installed which minimise wastage and promote sustainable use to minimise greenhouse gas emissions where possible.</p>
--	---

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

ELEMENT 4.16 WATER MANAGEMENT AND CONSERVATION

ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
<i>Development is to achieve the following Element Objectives</i>	<i>Outline the rationale demonstrating that the proposal has achieved 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.	Where possible, water consumption will be minimised through the use of efficient appliances and fittings.	Objectives achieved

	Waterwise landscaping and irrigation systems will further minimise consumption – specific details of waterwise principles that will be utilised are detailed in the DA report and landscaping plan prepared by TDL.	
O4.16.2 – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	Stormwater runoff from small rainfall events is to be managed on site consistent with element objectives.	Objectives 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.	Pavement will be graded away from the buildings and orientated towards landscaped areas with suitable drainage mechanisms integrated into the design.	Objectives achieved 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.		Outcome achieved Adequate stormwater containment to be demonstrated at building permit stage but no issues have been raised with the current design.
A4.16.3 – Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.		Outcome achieved
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

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 achieved 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.	The proposed development includes one residential bin storage area, one café bin store and one bulk waste area on the ground floor of the development,	Objectives achieved Waste storage occurs within the premises and off the street.

<p>O4.17.2 – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.</p>	<p>accessible from the residential lift lobby. The bin stores are internal to the development, and accessible from the car park area. No bins will be placed on the street for collection. The bin storage areas are equipped with wash down facilities and provide the requisite space to cater for the 21 dwellings and commercial development.</p>	<p>Objectives achieved FOGO system provided to meet City’s requirements.</p>
<p>ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i></p>		
<p>A4.17.1 – Waste storage facilities are provided in accordance with the Better Practice considerations of the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines</i> (or local government requirements where applicable).</p>	<p>Outcomes achieved Waste storage plan is in accordance with city requirements.</p>	
<p>A4.17.2 – A Level 1 Waste Management Plan (Design Phase) is provided in accordance with the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines - Appendix 4A</i> (or equivalent local government requirements).</p>	<p>Outcomes achieved Waste Management Plan is in accordance with city requirements.</p>	
<p>A4.17.3 – Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines - Level 1 Waste Management Plan (Design Phase)</i> (or local government requirements where applicable).</p>	<p>Outcomes achieved Sufficient area provided for the 3 bin FOGO system.</p>	
<p>A4.17.4 – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.</p>	<p>Outcomes achieved Communal waste area is screened from view in a separate room within the car park.</p>	
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>	
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>		

<p>ELEMENT 4.17</p>	<p>UTILITIES OBJECTIVES</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 achieved 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>04.18.1 –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.</p>	<p>The site is serviced with all necessary urban services, fit for purpose and capable of meeting the needs of residents.</p>	<p>Objective achieved All services are available.</p>
<p>04.18.2 – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.</p>	<p>All utilities are in accessible locations for maintenance and do not restrict safe movement of vehicles or pedestrians.</p>	<p>Objectives achieved Utilities and fire cabinet are available adjoining the driveway for easy maintenance.</p>
<p>04.18.3 – 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>All such utilities are to be integrated into the building design and/or landscaping and are not visually obtrusive (e.g. screened roof air-conditioning condenser area and concealed basement plant areas).</p>	<p>Objectives achieved Street utilities face the driveway and are generally not visible from the street.</p>
<p>04.18.4 – 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>Utilities within individual dwellings have been appropriately designed/sized and located to minimise noise and air quality impacts. Air conditioning plant will be located in the ground floor car park, minimising the impact on apartments through the development.</p>	<p>Objectives achieved subject to condition Condensers are located in the basement. All rooftop mechanical plants are to be screened prior to occupation.</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>Outcomes achieved subject to condition screening rooftop plant</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>Outcomes achieved</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>Outcomes achieved Condenser units are located in the basement and out of view.</p>
<p>A4.18.4 – Laundries are designed and located to be convenient to use, secure, weather-protected and well-vented; and are of an overall size and dimension that is appropriate to the size of the dwelling.</p>		<p>n/a</p>
<p>LOCAL PLANNING FRAMEWORK</p>	<p>REQUIREMENT</p>	
<p><i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i></p>		

Transport Impact Statement

99 Broadway, Nedlands

CW1170000



Prepared for
Caxton Properties Pty Ltd

2 September 2021

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1 Introduction

1.1 Background

Cardno was commissioned by Caxton Properties ('the Client') to prepare a Transport Impact Statement (TIS) for the proposed mixed-use development located at 99 Broadway within the City of Nedlands.

This TIS has been prepared in accordance with the Western Australian Planning Commission (WAPC) Transport Impact Assessment Guidelines for Developments: Volume 4 – Individual Developments (2016) and the checklist is included at **Appendix A**.

1.2 Existing Site

The site is located at 99 Broadway within the City of Nedlands **Figure 1-1** shows an aerial image of the subject site. The Site is bounded by Broadway on the east and is surrounded by residential dwellings, and commercial and retail developments.

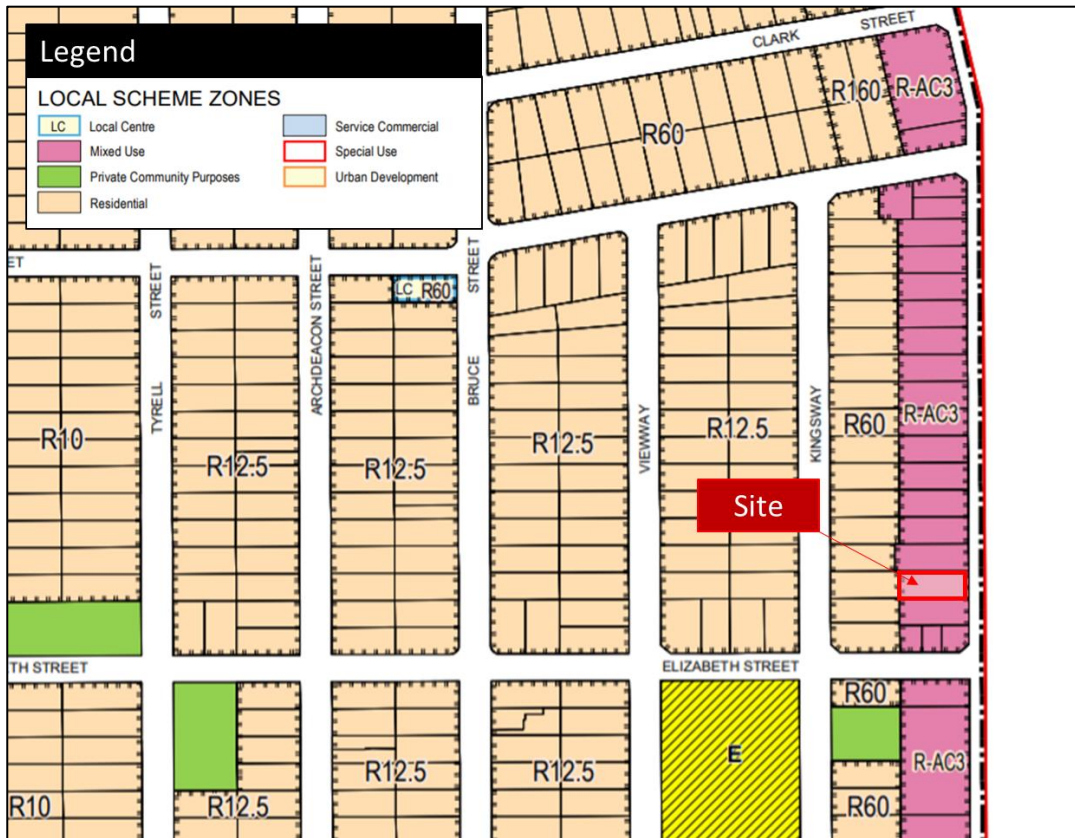
Figure 1-1 Aerial Image



Base Map Source: Nearmap

The Site is zoned as 'Mixed Used' under the *Local Planning Scheme No. 3 of the City of Nedlands* as shown in **Figure 1-2**

Figure 1-2 Zoning



Source: City of Nedlands Local Planning Scheme No. 3

1.3 Existing Road Network

Road classifications are defined in the Main Roads Functional Hierarchy as follows:

- > Primary Distributors (light blue): Form the regional and inter-regional grid of Main Roads WA traffic routes and carry large volumes of fast-moving traffic. Some are strategic freight routes and all are National or State Roads WA.
- > Regional Distributors (red): Roads that are not Primary Distributors, but which link significant destinations and are designed for efficient movement of people and goods within and beyond regional areas. They are managed by Local Government.
- > District Distributor A (green): These carry traffic between industrial, commercial and residential areas and connect to Primary Distributors. These are likely to be truck routes and provide only limited access to adjoining properties. They are managed by Local Government.
- > District Distributor B (dark blue): Perform a similar function to District Distributor A but with reduced capacity due to flow restrictions from access to and roadside parking alongside adjoining property. These are often older roads with traffic demand in excess of that originally intended. District Distributor A and B roads run between land-use cells and not through them, forming a grid that would ideally be around 1.5 kilometres apart. They are managed by Local Government.
- > Local Distributors (orange): Carry traffic within a cell and link District Distributors at the boundary to access roads. The route of the Local Distributor discourages through traffic so that the cell formed by the grid of District Distributors only carries traffic belonging to or serving the area. These roads should accommodate buses but discourage trucks. They are managed by Local Government.
- > Access Roads (grey): Provide access to abutting properties with amenity, safety and aesthetic aspects having priority over the vehicle movement function. These roads are bicycle and pedestrian friendly. They are managed by Local Government.

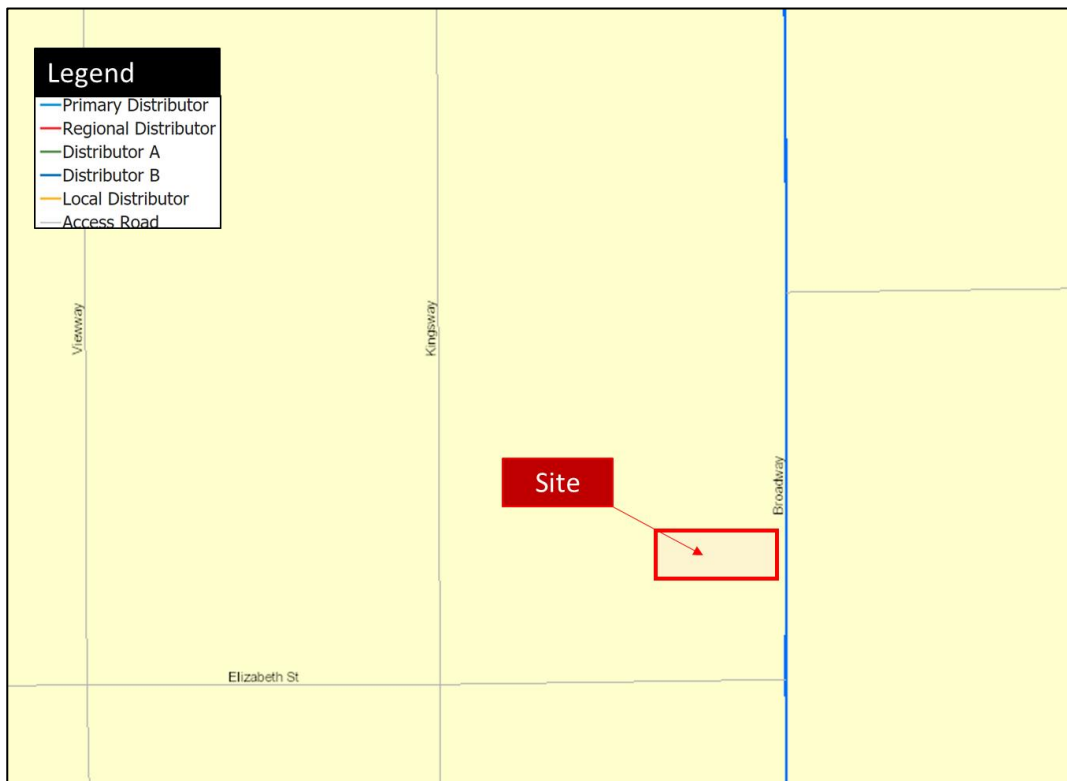
The Site is bounded by Broadway on the east. The surrounding road network is further described in **Table 1-1** and **Figure 1-3** shows the road hierarchy as per the *Main Roads WA Road Information Mapping System*.

Table 1-1 Road Network Classification

Street Names	Road Hierarchy		Road Network			
	Road Hierarchy	Jurisdiction	No. of Lanes	No. of Footpaths	Width (m)	Posted Speed (km/h)
Broadway	Distributor B	Local Govt	2	2	3.3m on each direction	50
Elizabeth Street	Access Road	Local Govt	1	2	4.0	40

Source: Main Roads Road Information Mapping System

Figure 1-3 Road Hierarchy



Source: Main Roads Road Information Mapping System

1.4 Traffic Volumes

Daily traffic volumes were obtained from *Main Roads Traffic Map* and the *City of Perth's Intramap* and are summarised as per **Table 1-2** below.

Table 1-2 Traffic Volumes

Road Name	Source	Year	Average Weekday Daily Traffic Volume
Broadway South of Stirling Highway	Main Roads	2019	9,603
Broadway South of Clark Street	City of Perth	2017	4,152
Broadway South of Edward Street	City of Perth	2018	4,545
Broadway South of Elizabeth Street	City of Perth	2016	3,708

Source: Main Roads Traffic Map

1.5 Crash Assessment

A crash assessment of the surrounding road network in the proximity of the subject Site has been completed using the Main Roads WA Reporting Centre. The assessment covers all the recorded accidents for the 5-year period between 1 January 2016 to 31 December 2020 for the following locations:

- Broadway SLK 0.54 to 0.72 (Midblock between Myers Street to Elizabeth Street);
- Intersection of Broadway and Myers Street; and
- Intersection of Broadway and Elizabeth Street.

The results of the assessment are summarised in **Table 1-3** and **Table 1-4** and illustrated diagrammatically in **Figure 1-4**.

Table 1-3 Broadway SLK 0.54 to 0.72 (Myers Street to Elizabeth Street) Midblock

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Rear End	-	-	-	2	1	3
Right Angle	-	-	-	-	1	1
Total	-	-	-	2	2	4

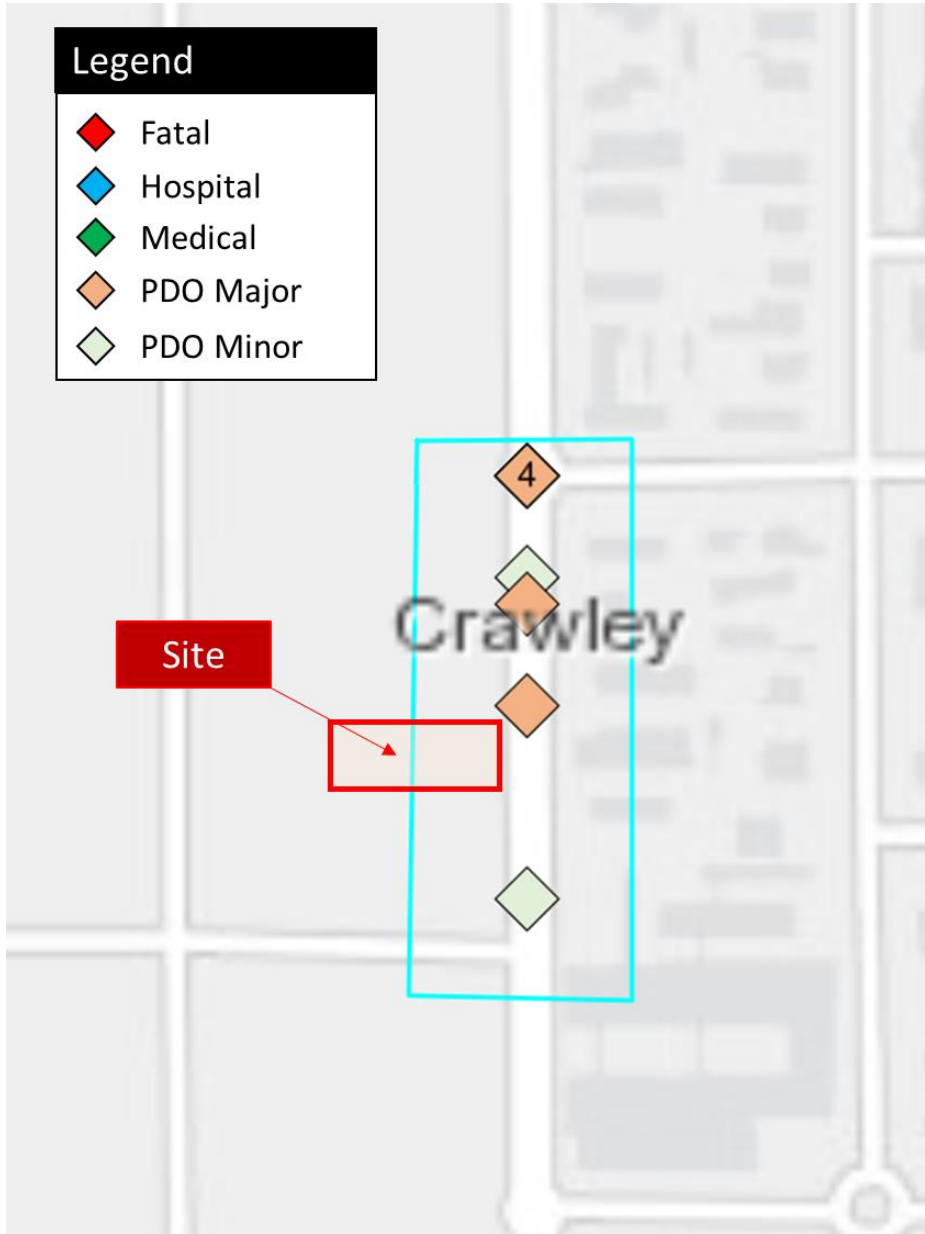
Table 1-4 Intersection of Broadway and Myers Street

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Rear End	-	-	-	-	1	1
Right Angle	-	-	-	1	2	3
Total	-	-	-	1	3	4

- There were no crashes recorded for the intersection of Broadway and Elizabeth Street.
- No fatal crashes or accidents that resulted in hospital admission or medical treatment was recorded near the Site.
- Majority of the crashes recorded resulted in major and minor property damages.

The number of crashes near the subject Site is not considered to be excessive or extreme and it is most unlikely that construction of the proposed development would result in any material change to road safety in the area.

Figure 1-4 Crash Map



Source: Main Roads Crash Map

2 Public Transport Facilities

2.1 Existing Public Transport Facilities

The nearest bus stop is located approximately 20m from the proposed site along Broadway. Bus routes 24 and 96 operate from these stops along Broadway. The Route 24 service operates from East Perth and Claremont Station while Route 96 operates from Crawley to Leederville Station. **Figure 2-1** shows the nearest bus route with respect to the Site while **Table 2-1** summarizes the bus routes and frequency.

Figure 2-1 Existing Bus Routes



Source: Transperth

Table 2-1 Bus Route and Frequency

Bus Routes	Route Description	Frequencies		
		Weekdays	Saturdays	Sundays and Public Holidays
24	East Perth to Claremont Station	15 minutes	30 minutes	30 minutes
96	Crawley to Leederville Station	15-30 minutes	No Service	No Service

2.2 Future Public Transport Facilities

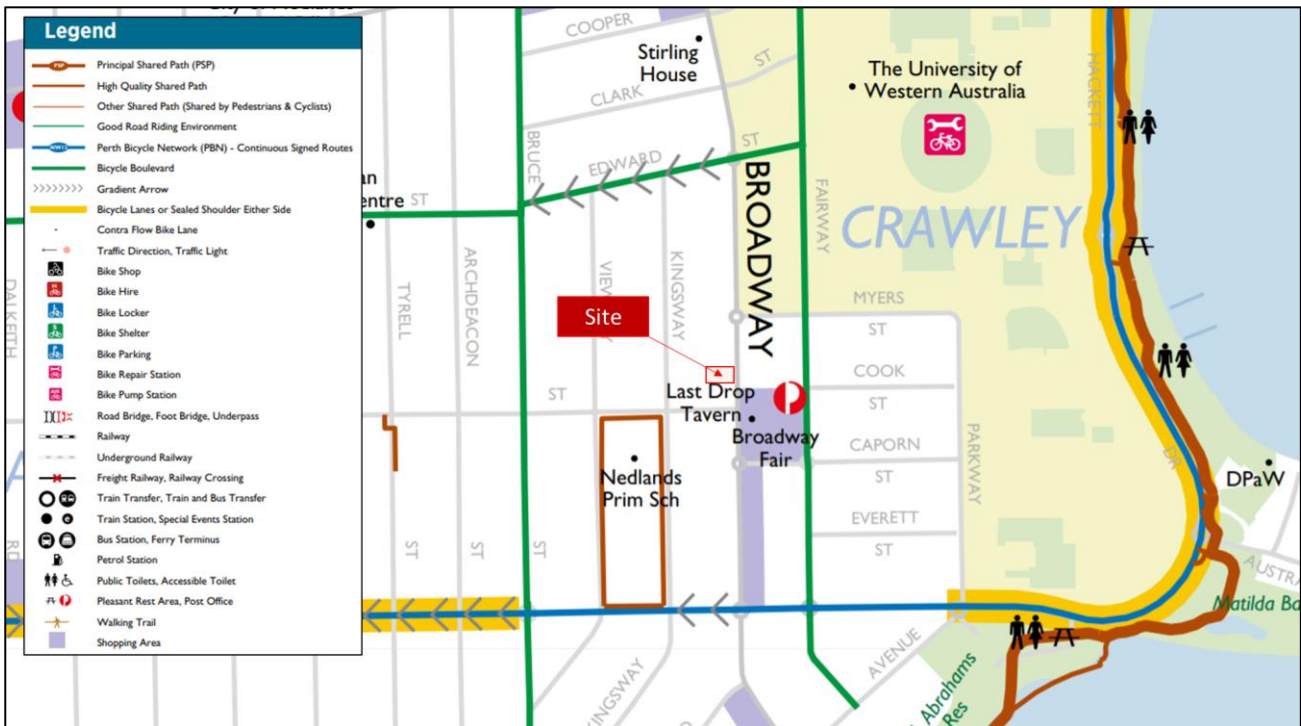
Cardno contacted the Public Transport Authority and was advised that there are no proposed changes to the public transport network in this area.

3 Pedestrian/ Cycle Networks and Facilities

3.1 Existing Pedestrian/ Cycle Network Facilities

The subject Site is connected to a wide network of bicycle and pedestrian facilities through the bicycle boulevard along Faraway and Edward Street. Overall, access to the subject Site is facilitated by good pedestrian/cycling networks. The Local network of bicycle and pedestrian facilities within the vicinity of the subject Site is shown in 0.

Figure 3-1 Pedestrian and Cycling Network



Source: Department of Transportation

3.2 Future Pedestrian/ Cycle Network Facilities

Cardno contacted the City of Nedlands and were advised that there are no proposed changes to the pedestrian or cycle network in this area.

4 Proposed Development

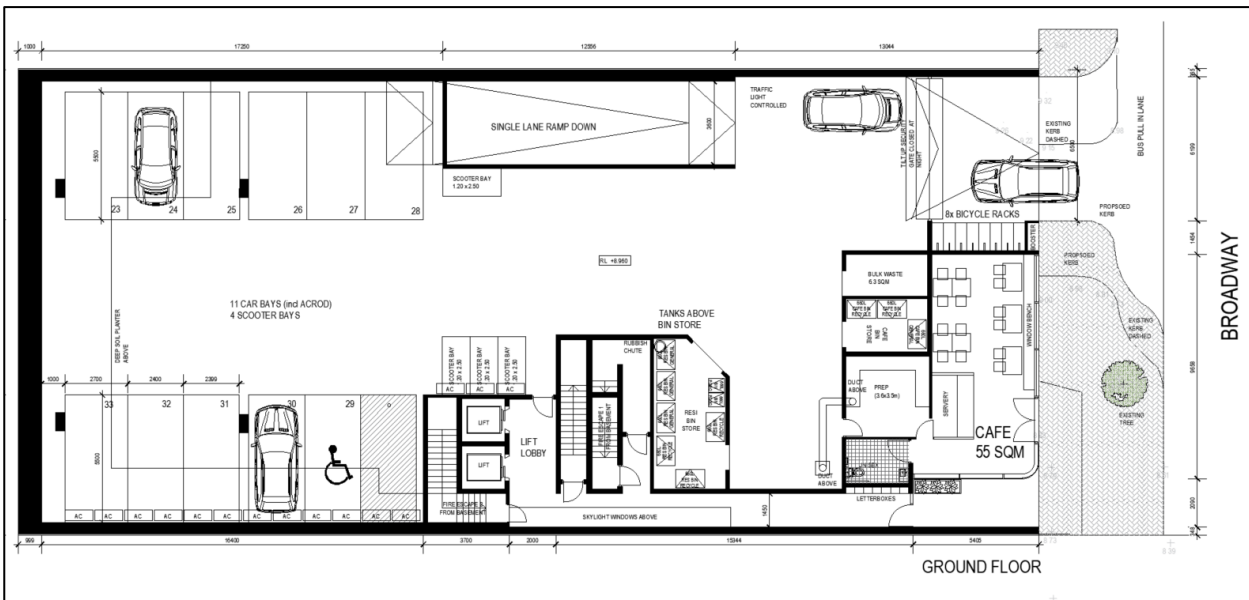
4.1 Overview

The proposal is a mixed-use development comprising of the following site-specific components:

- > Seven (7) three-bedroom dwelling units;
- > Ten (10) two-bedroom dwelling units;
- > Four (4) one-bedroom dwelling units
- > Commercial tenancy intended for a café/ takeaway catering for 20 seats (dining area of approximately 24 sqm)
- > A total of thirty-three (33) parking bays comprising 28 residential tenant parking bays, 3 visitor parking bays, 1 ACROD bay and 1 commercial bay;
- > Four (4) Motorcycle bays/ spaces; and
- > Twenty-two (22) bicycle bays/ spaces.

Figure 4-1 shows the ground floor plan for the said development.

Figure 4-1 Ground Floor Plan



Source: DMG Architecture

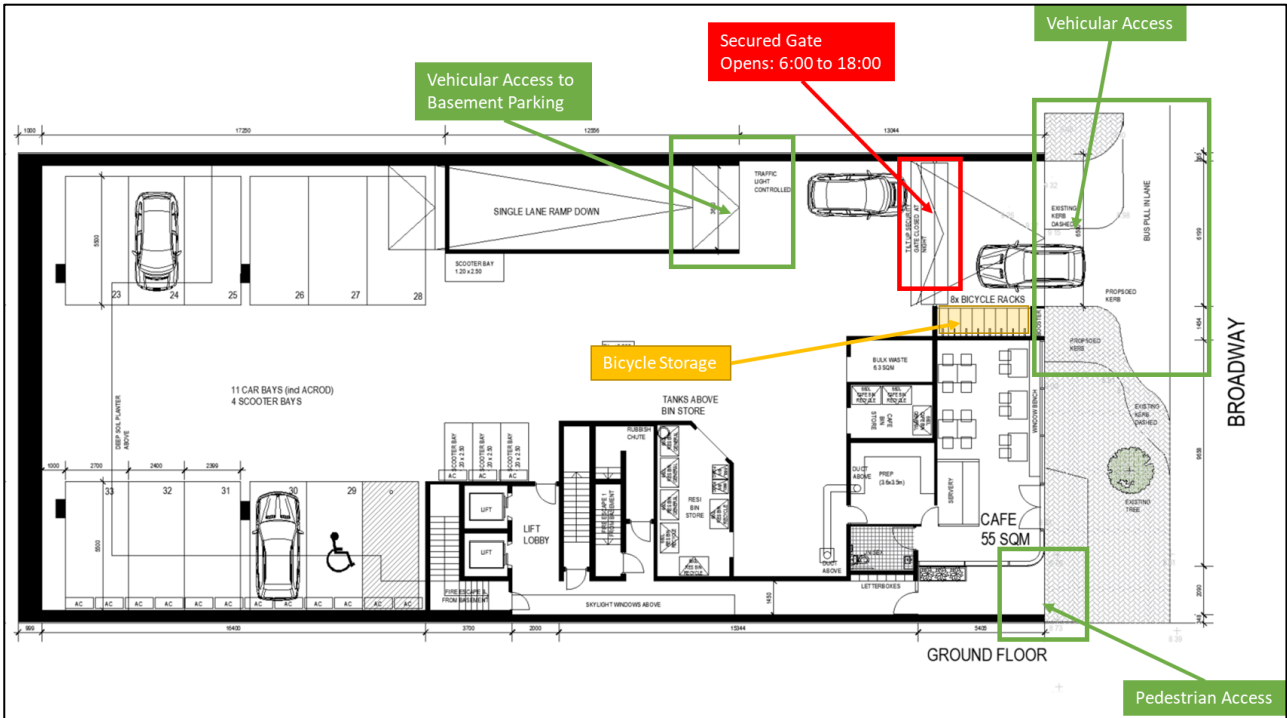
4.2 Access Arrangement

Vehicular Access is proposed from the Broadway. A security gate is proposed at the entrance to the facility which is anticipated to be kept open between 6am and 6pm. All residents are expected to be provided with a buzzer and an access code to open the gate. An intercom system is proposed to be installed against the northern wall. A visitor would be required to park the car in the driveway on arrival, walk up to the intercom system and dial up the apartment which will then be opened by the resident remotely. Alternatively, a visitor could call a resident via mobile prior to arrival at the premises and the gate can be opened by the resident remotely.

A single vehicular ramp which is to be traffic signal controlled is proposed from the ground level to the basement parking.

The Development is anticipated to be accessed by pedestrians through the accessway located adjacent to the proposed commercial tenancy.

Figure 4-2 Development Access



Source: DMG Architecture

4.3 Provision for Service Vehicle

Waste collection is proposed to be undertaken on site. A service area is proposed on the ground floor near the Bin store. A swept path analysis was undertaken for a 7.5m waste truck entering and exiting the subject site as illustrated in **Figure 4-3** and **Figure 4-4**. The swept path analysis shows that the City’s waste truck is able to manoeuvre into the Site in a forward gear, reverse into the proposed waste collection area and exit in a forward gear.

Figure 4-3 Swept Path (Waste Truck) - Ingress

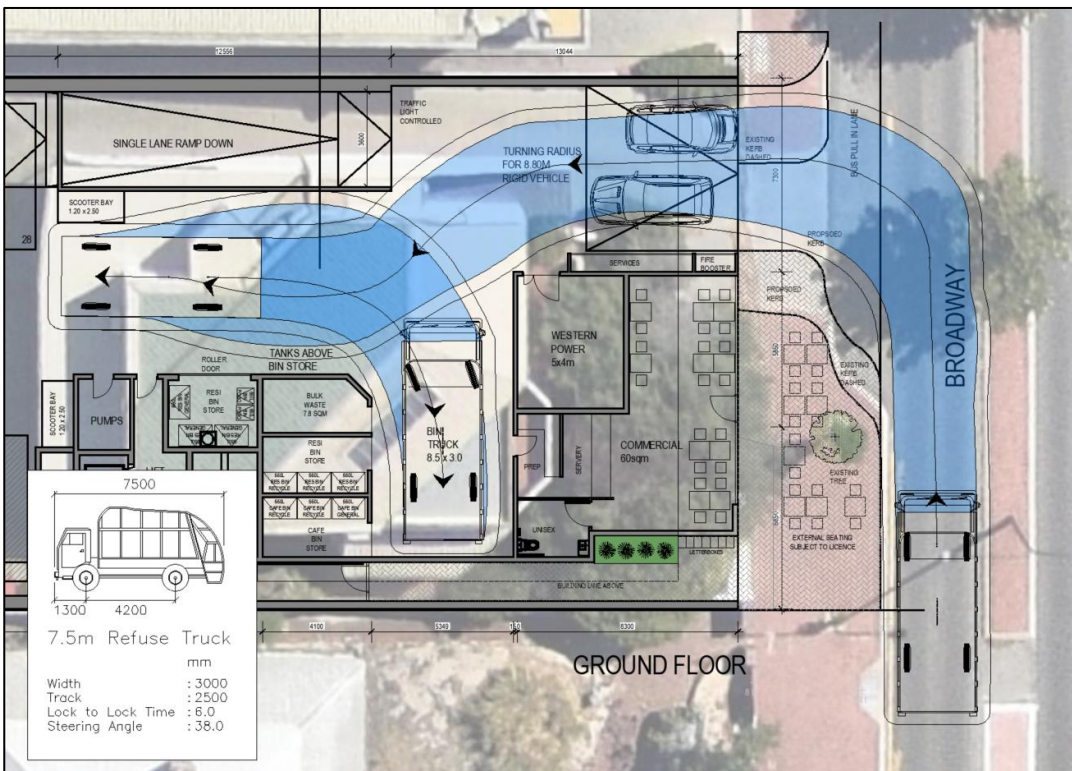
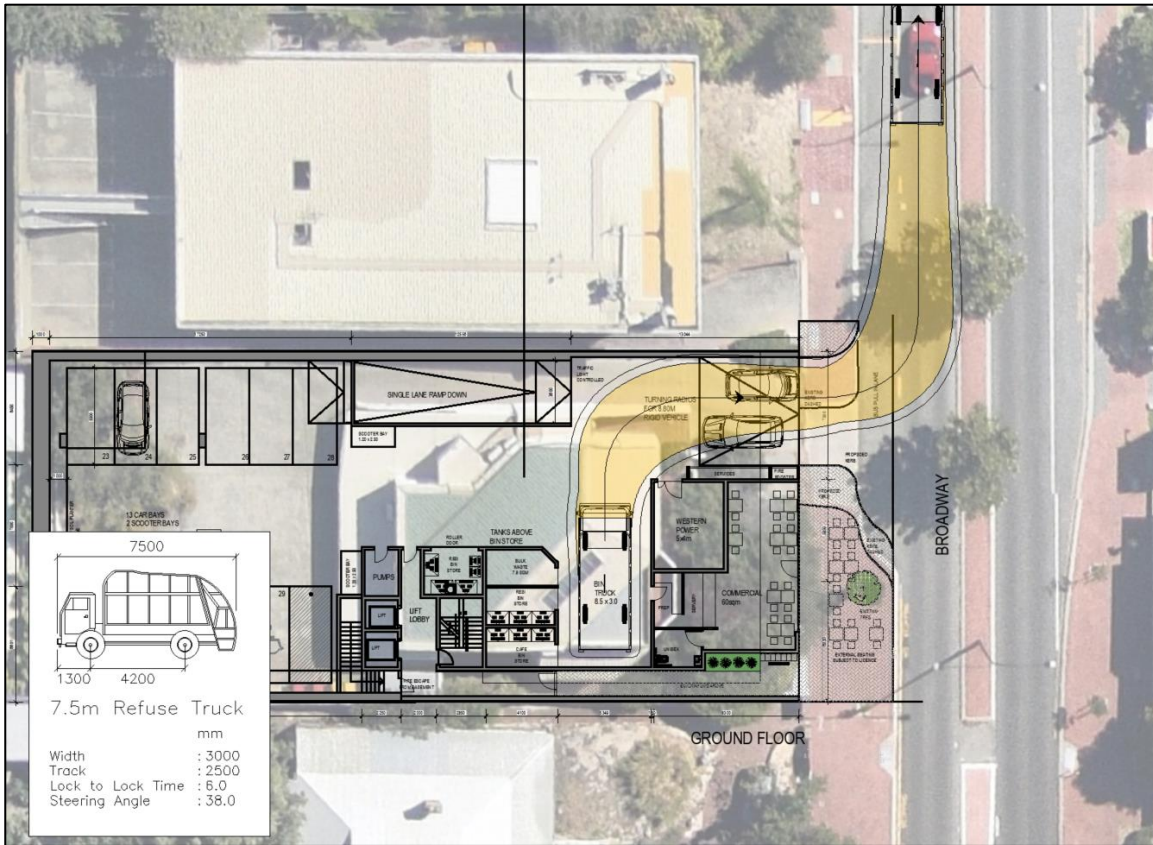


Figure 4-4 Swept Path (Waste Truck) - Egress



4.4 Traffic Generation

Trip generation rates from the *Institute of Transportation Engineers (ITE) "Trip Generation" 10th* as detailed in **Table 4-1** were used to calculate the estimated total trip generation for the Site. **Table 4-2** shows the directional distribution and **Table 4-3** shows the total expected trips to be generated by the proposed development.

Table 4-1 Trip Generation Rate – Peak Hour

Land Use	ITE Code/Source	AM Peak	PM Peak
Residential	ITE 221	0.36 trips per dwelling	0.44 trips per dwelling
Commercial	ITE 932	15.11 trips per 100sqm	18.74 trips per 100sqm

Table 4-2 Directional Distribution

Land Use	AM Peak		PM Peak	
	In	Out	In	Out
Residential	27%	73%	60%	40%
Commercial	57%	43%	52%	48%

Table 4-3 Estimated Total Trip Generation

Land Use	AM Peak Hour		PM Peak Hour	
	In	Out	In	Out
Residential	2	5	5	3
Commercial	4	3	5	4
Subtotal	6	8	10	8
Total	14		18	

The subject Site is expected to generate approximately 14 trips during the AM peak hour and 18 trips in the PM peak hour period respectively. According to WAPC Transport Impact Assessment Guidelines,

developments generating between 10 and 100 trips during the peak hour falls under the 'moderate impact' category and is not considered to have minimal impact on the surrounding road network.

5 Parking Supply

5.1 Car Parking

The statutory car-parking requirement for the proposed development is set out in the *Residential Design Codes Volume 2 - Apartments*. The residential design code specifies the parking requirements according to the following criteria:

- > Location A is defined as a development located 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 boundary of an activity centre; and
- > Location B is a location not within Location A.

The subject Site is located near a high frequency bus route and in an activity centre and hence the parking requirements for Location A is applicable. The parking requirements for the commercial café is set out in the City of Nedlands' Local Planning Policy for Parking.

The parking requirement and provisions are presented in **Table 5-1**.

Table 5-1 Car Parking Provision and Requirements

Use	Development Yield	Requirement	Requirement	Provision
Residential car parking	4 dwellings	0.75 bay per 1-bedroom dwelling	3 bays	28 bays
	17 dwellings	1 bay per 2+ bedroom dwellings	17 bays	
Residential visitor car parking	21 dwellings	1 bay per 4 dwellings up to 12 th dwellings	4 bays	4 bays (including 1 ACROD)
		1 bay per 8 dwellings for the 13 th dwelling and above		
Commercial (Café)	24 sqm (dining area) or 20 seats	1 per 2.6m ² of restaurant seating area or 1 per 2 persons (whichever is great)	12 bays	1 bay
Total			36 bays	33 bays

Source: *Residential Design Codes Volume 2 – Apartments*

Based on **Table 5-1**, it is considered that the proposed residential development meets the on-site car parking requirements in accordance with the R-Codes. A provision of 4 car parking bays (including 1 ACROD bay) have been allocated for the use of residential visitors. This satisfies the requirement of R-code for visitor parking. However, the parking provision for the commercial café is expected to result in shortfall of 11 bays in accordance with the requirements of the City of Nedlands. Since the peak time of residential visitors (typically at night after business hours) is anticipated not to coincide with the operation hours of the café, the residential visitor bays would be available to be used by the café customers as required. Hence a potential net shortfall of 7 commercial bays is realised.

It should be noted that on-street parking on Broadway currently exists as well as given that the Broadway Shopping Centre is located in close proximity to the Site, it is anticipated that any parking overflow if required can be accommodated and potentially mitigate against this parking shortfall.

Furthermore, the intent is to provide a localised Café that caters ready-made take away food that services the immediate walk-in catchment of the area. In this regard, it is considered reasonable to expect that patrons of the proposed Cafe would be inclined to use public transport, walk or cycle (given the high frequency public transport and pedestrian footpaths on both sides of Broadway) rather than drive. It is anticipated that the majority of Café customers would have origins within walking and cycling distance from the proposed development and hence won't be requiring any car parking. Therefore, the proposed number of bays provided is expected to be adequate for the proposed commercial tenancies.

5.2 Bicycle Parking Requirement

Similar to the car parking, the requirements for bicycle parking are indicated in the *Residential Design Code Volume 2 – Apartments* as shown in **Table 5-2**.

Table 5-2 Bicycle Parking Provision and Requirements

Land Use	Yield	Requirements	Provision
Residential	21 dwellings	0.5 space per dwelling	11 space
Residential Visitors	21 dwellings	1 space per 10 dwellings	3 space
Total			14 space

Source: *Residential Design Codes Volume 2 – Apartments*

The bicycle storage is proposed against the wall above the car bays in the basement for residential tenants and 8 bicycle racks are for visitors which is located behind the café on the ground floor.

Based on **Table 5-2** above, the proposed bicycle parking provision for bicycle spaces is adequate and complies with the minimum bicycle requirement of the Residential Design Code Volume 2. A surplus of 5 bicycle spaces is proposed for the residential visitors which could be also used by visitors to the café although the City of Nedlands does not specify any requirements for commercial tenancies.

5.3 Motorcycle Parking Requirement

Developments exceeding 20 dwellings will need to provide 1 motorcycle/ scooter space for every 10 car bays as in the *Residential Design Code Volume 2 – Apartments* as shown in **Table 5-3**.

Table 5-3 Motorcycle Parking Provision and Requirements

Land Use	Yield	Requirements	Provision
Residential	33 parking space	1 space per 10 car bays provision	3.3 spaces
Total			4 spaces

Source: *Residential Design Codes Volume 2 – Apartments*

As shown in **Table 5-3** above, the proposed motorcycle parking provision is adequate and within the minimum requirement of the Residential Design Code Volume 2.

5.4 Parking Geometry Requirements

The parking bay geometry requirements set forth by AS2890.1 User Class 1A parking facility for 90° angled parking bays and the corresponding provisions in the proposed development are presented in **Figure 5-1**

Figure 5-1 Parking Geometry Requirements

Parameter	Required	Provided	Remarks
Regular bay Width, m (User Class 1A)	2.4	2.4	No Non-conformances identified
Regular bay Width, m (User Class 2)	2.5	2.5	No Non-conformances identified
Regular bay Length, m	5.4	5.4	No Non-conformances identified
ACROD Parking Bay Width, m	2.4	2.4	No Non-conformances identified
ACROD Parking Bay Length, m	5.4	5.5	No Non-conformances identified
Shared Area Bay Width, m	2.4	2.4	No Non-conformances identified
Shared Area Bay Length, m	5.4	5.5	No Non-conformances identified
Parallel Parking, Length, m	5.9	5.9/ 6.2	No Non-conformances identified
Parallel Parking, Width, m	2.1	2.2	No Non-conformances identified
Aisle width, m	5.8	6.0	No Non-conformances identified
Blind aisle extension, m	1.0	1.0	No Non-conformances identified
Blind aisle end bay widening, m	0.3	0.3	No Non-conformances identified

Motorcycle Bay Width, m	1.2	1.2	No Non-conformances identified
Motorcycle Bay Length, m	2.5	2.5	No Non-conformances identified
Circulation roadway width, m	3.0 (One-way)	3.3	No Non-conformances identified
Access width, m	3.0 to 5.5	6.2	No Non-conformances identified

Source: AS2890.1, AS280.6

5.5 Swept Path

A swept path analysis was undertaken for the parking bays on ground floor and basement using a B99 design vehicle. The analysis showed that a B99 vehicle would appear to be able to adequately enter and exit the parking bays on the ground floor and basement level as illustrated in **Figure 5-2** to **Figure 5-4**.

Figure 5-2 Swept Path – B99 Passenger Vehicle (Bay 23 - Ground Floor)

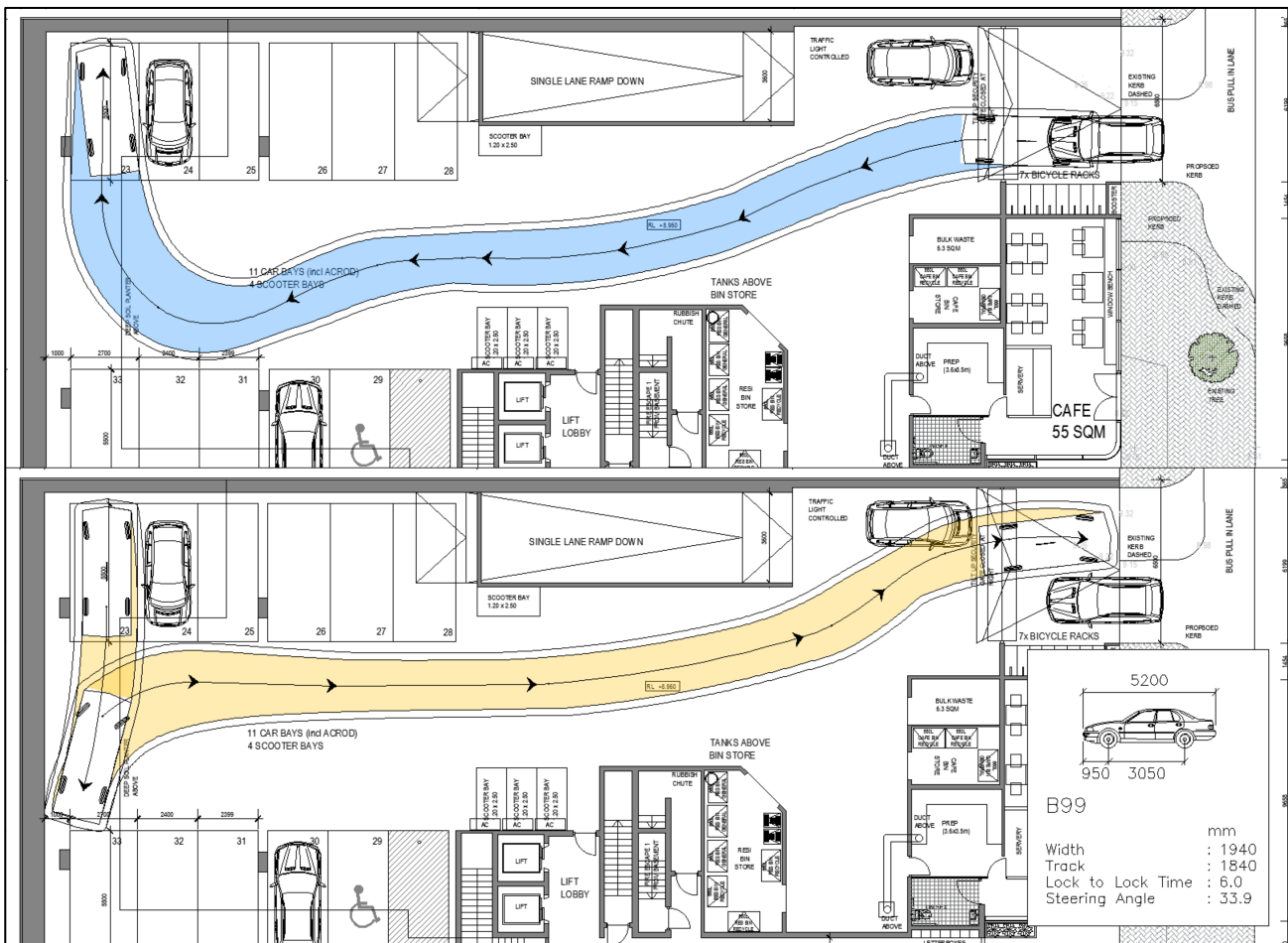


Figure 5-3 Swept Path – B99 Passenger Vehicle (Bay 9 - Basement)

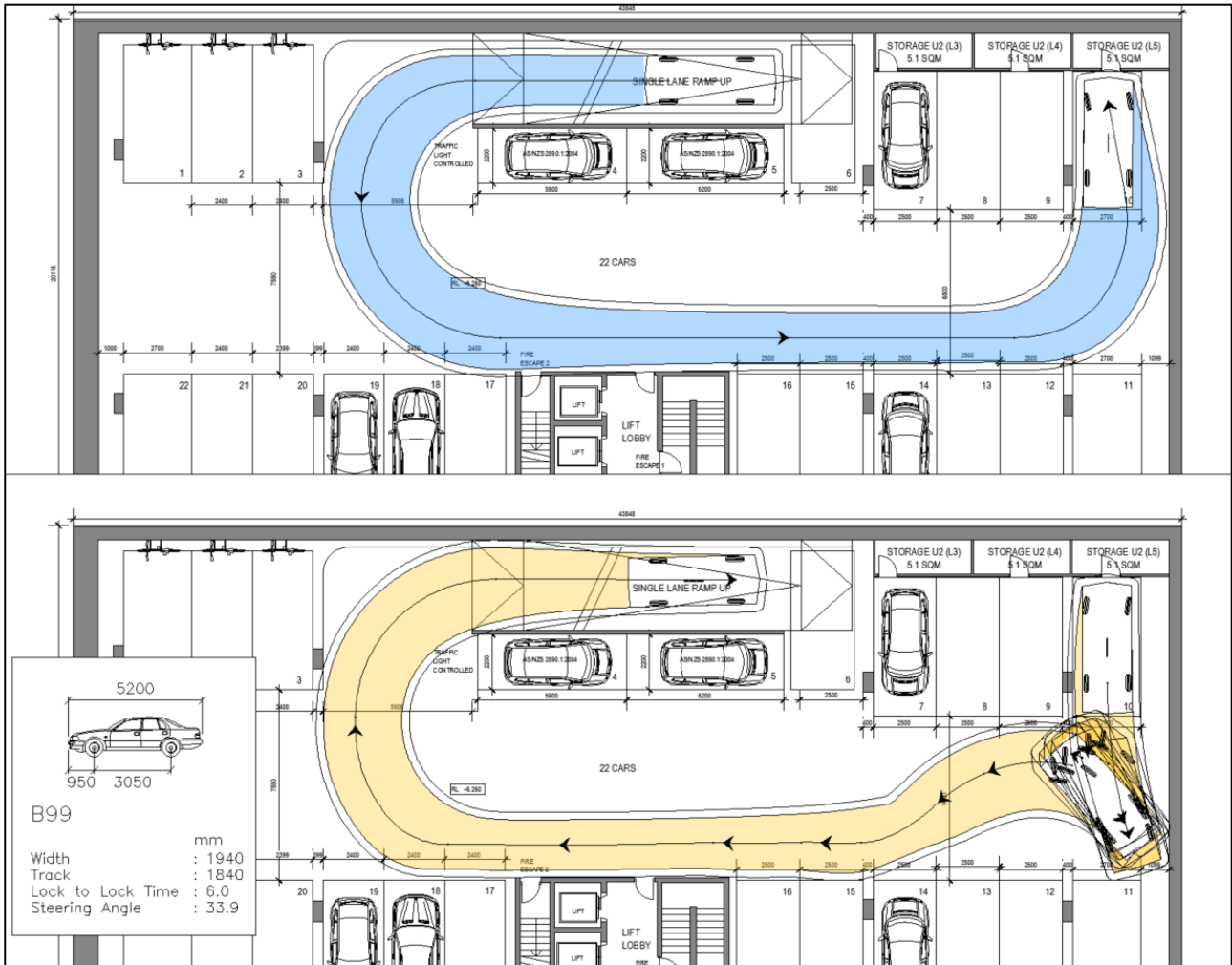
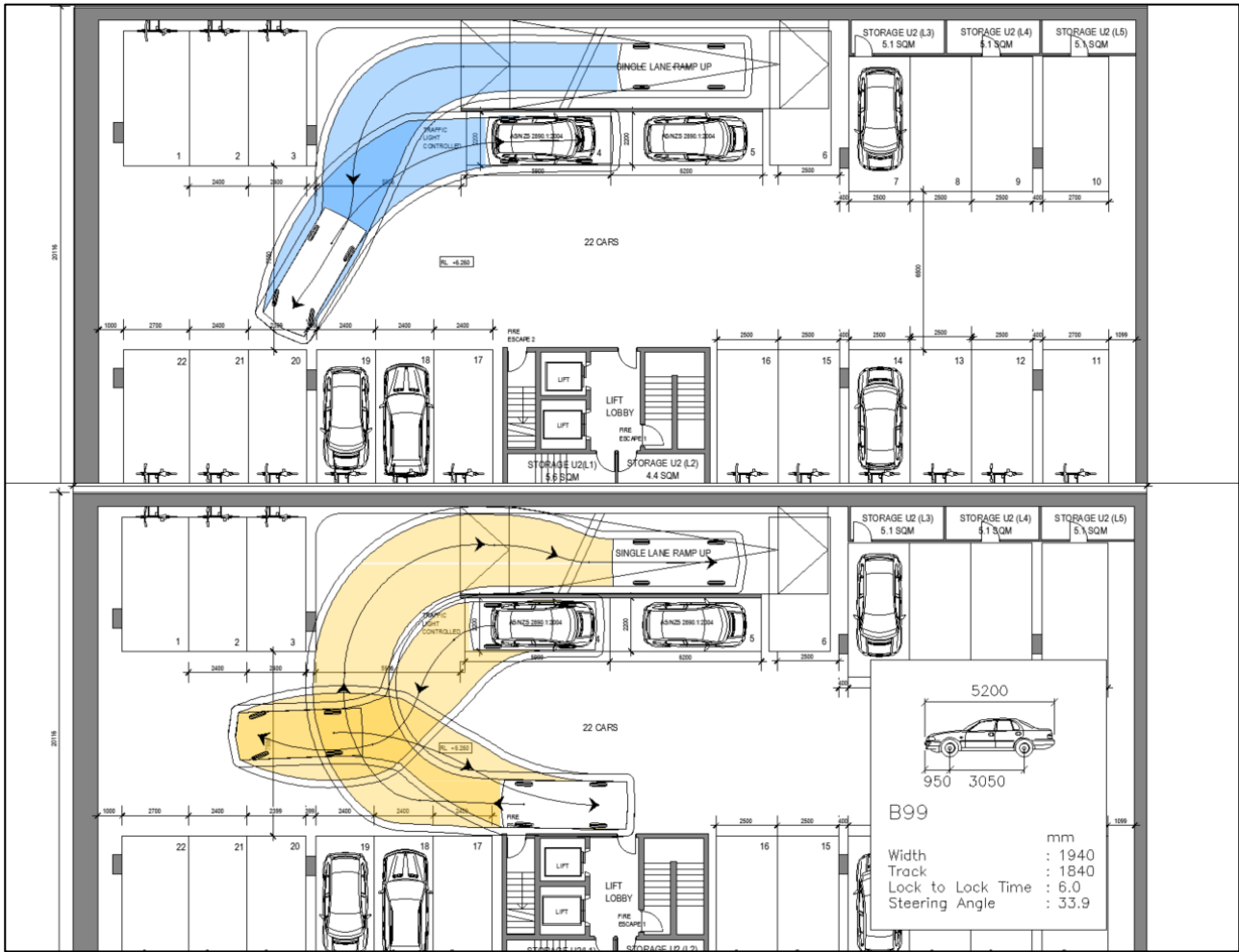


Figure 5-4 Swept Path – B99 Passenger Vehicle (Bay 4/Parallel Bay)



6 Summary

This Transport Impact Statement outlines the transport aspects of the proposed development focusing on traffic operations, access and provision of car parking. Included are discussions regarding pedestrian, cycle, and public transport considerations.

This statement has been prepared in accordance with the *WAPC Transport Assessment Guidelines for Developments: Volume 4 – Individual Developments (2016)*.

The following are conclusions about the proposed development:

- > The proposal is for a mixed used development comprising of 21 dwelling units and a commercial tenancy on the ground floor located at No. 99 Broadway, City of Nedlands;
- > Access to the subject Site by bicycle is anticipated to be good with facilities provided under the Perth Bicycle Network and other routes within the surrounding locality;
- > Public transportation is also good and is facilitated by bus stops and services located along Broadway in close proximity to the subject Site;
- > The volume of trips generated by the subject Site is according to WAPC Transport Impact Assessment Guidelines falls under the 'moderate impact' category and is considered to have minimal impact on the surrounding road network.

Overall, it is considered unlikely that the proposed development will cause any material impact to the surrounding road network.

99 Broadway, Nedlands

APPENDIX

A

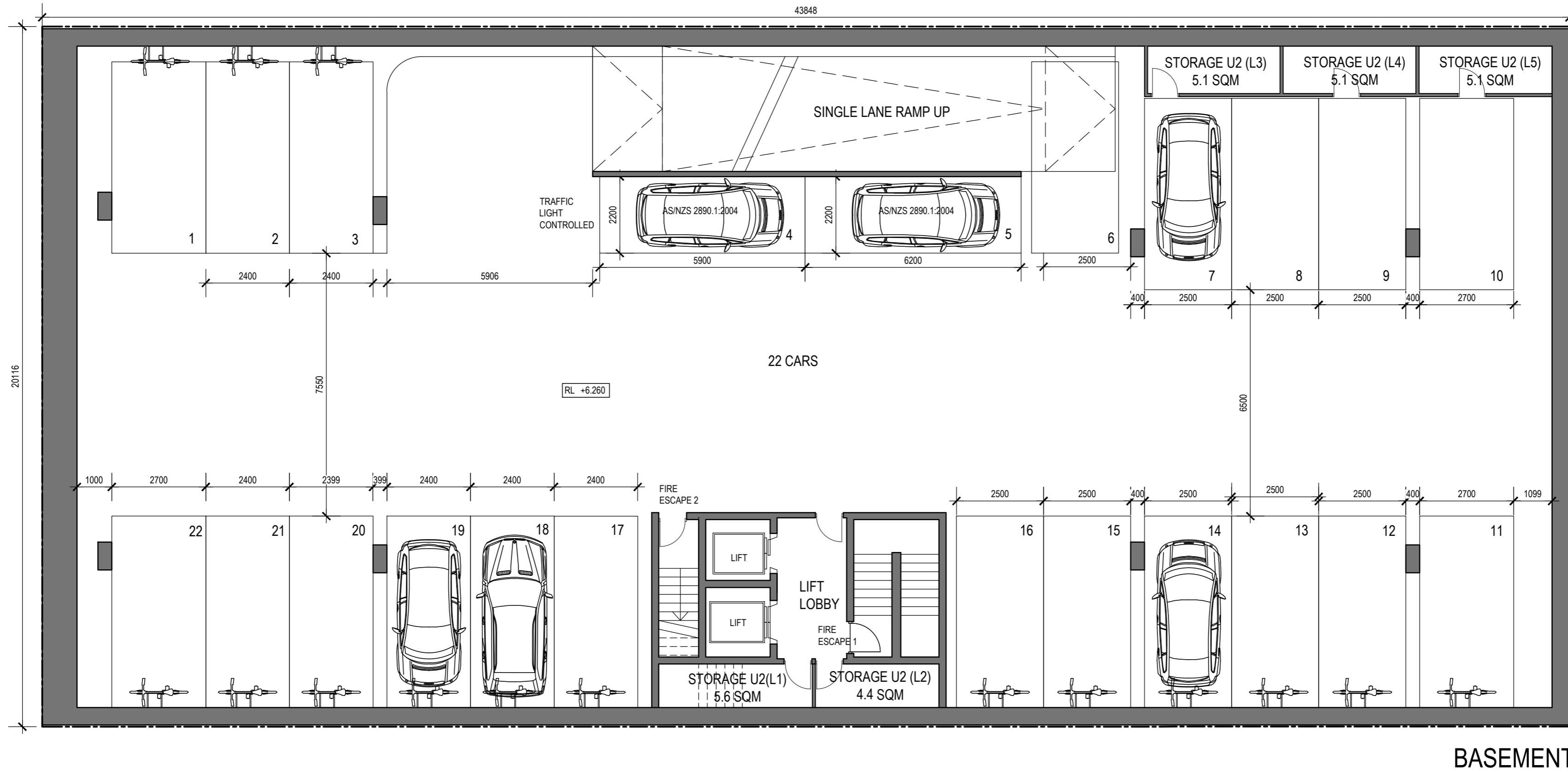
WAPC CHECKLIST

Item	Status	Comments/Proposals
Proposed development		
proposed land use	Section 4	
existing land uses	Section 1	
context with surrounds	Section 1	
Vehicular access and parking		
access arrangements	Section 4	
public, private, disabled parking set down / pick up	N/A	
Service vehicles (non-residential)		
access arrangements	N/A	
on/off-site loading facilities	N/A	
Service vehicles (residential)		
Rubbish collection and emergency vehicle access	Section 4	
Hours of operation (non-residential only)		
	N/A	
Traffic volumes		
daily or peak traffic volumes	Section 4	
type of vehicles (e.g. cars, trucks)	N/A	
Traffic management on frontage streets		
	N/A	
Public transport access		
nearest bus/train routes	Section 2	
nearest bus stops/train stations	Section 2	
pedestrian/cycle links to bus stops/train station	Section 3 and 2	
Pedestrian access/facilities		
existing pedestrian facilities within the development (if any)	Section 3	
proposed pedestrian facilities within development	Section 3	
existing pedestrian facilities on surrounding roads	Section 3	
proposals to improve pedestrian access	Section 3	
Cycle access/facilities		
existing cycle facilities within the development (if any)	Section 3	
proposed cycle facilities within the development	Section 3	
existing cycle facilities on surrounding roads	Section 3	
proposals to improve cycle access	N/A	
Site specific issues		
	N/A	
Safety issues		
identify issues	n/a	
remedial measures	N/A	

APPENDIX

B

ARCHITECTURAL PLANS



SCALE
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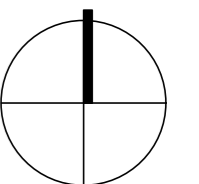
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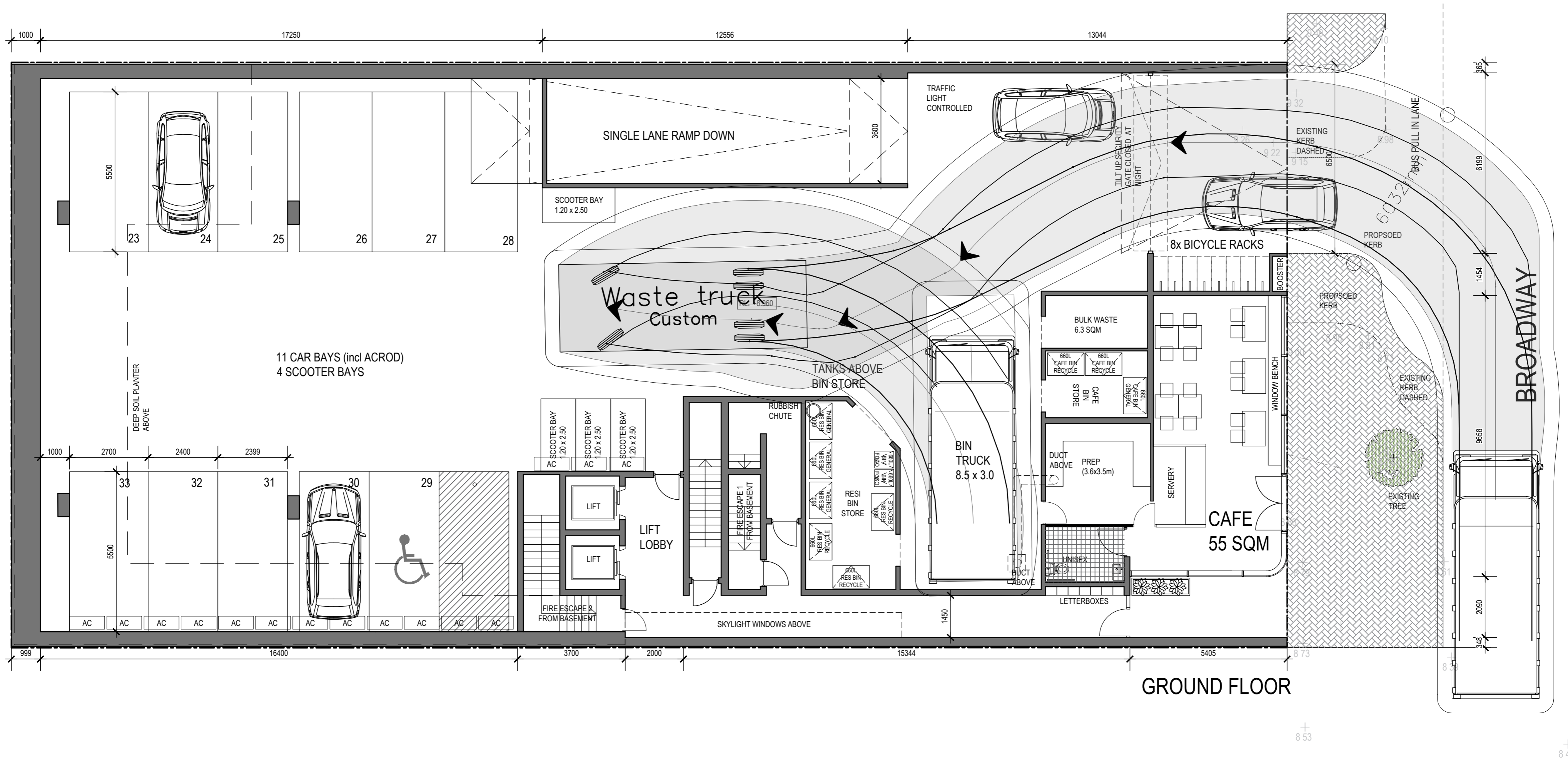
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dmg ARCHITECTURE

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SCALE
1:100 @ A2

PROJECT TITLE
99 BROADWAY

PROJECT #
19051

DRAWING #
A02.02



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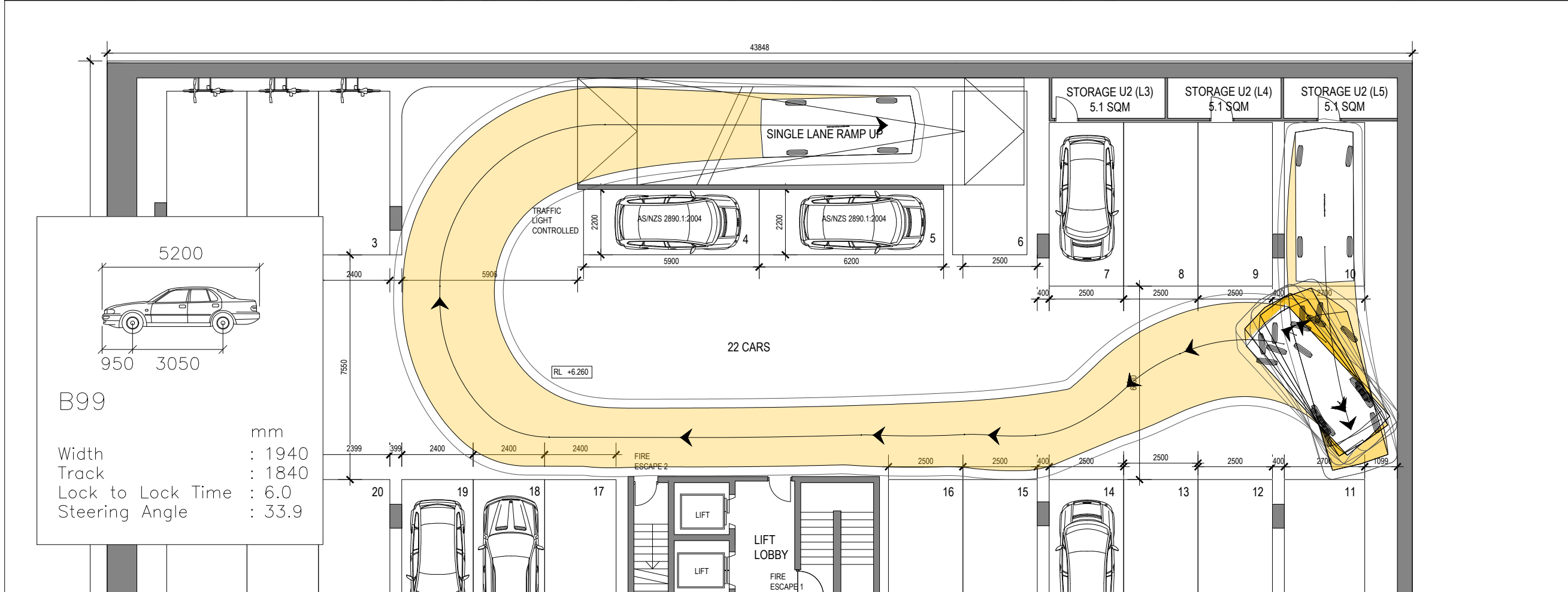
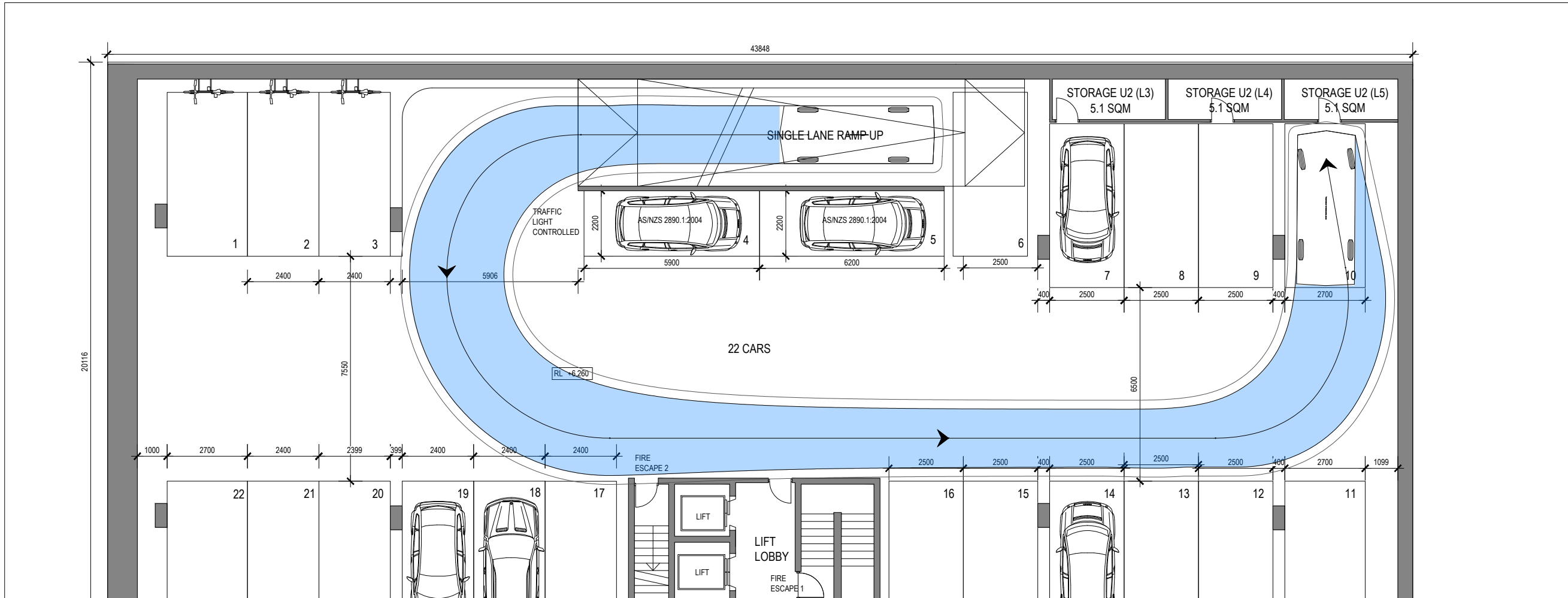
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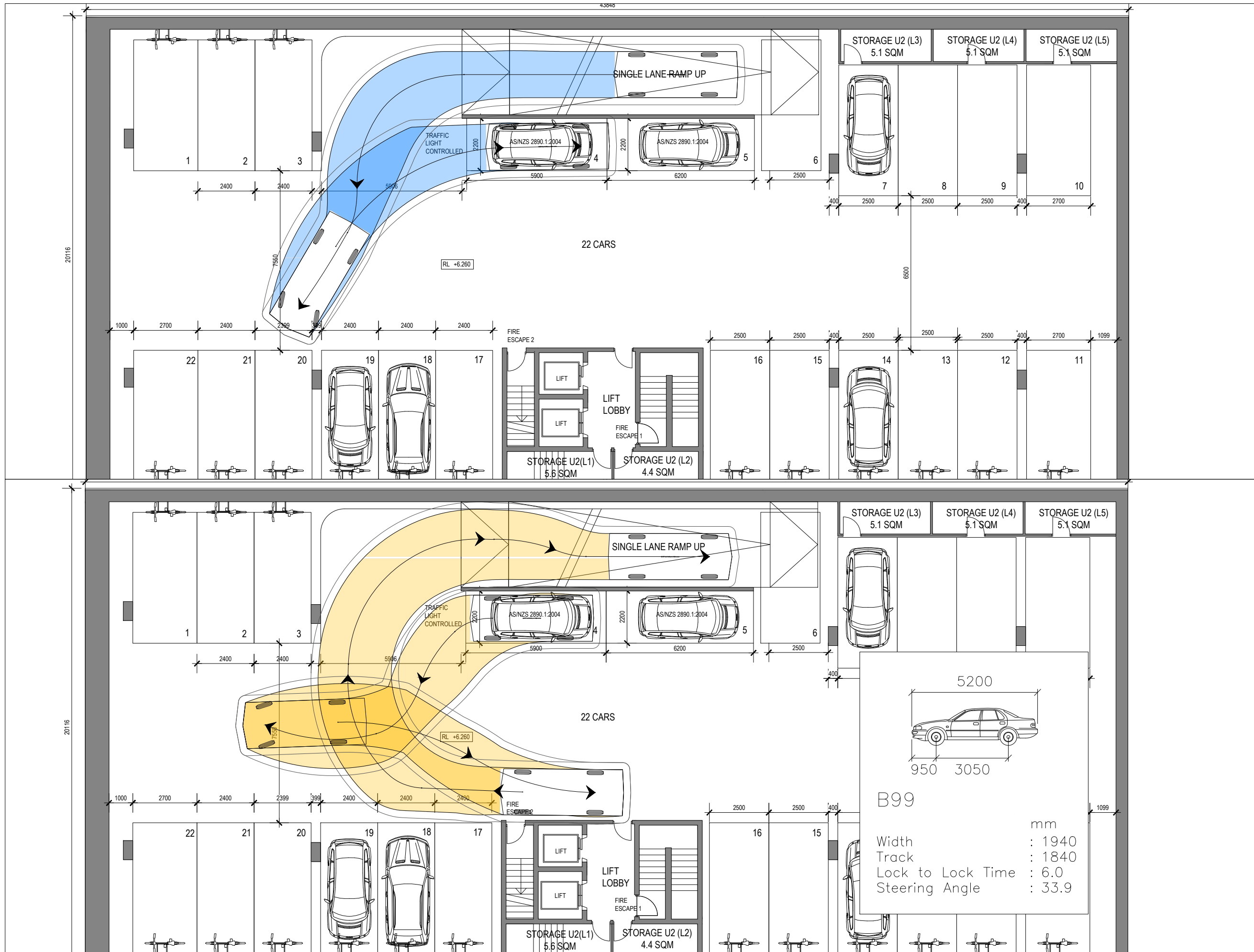
APPENDIX

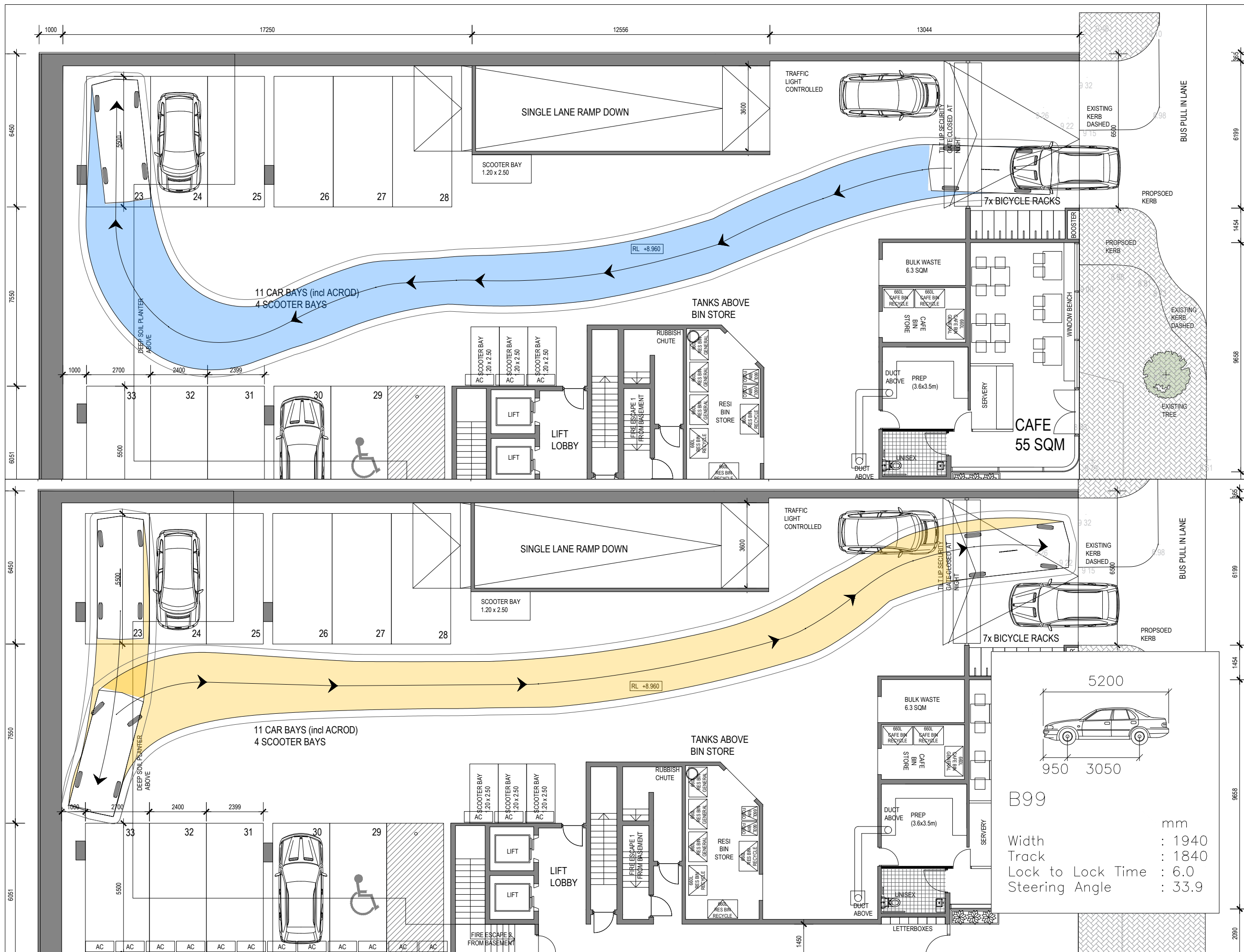
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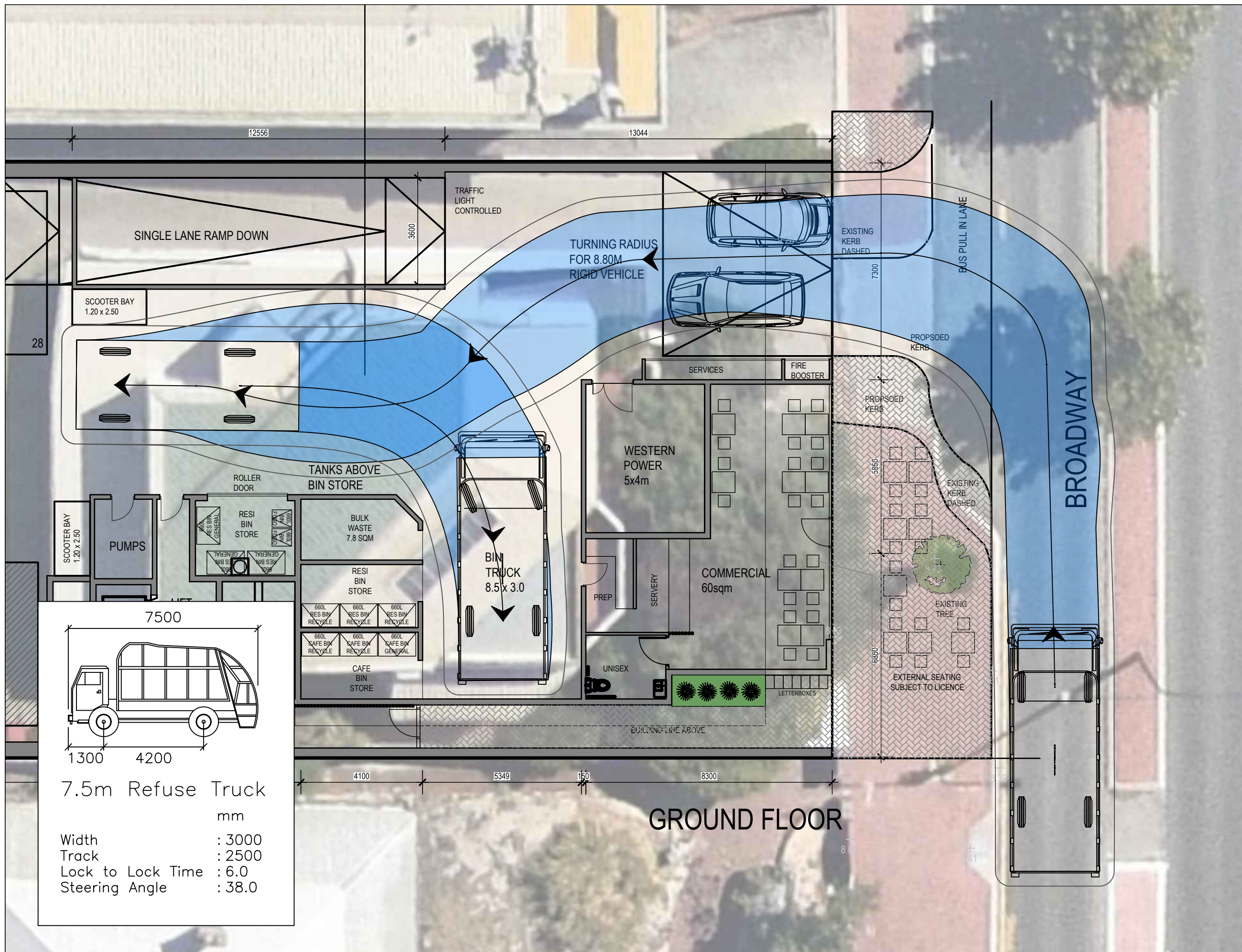
SWEPT PATH

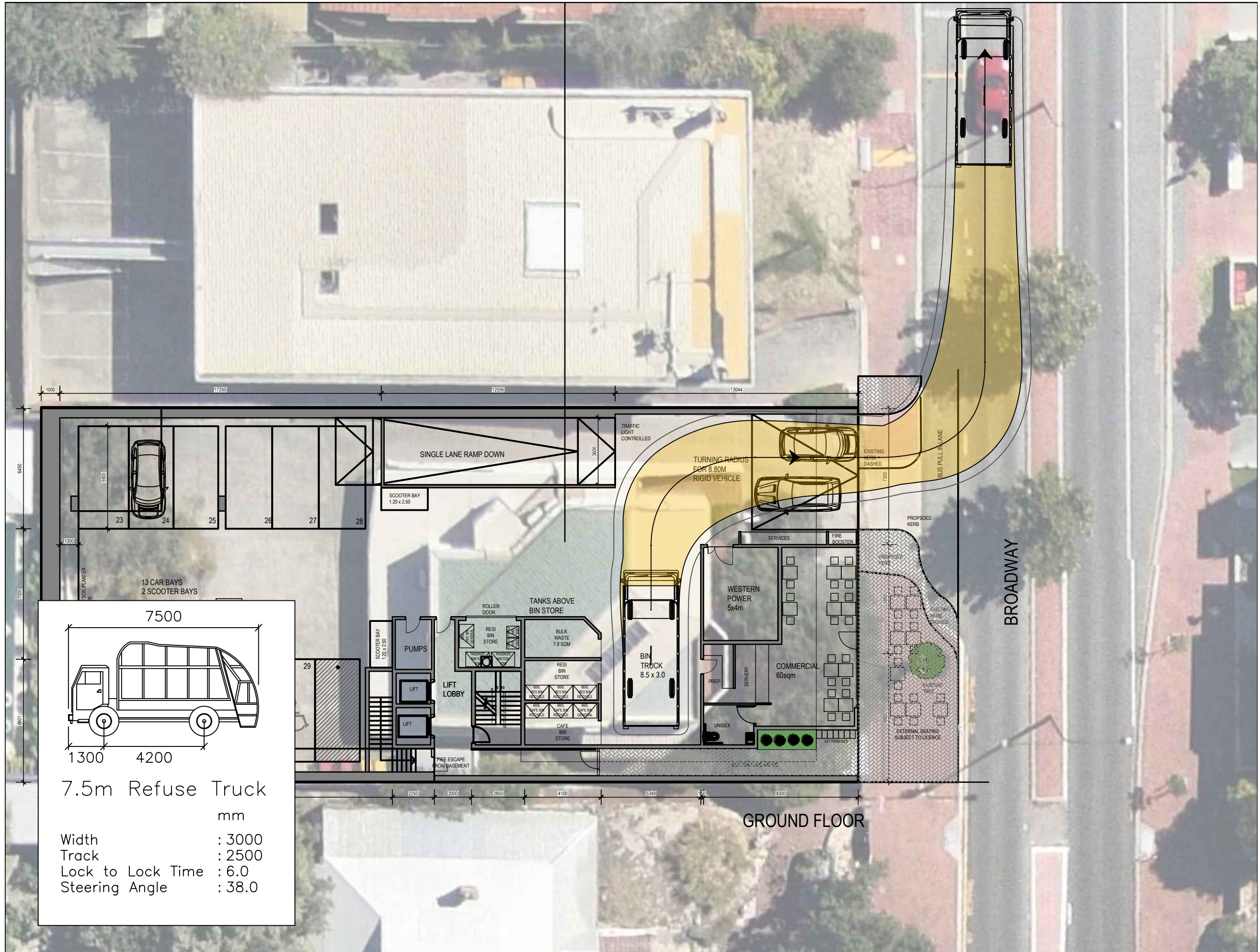
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7500

1300 4200

7.5m Refuse Truck

mm

Width	: 3000
Track	: 2500
Lock to Lock Time	: 6.0
Steering Angle	: 38.0

Additional information received 16 November 2021

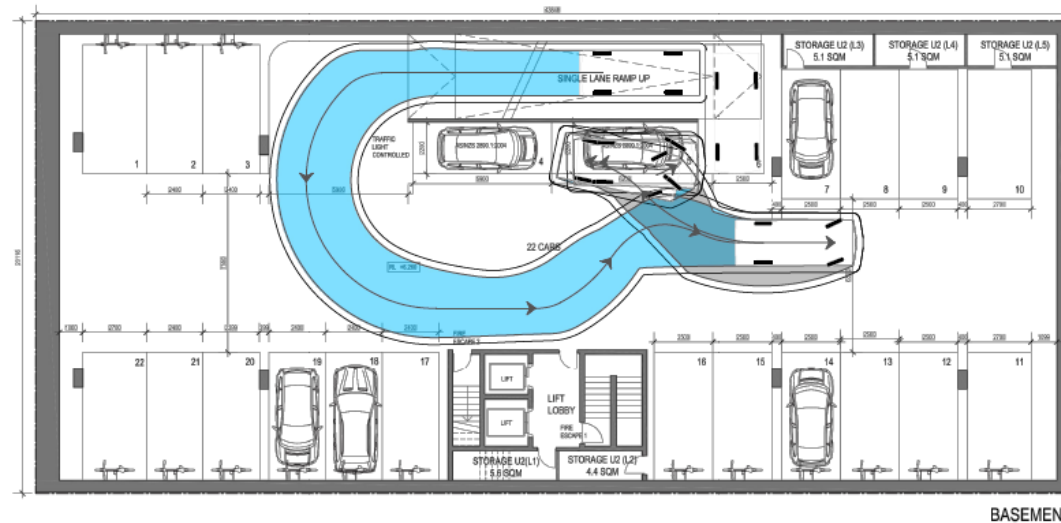
1 Response to Traffic Queries

City's Comments		Cardno's Response																																					
<p>1. Trip Generation 10th ed. By Institute of Transportation Engineers has been referenced for trip generation. It is recommended to use Guide to Traffic Generating Developments (as revised) by Road and Maritime Services.</p>	<p>The Guide to Traffic Generating Developments (as revised) by Road and Maritime Services specifies a trip rate per dwelling 0.95 trips per dwelling (AM) and 0.99 trips per dwelling (PM) which generates higher trips than the ITE rates. A net difference of +13 trips in the AM peak and +12 trips in the PM peak is estimated.</p> <p>The Guide to Traffic Generating Developments (as revised) by Road and Maritime Services does not specify a trip generation rate for a restaurant facility during the AM peak, hence only the evening peak trips could be computed (using a rate of 5 trips per 100 sqm). The RTA rates are lower than the ITE rates for a fast-casual restaurant. The resultant net trip generation is -7 trips for the PM peak.</p> <p>The trips generated by the proposed development using RTA Trip rates and the ITE trip rates are summarised in the table below.</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">ITE</th> <th colspan="2">RTA</th> <th colspan="2">Net Difference</th> </tr> <tr> <th>AM Peak Trips</th> <th>PM Peak Trips</th> <th>AM Peak Trips</th> <th>PM Peak Trips</th> <th>AM Peak Trips</th> <th>PM Peak Trips</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>7</td> <td>9</td> <td>20</td> <td>21</td> <td>13</td> <td>12</td> </tr> <tr> <td>Commercial</td> <td>8</td> <td>10</td> <td>-</td> <td>3</td> <td>-</td> <td>-7</td> </tr> <tr> <td>Total</td> <td>15</td> <td>19</td> <td>20</td> <td>24</td> <td>13</td> <td>5</td> </tr> </tbody> </table> <p>Overall, the number of trips generated by ITE and RTA are very similar and both are between 10-100 trips per peak hour which according to WAPC Transport Impact Assessment Guidelines, developments generating between 10 and 100 trips during the peak hour is considered to have a 'moderate impact' on the surrounding road network.</p>						ITE		RTA		Net Difference		AM Peak Trips	PM Peak Trips	AM Peak Trips	PM Peak Trips	AM Peak Trips	PM Peak Trips	Residential	7	9	20	21	13	12	Commercial	8	10	-	3	-	-7	Total	15	19	20	24	13	5
	ITE		RTA		Net Difference																																		
	AM Peak Trips	PM Peak Trips	AM Peak Trips	PM Peak Trips	AM Peak Trips	PM Peak Trips																																	
Residential	7	9	20	21	13	12																																	
Commercial	8	10	-	3	-	-7																																	
Total	15	19	20	24	13	5																																	

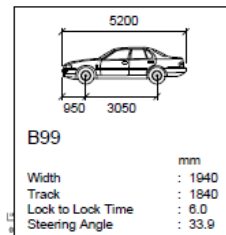
2. Demonstrate with swept path that a B99 vehicle will be able to park in Bay 5 while both Bay 4 and 6 are occupied (we previously only showed bay 4)

See swept path diagram below (*Swept Path – Bay 5*). We suggest that this bay be allocated to a specific tenant who would become familiar with the use of this bay.

Bay 5 - Ingress



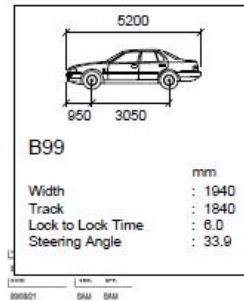
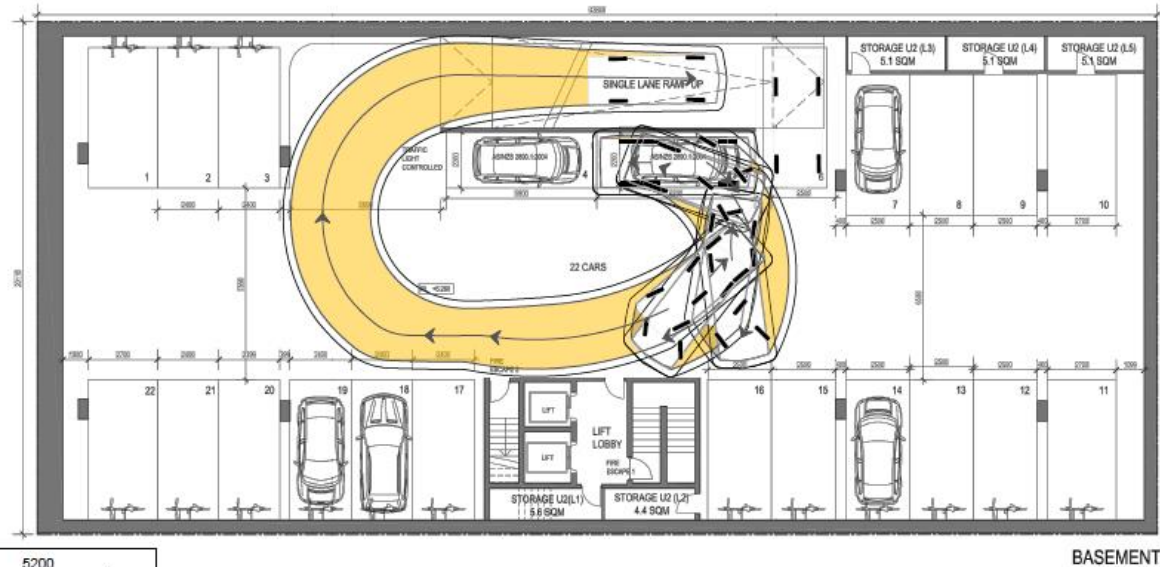
BASEMENT



MIXED USE DEVELOPMENT
 89 BRIDGWAY, NEDLANDS
 BASEMENT

ISSUED FOR D

Bay 5 - Egress



MIXED USE DEVELOPMENT
90 BROADWAY, MELBANDS
BASEMENT

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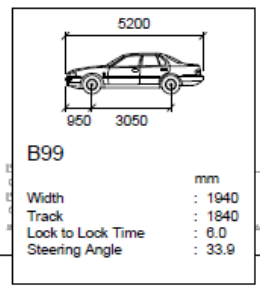
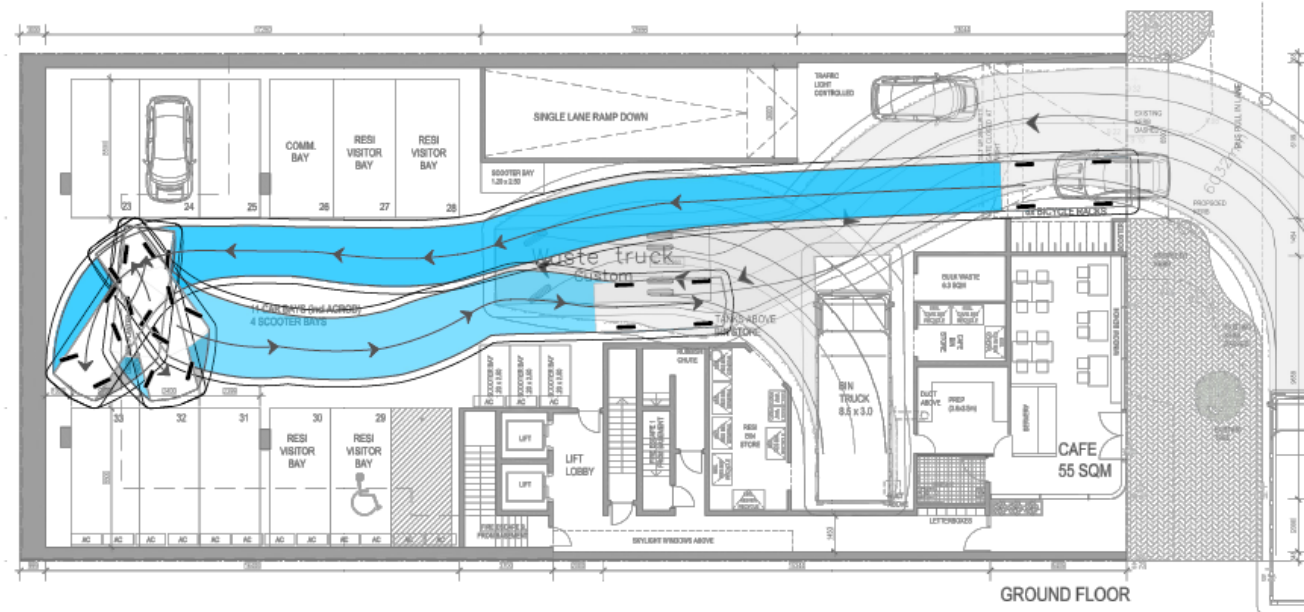
3. Show that a minimum 2 X 300mm clearances are maintained in the supplied swept paths including the swept paths for Waste Truck as per B3.2 of Australian Standard AS/NZS 2890.1.

The swept path undertaken has a 300mm clearance provided on all sides of the B99 design vehicle which meets the requirements of AS2890.1.

Similarly, the waste truck swept path has a 500mm clearance which meets the requirements of AS2890.1.

<p>4. Is the commercial bay as shown on GF plan (bay 26) compliant?</p>	<p>The commercial bay is 2.5m x 5.4m in dimension which is compliant for a User Class 2 facility.</p>
<p>5. It is anticipated that a car entering from Broadway into the ground floor, will look for a parking bay at the ground floor, if no space is available, the driver will search for parking elsewhere. Demonstrate with swept paths that a B99 vehicle can enter the ground floor and take a U turn at the end of the blind aisle.</p>	<p>According to AS2890.1, a maximum of 6 90-degree bays can be provided in public car parks without a turnaround bay since vehicles entering would be able to have visibility to if any parking spaces are available. The implementation of Green/Red indicator lights above each visitor parking bay could be considered.</p> <p>A swept path showing a B99 design vehicle undertaken a U-Turn is included below.</p>

U-Turn at Ground Floor Blind Aisle



MIXED USE DEVELOPMENT
 99 BROADWAY, WELLAND
 GROUND FLOOR

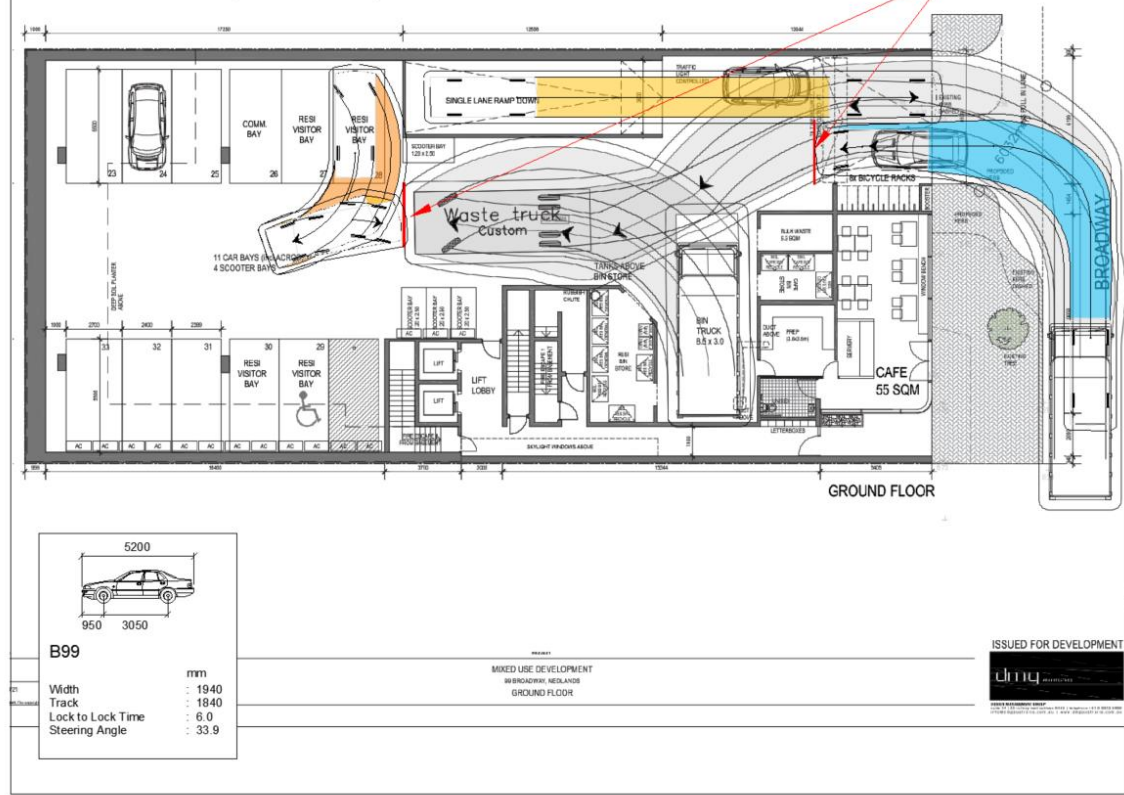
ISSUED FOR DEVE

6. Show the locations of Stop/Give Way lines for Traffic light-controlled ramp at Basement and Ground floor, and demonstrate swept paths that the stopped vehicle(s) at the light will not obstruct vehicles entering to and

The potential stop line is illustrated in the diagram below. Vehicles from the Basement level would be able to exit without being obstructed.

exiting from the ramp and
Broadway.

Location of Stop/Give Way Lines at Ground Floor

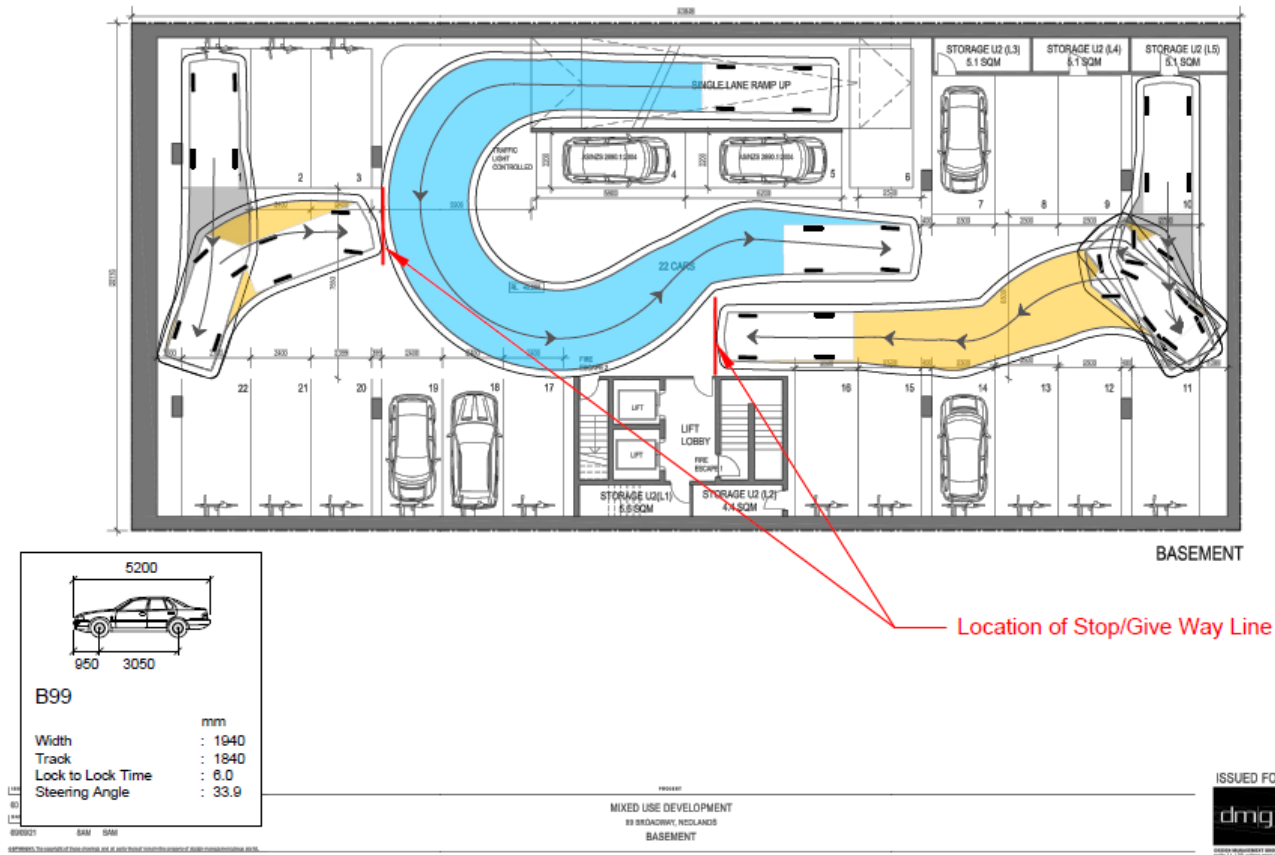


B99	mm
Width	: 1940
Track	: 1840
Lock to Lock Time	: 6.0
Steering Angle	: 33.9

MIXED USE DEVELOPMENT
BROADWAY, MELBOURNE
GROUND FLOOR

ISSUED FOR DEVELOPMENT
UNQ
UNIVERSITY OF NEWCASTLE QUANTUM

Location of Stop/Give Way Lines at Basement Floor



7. The design waste truck is 7.5m long, it will need another minimum 2.0m clearance for waste collection. So, a total of 9.5 m long bay is required for a 7.5 waste truck. During the waste collection process, two-way movements will

Waste collection is anticipated to occur outside the peak hour periods of the development when movements within the car park is expected to be minimal. Residents and tenants will be informed of when waste is to be collected to minimise traffic movements within the carpark during the waste collection period. Traffic Management measures such as beacon warning lights could be considered which would be switched on during the period waste is being collected to warn residents & tenants that the activity is taking place.

<p>not be possible. Further, the waste truck will need the entirety of the width of the entryway in order to exit the building as shown in the swept paths. Demonstrate or provide a plan as to how internal traffic movements will be managed during the waste collection process.</p>	
<p>8. The left turning pocket within the verge will need to be extended approximately 8.0m towards south to facilitate left turning vehicles in to the property in accordance with Figure 3.25C of Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings Management. The street tree will need to be removed/relocated.</p>	<p>This is to be assessed as part of the future design phases.</p>

2 Waste Queries

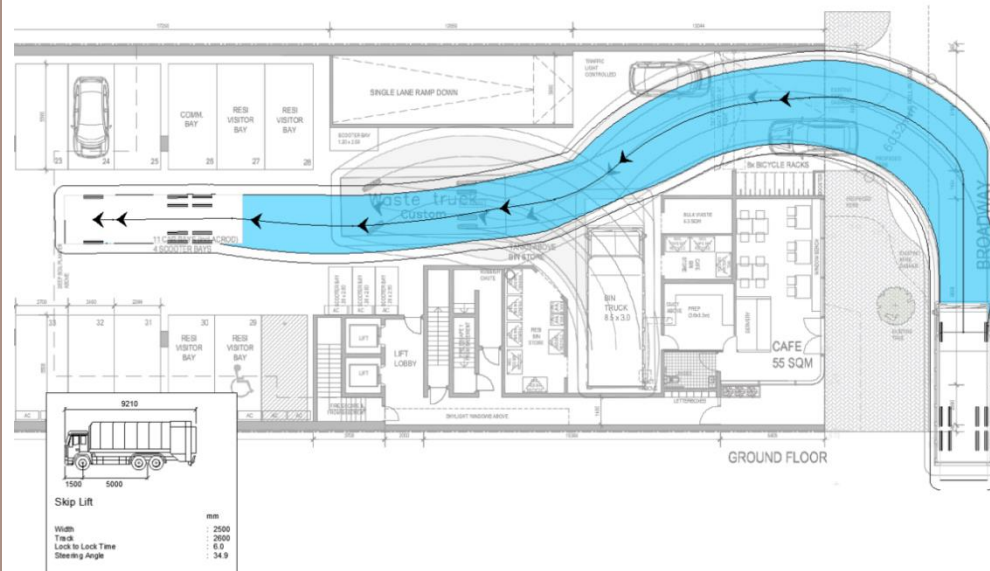
City's Comments	Cardno's Response
<p>1. Bin store located in each level confirms bin chute access. However, is contradicted by section 2.5 - Transfer of Waste and Recycling which says tenants will transfer waste to dedicated refuse stores. Therefore, proposed</p>	<p>The waste is to be transferred from the apartment units via the waste chutes to communal bin store.</p>

<p>disposal methodology is not clear. Please review and confirm.</p>	
<p>2. Confirm how FOGO waste will be transferred to the bin enclosure by the residents</p>	<p>FOGO waste will be transferred by residents to the communal bin stores. FOGO waste is to be disposed of preferably in biodegradable bin liners to avoid any contamination. The bin liners will be transferred by the residents to the communal bin store as required.</p>
<p>3. The City shall provide bulk collection services to residential properties. Therefore, please confirm the skip bin placement location and Swept path compliance for bulk collection truck.</p>	<p>It is suggested that consideration should be given to bulk waste materials being removed from the site as they are generated. Removal of bulk waste should be monitored by the Strata/Facility Manager who will liaise with residents and tenants on procedures for the removal of bulk waste.</p> <p>A 7 cubic meter skip bin is about 1.8m wide x 3.6m in length. It suggested that consideration be given to locating this skip bin in a visitor parking bay or alternatively in the waste collection area or on the verge in consultation with the City. If the bulk waste skip bin is located in the waste collection area, the bulk waste collection should be undertaken on days outside of normal waste collection days for this site. Refer to Item 5 for swept path.</p>
<p>4. WMP is not indicating space between the bins- the City preference is minimum of 0.5m for 660L /1100 L bins</p>	<p>The bin arrangement is to reviewed and reassessed as part of future design stages.</p>
<p>5. Bulk collection truck based on the below specifications;</p>	<p>A swept path was undertaken for a 9.2m skip lift truck with 500mm clearance. Assuming, the skip bin is to place in a visitor bay. the skip lift truck is able to enter the Site in a forward gear and stop near the visitor bay to unload/load the skip bin. Once the skip bin is load/unload, the skip bin truck would reverse into the waste collection area and exit the Site in a forward gear.</p> <p>The skip lift truck will have difficulty manoeuvring internally within the Site. Given the skip lift truck is only used for bulk waste collection, it is recommended that consideration be given to using a “spotter” to assist with the manoeuvrability within the site.</p>

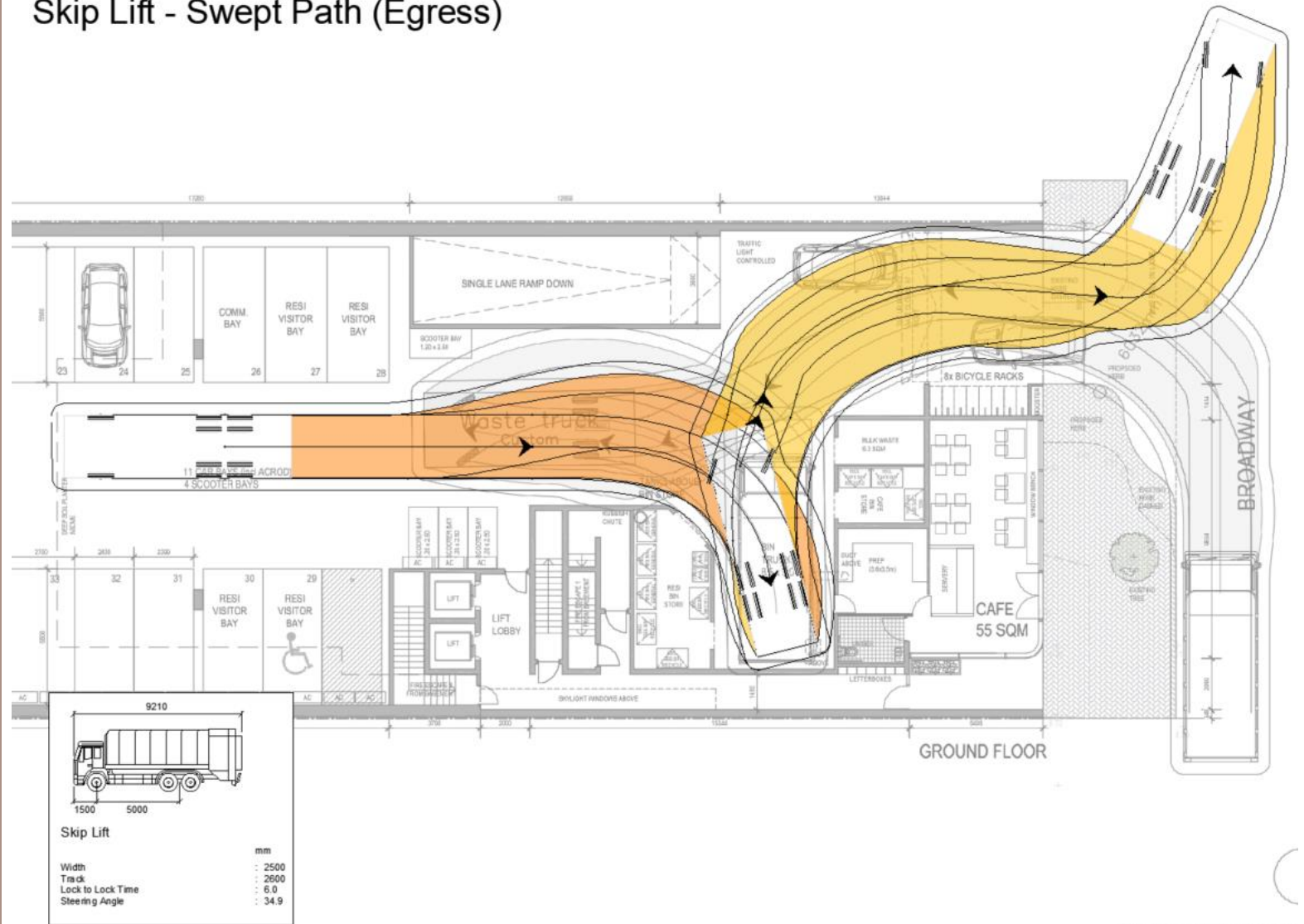
Table 8 – Skip Collection Vehicle Specifications

Parameter	Clearance required (metres)
Overall length	9.2
Overall width	2.5
Overall Height	3.8
Height in Operation	5.0
Front Overhang	1.5
Rear Overhang	1.5
Turning Circle	18.5
Total Weight	36 tonnes

Skip Lift - Swept Path (Ingress)



Skip Lift - Swept Path (Egress)



Skip Lift		mm
Width	:	2500
Track	:	2600
Lock to Lock Time	:	6.0
Steering Angle	:	34.9

<p>6. Please note: 3.2 m clearance height is excluding any low height attached service pipes, beams, awnings, upper floors etc.</p>	<p>Vertical clearance is not indicated in the plans to be confirmed with Architect.</p>
<p>7. The Strata Management to issue an access keys/card prior to commencement of the waste service. Please review 2.6 section reference to access the bin store.</p>	<p>This is noted and the Waste Management Plan could be updated if required.</p>
<p>8. Total bin numbers – Conclusion and 2.6 section statements are not consistency with bin numbers – please review</p>	<p>The total bin numbers indicated in Section 2.6 and the conclusion is consistent. 8x660L bins for general and recycling waste and 2x240L bins for FOGO is required.</p>
<p>9. Appendix B- please ensure applicant's waste generation model reflects the City's waste generations table 1- please review.</p>	<p>Waste Generation Rates for the residential component is in accordance with Table 1 of the City of Nedlands Waste Management LPP. The City does not specify waste rates for a Commercial (Café – Takeaway) use hence the waste rates for City of South Perth was used.</p>

8 Divisional Reports

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

8.1 Planning & Development Report No's PD40.21 to PD47.21

Planning & Development Report No's PD40.21 to PD47.21 to be dealt with at this point (copy attached yellow cover sheet).

PD40.21	Tree Retention and Provision on Private Land - Scheme Amendment and Local Planning Policy
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the Local Government Act 1995	Nil.
Director	Tony Free – Director Planning and Development
Attachments	1. Detail and justification for the proposed scheme amendment and local planning policy 2. Maps of properties subject to proposed scheme amendment.

Regulation 11(da) - The Committee considered that it was appropriate that community consultation occur prior to Council considers initiating an Amendment to the Local Planning Scheme in relation to tree protection on private property.

Moved – Mayor Argyle
Seconded – Councillor Amiry

Council:

1. **instructs the Chief Executive Officer to:**
 - a. **revise the City of Nedlands Urban Forest Strategy 2018 – 2023 to include trees on private land, in order to provide the overarching strategic framework for the proposed Scheme Amendment and Local Planning Policy;**
 - b. **provide a report to Council for the purpose of preparing an amendment to Local Planning Scheme No. 3 to require**

development approval for the removal of trees which have a height of at least 8 metres or a canopy diameter of at least 5 metres on lots of a coding of R20 or less;

- c. provide a report to Council for the purpose of preparing a local planning policy that outlines the application process and the afforded discretion in support of the proposed amendment to Local Planning Scheme No. 3.**

Amendment

Moved - Councillor McManus

Seconded - Councillor Youngman

That the word “significant” be added before the word “trees” in clause a. and an additional clause d be added as follows:

- d. public consultation is to be undertaken before a proposed scheme amendment is presented to Council.**

The AMENDMENT was PUT and was

CARRIED 10/3

(Against: Mayor Argyle Crs. Brackenridge & Bennett)

Amendment

Moved - Councillor Senathirajah

Seconded - Councillor Youngman

That in clause b. the words “have a height of at least 8 metres or a canopy diameter of at least 5 metres” be replaced with the words “meet the prescribed criteria”

The AMENDMENT was PUT and was

CARRIED 9/4

(Against: Mayor Argyle Crs. Brackenridge Amiry & Bennett)

The Substantive was PUT and was

CARRIED 11/2

(Against: Crs. Mangano & Wetherall)

Committee Recommendation

Council:

- 1. instructs the Chief Executive Officer to:**
 - a. revise the City of Nedlands Urban Forest Strategy 2018 – 2023 to include significant trees on private land, in order to provide the overarching strategic framework for the proposed Scheme Amendment and Local Planning Policy;**
 - b. provide a report to Council for the purpose of preparing an amendment to Local Planning Scheme No. 3 to require development approval for the removal of trees that meet certain criteria;**
 - c. provide a report to Council for the purpose of preparing a local planning policy that outlines the application process and the afforded discretion in support of the proposed amendment to Local Planning Scheme No. 3; and**
 - d. public consultation is to be undertaken before a proposed scheme amendment is presented to Council.**

Recommendation to Committee

Council:

1. instructs the Chief Executive Officer to:
 - a. revise the City of Nedlands Urban Forest Strategy 2018 – 2023 to include trees on private land, in order to provide the overarching strategic framework for the proposed Scheme Amendment and Local Planning Policy;
 - b. provide a report to Council for the purpose of preparing an amendment to Local Planning Scheme No. 3 to require development approval for the removal of trees which have a height of at least 8 metres or a canopy diameter of at least 5 metres on lots of a coding of R20 or less;
 - c. provide a report to Council for the purpose of preparing a local planning policy that outlines the application process and the afforded discretion in support of the proposed amendment to Local Planning Scheme No. 3.

PD41.21	Consideration of Submissions on Draft Local Planning Policy – Existing Laneway Requirements
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the Local Government Act 1995	“the author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia”.
Director	Tony Free – Director Planning and Development
Attachments	1. Draft Local Planning Policy – Existing Laneway Requirements 2. Community Engagement - Schedule of Submissions 3. Community Engagement - Outcomes Report

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
Seconded – Councillor Youngman

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 13/-

Committee Recommendation / Recommendation to Committee

Council:

1. notes the submissions received and the outcomes from the community engagement activities conducted in relation to the draft Local Planning Policy – Existing Laneway Requirements;
2. does not proceed with draft Local Planning Policy – Existing Laneway Requirements, as set out in Attachment 2, in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(iii); and
3. does not pursue the ceding of land and widening of existing laneways as a policy position at this time.

PD42.21	Consideration of Development Application – Two Grouped Dwellings at 31 and 31A Robinson Street, Nedlands
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Committee	7 December 2021
Council	14 December 2021
Applicant	BGC Housing
Landowner	F Kit Fong Ng
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/67432
Previous Item	Nil
Delegation	In accordance with the City’s Instrument of Delegation, Council is required to determine the application as an objection has been received.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image and Zoning Map 2. Development Plans
Confidential Attachments	<ol style="list-style-type: none"> 1. Submission

Councillor McManus left the meeting at 9.17pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Combes

Seconded – Councillor Youngman

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Councillor McManus returned to the meeting at 9.19pm.

Councillor Youngman left the meeting at 9.20pm.

**CARRIED 9/3
(Against: Crs. Coghlan Bennett & Mangano)**

Committee Recommendation / Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 17 August 2021 in accordance with the plans date stamped 30 August 2021 for two grouped dwellings at 31 and 31A Robinson Street, Nedlands and subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
3. Prior to occupation of the development the parapet walls are to be finished externally to the same standard as the rest of the development or in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean material as specified on the approved plans;and maintained thereafter to the satisfaction of the City of Nedlands.
4. Prior to the lodgement of Building Permit, a revised Landscaping Plan shall be submitted and approved by the City of Nedlands.
5. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City.
6. 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 process to the satisfaction of the City.
7. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

PD43.21	Consideration of Street Tree Removal at 96 Webster Street, Nedlands
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Committee	7 December 2021
Council	14 December 2021
Applicant	D Robinson
Landowner	G Thom & M Plunkett
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/69231
Previous Item	Nil
Delegation	The application may require a recommendation for refusal where discretion exists for Council to approve the variations under the City's Local Planning Scheme No. 3, policies and/or the Residential Design Codes.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image 2. Streetscape Images 3. Existing Site Plan 4. Proposed Site Plan 5. Applicant Justification 6. Alternate Crossover Location
Confidential Attachments	Nil

Regulation 11(da) - The Committee considered it appropriate to ensure that trees 3 and 4 as shown on the plan be protected during construction.

Moved – Councillor Senathirajah
Seconded – Councillor Brackenridge

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

Councillor Youngman returned to the meeting at 9.22pm.

Amendment

Moved - Councillor Wetherall
Seconded - Councillor Combes

That in clause 2 “500L” be reduced to “100L “.

The AMENDMENT was PUT and was

Lost 4/9
(Against: Crs. Brackenridge Coghlan Senathirajah Amiry
Smyth Bennett Mangano Youngman & Hodsdon)

Councillor Wetherall retired from the meeting at 9.35pm.

Amendment

Moved - Councillor Bennett
Seconded - Councillor Youngman

That in clause 2 replace the words “prior to occupation” with the words “prior to the completion of the crossover”; and

Adds a clause 3 as follows:

- 3. during construction of the crossover trees 3 and 4 as shown on the plans are to be protected to the satisfaction of the City of Nedlands;**

The AMENDMENT was PUT and was

CARRIED 8/4
(Against: Crs. Senathirajah Mangano Combes & Hodsdon)

The Substantive was PUT and was

CARRIED 9/3
(Against: Crs. Mangano Combes & Hodsdon)

Committee Recommendation

Council:

- 1. grants approval for the alternate location of the crossover (as annotated on Attachment 6);**
- 2. requires prior to the completion of the crossover, the owner shall plant a minimum two (2) 500L trees located on the verge, in front of 96 Webster Street, Nedlands at the expense of the applicant and to the satisfaction of the City of Nedlands; and**
- 3. during construction of the crossover trees 3 and 4 as shown on the plans are to be protected to the satisfaction of the City of Nedlands.**

Recommendation to Committee

Council:

1. grants approval for the alternate location of the crossover (as annotated on Attachment 6); and
2. requires prior to occupation, the owner shall plant a minimum two (2) 500L trees located on the verge, in front of 96 Webster Street, Nedlands at the expense of the applicant and to the satisfaction of the City of Nedlands.

Please note this item was brought forward from page 46.

CPS20.21	Update and New Lease for Floreat Community Pre-Kindy Inc.
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Ed Herne – Director Corporate & Strategy
Attachments	1. Floreat Community Pre-Kindy Inc. - Proposal
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – The Committee agreed to fund the installation of the temporary fence for additional child safety.

Moved – Councillor McManus
 Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted subject to an additional clause 3 be added as follows:

- 3. installs the temporary fence required for additional child safety to a maximum of \$2,500.**

The AMENDMENT was PUT and was

CARRIED UNANIMOUSLY 12/-

Committee Recommendation

Council:

- 1. approves an exclusive use lease for portion of the 25 Strickland Street, Mount Claremont site between the City of Nedlands and Floreat Community Pre-Kindy Inc. consistent with the key terms as noted within this report;**
- 2. authorises the CEO and Mayor to execute the lease agreement and apply the City’s Common Seal; and**
- 3. installs the temporary fence required for additional child safety to a maximum of \$2,500.**

Recommendation to Committee

Council:

1. approves an exclusive use lease for portion of the 25 Strickland Street, Mount Claremont site between the City of Nedlands and Floreat Community Pre-Kindy Inc. consistent with the key terms as noted within this report. and;
2. authorises the CEO and Mayor to execute the lease agreement and apply the City's Common Seal.

PD44.21	Consideration of Development Application (Digital Roof Sign) at 178 Stirling Highway, Nedlands
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Committee	7 December 2021
Council	14 December 2021
Applicant	Kang Leading Group
Landowner	Western Australian Planning Commission (WAPC)
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/61628
Previous Item	Nil
Delegation	In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received and the recommendation for refusal.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image and Zoning Map 2. Development Plans
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions

Regulation 11(da) - The Committee considered it appropriate to reduce the times that the sign would be light to protect the residential amenity and to limit the words on the sign to ensure drivers aren’t distracted.

Moved – Councillor Youngman
 Seconded – Councillor Combes

Committee Recommendation

- 1. In accordance with Clause 13 of the Metropolitan Region Scheme, Council recommends that the Western Australian Planning**

Commission refuse the development application received on 19 March 2021 for a digital roof sign at 178 Stirling Highway, Nedlands, for the following reasons:

- a. The sign is inconsistent with the objectives of the City’s Local Planning Policy – Signs in that it contributes to the proliferation of advertising signs, and is detrimental to the amenity and character of the nearby residential neighbourhood; and**
 - b. The land use of third party advertising and the placement of the digital sign introduces a commercial intrusion into the nearby residential area. The sign is incompatible with its setting and the desired future character of the area, in accordance with clause 67(1)(m) of the Deemed provisions.**
- 2. In the event that the Western Australian Planning Commission approves the digital roof sign, Council recommends the following conditions, without prejudice:**
- a. Prior to the lodgement of a Building Permit, an Operation and Content Management Plan for the sign shall be submitted to and approved by the City of Nedlands. The plan shall be adhered to for the life of the development and include the following:**
 - i. The sign is not to contain discriminatory or offensive content;**
 - ii. The sign shall be turned off between the hours of 8pm and 7am;**
 - iii. The sign shall be in accordance with Main Roads conditions and the Main Roads Guide to Roadside advertising, including a lighting assessment, and annual lighting audit (at the applicant’s cost); and**
 - iv. Specifying the terms of not-for-profit messages, including a minimum 20% of advertising time be donated to not-for-profit and/or community benefit organisations.**
 - v. The sign shall contain no more that 4 words.**

CARRIED UNANIMOUSLY 12/-

Recommendation to Committee

1. In accordance with Clause 13 of the Metropolitan Region Scheme, Council recommends that the Western Australian Planning Commission refuse the development application received on 19 March 2021 for a digital roof sign at 178 Stirling Highway, Nedlands, for the following reasons:

- a. The sign is inconsistent with the objectives of the City's Local Planning Policy – Signs in that it contributes to the proliferation of advertising signs, and is detrimental to the amenity and character of the nearby residential neighbourhood; and
 - b. The land use of third party advertising and the placement of the digital sign introduces a commercial intrusion into the nearby residential area. The sign is incompatible with its setting and the desired future character of the area, in accordance with clause 67(1)(m) of the *Deemed provisions*.
2. In the event that the Western Australian Planning Commission approves the digital roof sign, Council recommends the following conditions, without prejudice:
- a. Prior to the lodgement of a Building Permit, an Operation and Content Management Plan for the sign shall be submitted to and approved by the City of Nedlands. The plan shall be adhered to for the life of the development and include the following:
 - i. The sign is not to contain discriminatory or offensive content;
 - ii. The sign shall be turned off between the hours of 10pm and 6am;
 - iii. The sign shall be in accordance with Main Roads conditions and the Main Roads Guide to Roadside advertising, including a lighting assessment, and annual lighting audit (at the applicant's cost); and
 - iv. Specifying the terms of not-for-profit messages, including a minimum 20% of advertising time be donated to not-for-profit and/or community benefit organisations.

PD45.21	Consideration of Development Application – Additions to Single House at 86 Watkins Road, Dalkeith
----------------	--

Committee	7 December 2021
Council	14 December 2021
Applicant	Ashley Richards & Associates
Landowner	C & S Fatouros
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/66858
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image and Zoning Map 2. Development Plans
Confidential Attachments	<ol style="list-style-type: none"> 1. Submission

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman
 Seconded – Councillor McManus

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

Councillor Coghlan retired from the meeting at 9.50pm.

**CARRIED 9/2
(Against: Crs. Senathirajah & Mangano)**

Committee Recommendation / Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 29 July 2021 in accordance with the plans date stamped 5 November 2021 for additions to a single house at 86 Watkins Road, Dalkeith and subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
3. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
4. Prior to occupation of the development the finish of the parapet walls is to be completed externally to the same standard as the rest of the development or in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean material as specified on the approved plans;and maintained thereafter to the satisfaction of the City of Nedlands.
5. Prior to occupation of the development, all visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas, as annotated on the approved plans, shall be screened in accordance with the Residential Design Codes by either:
 - a. Fixed obscure or translucent glass to a height of 1.6 metres above finished floor level;
 - b. Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - c. A minimum sill height of 1.6 metres as determined from the internal floor level; or
 - d. An alternative method of screening approved by the City.

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

- 6. 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 process to the satisfaction of the City.**

PD46.21	Consideration of Development Application – Additions and Alterations to an Existing Single House at 6 Walpole Street, Swanbourne
----------------	---

Committee	7 December 2021
Council	14 December 2021
Applicant	D4 Designs
Landowner	C Kapinkoff
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21-66822
Previous Item	Nil
Delegation	In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	<ol style="list-style-type: none"> 1. Aerial image and zoning map 2. Site photos 3. Development plans
Confidential Attachments	<ol style="list-style-type: none"> 1. Submission

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Amiry
 Seconded – Councillor Combes

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

CARRIED 9/2
(Against: Crs. Bennett & Mangano)

Committee Recommendation / Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application in accordance with the plans date stamped 4 November 2021 for additions and alterations to an existing single house at 6 Walpole Street, Swanbourne, subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
3. Prior to occupation of the development, the walls on or near the boundary 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 maintained thereafter to the satisfaction of the City of Nedlands.

4. Prior to occupation of the development, fences within the primary street setback area shall be visually permeable above 1.2m in height from natural ground level, in accordance with the Residential Design Codes and to the satisfaction of the City of Nedlands.
5. Prior to occupation or use of the development, the existing vehicular crossover is to be upgraded to the City's specifications. Any redundant portions of the existing vehicular crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated to the specification and satisfaction of the City of Nedlands.

Please note this item was brought forward from page 53.

TS14.21	Perth Children’s Hospital Foundation Proposal to Fund Development of a Community Park
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Technical Services
Attachments	1. Letter of offer from Perth Children’s Hospital Foundation
Confidential Attachments	Nil.

Moved – Councillor McManus

Seconded – Councillor Amiry

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Lost 4/7

(Against: Mayor Argyle Crs. Brackenridge Amiry
Smyth Bennett Mangano & Youngman)

Regulation 11(da) – The Committee agree it was premature to commit to a concept of a playground prior to undertaking items listed in clause 4.

Moved – Councillor Smyth

Seconded – Councillor Youngman

Committee Recommendation

Council instructs the CEO to inform the Perth Children’s Hospital Foundation (PCHF) that Council is not prepared to accept at this time, their offer (dated 15 July 2021) to provide funding to design and develop a community park adjacent to the new WA Children’s Hospice site in Allen Park, Swanbourne for the following reasons:

- 1. The resourcing implication of the project management and procurement within the citywide resourcing priorities has not been assessed.**

- 2. The financial implication of the ongoing maintenance within the citywide funding priorities has not been established.**
- 3. The risk management profile within the Allen Park precinct and the adjoining bushfire risk zone has not been adequately assessed in terms of risk to life and property assets.**
- 4. The City requires more time to:**
 - a. assess the impact of the proposed community park, adjacent to the new WA Children's Hospice in Allen Park, Swanbourne, in terms of the Allen Park Master Plan 2017;**
 - b. undertake a community engagement process prior to the design of the community park; and**
 - c. develop a draft Memorandum of Understanding for Council's consideration, between the City and the Perth Children's Hospital Foundation that reflects the offer to fund the design and development of a community park.**

**CARRIED 10/1
(Against: Cr. McManus)**

Recommendation to Committee

Council:

1. endorse the concept of a community park adjacent to the new WA Children's Hospice in Allen Park, Swanbourne.
2. endorses the requirement for the Allen Park Master Plan 2017 to be considered when developing a concept plan for the proposed community park;
3. instructs the CEO to undertake a community engagement process prior to the design of the community park; and
4. instructs the CEO to develop a draft Memorandum of Understanding for Council's consideration, between the City and the Perth Children's Hospital Foundation that reflects the offer to fund the design and development of a community park.

Councillor McManus left the meeting at 10.23pm.

PD47.21	Consideration of Development Application - Single House at 15 Greenville Street, Swanbourne
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Committee	7 December 2021
Council	14 December 2021
Applicant	Zazen Building & Design
Landowner	T Falkner
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21-66989
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image and Zoning Map 2. Development Plans
Confidential Attachments	<ol style="list-style-type: none"> 1. Submission

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman
Seconded – Councillor Combes

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

CARRIED 7/3
(Against: Crs. Amiry Bennett & Mangano)

Committee Recommendation / Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 2 August 2021 in accordance with amended plans date stamped 4 November 2021 for a single house at 15 Greenville Street, Swanbourne, subject to the following conditions:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. Prior to occupation of the development, landscaping is to be planted and maintained in accordance with the approved plans, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands**
- 3. All building works to be carried out under this development approval are to be contained within the boundaries of the subject lot.**
- 4. Prior to occupation of the development the external finish of the parapet walls is to be the same standard as the rest of the development or in:**
 - a. Face brick;**
 - b. Painted render;**
 - c. Painted brickwork; or**
 - d. Other clean material as specified on the approved plans**

and maintained thereafter to the satisfaction of the City of Nedlands.
- 5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
- 6. Prior to occupation of the development, all privacy screens and obscured windows as shown on the approved plans shall be provided to prevent overlooking in accordance with the Residential Design Codes by either:**
 - a. Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or**
 - b. Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
 - c. A minimum sill height of 1.60 metres as determined from the internal floor level; or**
 - d. An alternative method of screening approved by the City of Nedlands.**

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

8.2 Corporate Strategy Report No's CPS20.21 to CPS22.21

Corporate & Strategy Report No's CPS20.21 to CPS22.21 to be dealt with at this point (copy attached green cover sheet).

CPS20.21	Update and New Lease for Floreat Community Pre-Kindy Inc.
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Ed Herne – Director Corporate & Strategy
Attachments	2. Floreat Community Pre-Kindy Inc. - Proposal
Confidential Attachments	Nil.

Please note this item was brought forward see page 32.

CPS21.21	Non-Exclusive Licence to Jeavons Pty Ltd
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Ed Herne – Director Corporate & Strategy
Attachments	1. Futuro Proposal
Confidential Attachments	Nil.

Councillor Bennett left the meeting at 10.24pm.

Councillor McManus returned to the meeting at 10.24pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman

Seconded – Councillor Senathirajah

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Councillor Bennett returned to the meeting at 10.26pm.

**CARRIED 10/1
(Against: Cr. Mango)**

Committee Recommendation / Recommendation to Committee

Council:

1. approves a non-exclusive use licence for portion of Reserve 53485 between the City of Nedlands and Jeavons Pty Ltd consistent with the key terms as noted within this report. and;
2. subject to the Minister for Lands' Consent, authorises the CEO and Mayor to execute the non-exclusive licence agreement and apply the City's Common Seal.

CPS22.21 List of Accounts Paid – November 2021	
Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Ed Herne - Director Corporate & Strategy
Attachments	1. Creditor Payment Listing – November 2021; and 2. Credit Card and Purchasing Card Payments November 2021
Confidential Attachments	Nil.

Councillor Hodsdon left the meeting at 10.26pm.

Moved – Councillor McManus
Seconded – Councillor Youngman

Committee Recommendation

That the item be adjourned to the Council Meeting of 14 December 2021.

CARRIED UNANIMOUSLY 10/-

Recommendation to Committee

Council receives the List of Accounts Paid for the month of November 2021 as per attachments.

8.3 Technical Services Report No's TS12.21 – TS15.21

Technical Services Report No's TS12.21 to TS15.21 be dealt with at this point (copy attached green cover sheet).

TS12.21	Introduction of Food Organic Green Organic (FOGO) Bin Service for Residential Properties
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – A/Director Technical Services
Attachments	1. Adopted City of Nedlands Waste Plan 2. Endorsement Letter from Department of Water and Environmental Regulation dated 9 March 2021
Confidential Attachments	Nil.

Councillor Hodsdon returned to the meeting at 10.28pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
Seconded – Councillor Bennett

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

CARRIED 9/2
(Against: Crs. Smyth & Youngman)

Committee Recommendation / Recommendation to Committee

Council:

- 1. approves the change to a weekly FOGO bin service and alternate fortnightly waste and recycling bin collection service from 7 November 2022;**

- 2. approves the bin lid changeover for residential waste bins to comply with the State Government's Better Bins Plus funding grant conditions; and**
- 3. agrees to include funding for bin stock replacement or any other related infrastructure/service changes relating to the FOGO bin service implementation within the upcoming 2022/23 Annual Budget.**

TS13.21	Hamilton Park Enviro-Scape Master Plan
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Technical Services
Attachments	1. Hamilton Park Enviro-scape Master Plan
Confidential Attachments	Nil.

Councillor Smyth – Proximity Interest

Councillor Smyth disclosed a proximity interest, her interest being that that she owns and resides at 7 Norfolk Rise which is opposite Hamilton Park. Councillor Smyth declared that she would leave the room during discussion on this item.

Councillor Smyth left the meeting at 10.43pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Youngman

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

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council endorses the Hamilton Park Enviro-scape Master Plan concept plan.

Councillor Smyth returned to the meeting at 10.44pm.

Please note this item was brought forward from page 54.

TS15.21	Project Deferral
Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Technical Services
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Senathirajah

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

CARRIED 8/3
(Against: Crs. Bennett Mangano & Youngman)

Committee Recommendation / Recommendation to Committee

That Council:

- 1. advises Main Roads Western Australia that in the 2021/22 financial year the City of Nedlands will not proceed with:

 - a. Project 817 - The Avenue; and**
 - b. Project 2001 - Railway Road; and****
- 2. agrees to reduce the scope of works for Project 817 – The Avenue to crack sealing to prevent moisture penetration.**

Please note this item was brought forward see page 41.

TS14.21	Perth Children’s Hospital Foundation Proposal to Fund Development of a Community Park
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Technical Services
Attachments	2. Letter of offer from Perth Children’s Hospital Foundation
Confidential Attachments	Nil.

TS15.21	Project Deferral
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Committee	7 December 2021
Council	14 December 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Technical Services
Attachments	Nil.
Confidential Attachments	Nil.

Please note this item was brought forward see page 52.

9 Reports by the Chief Executive Officer

9.1 Consideration of Responsible Authority Report for 14 Multiple Dwellings, 7 Holiday Accommodation (Short Stay) and Café at 99 Broadway, Nedlands

Please note the following item was brought forward see page 9.

10 Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

Nil.

11 Confidential Items

Any confidential items to be considered at this point.

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.51pm.