



City of Nedlands

Planning and Development Reports

Committee Consideration – 9 July 2019

Council Resolution – 23 July 2019

Table of Contents

Item No.		Page No.
PD23.19	120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799.....	2
PD24.19	City of Nedlands Design Excellence Awards – Judging Criteria and Rebranding.....	8
PD25.19	Local Planning Scheme 3 – Local Planning Policy Child Care Premises.....	11
PD26.19	Local Planning Scheme 3 – Local Planning Policy Parking ...	13
PD27.19	Local Planning Scheme 3 – Local Planning Policy Residential Development.....	18
PD28.19	Local Planning Scheme 3 – Local Planning Policies for Heritage, SAT process and procedures, Refunding and Waiving fees, Planning Compliance and Signs.....	24

Council: 23 July 2019

PD23.19	120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799
----------------	--

Committee	9 July 2019
Council	23 July 2019
Applicant	Western Power Corporation
Landowner	Western Power Corporation
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	13 December 2016 (Special Council Meeting)
Delegation	Council is required to consider this land holding matter as Management Body of Crown Reserve Land.
Attachments	1. Letter dated 24 May 2018 from Western Power proposing land boundary rationalisation

1.0 Executive Summary

Western Power own (Lot 2000) 120 Montgomery Avenue in Mt Claremont. The land is vacant and located adjacent to the Mt Claremont Community Centre precinct and Crown Reserve Land which the City manages and controls. The lot boundaries for these parcels of land are irregularly shaped and held by the City and Western Power in this location. Western Power have proposed an exchange of land to rationalise the boundaries of these lots. The lots are zoned Residential with a density code of R30. This report discusses the proposal and seeks to provide a response to the Department of Planning, Lands & Heritage (DPLH) regarding the proposal with a recommendation of endorsement subject to condition.

2.0 Recommendation to Committee

Council endorses the proposed land exchange at Montgomery Avenue, Mt Claremont, subject to the following condition:

1. That all costs associated with this transaction be borne solely by the applicant being Western Power.

3.0 Site Details

Area of Lot 2000 on Plan 17425	3,304m ²
Proprietor	Western Power Corporation
Zoning under the Local Planning Scheme No. 3	Residential R30
Area of Lot 12035 on Plan 19408	Lot 12035 is comprised of 2 parts with the northern side being 801.8m ² and the southern section being 4,822.6m ²
Crown Reserve Land	Class C reserve with purpose Public Recreation (Reserve 43379)
Proprietor	Department of Planning & Infrastructure / City of Nedlands as Management Body

An aerial image showing the location of the property follows.



Figure 1 shows the current lot boundaries. Lot 2000 being Western Power’s lot is shaded in green. City of Nedlands managed reserve land is outlined and highlighted in yellow.

4.0 Previous Council Items

On 13 December 2016 at a Special Council meeting, Council considered draft Local Planning Scheme No. 3 (LPS 3) and resolved to proceed to advertise the draft scheme with several specific modifications. One such modification relevant to the current item was “That 120 Montgomery Avenue, Mt Claremont maintain current zoning at that time of: Public Purposes”.

5.0 Background

The current configuration of land as noted in Figure 1 is believed to have been designed to facilitate the construction and operation of an electrical substation that was previously planned for the site. Western Power advise that the site was “set aside for the standard design of a substation whilst Crown land was set aside as a buffer for it to surrounding land uses, ranging in distance between 3 -10m.” Western Power advises that the substation is no longer part of future plans and the land is surplus to their requirements.

In 2015 Western Power approached the City with a proposal for a land exchange, noting that the lots held by the City and Western Power are shaped irregularly, with the City being the management body of Crown Reserve land in a formation that essentially framed Western Power’s lot. In the current state the “frame” appears to provide the firebreak between bushland and residential setting. Western Power noted efficiencies that could be derived by a different lot configuration.

The City advised Western Power that as the proponent they would need to investigate the process required and revert to the City for its consideration.

Western Power liaised with the Department of Lands – the regulatory body at the time (since renamed the Department of Planning Lands & Heritage) and the City was advised the process to complete such a transfer would involve tabling the arrangement in Parliament.

Western Power also made a submission on LPS 3 and requested zoning of the lot be amended to “Residential” noting that the intention was to sell the surplus land. This request was considered by Council at a Special Council Meeting on 13 December 2016. The item related to the draft LPS 3 and Council resolved that the zoning for 120 Montgomery Avenue Mt Claremont remain as Public Purposes.

Western Power revised their approach and requested simply a land exchange in the format shown in yellow highlight and numbered “101” in the diagram on the right-hand side below.

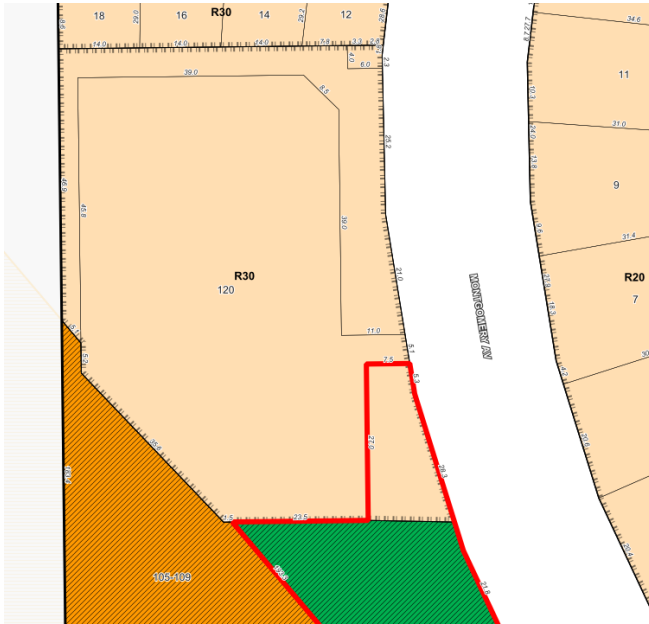


Figure 2. Left hand side shows the current land holding and to the right is the proposed land boundaries through the land exchange.

It is noted that the proposal by Western Power involves both parties retaining the same area of land as currently held just in a reconfigured format with approximately 831m² of land swapped between Lot 2000 and Reserve 43379.

In late 2018 Western Power made a request to DPLH to agree a land exchange pursuant to section 11 of the Land Administration Act 1997. In evaluating the request, the DPLH requested comment from the City as management body on the proposal. In November 2018, Administration advised the DPLH of Council’s resolution on 13 December 2016 noting that the City had rejected an application for the rezoning of Lot 2000 on the basis of Council’s understanding of the original subdivision, that the land was to be public open space and should the state not require it for the purpose of an electrical substation then the land was to revert to public open space. The Department was advised that the City did not support the proposed land exchange advising the land in Reserve 43379 and Lot 200 (in Figure 1) should remain as public open space for the wider community’s benefit.

Since the Department received the initial request by Western Power, the City’s LPS 3 has been gazetted and now in effect. The new LPS 3 has rezoned the land subject of the proposal to Residential R30. A snapshot from IntraMaps GIS Planning module for LPS 3 map is included below.



6.0 Discussion

This proposal presents the City with an opportunity to arrange its landholding in a more manageable format which would increase efficiencies and control. By endorsing the land exchange, the City would achieve a consolidated parcel of land. This would ensure the City could control the preservation of bushland onsite and amenity of public open space. Land that is owned by a third party is beyond the control of the City except by regulation through its Local Planning Scheme. This ability to regulate remains the same no matter the configuration of the land holding. And since the commencement of LPS 3 this appears more relevant as the land becomes zoned as Residential R30.

The best control an entity can have over land is through proprietorship or in this case as the recognised Management Body of land and this proposal presents an opportunity for Council to secure a better configuration for land management. Western Power as landowner is open to use its land in a manner consistent with the Local Planning Scheme and with a zoning of “Residential R30” presumably they could develop the lot in its current format for that purpose subject to compliance with the Scheme and any associated State Planning Policies. It is proposed however that by rearranging the lot boundaries to become a consolidated area as in Figure 2 provides greater control and ability to manage the land.

While Council may view Western Power’s intention to sell the surplus land as a loss of public open space, it must be realised that this land is owned by Western Power whose mandate differs from that of Council. The fact this land has remained vacant and open to public entry and enjoyment has been fortuitous to some degree, but this land is now being reviewed by its owner for future use and the City has an opportunity to also benefit.

It is arguable that in future these lots of land will at some point be rationalised due to the irregular shape. Unless the City is prepared to purchase the land from Western Power, it is recommended that the alternative to ensure long term environmental optimisation is to exchange land with Western Power. Council may look to further investigate the opportunity to improve environmental outcomes through increased land received by the City through the exchange.

7.0 Assessment of Statutory Provisions and Policy

7.1 Land Administration Act 1997 (the Act)

Section 11 Minister may acquire land in the public interest

Section 11 empowers the Minister to acquire land for the State in the public interest, through specific means including an exchange. The provision specifies process to value such land.

Section 46. Care, control and management of reserves

Section 46 outlines the care control and management of Crown land reserved under Section 41 (Reserve). Section 46 (1) notes that the Minister may by order appoint a person or persons (the Management Body) to manage and control a Reserve subject to conditions specified by the Minister.

Section 46(2) notes that the Minister may, with the consent of the Management Body of a Reserve, by order vary any condition to which the care, control and management of the Reserve is subject.

The City of Nedlands is the Management Body for Class C Reserve 43379 being the land at Montgomery Avenue subject of the proposed land exchange with Western Power. The Minister via the Department of Planning Lands & Heritage are liaising with the City regarding any proposal by Western Power to reconfigure the Reserve boundaries.

7.2 Council Policy – Asset Management

Council's policy for Asset Management records an objective in setting a broad framework for decision making by Council in a "structured, coordinated and organised approach."

This policy includes within the Statement that the primary goal of asset management is to provide the required level of service in the most cost-effective way through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets to provide for present and future generations.

Reconfiguring the City's reserve land holding at Montgomery Avenue, as proposed will lead to improved efficiencies, in terms of both land management and financial cost of such.

8.0 Budget / Financial Implications

There are no budget or financial implications to consider as it is proposed that any transaction that may result will be at the cost of the applicant, Western Power.

9.0 Risk management

There is a risk that should Council decide not to agree with the proposal then Western Power may sell the lot as is. That is, in its current configuration and size which would allow for approximately 11 Grouped dwellings. The perimeter of Lot 2000 which is vested in the City of Nedlands would remain, with its new zoning and density code of R30 but in effect would be unusable for residential purposes due to its shape. In reality it could only practicably be used for open space, walkways, landscaping and the like.

Council may consider that this outcome is not the best use of land under its control whereas agreeing to the proposal may allow for the better use of the approximately 800m² of land which would be added to and be contiguous with the land associated with the Mt Claremont Community Centre.

Council's Bushcare Officer has noted that the Council controlled portion of this land is highly degraded with low biodiversity values. Consolidation of the land, as proposed, would enable better management for biodiversity if this was considered important to Council. It also allows for the possibility of a more viable linkage or "Greenway" between Montgomery Avenue and the bushland to the west within the Town of Cambridge.

10.0 Conclusion

The proposal by Western Power presents an opportunity for Council to improve its land holding through a reconfigured parcel of land that is Crown Reserve land, albeit zoned R30. The reconfiguration will enable the City to more efficiently manage its land at Montgomery Avenue, potentially providing the public with improved amenity.

Our ref: 45421895
Contact: Peter Gianatti (9326 6683)

24 May 2018

Mr Greg Trevaskis
Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Dear Mr Trevaskis,

Land Rationalisation Proposal – 120 (Lot 2000) Montgomery Avenue, Mount Claremont

I write to present a proposal for rationalising landholdings involving Western Power owned land at 120 (Lot 2000) Montgomery Avenue, Mount Claremont (subject land) along with land owned or managed by the City of Nedlands as discussed at a meeting held on 4 May 2018.

As noted in the Western Power submission to the attached draft Local Planning Scheme No. 3, the subject land has been identified as surplus to its future needs, therefore opportunity presents to rationalise landholdings to the benefit of the City of Nedlands, State Government and Western Power.

The current configuration of landholdings is intended to facilitate the construction and operation of an electrical zone substation that was previously planned for the future. The Western Power landholding was set aside for the standard design of a substation, whilst Crown and City of Nedlands land was set aside as a buffer for it to surrounding land uses, ranging in distance between 3m – 10m.

With the future substation no longer being within Western Power future plans and the site subsequently being surplus to its needs, the current arrangement of land is no longer required. Therefore opportunity presents to benefit the City of Nedlands by providing additional land to its Mount Claremont library and community centre facilities, also the Bethanie Social Centre. Western Power and the State can also benefit by realising a more regular lot configuration which is more attractive to the market during its disposal under the State Land Asset Sales Program. An indication of the current and proposed arrangements of land are given in the figures below.



363 Wellington Street Perth 6000
GPO Box L921 Perth WA 6842
e enquiry@westernpower.com.au
westernpower.com.au



† 13 10 87
f (08) 9225 2660
TTY 1800 13 13 51
TIS 13 14 50

Electricity Networks Corporation
ABN: 18 540 492 861



Figure 1: Current arrangement



Figure 2: Proposed arrangement

Attached to this letter is a proposed survey plan for rationalising the subject land as noted above, along with two parcels of land surrounding which is part of freehold land at 19 (Lot 6987) Haldane Street, Mount Claremont owned by the City of Nedlands and reserve 43379 (Lot 12035 on Plan 19408) owned by the Crown under management by order to the City of Nedlands. There would be no change to the land areas owned by both parties under this arrangement, however the realignment would make approximately 900m² of useable land available to the City of Nedlands.

Western Power respectfully requests that the proposed land rationalisation in accordance with the attached survey plan be approved by the City of Nedlands so that it can progress for implementation.

Should you have any queries, please contact Property Specialist, Peter Gianatti, on 9326 6683.

Yours sincerely

Andrew Boots
Planning and Asset Manager
Property and Fleet

Att.

1. Western Power submission to LPS3
2. Proposed Plan of Land Rationalisation

28 March 2018

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Via:

email: council@nedlands.wa.gov.au; and online submission form

Dear Sir,

Re: City of Nedlands Draft Local Planning Scheme No. 3 – Submission on behalf of Western Power in relation to Lot 2000 (120) Montgomery Avenue, Mt Claremont

Thank you for the opportunity to provide a submission in relation to the proposed City of Nedlands Draft Local Planning Scheme No. 3.

Hames Sharley represent Western Power, the landowner of Lot 2000 (120) Montgomery Avenue, Mt Claremont ("the subject land"). Western Power have provided a letter identifying the land as surplus to requirements, in support of our submission attached at **Appendix A**. Furthermore, please also find attached a letter of support for rezoning from Eugene Carmody – Manager of Metropolitan Divestments at the Department of Lands (now Department of Planning, Lands and Heritage) at **Appendix B**.

Whilst we generally support the objectives of the draft Local Planning Scheme, in particular the need to provide appropriately zoned land to accommodate future population growth, we **object** to the proposal to reserve the subject land for 'Public Purposes: Infrastructure Services' under the draft Local Planning Scheme No. 3. Instead, for the reasons outlined in our submission, we consider that the subject land is better suited to a 'Residential' zoning, which will provide benefits to both our client and the wider locality.

The residential zoning would apply over the rationalised lot identified on Figure 1. This would be a result of a boundary realignment and land swap with the State of WA.



Figure 1: Subject Site and Proposed Boundary Realignment

Key arguments provided in support of a rezoning to 'Residential' will include:

- The subject land is surplus to Western Power's operational requirements. Therefore, in accordance with the State Government Divestment Program consideration should be given to zone the land to its highest and best use which has been determined as Residential;
- A Residential (R30) zone is consistent with the prevailing residential amenity of the area and is considered the highest and best use of the site by the Department of Planning, Lands and Heritage;
- The City's Local Planning Strategy provides a framework to guide planning and development in the City, this document identifies the subject site as residential. Therefore, a residential zoning would be consistent with strategic planning intent for the area; and
- Providing residential uses on site will assist in achieving State infill targets by providing residential development in a high amenity area which makes use of existing services and infrastructure.

Subject Land

Lot 2000 (120) Montgomery Avenue, Mt Claremont is approximately 3,304 sqm in area and is owned by the Electricity Networks Corporation (Western Power). It comprises predominantly vacant land with scattered trees.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and is currently reserved as 'Public Purposes: School' under the City of Nedlands Local Planning Scheme No. 2. The proposed use of 'Residential' is consistent with the 'Urban' zoning of the land under the Metropolitan Region Scheme.

Initial investigations and discussions with the City of Nedlands and Department of Planning, Lands and Heritage have not been able to determine why the subject land has been reserved for the use of "School". Nevertheless, given its ownership by Western Power (who purchased the site in 1993) the subject land has been reserved for 'Public Purposes', with agreement on its location achieved between the City and LandCorp, who were developing the adjacent St John's Wood Estate.

The site has since been retained by Western Power for strategic purposes given its potential future use as a zone substation. However, due to new emerging approaches to electricity supply, the previously forecast need for this site is no longer applicable.

Surplus to Requirements

Our primary objection to the proposed reservation of the land for 'Public Purposes: Infrastructure Services' under Draft Local Planning Scheme No. 3 is the fact that the site has been reviewed by Western Power and has been deemed to be surplus to operational requirements. This has previously been communicated to the City of Nedlands and is outlined at **Appendix A**.

The Department of Planning, Lands and Heritage requires of State Agencies (including Western Power) that any surplus land realises its highest and best use prior to disposal wherever possible. This may be via rezoning and/or subdivision to help realise community objectives and financial benefits to government.

Any proposed reservation for 'Public Purposes' and/or 'Infrastructure Services' would render the subject land un-usable for many years to come. Reserving the site for 'Infrastructure Services' would be akin to reserving the site for the use of 'Education' or 'Hospital', when there is no demand, need or strategic intent by any of the associated Government agencies to do so.

Given that the subject site is not required for Infrastructure Services, it is not necessary to reserve it as such. The drafting of the Scheme Maps for the new Local Planning Scheme therefore represents an excellent opportunity to provide an appropriate zoning over the subject site.

With the site being signed off internally as surplus to requirements, Western Power is required to prepare the site for sale to the open market under the State Land Asset Sales Program (LASP). As part of this process, and for the reasons outlined throughout this submission, the highest and best possible use for the site has been determined as Residential.

Residential Zoning

As depicted below at **Figure 2**, it is important to note that the subject site is located adjacent to existing (to the south) and future (to the northwest) residential development. Furthermore, existing residential land surrounds the site to the east and further to the west. It is also apparent that the locality is afforded excellent access to amenity, including close proximity to existing community facilities and public open space areas such as Daran Park and Bold Park.

It would therefore be considered logical to provide 'Residential (R30)' zoned land upon the subject site as it would represent a continuation of the existing and emerging residential character that typifies the locality.

Furthermore, the subject land is well serviced by Stephenson Avenue, Rochdale Road and Montgomery Avenue all providing excellent access and public transport opportunities to future residents.



Figure 2: Aerial Photo (Source - Nearmaps)



Figure 3: Site Photography - illustrating immediate interface with residential land to north

Land Swap / Boundary Realignment

Associated with the above has been the ongoing discussions between Western Power and the City of Nedlands regarding the realignment of lot boundaries. It is acknowledged that the subject land is an irregularly shaped lot, surrounded by a “buffer” consisting of a separate lot reserved for ‘Public Purposes’.

Working with the City of Nedlands on a boundary realignment / land swap would certainly assist in making the subject land a more regular shape and better suited to residential development. This would also benefit the City of Nedlands through rationalisation of landholdings (for example, not having a small narrow buffer of land to maintain around Western Power’s site and increasing the area of the community purposes land to the south).

The boundary realignment process would require close liaison with the Department of Planning, Lands and Heritage, who as mentioned above have provided a letter of support at **Appendix B**. Once Western Power has more surety regarding the zoning status of the subject land, it may be in a position to progress discussions and arrangements with the City of Nedlands further.

Previous in Principle Support from City of Nedlands

It is noted that previous discussions and correspondence with the City of Nedlands planning staff relating to a ‘Residential’ zoning over the site have been positive. Although all feedback given by the City has been with the disclaimer that any change of zoning would be subject to Council approval, these discussions have determined that:

- The City would look to zone the land to a density similar to the surrounding land;
- Residential development would assist in meeting infill targets;
- The site does not have obvious constraints to development; and
- No particular need for the site for other competing uses has been identified in Council policy or strategic documents.

It is understood that one of the factors in the Council's eventual decision to not proceed with a 'Residential' zoning over the site, and instead pursue a 'Public Purposes' reservation, was a view that there is insufficient active and/or passive Public Open Space in the area and their view that Western Power had previously agreed to provide the subject site as Public Open Space and/or a Community facility to accommodate this.

Figure 1 illustrates the provision of parkland and passive and active open space within the immediate locality, with the subject site and surrounds well serviced by open space. As noted below, the City of Nedlands Local Planning Strategy already identifies the Mt Claremont Community Centre as a district community centre and the Mt Claremont library as a multi-functional branch library, only 1 of 2 required within the City of Nedlands.

We would like to state that Western Power have indicated that there is no written agreement in place with Council which states that Western Power agreed to provide Public Open Space on the subject site.

City of Nedlands Local Planning Strategy

The City of Nedlands Local Planning Strategy was approved in September 2017 and informed the preparation of the proposed Draft Local Planning Scheme. It sets out the long term strategic direction for land use and development within the City and has been prepared to reflect the community and Council vision for the future of the City.

The proposed preferred zoning of 'Residential' is entirely consistent with the intent of the Local Planning Strategy for the following reasons:

- The subject land is located within the Mt Claremont West Character Precinct. As illustrated at **Figure 3** below, the subject land (marked indicatively with a red oval) is shown as predominantly residential within this Character Precinct.
- Part 5.1 'Population and Housing' outlines a series of intentions for the future growth of the City. One of these is to *"Maintain established residential urban areas to ensure the retention of the existing residential character and lot configurations"*.
- As stated above, the provision of residential development on site will contribute to this objective, with no high density or commercial uses proposed.



Figure 3 – Mt Claremont West Character Precinct Map (Source – City of Nedlands)

- For this Character Precinct, the Local Planning Strategy sets out Precinct Specific Strategies, one of which is to:
 - *Retain and enhance the character and streetscape of the existing residential areas, in order to protect the established character of this precinct.*
- The Local Planning Strategy also acknowledges the previous Local Housing Strategy (2001) which generally recognised the need to provide a greater mix of housing types to accommodate the changing demographics of the area, but was also conscious of not compromising the existing residential character of the area. This is consistent with the preferred zoning of 'Residential' over the subject site.
- Furthermore, within Section 9.10.4 "Electricity" – the subject land is not listed within the 'Electricity Infrastructure' table, demonstrating it is not noted as being of strategic importance to the City in terms of current or future electrical infrastructure.

Draft City of Nedlands Local Planning Scheme No.3

Amending the proposed zoning of the subject land to 'Residential (R30)' under the draft Local Planning Scheme No. 3 is consistent with the intentions of the draft Scheme as follows:

- It will assist in accommodating the anticipated increases in residential population over time, in an area that is already characterised by established and new residential development ('St John's Wood estate') to the northwest of the site;
- A residential zoning is consistent with the character and density of the surrounding area and is in keeping with Local and State Government planning policy, as areas of higher density will be accommodated in strategically identified locations (such as along major transport routes like Stirling Highway and Hampden Road and near activity centres); and
- The City has recently been directed by the WAPC through its spatial planning framework (which is discussed below) to accommodate for the future provision of approximately 9,000 dwellings. This proposal will help contribute to achieving this.

As previously mentioned, the proposal seeks to align with the Draft Local Planning Scheme No. 3 by providing residential development that is consistent with the existing character of the area.

Infill Targets

A Residential (R30) zoning will contribute towards achieving infill targets as outlined in documents such as *Directions 2031* which sets out a target of 47% of new housing to be provided as infill development. It is noted that through the now revised Perth and Peel@3.5million (which builds on the foundation set by Directions 2031), that the City has been directed by the WAPC to achieve an infill target of an additional 2,540 dwellings by 2031 and 4,320 dwellings by 2050.

As with the adjacent St John's Wood development, the provision of residential lots at an R30 density will allow for housing choice for residents living within the City of Nedlands. For example, many residents in City Beach and Floreat, currently live on large blocks (around 700 sqm or more), these residents would now be afforded the opportunity to downsize and retain the ability to live in their neighbourhoods promoting "ageing in place".

Utilising the subject site for residential development will increase the number of dwellings accommodated within the City, thereby assisting in aligning with State planning objectives and achieving infill targets. It will also provide opportunities to make use of existing services and infrastructure.

Vacant Land

It is noted that the City has previously received queries from the public regarding the status of the site. Specifically, these related to old signage on site as well as queries about the future use of the land. Keeping the site reserved for infrastructure purposes despite being surplus to Western Power's requirements will render the site undeveloped for many years. This will result in the City having to field similar queries regarding the status of the site for years to come.

Conclusion

Considering the justification provided above, it is respectfully requested that the City of Nedlands favourably consider our submission to zone Lot 2000 (120) Montgomery Avenue, Mt Claremont 'Residential (R30)' under the draft City of Nedlands Local Planning Scheme No. 3 and rationalise the lot by way of boundary adjustments/land swaps.

We would welcome any opportunity to discuss this matter further with yourselves and/or the Department of Planning, Lands and Heritage, and would like to be kept informed of the progress of the new Local Planning Scheme. Should you have any queries in the meantime, please do not hesitate to contact the undersigned at this office.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Somers', with a stylized flourish at the end.

Malcolm Somers RPIA
Manager Planning (WA)

Appendix A

Western Power letter of support

Our ref: 44759446
Contact: Peter Gianatti (9326 6683)
peter.gianatti@westernpower.com.au

363 Wellington Street
Perth WA 6000
GPO Box L921 Perth WA 6842

T: 13 10 87 | Fax: 08 9225 2660
TTY 1800 13 13 51 | TIS 13 14 50

Electricity Networks Corporation
ABN 18 540 492 861

enquiry@westernpower.com.au
westernpower.com.au

16 March 2018

Greg Trevaskis
Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Dear Mr Trevaskis,

Draft Local Planning Scheme No. 3 – Western Power submission

I write to make a submission on behalf of Western Power to the Draft City of Nedlands Local Planning Scheme No. 3 ("LPS3") in relation to Western Power owned property at Lot 2000 (101) Montgomery Avenue, Mount Claremont, CT Volume 1981 Folio 839 ("subject property").


Western Power has owned the subject property in freehold since 1993 with the intention to develop a zone substation to meet forecast electricity demand in the future for the local area. In recent times, these forecasts have been revised with the result being that a new zone substation at this location is no longer needed to support the local area. The subject property has therefore been confirmed as surplus to Western Power needs, please refer to the Western Power Annual Planning Report for further information in this regard on the Western Power website.

As part of the State Government's Land Asset Sales Program, prior to disposal, surplus land is required to be prepared to achieve its highest and best use wherever possible. The preparations for the subject property include the realignment of lot boundaries and rezoning given that the current configuration of boundaries and the Public Purpose – Infrastructure Services reservation are no longer required and the site has strong justification for residential purposes.

Noting the above, Western Power respectfully requests that the City of Nedlands support its proposal within the covering Hames Sharley submission to realign boundaries and rezone the subject property during its review of Draft LPS3.

If you wish to discuss this submission further with Western Power, please contact Peter Gianatti, Property Specialist, on 9326 6683.

Yours sincerely



Andrew Boots
Planning and Asset Manager
Property and Fleet

Appendix B

Department of Lands letter of support



Department of Planning,
Lands and Heritage

Our ref: 01698-1994
Enquiries: Eugene Carmody, ph 6552 4732

Mr Peter Gianatti
Western Power
363 Wellington Street
PERTH WA 6000

Dear Mr Gianatti

Mount Claremont Lot 2000 on Plan 17425

I refer to your email dated 20 February 2018 regarding Lot 2000 Montgomery Avenue in Mount Claremont.

Lot 2000 on Plan 17425 was acquired in 1993 for the purpose of a Substation site. You have recently indicated that the land is surplus to operational requirements. The Department of Planning, Lands and Heritage (DPLH) would encourage a scheme amendment to make the land available for an alternative purpose.

Further to the above, I understand that Western Power is seeking to rationalise the boundaries of Lot 2000 via land exchange with the adjoining Crown Reserve 43379. This irregularly shaped reserve surrounds Lot 2000 and is managed by the City of Nedlands (City) for the purpose of "Public Recreation".

Western Power's proposal appears mutually beneficial; noting it would increase the amenity of the public open space to the south and increase the development potential of Lot 2000 to the north. In this respect, DPLH is generally supportive of the proposal noting it will assist in achieving the potential highest and best use of State owned land.

For further enquiries please contact Mr Eugene Carmody, Manager Metropolitan Divestments, Land Asset Management Services, Department of Planning, Lands and Heritage on telephone 08 6552 4732.

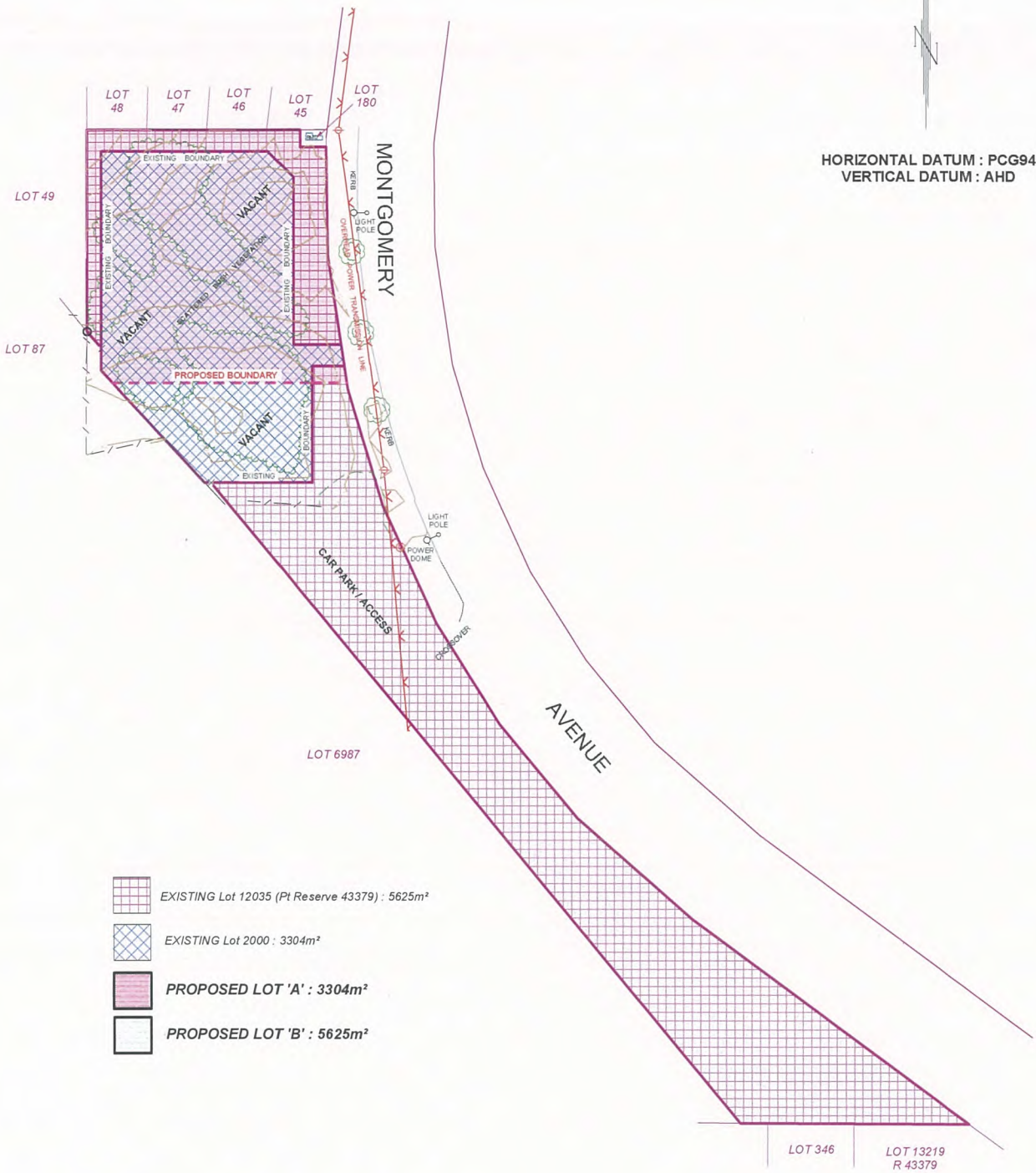
Yours sincerely



Eugene Carmody
Manager
Metropolitan Divestments

15 March 2018



HORIZONTAL DATUM : PCG94
VERTICAL DATUM : AHD



-  EXISTING Lot 12035 (Pt Reserve 43379) : 5625m²
-  EXISTING Lot 2000 : 3304m²
-  PROPOSED LOT 'A' : 3304m²
-  PROPOSED LOT 'B' : 5625m²

NOTES

- PRE-CALCULATED AREA FOR EXCHANGE : 831m² (subject to survey)
- ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.
- LAND EXCHANGE OF EQUIVALENT AREAS TO BE CALCULATED AS-SURVEYED. (AREA TOTALS MAY DIFFER DUE TO ORIGINAL MISCLOSE ADJUSTMENTS)

AUSTIN
SURVEYS
LICENSED LAND & ENGINEERING SURVEYORS
Office : 3/589 STIRLING HWY, COTTESLOE W.A. 6011
Postal : P.O. BOX 1701, SUBIACO W.A. 6904
Ph : 1300 72 8485
M : 0417 983 786 F : 9286 3977
E : mail@austinsurveys.com.au
FILE C:\CCAD\TWP\WP-321

PROPOSED VACANT LAND EXCHANGE
LOT 2000 ON PLAN 17425 : CT 1981-839
LOT 12035 ON PLAN 19408 (Pt RESERVE 43379) : LR 3117-296
MONTGOMERY AVENUE, Mt CLAREMONT
LOCAL AUTHORITY : CITY OF NEDLANDS



SCALE @ A3 1:1000	DWG No. : WP-321-A	SURVEYED : CPA
DATE : 23-12-2016	OUR REF : WP-321	DRAWN : CPA

THIS DOCUMENT IS PROPERTY OF AUSTIN SURVEYS Pty Ltd. THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT IS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORIZED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

PD24.19	City of Nedlands Design Excellence Awards – Judging Criteria and Rebranding
----------------	--

Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development Services
Reference	Nil.
Previous Item	PD45.17 – October 2017 PD64.18 – November 2018
Attachments	1. City of Nedlands Design Excellence Awards - Judging Criteria and Conditions of Entry 2. Former Civic Design Awards – Judging Criteria and Conditions of Entry

1.0 Executive Summary

The purpose of this report is for Council to approve the judging criteria, rebranding and renaming from the Civic Design Awards to be the City of Nedlands Design Excellence Awards and to endorse the conditions of entry and judging criteria.

Administration is seeking to rebrand and rename the awards due to the confusion from the public as to whether the awards are only for City owned buildings or buildings which have a civic purpose.

Council is also being asked to endorse the conditions of candidate entry and associated judging criteria, following which Administration will put a call out for nominations from August 2019 until September 2019. Once nominations are closed, the judging panel which was nominated at the November 2018 Council Meeting will choose the winners for each category. The winners will then be presented with their awards by the panel at the City's Business Sundowner on the 20 November 2019.

2.0 Recommendation to Committee

Council endorses:

1. **the rebranding and renaming of the City of Nedlands Civic Design Awards to be the City of Nedlands Design Excellence Awards; and**
2. **the revised judging criteria and conditions of entry as shown in Attachment 1.**

3.0 Background

In May 2016 Council resolved that the City investigate the introduction of a system of Design Awards, with certificates presented for outstanding examples of heritage restoration, contemporary design, art installations or projects otherwise contributing to the quality of the built environment within the City.

In accordance with the May 2016 Council resolution, Administration investigated and then provided Councillors with various award scheme options for consideration at a Councillor briefing. No decisions were made at this briefing, but comments were considered, and a draft system was developed for final consideration. This was presented to Council at their meeting in October 2017, where Council resolved to progress the implementation of the Design Awards beginning in 2018.

In November 2018 Council approved two Councillors and two community members to sit on the judging panel for the 2019 round of Design Awards.

4.0 Details

The Civic Design Awards is proposed to be rebranded and renamed to the City of Nedlands Design Excellence Awards due to the confusion arising from the use of the word 'civic' and its connotations of being an award for civic buildings and not private buildings.

Administration have refined the judging criteria to include five categories. The categories are:

- Residential – For newly constructed single residential homes or renovation's to single residential homes.
- Multi-residential Project – Includes townhouses, units and apartments.
- Commercial, Retail or Mixed Use – Includes both new and renovated spaces.
- Landscape Design and Public Art – Which provide a benefit to the general public.
- Heritage Project – Can be full renovations or additions which compliment and integrate with the aesthetic value of the heritage building. Properties do not have to be on the Municipal Inventory or Heritage List to nominate in this category.

The categories which have been chosen reflect judging criteria from other local governments across Australia who have their own Design Awards. The new criteria for each category can be found in Attachment 1, along with the conditions of entry.

The former judging criteria and conditions of entry are shown in Attachment 2. Applicants may apply for more than one category. People may nominate someone else's property for an award so long as their entry form has been signed by the owner of the property which has been nominated.

Once nominations have closed, the judging panel elected at the Council Meeting in November 2018 will assess the applications and determine who, if any, are the winners for each category. Once the judges have reached a decision, the category winners will be presented with a plaque to place on their building stating that they are a winner of the City of Nedlands Design Excellence Awards and the year in which they won and the category in which they won. The plaques will be presented at the City's Business Sundowner on the 20 November 2019 by the judging panel.

5.0 Consultation

Once Council endorsement has been received in relation to the selection criteria Administration will advertise for nominations within the five specified categories. The City of Nedlands Design Excellence Awards are open to all City of Nedlands property owners and residents, as well as architects, designers, builders and government agencies that have undertaken projects within the City of Nedlands.

A person or company can nominate their own project or gain owner consent to nominate someone else's property. Projects that are the subject of an entry must be completed or substantially completed to warrant consideration.

Conditions of entry and selection criteria are described in detail in Attachment 1.

6.0 Budget / Financial Implications

The plaques which will be awarded will cost approximately \$150 to \$190 each with a maximum of 5 awards granted per year. Council will need to assign this expense to a relevant budget category.

Due to the ceremony being held on the night of the Business Sundowner no extra cost will be incurred to run this event.

7.0 Risk Management

N/A

8.0 Administration Comment

In order to progress the Design Excellence Awards as endorsed by Council on the 24 October 2017 Administration recommend that Council endorse the new awards name, revised conditions of entry, judging criteria and rebranding. This will allow for Administration to advertise for nominations for the awards.



Purpose

The aim of the City of Nedlands Design Excellence Awards is to recognise excellence and award projects that demonstrate outstanding examples of heritage conservation, contemporary planning, design excellence, landscape, public art and/or other projects contributing to the quality of the City of Nedlands built environment.

The projects must illustrate high quality architecture or design and demonstrate best practice.

The awards will encourage improvement in the built environment and promote good contemporary design which provide positive benefits to the community both present and future.

The award will operate every two years and a certificate will be presented to the winner(s) and any finalists.

Categories

Category	Criteria
Residential	<ul style="list-style-type: none">• Are thoughtfully designed and functional;• Have outdoor spaces which are attractive and engaging;• Demonstrate innovative structural, architectural and landscape design; and• Complement or make a positive contribution to local neighbourhood character and appropriately consider the amenity of neighbouring properties.
Multi-residential Project (townhouses, units and apartments)	<ul style="list-style-type: none">• Are thoughtfully designed and functional;• Are in-line with the Department of Planning 'State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments';• Demonstrate innovative structural, architectural and landscape design;• Incorporate attractive and engaging communal and private open space; and• Complement or make a positive contribution to local and future local neighbourhood character and appropriately consider the amenity of neighbouring properties.
Commercial, Retail or Mixed-Use	<ul style="list-style-type: none">• Are thoughtfully designed, functional and provide a high level of user amenity;• Demonstrate innovative structural, architectural and landscape design; and



	<ul style="list-style-type: none">• Complement or make a positive contribution to local neighbourhood character and appropriately consider amenity of neighbouring properties.
Landscape Design and Public Art	<ul style="list-style-type: none">• Are thoughtfully designed, functional and provide a high level of user amenity;• Complement the built form and surrounds;• Are innovative, attractive and engaging; and• Enhance and complement the existing landscape character or establish a consistent and identifiable landscape character.
Heritage Project	<ul style="list-style-type: none">• Conserve and enhance the integrity, cohesiveness and aesthetic value of individual heritage buildings, places and precincts or projects with a special cultural value;• Have successfully integrated or maintained heritage character, where there have been modifications or extensions to existing heritage properties and precincts; and• Are complementary to the neighbourhood character and overall streetscape character.

Judging

The projects will be judged on their merits using the criteria set out against each of the categories. Projects may extend over 1 or more categories.

The judging panel consists of 4 members, 2 Councillors and 2 community members. The panel members were chosen at the Council Meeting in November 2018.

Conditions of Entry

1. The City of Nedlands Civic Design Awards are open to all City of Nedlands property owners and residents. They are also open to architects, designers, builders and government agencies that have undertaken projects within the City of Nedlands.
2. All entries to select the categories for the entry.
3. All entries require a nominee(s) of the award and the signature of the owner(s) of the property of the project being nominated.
4. Projects that are the subject of an entry must be completed or substantially completed to warrant consideration.
5. Entries are assessed on the basis of information supplied and the judges may decide not to consider any entry which supplies insufficient information, regardless of the quality of the project.
6. Plaques will be awarded to the nominee(s) of a winning project.



7. The judges may conduct a site inspection of any nominated building.
8. The judges reserve the right not to award a certificate in all or any of the categories if there are no projects of sufficient merit.
9. The judges' decision is final. No correspondence will be entered into.
10. The City of Nedlands reserves the right to use entries for marketing and promotional purposes.

Entry Requirement

The requirements for submitting a nomination entry for the Awards is as follows:

- A completed entry form.
- A written summary addressing the judging criteria for the topic nominated (not more than 2 pages).
- Supporting photographs of the project prior to the works (if available), and upon completion (or substantial completion).
- Any other supporting information that may be relevant, such as drawings or plans, historic photographs or research undertaken to guide the work. (This is optional, and an entry will not be penalised if no supporting information is provided.)
- All documentation can be provided in an electronic format (preferable method), in person to the City's offices or via mail.

Submission of Entry

Please send your entry form and supporting documents to:



Email Scan and email to
council@nedlands.wa.gov.au



Fax Fax to
08 9273 3670



Mail Post to
City of Nedlands
PO Box 9
NEDLANDS WA 6909



In person Visit the Administration Centre
at
71 Stirling Hwy
NEDLANDS WA 6009



nedlands.wa.gov.au

Civic Design Awards

Purpose

The aim of the City of Nedlands Civic Design Awards is to recognise excellence and award projects that demonstrate outstanding examples of heritage conservation, contemporary planning, design, landscape, public art and/or other projects contributing to the quality of the City of Nedlands built environment.

The projects must illustrate high quality architecture or design and demonstrate best practice.

The awards will encourage improvement in the built environment and promote good contemporary design which provide positive benefits to the community both present and future.

The award will operate every two years and a certificate will be presented to the winner(s) and any finalists.

Categories

Category	Criteria
Residential	Dwellings showing excellence in contemporary design, responsiveness to the lot and location and contributes to the appreciation of urban design. Projects will need to include quality in finishes and materials and demonstrate functionality, livability, accessibility, balancing consistency and variety and including quality of outdoor living spaces and relationship with indoor living.
Non-residential	Projects displaying innovative solutions, allow for change and adaptation, legibility, integrated functional open spaces, spatial connection for people and transport and activation.
Public art and Landscape Design	Projects (including playgrounds and schools) that respond to the built and natural environment, contribute to place-making and have cultural and/or historical context. Projects showing innovative design, high quality execution and best practice, whilst having a positive impact on the surrounding area, and fostering a sense of community. With respect to landscape design including preservation of existing natural vegetation.
Heritage	Development incorporating the conservation, preservation or rehabilitation of a building(s) with heritage significance. Must conserve, complement and enhance values of the heritage place and include adaptive re-use.

Judging

The projects will be judged on their merits using the criteria set out against each of the categories. Projects may extend over 1 or more categories.

The judging panel will consist of 4 members, 2 Councillors and 2 community members. Both the Councillors and community members will be chosen by Council following a call for nominations. It is preferred that the community members will be persons who have relevant experience and/or qualifications in such fields as heritage, architecture, design, building or the like.

Conditions of Entry

1. The City of Nedlands Civic Design Awards are open to all City of Nedlands property owners and residents. They are also open to architects, designers, builders and government agencies that have undertaken projects within the City of Nedlands.
2. All entries to select the categories for the entry.
3. All entries require a nominee(s) of the award and the signature of the owner(s) of the property of the project being nominated.
4. Projects that are the subject of an entry must be completed or substantially completed to warrant consideration.
5. Entries are assessed on the basis of information supplied and the judges may decide not to consider any entry which supplies insufficient information, regardless of the quality of the project.
6. Certificates will be awarded to the nominee(s) of a winning project.
7. The judges may conduct a site inspection of any nominated building.
8. The judges reserve the right not to award a certificate in all or any of the categories if there are no projects of sufficient merit.
9. The judges' decision is final. No correspondence will be entered into.
10. The City of Nedlands reserves the right to use entries for marketing and promotional purposes.

Entry Requirement

The requirements for submitting a nomination entry for the Awards is as follows:

- A completed entry form.
- A written summary addressing the judging criteria for the topic nominated (not more than 2 pages).
- Supporting photographs of the project prior to the works (if available), and upon completion (or substantial completion).
- Any other supporting information that may be relevant, such as drawings or plans, historic photographs or research undertaken to guide the work. (This is optional and an entry will not be penalised if no supporting information is provided.)
- All documentation can be provided in an **electronic format (preferable method)**, in person to the City's offices or via mail.

Submission of Entry

Please send your entry form and supporting documents to:



Email Scan and email to
council@nedlands.wa.gov.au



Fax Fax to
08 9273 3670



Mail Post to
City of Nedlands
PO Box 9
NEDLANDS WA 6909



In person Visit the Administration Centre
at
71 Stirling Hwy
NEDLANDS WA 6009

PD25.19	Local Planning Scheme 3 – Local Planning Policy Child Care Premises
----------------	--

Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	1. Draft Child Care Premises LPP 2. Draft Child Care Premises LPP – tracked changes

1.0 Executive Summary

The purpose of this report is for Council to adopt the Child Care Premises Local Planning Policy (LPP).

It is proposed that the policy be adopted with three modifications. These modifications can be viewed in Attachment 2.

The policy provides development standards relating to the location, design, size and operational matters (hours of operation, noise, parking & traffic) that the City will have regard to when considering an application for development approval.

The provisions of the policy must be taken into consideration by the decision maker in determining a Development Application including the JDAP or SAT.

The Child Care Premises Policy adopted as part of this report, will have effect once the notification of adoption is published in a local newspaper.

2.0 Recommendation to Committee

Council resolves to proceed to adopt the Child Care Premises Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

3.0 Background

At the Special Council Meeting held on 2 May 2019, Council resolved to prepare and advertise a series of local planning policies for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

The Child Care Premises LPP was amended through Councils resolution at the Special Council Meeting, prior to being advertised, to:

- adding “particularly residential areas” to the end of clause 3.2;
- replacing 3.3 with ‘To ensure the siting of Child Care Premises do not incur significant risks from environmental health and safety hazards;
- in clause 4.1.2, deleting the words ‘are encouraged to’ and inserting the word ‘shall’; and
- in clause 4.1.1, deleting the words ‘or Local Centre.

4.0 Consultation

This policy was advertised from the 18 May 2019 until the 8 June 2019. No submissions were received in relation to this policy during the advertising period.

5.0 Proposed modifications to policy

Administration propose to add, objective 3.4 to the objectives section of the policy. This objective discusses the amenity impacts that a child care premises could have on a surrounding area and seeks to ensure that child care centres do not have adverse impact on the rest of the community in relation to elements such as noise and traffic. The other objectives of the policy currently do not cover this aspect.

It is proposed that clause 4.1.1, which relates to which zones child care premises are encouraged to locate, be removed from the policy due to the clause being vague. It is considered that objective 3.1, and clause 4.1.2, guides the desired location of these premises more clearly. The permissibility table in LPS 3 also allows for child care premises to be considered in all zones which would override this clause.

The final modification to the policy proposed by administration is to modify the draft clause 4.1.2 to 'Residential zoned lot' rather than 'Residential lot'. This is so that lots which are not zoned Residential (e.g. Mixed Use) but contain a residential property are not captured by this clause. This word was added to clarify the intent of the clause.

Note: with the removal of clause 4.1.1, previous clause 4.1.2 is renumbered to 4.1.1.

6.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 2, Clause 4(3) of the Regulations, sets out that after the expiry of the 21-day advertising period, the local government must review the proposed policy in light of any submissions made and resolve to:

- a) Proceed with the policy without modification;
- b) Proceed with the policy with modification; or
- c) Not to proceed with the policy.

Administration recommends that Council resolves to proceed with the adoption of the Child Care Premises policy with modifications, having been advertised in from the 18 May 2019 until the 8 June 2019.

7.0 Conclusion

The Child Care Premises Policy provides the City with an operative local planning framework in place under LPS 3 to adequately address the built form and land use requirements associated with Child Care Premises. The modifications proposed to the draft policy provide clarity to both Administration and Council when assessing planning applications for Child Care Premises within the City on zoned land.

It is recommended that Council endorses the administration recommendation as set out in the resolution.



LOCAL PLANNING POLICY – CHILD CARE PREMISES

1.0 PURPOSE

1.1 This policy provides development standards relating to the location, siting and design of Child care premises, and sets out matters the City will have regard to in considering an application for development approval.

2.0 APPLICATION OF POLICY

2.1 This policy applies to all Child care premises proposals within the City of Nedlands.

2.2 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area; the provisions of that specific Local Planning Policy, or Local Development Plan prevail.

3.0 OBJECTIVES

3.1 To provide for the establishment of Child care premises in appropriate locations.

3.2 To ensure the scale, siting and design of Child care premises are compatible with the surrounding built environment, particularly residential areas.

3.3 To ensure the siting of Child care premises do not incur significant risks from environmental health and safety hazards.

3.4 To ensure that Child care premises do not have an adverse impact on the amenity of surrounding areas, particularly residential areas.

4.0 POLICY MEASURES

4.1 Location

4.1.1 Child care premises shall be located on a lot which has no more than two boundaries to a Residential zoned lot.

4.2 Building Height within the Residential Zone

4.2.1 The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Maximum Building Height		
Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
8.5m	8.5m	10m



4.2.2 Building heights in all other zones are to be in accordance with any relevant scheme provisions, local development plan or local planning policy for that zone.

4.3 Building Setbacks within the Residential Zone

4.3.1 Building setbacks in the 'Residential' zone are to be in accordance with Part 5 of the R-Codes, except for the following:

R-Code	Minimum Primary Street Setback	Minimum Secondary Street Setback
R10, R12.5 and R15	9m	3m
R20 and R25	6m	1.5m
R30 and above	4m	1.5m

4.3.2 Building setbacks in all other zones are to be in accordance with any relevant scheme provisions, local development plan or local planning policy for that zone.

4.4 Lot size

4.4.1 Sites selected for Child care premises should be of sufficient size and suitable shape to accommodate the development, including all buildings, parking for staff and parents, outdoor play areas and landscaping, as determined by the City.

4.4.2 Generally, sites in a residential area should be of regular shape and greater than 1000m² in size.

4.5 Site Cover

4.5.1 Child care premises developments shall ensure the site coverage proposed provides for the appropriate outdoor play spaces in accordance with the Child Care Services Act and Regulations.

4.5.2 Within the Residential zone, Child care premises developments are subject to the 'Open space' and 'Solar access for adjoining sites' development standards of the Residential Design Codes for the specified density code.

4.6 Noise

4.6.1 The layout and design of the premises shall include noise attenuation measures to reduce the impact of the use on adjoining and surrounding properties.

4.6.2 Noise-generating activities such as play areas, vehicle accessways, car parking areas and any plant and equipment shall be located in areas of the development which minimise impact on adjoining sensitive land uses.



4.7 Hours of Operation

- 4.7.1 Unless otherwise approved, with due regard to impact on residential amenity, the hours of operation of a Child care premises will be restricted 7.00am to 7.00pm on weekdays and 8.00am to 6.00pm on weekends.

4.8 Parking and Traffic

- 4.8.1 Parking and access will be assessed as per the City's Parking Local Planning Policy.

- 4.8.2 Driveways shall be designed for two way access to allow for vehicles to enter the street in forward gear where the distance from an on-site car parking space to the road is 15m or more; or the public street to which access is provided is designated as a primary distributor, district distributor or integrated arterial road.

4.9 Other considerations – Health and Building approval

- 4.9.1 The applicant is advised to consult with the City's Building Services & Environmental Health departments to determine if a Building Permit or Food Business application is required for a short-term accommodation use.

5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 5.1 In addition to the general requirements for an application for development approval, the following are required:

- 5.1.1 Traffic Impact Statement or Assessment certified by a suitably qualified traffic engineer may be required where in the opinion of the City, the proposed Child care premises has the potential to impact on the functionality and amenity of an area; and

- 5.1.2 Acoustic Report prepared by a suitably qualified acoustic consultant. A noise management plan is also required where identified by the acoustic report.

- 5.2 The following matters are to be addressed in the applicants cover letter:

- Hours of operation;
- Staff numbers;
- Children numbers;
- Drop-off pick-up areas; and
- Parking management plan.

6.0 RELATED LEGISLATION

- 6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.



6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Child Care Services Act 2007
- Child Care Services Regulations 2007
- Child Care Services (Child Care) Regulations 2006
- State Planning Policy 7.3 – Residential Design Codes Volume 1
- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
- Parking Local Planning Policy
- Consultation of Planning Proposals Local Planning Policy

DRAFT

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

LOCAL PLANNING POLICY – CHILD CARE PREMISES

1.0 PURPOSE

1.1 This policy provides development standards relating to the location, siting and design of Child care premises, and sets out matters the City will have regard to in considering an application for development approval.

2.0 APPLICATION OF POLICY

2.1 This policy applies to all Child care premises proposals within the City of Nedlands.

2.2 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area; the provisions of that specific Local Planning Policy, or Local Development Plan prevail.

3.0 OBJECTIVES

3.1 To provide for the establishment of Child care premises in appropriate locations.

3.2 To ensure the scale, siting and design of Child care premises are compatible with the surrounding built environment, particularly residential areas.

3.3 To ensure the siting of Child care premises do not incur significant risks from environmental health and safety hazards.

3.4 ~~To ensure that Child care premises do not have an adverse impact on the amenity of surrounding areas, particularly residential areas.~~

Commented [RC1]: Reinserted objective around amenity of Child care premises on surrounding areas as it relates to the Child care premises fitting with the amenity of the area in which they locate in relation to noise, traffic movements etc.

4.0 POLICY MEASURES

4.1 Location

~~4.1.1 Child care premises are encouraged to be located within Neighbourhood Centre, or Mixed Use.~~

Commented [RC2]: Removed this clause as vague and covered in objective 3.1.

4.1.24.1.1 Child care premises shall be located on a lot which has no more than two boundaries to a Residential zoned lot.

Commented [RC3]: Added the word zoned to clarify that it relates to residential zoned properties and not properties which may be zoned mixed use but have a residential use on the site

4.2 Building Height within the Residential Zone

4.2.1 The maximum building height as measured from the natural ground level is to be in accordance with the following table:



Maximum Building Height		
Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
8.5m	8.5m	10m

4.2.2 Building heights in all other zones are to be in accordance with any relevant scheme provisions, local development plan or local planning policy for that zone.

4.3 Building Setbacks within the Residential Zone

4.3.1 Building setbacks in the 'Residential' zone are to be in accordance with Part 5 of the R-Codes, except for the following:

R-Code	Minimum Primary Street Setback	Minimum Secondary Street Setback
R10, R12.5 and R15	9m	3m
R20 and R25	6m	1.5m
R30 and above	4m	1.5m

4.3.2 Building setbacks in all other zones are to be in accordance with any relevant scheme provisions, local development plan or local planning policy for that zone.

4.4 Lot size

4.4.1 Sites selected for Child care premises should be of sufficient size and suitable shape to accommodate the development, including all buildings, parking for staff and parents, outdoor play areas and landscaping, as determined by the City.

4.4.2 Generally, sites in a residential area should be of regular shape and greater than 1000m² in size.

4.5 Site Cover

4.5.1 Child care premises developments shall ensure the site coverage proposed provides for the appropriate outdoor play spaces in accordance with the Child Care Services Act and Regulations.

4.5.2 Within the Residential zone, Child care premises developments are subject to the 'Open space' and 'Solar access for adjoining sites' development standards of the Residential Design Codes for the specified density code.



4.6 Noise

- 4.6.1 The layout and design of the premises shall include noise attenuation measures to reduce the impact of the use on adjoining and surrounding properties.
- 4.6.2 Noise-generating activities such as play areas, vehicle accessways, car parking areas and any plant and equipment shall be located in areas of the development which minimise impact on adjoining sensitive land uses.

4.7 Hours of Operation

- 4.7.1 Unless otherwise approved, with due regard to impact on residential amenity, the hours of operation of a Child care premises will be restricted 7.00am to 7.00pm on weekdays and 8.00am to 6.00pm on weekends.

4.8 Parking and Traffic

- 4.8.1 Parking and access will be assessed as per the City's Parking Local Planning Policy.
- 4.8.2 Driveways shall be designed for two way access to allow for vehicles to enter the street in forward gear where the distance from an on-site car parking space to the road is 15m or more; or the public street to which access is provided is designated as a primary distributor, district distributor or integrated arterial road.

4.9 Other considerations – Health and Building approval

- 4.9.1 The applicant is advised to consult with the City's Building Services & Environmental Health departments to determine if a Building Permit or Food Business application is required for a short-term accommodation use.

5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 5.1 In addition to the general requirements for an application for development approval, the following are required:
 - 5.1.1 Traffic Impact Statement or Assessment certified by a suitably qualified traffic engineer may be required where in the opinion of the City, the proposed Child care premises has the potential to impact on the functionality and amenity of an area; and
 - 5.1.2 Acoustic Report prepared by a suitably qualified acoustic consultant. A noise management plan is also required where identified by the acoustic report.



5.2 The following matters are to be addressed in the applicants cover letter:

- Hours of operation;
- Staff numbers;
- Children numbers;
- Drop-off pick-up areas; and
- Parking management plan.

6.0 RELATED LEGISLATION

6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Child Care Services Act 2007
- Child Care Services Regulations 2007
- Child Care Services (Child Care) Regulations 2006
- State Planning Policy 7.3 – Residential Design Codes Volume 1
- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
- Parking Local Planning Policy
- Consultation of Planning Proposals Local Planning Policy

DRAFT

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

PD26.19	Local Planning Scheme 3 – Local Planning Policy Parking
----------------	--

Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	1. Draft Parking LPP 2. Draft Parking LPP – tracked changes

1.0 Executive Summary

The purpose of this report is for Council to adopt the Parking Local Planning Policy (LPP). The draft policy has three modifications proposed post advertising. These modifications can be viewed in Attachment 2.

The purpose of this policy is to define the standards for parking areas and appropriate number of car parking bays and associated facilities for each applicable land use. It also includes provisions for vehicle access and ancillary facilities. The policy seeks to encourage the provision of amenities that enable and promote alternative modes of transport (including cycling, walking, public transport and motorcycles) and adaptability to changes in technology.

This policy seeks to ensure that developments are constructed to a high standard, reducing potential detrimental impacts to the surrounding area and assist in managing future traffic and parking issues.

Further to this, the provisions of the LPP must be taken into consideration by the decision maker including the JDAP or SAT. The risk is that in the absence of an LPP, relating to a matter that is of concern to Council, the decision maker will have no guidance as to the Council's views and will come to its own conclusion and decision.

Once adopted the policy will have to be referred to the West Australian Planning Commission (WAPC) for approval, this is because the policy seeks to amend Part 3.9 of State Planning Policy 7.3 *Residential Design Codes Volume 2 – Apartments* (R-Codes Vol.2) with non-residential parking ratios and other parking related standards, which, under part 1.2.3 of the R-Codes Vol.2 require WAPC approval.

2.0 Recommendation to Committee

Council proceeds to adopt the Parking Local Planning Policy, with modifications set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.; and refers the Parking Local Planning Policy to the Western Australian Planning Commission for final approval in line with State Planning Policy SPP7.3, *Residential Design Codes Volume 2 – Apartments 2019* clause 1.2.3 and the City's *Local Planning Scheme No 3* clause 32.4(5).

3.0 Background

At the Special Council Meeting 2 May 2019 Council resolved to prepare and advertise a series of policies for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

The LPP was modified via Councils Resolution and specifically altered the parking ratios for the following:

- Office car parking bay requirements revert to TPS 2 being 4.75 bays per 100m² of Net Lettable Area (NLA); and
- Shop car parking bay requirements revert to TPS 2 being 8.3 bays per 100m² of NLA.

4.0 Detail

The draft LPP is proposed to be modified post advertising with three changes being made. The modifications are proposed as a result of further research being undertaken, analysing other Local Governments, guidelines, local context and the one submission which was provided during advertising.

Proposed modification 1 - Office

The parking ratios set out in Table 1 for the land use 'Office' which is defined as a premises used for administration, clerical, technical, professional or similar business activities, have been modified to a standard of 1 car parking bay per 40m² of NLA. This new proposed ratio is in line with the Road and Traffic Authority New South Wales Guide to Traffic Generating Developments (RTA Guide) which suggests that the ratio be 1 bay per 40m² of NLA. There is no such guide in Western Australia. Along with the guidelines this ratio is in line with many other Local Governments as shown below in Table 1.

This research along with the City of Nedlands context have shaped the suggested parking ratio of 1 bay per 40m² of NLA for the land use of 'Office'. The former Town Planning Scheme 2 (TPS 2) parking ratio of 4.75 bays per 100m² of NLA are no longer in line with current best practice standards due to the age of the Scheme and parking ratios. The ratios applied under TPS 2 were heavily onerous in comparison to the RTA Guide and other comparable Local Governments.

Table 1:

Local Government	Office Parking Ratio
City of Vincent	1 bay per 50m ² of NLA
City of Subiaco	1 bay per 40m ² of NLA
City of Melville	1 bay per 50m ² of NLA
Town of Victoria Park	1 bay per 40m ² of NLA

Proposed modification 2 - Shop

A 'Shop' is defined under LPS 3 as a premises other than a bulky goods showroom, a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services. The land use parking ratio provision for the land use category of 'Shop' was modified by Council at the Special Council Meeting of 2 May 2019 with a ratio of 8.3 car bays per 100m² of NLA being applied and advertised. This ratio results in approximately 1 car bay per 12m² of NLA. This ratio was suggested by Council as it is in line with the previous TPS 2. The ratios suggested under TPS 2 are no longer in line with current best practice as they were created with a 1985 context. Technology, car dependency and the way businesses have operated have changed significantly since the parking ratios were developed.

The administration proposed parking ratio for the use of 'Shop' is 1 bay per 20m² of NLA. This ratio has been suggested as this is in line with the NSW guidelines which suggests a ratio of anywhere between 1 bay per 16m² to 24m² NLA depending on the scale and operation of the shop. Further, a 1 bay per 20m² ratio is in line with similar Local Governments in Western Australia as shown in Table 2. As well as being in line with other Local Governments, the former Dalkeith Special Control Area which was approved by Council in 2012 as an amendment to TPS 2, provided a parking ratio of 1 bay per 25m² of NLA for the use of Shop.

This research has led Administration to recommend a parking ratio of 1 bay per 20m² of NLA for the use of Shop as being best practice in 2019

Table 2:

Local Government	Shop Parking Ratio
City of Vincent	1 bay per 20m ² of NLA
City of Subiaco	1 bay per 20m ² of NLA
City of Melville	1 bay per 20m ² of NLA
City of South Perth	1 bay per 25m ² of NLA

Proposed modification 3 - Rounding

The third proposed modification is in relation to the rounding of parking bays to the nearest whole number. Table 1, note 1 of the draft policy has also been modified to remove the word 'up' which was an administrative error. This word has been removed so that applications who need 4.1 bays as per their calculated NLA and ratio will need 4 bays rather than requiring 5 bays. Rounding to the nearest whole number is current best practice.

5.0 WAPC Approval

When Council adopts this policy, all provisions can be applied immediately to land zoned Private Community Purposes and Service Commercial.

However, the parking ratios and parking design elements will not be enforceable within the Neighbourhood Centre, Local Centre and Mixed Use zones until such time as the WAPC provides approval of the policy.

The reason for this, is due to clause 32.4(5) of LPS 3 which states that where standards are not contained within a Structure Plan, Activity Centre Plan or Local Development Plan, all non-residential developments within Mixed Use, Neighbourhood Centre and Local Centre zones are subject to the standards of the R-Codes.

The draft policy seeks to amend Part 3.9 – Car and bicycle parking of the R-Codes Vol.2 with non-residential parking ratios and other parking related standards, which, under part 1.2.3 of the R-Codes Vol.2 require WAPC approval.

Part 3.8 - Vehicle Access of the R-Codes Vol.2 is able to be modified by the Local Government without WAPC approval if it is in line with the element objectives. Therefore, the Vehicle Access section of the policy, once adopted by Council, is applicable to all zones without any further approval required from the WAPC.

Accordingly, once adopted by Council, the policy will be referred to the WAPC in order to seek their approval for provisions related to parking ratios and parking design within the Mixed Use Local Centre and Neighbourhood centre zones.

6.0 Consultation

This policy was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4* from the 18 May 2019 until the 8 June 2019. One submission was received in relation to this policy during advertising.

The main concerns raised through submissions were in relation to the parking ratios being quite high and onerous on developers specifically in relation to non-residential land uses on Stirling Highway. The submitter specifically objects to the parking ratios of the following uses;

- Convenience Store, Lunch Bar, Liquor Store-small, restaurant/café at 1 car bay per 30m² of NLA;
- Office at 4.75 car bays per 100m² of NLA;
- Small Bar / Tavern at 1 car bay per 20m² of NLA; and
- Shop at 8.3 car bays per 100m² NLA.

The submitter believes that the amount of parking required to create a well-balanced and vibrant mix of land uses on a site will result in poor urban design outcomes such as placing carparking at grade or reducing the mix of tenancies due to the cost of providing the large amount of parking required. The submitter believes that the high level of public transport offered along Stirling Highway should be greater taken into account along with full consideration of each individual site context.

This submission has been taken into account and their concerns noted. Two of the four ratios which have been stated are overly onerous have been suggested to be lowered. In relation to the other elements raised in this submission the policy allows for reductions to be applied for in relation to car parking if particular criteria are met and showcased through a Traffic Impact Assessment (TIA). Administration believe that the parking ratios proposed are in line with State wide best practice taking local context into account.

7.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 2, Clause 4(3) of the Regulations, sets out that after the expiry of the 21-day advertising period, the local government must review the proposed policy in light of any submissions made and resolve to:

- a) Proceed with the policy without modification;
- b) Proceed with the policy with modification; or
- c) Not to proceed with the policy.

Administration recommends that Council resolves to proceed with the Parking policy to final adoption with modifications, having been advertised from the 18 May 2019 until the 8 June 2019.

Once adopted the policy will have to be referred to the WAPC for approval under part 1.2.3 of the R Codes Volume 2. The policy seeks to amend Part 3.9 of the Residential Design Codes Volume 2 (R-codes Vol.2) with non-residential parking ratios and other parking related standards.

8.0 Conclusion

The Parking LPP is an integral policy under LPS 3 as to provide provisions and guidance for car parking and associated amenities within the City of Nedlands. In all zones with the absence of a parking table and guidelines within the Scheme itself this policy is a priority. The changes made to the draft policy are believed to reflect best practice and widely used guidelines and ratios.

As such, it is recommended that Council endorses administration's recommendation and provides final adoption the policy with modifications to be sent to the WAPC for final approval.



LOCAL PLANNING POLICY – PARKING

1.0 PURPOSE

1.1 The purpose of this policy is to:

- define standards for parking, vehicle access and parking facilities to ensure developments are constructed to a high standard and managed to reduce any potential detrimental impacts to the surrounding area; and
- encourage the provision of services that enable and promote alternative modes of transport (including cycling, walking, public transport and motorcycles) and adaptability to changes in technology.

2.0 APPLICATION OF POLICY

2.1 This policy applies to all development on land that is reserved or zoned under Local Planning Scheme 3 (LPS 3), within the City of Nedlands.

2.2 This policy is to be read in conjunction with LPS 3 and State Planning Policy 7.3 – Residential Design Codes Volumes 1 & 2 (R-Codes).

2.3 Where this policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area, the provisions of that specific Local Planning Policy, or Local Development Plan will prevail.

3.0 OBJECTIVES

3.1 To facilitate the development of sufficient parking facilities for motor vehicles, motorcycles/scooters and bicycles.

3.2 To ensure safe, convenient and efficient access for pedestrians, cyclists and motorists.

3.3 To ensure a high standard of design of parking facilities, including adequate landscaping.

3.4 To promote the use of alternative modes of transport.

3.5 To ensure that parking facilities and access ways do not have a detrimental impact on the character and amenity of an area.

4.0 POLICY MEASURES

PARKING REQUIREMENTS

4.1 Minimum parking requirements



4.1.1 All development shall provide parking on-site in accordance with Table 1, unless otherwise stated within this policy or approved by the City.

Table 1: Parking Requirements

Land Use	Minimum no. of Car Parking Bays Required	Minimum no. of Bicycle Parking Bays
Amusement parlour Betting agency Cinema/theatre	1 car bay per 5 patrons at capacity; and 1 car bay per 2 staff members.	1 bicycle space per 50m ² of NLA
Art gallery Exhibition centre	1 car bay per 30m ² of NLA.	1 bicycle space per 200m ² of NLA
Animal Establishment	1 bay per staff member; and 1 drop off/pick-up bay per 6 animals.	Nil
Bed and breakfast Holiday accommodation Holiday house	1 car bay per guest bedroom; in addition to the number of car bays required under the R-Codes for the dwelling.	Nil
Caretaker's dwelling	1 car bay in addition to the number of bays required for the predominant use.	Nil
Child care premises	1 car bay for every staff member; 1 space for every 6 children in attendance; and 1 drop off/pick up bay per 30 children.	1 bicycle space per 200m ² of NLA
Civic use Club premises Community purpose Place of worship Reception centre	1 car bay per 10m ² of NLA; and 1 car bay per staff member.	1 bicycle space per 200m ² of NLA
Consulting rooms Veterinary centre Medical centre	3 car bays for each practitioner. In addition to the above, 2 car bays for each practitioner in excess of 2 practitioners.	1 bicycle parking space per 10 car parking bays.
Convenience store Lunch bar Liquor store – small Restaurant/café	1 car bay per 30m ² of NLA.	1 bicycle space per 30m ² of NLA
Educational establishment		
- Pre-primary	1 car bay per staff member;	N/A
- Primary	1.25 car bays per classroom;	1 space per 5 students



- Secondary	3 car bays per classroom;	1 space per 5 students
- Tertiary/Technical	1.25 car bays per classroom, one bay per 3.5 students. In addition to the above, 1 drop off/pick up bay per classroom.	1 space per 10 students
Family day care	1 car bay in addition to the requirements of the R-Codes for the dwelling.	Nil.
Fast Food outlet	1 car bay per 20m ² of NLA.	1 bicycle space per 200m ² of NLA
Funeral parlour	1 car bay per 50m ² of NLA.	1 bicycle space per 200m ² of NLA
Hotel Motel Serviced apartment	1 bay per 5 guest rooms; and 1 bay per 2 staff members 1 car bay per unit; and 1 car bay per 2 staff members.	1 bicycle space per 5 guest rooms.
Hospital	1 car bay per 3 beds; 1 car bay per 2 staff members.	1 bicycle space per 10 car parking bays.
Home business	Additional spaces as required by the number of staff and customers coming to the property, in addition to the requirements of the R-Codes.	Nil.
Industry light	1 car bay per 50m ² of NLA.	1 bicycle space per 200m ² of NLA
Market	2 car bays per stall.	1 bicycle space per 30m ² of NLA
Motor vehicle, boat or caravan sales	1 car bay per 100m ² open display area; and 1 car bay per 2 staff members.	1 bicycle space per 200m ² of NLA
Motor vehicle repair Motor vehicle wash	3 car bays per service bay; and 1 car bays per 4 staff members.	1 bicycle space per 200m ² of NLA
Office	1 car bay per 40m ² of NLA.	1 bicycle space per 200m ² of NLA
Recreation – private	1 car bay per 20m ² of NLA.	1 bicycle space per 50m ² of NLA
Residential (Single House, Grouped Dwelling, Ancillary Dwelling, Aged and Dependent Persons Dwelling, Single Bedroom Dwelling, Multiple Dwelling)	As per R-Codes.	As per R-Codes.



Residential aged care facility	1 car bay per 3 beds; and 1 car bay per 2 employees.	1 bicycle space per 200m ² of NLA
Service station	1 car bay per 20m ² of NLA (in addition to re-fuelling bays, car washing and service bays).	1 bicycle space per 200m ² of NLA
Small bar Tavern	1 car bay per 20m ² of NLA (inclusive of dining areas and function rooms).	1 bicycle space per 30m ² of NLA
Shop	1 car bay per 20m ² of NLA.	1 bicycle space per 30m ² of NLA
Trade displays Trade supplies Garden centre Bulky goods showroom	1 car bay per 30m ² of NLA.	1 bicycle space per 200m ² of NLA
Warehouse/storage	1 car bay per 100m ² of NLA.	1 bicycle space per 200m ² of NLA
All land uses	Motorcycle/scooter parking provided at a rate of 1 bay per 20 car parking bays	
Note 1: The number of parking spaces calculated shall be rounded to the nearest whole number.		
Note 2: The parking demand for developments with multiple land uses is calculated based on the total demand for all uses on the site (where car parking is not allocated by a strata plan), which applies even if there is a change to only one use.		

4.2 Maximum number of car parking bays

4.2.1 The maximum number of car parking bays provided shall be no more than twice the minimum figure from Table 1.

4.3 Reductions to minimum number of car parking bays

4.3.1 The City may consider the following reductions to car parking bays required by Table 1 of this Policy. The number of car parking bays required in accordance with Table 1 may be reduced where the criteria in Table 2 is satisfied. These reductions apply to all uses except for Residential land uses.

4.3.2 The maximum reduction to the required car parking of Table 1 for developments is 30% (i.e. a minimum of 70% of the Table 1 car parking requirement must be provided).

Table 2: Car Parking Reductions

Performance Criteria	Reduction Percentage
Within 400m of a train station entrance*	20%
Within 800m of a train station entrance*	10%
Within 250m of a stop on a high frequency bus route*	10%
Within 400m of a stop on a high frequency bus route*	5%



Note 1: *The distance is measured from the pedestrian entry at lot boundary using the road system (walkable catchment).

4.4 Bicycle parking spaces and end of trip facilities

- 4.4.1 Bicycle parking is to be located on-site and shall ensure public access and universal access is available at all times.
- 4.4.2 The ratio of long-term bicycle parking for staff and short-term bicycle parking for visitors shall be demonstrated by the applicant based on the land use and the scale of the proposal to the satisfaction of the City.
- 4.4.3 Where 5 or more long term bicycle parking bays are required to be provided, end-of-trip facilities are to be provided. End of trip facilities are to be designed in accordance with the following criteria:
- (a) A minimum of one unisex shower, change room, for every 10 bicycle parking bays up to a maximum of 6 male and 6 female showers (or 12 unisex); and
 - (b) A locker of functional and suitable size to be provided for every bicycle parking bay provided.
- 4.4.4 All required end of trip facilities shall be appropriately located to ensure easy access from bicycle parking areas and be in common property if shared by more than one tenancy.
- 4.4.5 All end of trip facilities are required to be designed in accordance with the relevant Australian standards and Building Codes including universal access.
- 4.4.6 Bicycle parking spaces and end of trip facilities are only required to be provided for new developments and not where a change of use is proposed in an existing building.

4.5 Motorcycle bays

- 4.5.1 Motorcycle (includes Scooter and Moped) parking spaces are to be provided at the rate specified in Table 1 of this Policy, in addition to the minimum car and bicycle parking requirements.
- 4.5.2 Motorcycle bays are only required to be provided for new developments and not where a change of use is proposed in an existing building.

4.6 Special purpose car parking bays

- 4.6.1 Service/Loading Bays – Where a service/loading bay is required for a land use it is to be provided in addition to the minimum number of car parking bays required under Table 1. A variation to this requirement may be appropriate where it can be demonstrated, through a Parking Management Plan, that a service bay is either not required due to the type of land use, can be shared with visitor parking or may be located off-site.



4.6.2 Drop Off/Pick Up Bays – To be provided as per Table 1 in either a separate area or bays which are specifically signed and designed for this purpose.

4.6.3 Waiting bays – Car parking bays shall be provided for ‘waiting purposes’ in addition to the parking required in Table 1 of this policy for uses which have a significant portion of business through pick-up and/or have a drive-through component. These bays shall be available in a location convenient for the user to ensure efficient use of the bay and are to be occupied for a maximum of 5 minutes, with signage provided to this effect.

4.7 Change of use applications

4.7.1 Change of use applications require compliance with the requirements of this policy, unless specified. This may require sites to be upgraded to provide additional car parking bays. All car parking bays and circulation areas are required to be designed in accordance with the relevant Australian standards and Building Codes including universal access (ACROD Bays).

4.8 Land uses which are not within table 1

4.8.1 Where a land use is not listed within Table 1 of this Policy, the parking ratio will be determined having regard to the objectives of this policy, similar uses and surrounding uses. This is the same as ‘Uses not Listed’ within Local Planning Scheme No. 3.

4.9 Cash-in-lieu

4.9.1 The purpose of clause 4.9 is not to replace the developer’s responsibility to provide sufficient on-site parking, but rather to allow for development to occur where the full amount of parking cannot reasonably be provided on site. Cash-in-lieu operates as a mechanism for the City to provide for public car parking infrastructure nearby, in accordance with an adopted Car Parking Strategy or Plan.

4.9.2 Cash-in-lieu of parking will only be considered where a proposal is unable to meet the car parking requirements in Table 1 (i.e. after any reductions in accordance with Table 2) of this Policy and shall be applied in accordance with a Car Parking Strategy or Plan adopted by Council.

4.9.3 Where Cash-in-lieu is deemed acceptable by the City, it is to be applied in accordance with clause 32 of Local Planning Scheme No. 3.

4.10 Shared car parking

4.10.1 Development applications proposing shared car parking must demonstrate compliance with clause 32 of LPS 3.

4.10.2 Where car parking is proposed to be shared between tenancies on the same lot or between separate lots (strata or parent), a Parking Management Plan is required to be provided as per the provisions of this policy.



PARKING LAYOUT AND DESIGN

4.11 Application of R-Codes Vol. 2

4.11.1 For all development in all zones, vehicle access and parking design are to be provided in accordance with Part 3.8 and 3.9 of the R-Codes Vol. 2, except where specified in this Policy.

4.12 Vehicle access

4.12.1 Driveways and Crossovers (where applicable) shall be:

- (a) Setback of 0.5m to a side boundary;
- (b) Setback of 1.0m to the nearest point of a street pole;
- (c) Setback of 2.0m to the nearest point of a street tree unless removal or reduced setback approved through a Nature Strip Works Application (NSWA);
- (d) Setback 1.5m to a side entry drainage pit as measured from the crossover (not the splay);
- (e) Aligned at right angles to the street, and parallel in width;
- (f) Designed for vehicles to enter the street in a forward gear; and
- (g) A minimum of 3m and maximum of 6m in width.

4.12.2 Any variation to the above clause requires a Nature Strip Works Application (NSWA) approval by the City prior to approval of the Development Application. Compliance with the above will still require a NSWA, however this can be approved after the development application.

4.12.3 Entry and exit points are to be designed to minimise:

- (a) Potential traffic or pedestrian/cyclist hazards;
- (b) Potential traffic congestion;
- (c) Interference with public transport facilities; and
- (d) Potential impact on City infrastructure (including street trees).

4.12.4 Where a site has access from a number of streets (including Laneways and Rights of Ways) access is to be obtained from the lowest hierarchy road where possible.

4.13 Design of parking areas

4.13.1 Any redundant crossover/s are to be removed and the verge and kerb reinstated to the City's satisfaction.

4.13.2 All new parking areas (including car, bicycle and motorcycle parking) shall be designed to comply with the Australian Standards including universal access.

4.13.3 Change of use applications which requires the provision of additional parking, shall upgrade any existing car parking in accordance with the relevant Australian Standards including universal access.



- 4.13.4 All parking areas (including car, bicycle and motorcycle parking) are to be sealed, drained, marked and maintained thereafter by the landowner to the City's satisfaction.
- 4.13.5 Car parking areas for customers and staff shall be designed so that they are not located within the street setback area and are not visually prominent from the street where possible/practical. Where practical, access to parking areas should be separate from the service access and (un)loading areas.
- 4.13.6 Visitor and customer parking shall be publicly accessible at all times and shall not be located behind a gate (or similar), unless it can be appropriately managed through building systems (such as intercom) or other such method approved by the City.
- 4.13.7 Car parking in tandem or in mechanical stacking is permitted when able to be sufficiently managed by the tenant/landowner. This is required to be demonstrated in a Parking Management Plan.
- 4.13.8 Developments shall be designed to accommodate on-site traffic queuing. Where vehicles are required to queue (such as waiting for a car park door to open), it must be done within the property boundaries and not on a public street or road reserve.
- 4.13.9 All loading bays shall be provided at grade within the property with enough clearance above the bay to accommodate small commercial vehicles (such as a vehicle used in residential relocations).
- 4.14 Service access**
- 4.14.1 Service access to be provided to the rear or beneath a building for loading and unloading of goods where possible.
- 4.14.2 Service access shall be designed to segregate vehicles, both moving and stationary, from parking areas and access ways provided for general parking.
- 4.14.3 Loading/unloading areas should not be located so as to cause breach of the relevant noise regulations in relation to adjoining residential properties and proposed residential components for mixed use developments.
- 4.15 Signage**
- 4.15.1 Way finding signage including entry and exit points and vehicle circulation patterns are to be clearly indicated through appropriate signage to the City's satisfaction.
- 4.15.2 In a mixed-use development, car parking bays should be clearly marked or signposted differentiating between residential car parking bays, visitor car bays and the non-residential car parking bays to the City's satisfaction.



4.15.3 Directional signage shall be provided indicating way finding directions to access points and exits as well as towards specific tenancies (where applicable) to the City's satisfaction.

4.16 Lighting

4.16.1 Where 10 or more car bays are provided, car park lighting is required. Lighting is to be designed so as not to negatively impact upon residential properties, either on or adjoining the subject property.

PARKING AND TRANSPORT ASSESSMENTS

4.17 Parking management plan

4.17.1 A Parking Management Plan (non-technical) is required:

- (a) Where a proposal seeks shared car parking;
- (b) Where a proposal seeks alternative methods of car parking (including, but not limited to car stackers and/or turntables);
- (c) Where car parking is proposed to be in tandem;
- (d) When a car sharing program is proposed;
- (e) When special purpose car parking bays are proposed to be located off-site; or
- (f) Where a proposal seeks a variation to Table 1: Minimum Car Parking Requirements (including where reductions are sought in accordance with Table 2).

4.17.2 The City may also require a Parking Management Plan for large scale Child care centres and Education establishments to manage drop-off/pick up areas.

4.17.3 A Parking Management Plan shall detail how parking for the proposed development will be managed and identify practical strategies to minimise parking conflicts including between users.

4.17.4 A Parking Management Plan should include but is not limited to the following:



- (a) Description of the development;
- (b) Vehicle access and parking arrangements;
- (c) Hours of operation;
- (d) Provision for service vehicles;
- (e) Estimate of daily traffic volumes;
- (f) Type of car parking spaces (for example tenant/staff spaces, customer spaces, spaces for persons with a disability, loading spaces, motorcycle/scooter spaces and bicycle spaces);
- (g) Location of nearest bus stops/train station and the level of accessibility;
- (h) Pedestrian access and level of accessibility (e.g. footpaths and condition of footpaths);
- (i) Cycle access and level of accessibility (e.g. bicycle paths and condition of bicycle paths);
- (j) Where car stackers are proposed, details on how the system will be operated;
- (k) For reciprocal car parking, details demonstrating that the peak hours of operation of the different uses on the land are different or do not substantially overlap; and
- (l) Any other information deemed necessary by the City.

4.18 Transport impact assessment and transport impact statement

- 4.18.1 A Transport Impact Statement or Assessment is required for moderate to high impact development applications as defined by the Western Australian Planning Commission's Transport Impact Assessment Guidelines.
- 4.18.2 The Transport Impact Assessment or Statement shall be prepared by qualified person in accordance with the Western Australian Planning Commission's Transport Impact Assessment Guidelines.

5.0 VARIATIONS TO THIS POLICY

- 5.1 Where a proposal does not increase an existing approved shortfall of car parking (in accordance with the car parking requirements in Table 1) then the proposal is not considered a variation to this Policy.
- 5.2 Variations to this Policy shall be determined in accordance with the objectives of this Policy.
- 5.3 Applicants seeking variations to this Policy are required to submit a detailed written statement addressing each of the objectives of this policy for the City's assessment.

6.0 RELATED LEGISLATION

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3
- State Planning Policy 7.3 – Residential Design Codes



- Australian Standards. Including but not limited to:
- AS2890.1 – Off Street Parking
- AS2890.2 – Commercial vehicles
- AS2890.3 – Bicycle Parking Facilities

7.0 DEFINITIONS

7.1 For the purpose of this Policy the following definitions apply:

Definition	Meaning
End of trip facilities	Facilities which enable cyclists to shower and change at the beginning or end of their journey. The facilities include separate male and female change rooms, showers and storage lockers.
High frequency bus route	As per the R-Codes.
High impact development application	> 100 vehicle trips in the development's peak hour
Long Term Bicycle Parking Facilities	Long term bicycle parking facilities include those of a security Level A and B in accordance with AS 2890.3 (as amended).
Mechanical parking devices	Includes, but is not limited to, car stackers, car turntables and car lifts.
Moderate impact development application	10 -100 vehicle trips in the development's peak hour
Net Lettable Area (NLA)	As per Local Planning Scheme No. 3.
Redundant Crossover	A crossover is considered to be redundant when it is not connected to a driveway or will being a development approval or approved to be re-purposed as car parking within the verge through a Nature Strip Works Application (NSWA).
Short Term Bicycle Parking Facilities	Short term bicycle parking facilities include those of a security Level C in accordance with AS 2890.3 (as amended) which does not permit obstruction of car parking bays or vehicle/pedestrian circulation areas.

Council Resolution Number	PD XX.XX
Implementation Date	DRAFT FOR ADVERTISING
Date Adopted	XX XX XXXX

LOCAL PLANNING POLICY – PARKING

1.0 PURPOSE

1.1 The purpose of this policy is to:

- define standards for parking, vehicle access and parking facilities to ensure developments are constructed to a high standard and managed to reduce any potential detrimental impacts to the surrounding area; and
- encourage the provision of services that enable and promote alternative modes of transport (including cycling, walking, public transport and motorcycles) and adaptability to changes in technology.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to all development on land that is reserved or zoned under Local Planning Scheme 3 (LPS 3), within the City of Nedlands.
- 2.2 This policy is to be read in conjunction with LPS 3 and State Planning Policy 7.3 – Residential Design Codes Volumes 1 & 2 (R-Codes).
- 2.3 Where this policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area, the provisions of that specific Local Planning Policy, or Local Development Plan will prevail.

3.0 OBJECTIVES

- 3.1 To facilitate the development of sufficient parking facilities for motor vehicles, motorcycles/scooters and bicycles.
- 3.2 To ensure safe, convenient and efficient access for pedestrians, cyclists and motorists.
- 3.3 To ensure a high standard of design of parking facilities, including adequate landscaping.
- 3.4 To promote the use of alternative modes of transport.
- 3.5 To ensure that parking facilities and access ways do not have a detrimental impact on the character and amenity of an area.



4.0 POLICY MEASURES

PARKING REQUIREMENTS

4.1 Minimum parking requirements

4.1.1 All development shall provide parking on-site in accordance with Table 1, unless otherwise stated within this policy or approved by the City.

Table 1: Parking Requirements

Land Use	Minimum no. of Car Parking Bays Required	Minimum no. of Bicycle Parking Bays
Amusement parlour Betting agency Cinema/theatre	1 car bay per 5 patrons at capacity; and 1 car bay per 2 staff members.	1 bicycle space per 50m ² of NLA
Art gallery Exhibition centre	1 car bay per 30m ² of NLA.	1 bicycle space per 200m ² of NLA
Animal Establishment	1 bay per staff member; and 1 drop off/pick-up bay per 6 animals.	Nil
Bed and breakfast Holiday accommodation Holiday house	1 car bay per guest bedroom; in addition to the number of car bays required under the R-Codes for the dwelling.	Nil
Caretaker's dwelling	1 car bay in addition to the number of bays required for the predominant use.	Nil
Child care premises	1 car bay for every staff member; 1 space for every 6 children in attendance; and 1 drop off/pick up bay per 30 children.	1 bicycle space per 200m ² of NLA
Civic use Club premises Community purpose Place of worship Reception centre	1 car bay per 10m ² of NLA; and 1 car bay per staff member.	1 bicycle space per 200m ² of NLA
Consulting rooms Veterinary centre Medical centre	3 car bays for each practitioner. In addition to the above, 2 car bays for each practitioner in excess of 2 practitioners.	1 bicycle parking space per 10 car parking bays.
Convenience store Lunch bar Liquor store – small Restaurant/café	1 car bay per 30m ² of NLA.	1 bicycle space per 30m ² of NLA



Educational establishment		
- Pre-primary	1 car bay per staff member;	N/A
- Primary	1.25 car bays per classroom;	1 space per 5 students
- Secondary	3 car bays per classroom;	1 space per 5 students
- Tertiary/Technical	1.25 car bays per classroom, one bay per 3.5 students. In addition to the above, 1 drop off/pick up bay per classroom.	1 space per 10 students
Family day care	1 car bay in addition to the requirements of the R-Codes for the dwelling.	Nil.
Fast Food outlet	1 car bay per 20m ² of NLA.	1 bicycle space per 200m ² of NLA
Funeral parlour	1 car bay per 50m ² of NLA.	1 bicycle space per 200m ² of NLA
Hotel Motel Serviced apartment	1 bay per 5 guest rooms; and 1 bay per 2 staff members 1 car bay per unit; and 1 car bay per 2 staff members.	1 bicycle space per 5 guest rooms.
Hospital	1 car bay per 3 beds; 1 car bay per 2 staff members.	1 bicycle space per 10 car parking bays.
Home business	Additional spaces as required by the number of staff and customers coming to the property, in addition to the requirements of the R-Codes.	Nil.
Industry light	1 car bay per 50m ² of NLA.	1 bicycle space per 200m ² of NLA
Market	2 car bays per stall.	1 bicycle space per 30m ² of NLA
Motor vehicle, boat or caravan sales	1 car bay per 100m ² open display area; and 1 car bay per 2 staff members.	1 bicycle space per 200m ² of NLA
Motor vehicle repair Motor vehicle wash	3 car bays per service bay; and 1 car bays per 4 staff members.	1 bicycle space per 200m ² of NLA
Office	1 car bay per 40m² of NLA. 4-75 car bays per 100m² of NLA.	1 bicycle space per 200m ² of NLA
Recreation – private	1 car bay per 20m ² of NLA.	1 bicycle space per 50m ² of NLA

Commented [RC1]: Amended to correlate with the standards of most other Local Governments.



Residential (Single House, Grouped Dwelling, Ancillary Dwelling, Aged and Dependent Persons Dwelling, Single Bedroom Dwelling, Multiple Dwelling)	As per R-Codes.	As per R-Codes.
Residential aged care facility	1 car bay per 3 beds; and 1 car bay per 2 employees.	1 bicycle space per 200m ² of NLA
Service station	1 car bay per 20m ² of NLA (in addition to re-fuelling bays, car washing and service bays).	1 bicycle space per 200m ² of NLA
Small bar Tavern	1 car bay per 20m ² of NLA (inclusive of dining areas and function rooms).	1 bicycle space per 30m ² of NLA
Shop	8.3 car bays per 100m² of NLA. 1 bay per 20m² of NLA.	1 bicycle space per 30m ² of NLA
Trade displays Trade supplies Garden centre Bulky goods showroom	1 car bay per 30m ² of NLA.	1 bicycle space per 200m ² of NLA
Warehouse/storage	1 car bay per 100m ² of NLA.	1 bicycle space per 200m ² of NLA
All land uses	Motorcycle/scooter parking provided at a rate of 1 bay per 20 car parking bays	
Note 1: The number of parking spaces calculated shall be rounded up to the nearest whole number.		
Note 2: The parking demand for developments with multiple land uses is calculated based on the total demand for all uses on the site (where car parking is not allocated by a strata plan), which applies even if there is a change to only one use.		

Commented [RC2]: Shop parking ratio has changed to 1 bay per 20m² as this is in line with universal standards and standards used by most other Local Governments. It is also in line with not encouraging a surplus of car parking which can create worse design outcomes.

Commented [RC3]: Better to round to the nearest whole number rather than round up. Therefore, people who need 4.1 bays would need 4 rather than forcing them to round up and have 5 bays.

4.2 Maximum number of car parking bays

4.2.1 The maximum number of car parking bays provided shall be no more than twice the minimum figure from Table 1.

4.3 Reductions to minimum number of car parking bays

4.3.1 The City may consider the following reductions to car parking bays required by Table 1 of this Policy. The number of car parking bays required in accordance with Table 1 may be reduced where the criteria in Table 2 is satisfied. These reductions apply to all uses except for Residential land uses.

4.3.2 The maximum reduction to the required car parking of Table 1 for developments is 30% (i.e. a minimum of 70% of the Table 1 car parking requirement must be provided).

Table 2: Car Parking Reductions



Performance Criteria	Reduction Percentage
Within 400m of a train station entrance*	20%
Within 800m of a train station entrance*	10%
Within 250m of a stop on a high frequency bus route*	10%
Within 400m of a stop on a high frequency bus route*	5%
<i>Note 1: *The distance is measured from the pedestrian entry at lot boundary using the road system (walkable catchment).</i>	

4.4 Bicycle parking spaces and end of trip facilities

- 4.4.1 Bicycle parking is to be located on-site and shall ensure public access and universal access is available at all times.
- 4.4.2 The ratio of long-term bicycle parking for staff and short-term bicycle parking for visitors shall be demonstrated by the applicant based on the land use and the scale of the proposal to the satisfaction of the City.
- 4.4.3 Where 5 or more long term bicycle parking bays are required to be provided, end-of-trip facilities are to be provided. End of trip facilities are to be designed in accordance with the following criteria:
- (a) A minimum of one unisex shower, change room, for every 10 bicycle parking bays up to a maximum of 6 male and 6 female showers (or 12 unisex); and
 - (b) A locker of functional and suitable size to be provided for every bicycle parking bay provided.
- 4.4.4 All required end of trip facilities shall be appropriately located to ensure easy access from bicycle parking areas and be in common property if shared by more than one tenancy.
- 4.4.5 All end of trip facilities are required to be designed in accordance with the relevant Australian standards and Building Codes including universal access.
- 4.4.6 Bicycle parking spaces and end of trip facilities are only required to be provided for new developments and not where a change of use is proposed in an existing building.

4.5 Motorcycle bays

- 4.5.1 Motorcycle (includes Scooter and Moped) parking spaces are to be provided at the rate specified in Table 1 of this Policy, in addition to the minimum car and bicycle parking requirements.
- 4.5.2 Motorcycle bays are only required to be provided for new developments and not where a change of use is proposed in an existing building.

4.6 Special purpose car parking bays



- 4.6.1 Service/Loading Bays – Where a service/loading bay is required for a land use it is to be provided in addition to the minimum number of car parking bays required under Table 1. A variation to this requirement may be appropriate where it can be demonstrated, through a Parking Management Plan, that a service bay is either not required due to the type of land use, can be shared with visitor parking or may be located off-site.
- 4.6.2 Drop Off/Pick Up Bays – To be provided as per Table 1 in either a separate area or bays which are specifically signed and designed for this purpose.
- 4.6.3 Waiting bays – Car parking bays shall be provided for ‘waiting purposes’ in addition to the parking required in Table 1 of this policy for uses which have a significant portion of business through pick-up and/or have a drive-through component. These bays shall be available in a location convenient for the user to ensure efficient use of the bay and are to be occupied for a maximum of 5 minutes, with signage provided to this effect.

4.7 Change of use applications

- 4.7.1 Change of use applications require compliance with the requirements of this policy, unless specified. This may require sites to be upgraded to provide additional car parking bays. All car parking bays and circulation areas are required to be designed in accordance with the relevant Australian standards and Building Codes including universal access (ACROD Bays).

4.8 Land uses which are not within table 1

- 4.8.1 Where a land use is not listed within Table 1 of this Policy, the parking ratio will be determined having regard to the objectives of this policy, similar uses and surrounding uses. This is the same as ‘Uses not Listed’ within Local Planning Scheme No. 3.

4.9 Cash-in-lieu

- 4.9.1 The purpose of clause 4.9 is not to replace the developer's responsibility to provide sufficient on-site parking, but rather to allow for development to occur where the full amount of parking cannot reasonably be provided on site. Cash-in-lieu operates as a mechanism for the City to provide for public car parking infrastructure nearby, in accordance with an adopted Car Parking Strategy or Plan.
- 4.9.2 Cash-in-lieu of parking will only be considered where a proposal is unable to meet the car parking requirements in Table 1 (i.e. after any reductions in accordance with Table 2) of this Policy and shall be applied in accordance with a Car Parking Strategy or Plan adopted by Council.
- 4.9.3 Where Cash-in-lieu is deemed acceptable by the City, it is to be applied in accordance with clause 32 of Local Planning Scheme No. 3.

4.10 Shared car parking



4.10.1 Development applications proposing shared car parking must demonstrate compliance with clause 32 of LPS 3.

4.10.2 Where car parking is proposed to be shared between tenancies on the same lot or between separate lots (strata or parent), a Parking Management Plan is required to be provided as per the provisions of this policy.

PARKING LAYOUT AND DESIGN

4.11 Application of R-Codes Vol. 2

4.11.1 For all development in all zones, vehicle access and parking design are to be provided in accordance with Part 3.8 and 3.9 of the R-Codes Vol. 2, except where specified in this Policy.

4.12 Vehicle access

4.12.1 Driveways and Crossovers (where applicable) shall be:

- (a) Setback of 0.5m to a side boundary;
- (b) Setback of 1.0m to the nearest point of a street pole;
- (c) Setback of 2.0m to the nearest point of a street tree unless removal or reduced setback approved through a Nature Strip Works Application (NSWA);
- (d) Setback 1.5m to a side entry drainage pit as measured from the crossover (not the splay);
- (e) Aligned at right angles to the street, and parallel in width;
- (f) Designed for vehicles to enter the street in a forward gear; and
- (g) A minimum of 3m and maximum of 6m in width.

4.12.2 Any variation to the above clause requires a Nature Strip Works Application (NSWA) approval by the City prior to approval of the Development Application. Compliance with the above will still require a NSWA, however this can be approved after the development application.

4.12.3 Entry and exit points are to be designed to minimise:

- (a) Potential traffic or pedestrian/cyclist hazards;
- (b) Potential traffic congestion;
- (c) Interference with public transport facilities; and
- (d) Potential impact on City infrastructure (including street trees).

4.12.4 Where a site has access from a number of streets (including Laneways and Rights of Ways) access is to be obtained from the lowest hierarchy road where possible.

4.13 Design of parking areas

4.13.1 Any redundant crossover/s are to be removed and the verge and kerb reinstated to the City's satisfaction.



- 4.13.2 All new parking areas (including car, bicycle and motorcycle parking) shall be designed to comply with the Australian Standards including universal access.
- 4.13.3 Change of use applications which requires the provision of additional parking, shall upgrade any existing car parking in accordance with the relevant Australian Standards including universal access.
- 4.13.4 All parking areas (including car, bicycle and motorcycle parking) are to be sealed, drained, marked and maintained thereafter by the landowner to the City's satisfaction.
- 4.13.5 Car parking areas for customers and staff shall be designed so that they are not located within the street setback area and are not visually prominent from the street where possible/practical. Where practical, access to parking areas should be separate from the service access and (un)loading areas.
- 4.13.6 Visitor and customer parking shall be publicly accessible at all times and shall not be located behind a gate (or similar), unless it can be appropriately managed through building systems (such as intercom) or other such method approved by the City.
- 4.13.7 Car parking in tandem or in mechanical stacking is permitted when able to be sufficiently managed by the tenant/landowner. This is required to be demonstrated in a Parking Management Plan.
- 4.13.8 Developments shall be designed to accommodate on-site traffic queuing. Where vehicles are required to queue (such as waiting for a car park door to open), it must be done within the property boundaries and not on a public street or road reserve.
- 4.13.9 All loading bays shall be provided at grade within the property with enough clearance above the bay to accommodate small commercial vehicles (such as a vehicle used in residential relocations).
- 4.14 Service access**
- 4.14.1 Service access to be provided to the rear or beneath a building for loading and unloading of goods where possible.
- 4.14.2 Service access shall be designed to segregate vehicles, both moving and stationary, from parking areas and access ways provided for general parking.
- 4.14.3 Loading/unloading areas should not be located so as to cause breach of the relevant noise regulations in relation to adjoining residential properties and proposed residential components for mixed use developments.
- 4.15 Signage**
- 4.15.1 Way finding signage including entry and exit points and vehicle circulation patterns are to be clearly indicated through appropriate signage to the City's satisfaction.



4.15.2 In a mixed-use development, car parking bays should be clearly marked or signposted differentiating between residential car parking bays, visitor car bays and the non-residential car parking bays to the City's satisfaction.

4.15.3 Directional signage shall be provided indicating way finding directions to access points and exits as well as towards specific tenancies (where applicable) to the City's satisfaction.

4.16 Lighting

4.16.1 Where 10 or more car bays are provided, car park lighting is required. Lighting is to be designed so as not to negatively impact upon residential properties, either on or adjoining the subject property.

PARKING AND TRANSPORT ASSESSMENTS

4.17 Parking management plan

4.17.1 A Parking Management Plan (non-technical) is required:

- (a) Where a proposal seeks shared car parking;
- (b) Where a proposal seeks alternative methods of car parking (including, but not limited to car stackers and/or turntables);
- (c) Where car parking is proposed to be in tandem;
- (d) When a car sharing program is proposed;
- (e) When special purpose car parking bays are proposed to be located off-site; or
- (f) Where a proposal seeks a variation to Table 1: Minimum Car Parking Requirements (including where reductions are sought in accordance with Table 2).

4.17.2 The City may also require a Parking Management Plan for large scale Child care centres and Education establishments to manage drop-off/pick up areas.

4.17.3 A Parking Management Plan shall detail how parking for the proposed development will be managed and identify practical strategies to minimise parking conflicts including between users.

4.17.4 A Parking Management Plan should include but is not limited to the following:



- (a) Description of the development;
- (b) Vehicle access and parking arrangements;
- (c) Hours of operation;
- (d) Provision for service vehicles;
- (e) Estimate of daily traffic volumes;
- (f) Type of car parking spaces (for example tenant/staff spaces, customer spaces, spaces for persons with a disability, loading spaces, motorcycle/scooter spaces and bicycle spaces);
- (g) Location of nearest bus stops/train station and the level of accessibility;
- (h) Pedestrian access and level of accessibility (e.g. footpaths and condition of footpaths);
- (i) Cycle access and level of accessibility (e.g. bicycle paths and condition of bicycle paths);
- (j) Where car stackers are proposed, details on how the system will be operated;
- (k) For reciprocal car parking, details demonstrating that the peak hours of operation of the different uses on the land are different or do not substantially overlap; and
- (l) Any other information deemed necessary by the City.

4.18 Transport impact assessment and transport impact statement

- 4.18.1 A Transport Impact Statement or Assessment is required for moderate to high impact development applications as defined by the Western Australian Planning Commission's Transport Impact Assessment Guidelines.
- 4.18.2 The Transport Impact Assessment or Statement shall be prepared by qualified person in accordance with the Western Australian Planning Commission's Transport Impact Assessment Guidelines.

5.0 VARIATIONS TO THIS POLICY

- 5.1 Where a proposal does not increase an existing approved shortfall of car parking (in accordance with the car parking requirements in Table 1) then the proposal is not considered a variation to this Policy.
- 5.2 Variations to this Policy shall be determined in accordance with the objectives of this Policy.
- 5.3 Applicants seeking variations to this Policy are required to submit a detailed written statement addressing each of the objectives of this policy for the City's assessment.

6.0 RELATED LEGISLATION

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3



- State Planning Policy 7.3 – Residential Design Codes
- Australian Standards. Including but not limited to:
 - AS2890.1 – Off Street Parking
 - AS2890.2 – Commercial vehicles
 - AS2890.3 – Bicycle Parking Facilities

7.0 DEFINITIONS

7.1 For the purpose of this Policy the following definitions apply:

Definition	Meaning
End of trip facilities	Facilities which enable cyclists to shower and change at the beginning or end of their journey. The facilities include separate male and female change rooms, showers and storage lockers.
High frequency bus route	As per the R-Codes.
High impact development application	> 100 vehicle trips in the development's peak hour
Long Term Bicycle Parking Facilities	Long term bicycle parking facilities include those of a security Level A and B in accordance with AS 2890.3 (as amended).
Mechanical parking devices	Includes, but is not limited to, car stackers, car turntables and car lifts.
Moderate impact development application	10 -100 vehicle trips in the development's peak hour
Net Lettable Area (NLA)	As per Local Planning Scheme No. 3.
Redundant Crossover	A crossover is considered to be redundant when it is not connected to a driveway or will being a development approval or approved to be re-purposed as car parking within the verge through a Nature Strip Works Application (NSWA).
Short Term Bicycle Parking Facilities	Short term bicycle parking facilities include those of a security Level C in accordance with AS 2890.3 (as amended) which does not permit obstruction of car parking bays or vehicle/pedestrian circulation areas.

Council Resolution Number	PD XX.XX
Implementation Date	DRAFT FOR ADVERTISING
Date Adopted	XX XX XXXX

PD27.19	Local Planning Scheme 3 – Local Planning Policy Residential Development
----------------	--

Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	1. Draft Residential Development LPP 2. Draft Residential Development LPP – tracked changes

1.0 Executive Summary

The purpose of this report is for Council to consider modifications to the Residential Development Local Planning Policy (LPP) following consultation with the community.

The policy was adopted for consent to advertise with the community at the Special Council Meeting held on 2 May 2019. The policy was advertised for a period of three weeks with 14 submissions being received.

Following review of the submissions and further investigation of the policy provisions, it is recommended the LPP be modified to incorporate some changes. The proposed modifications include guidance for assessing applications which seek a reduction to the 9m front setback requirement, assessment of buildings within the 6m rear setback area for low density areas and inserting building heights to reflect those previously applied under Town Planning Scheme No. 2 alongside other modifications.

The proposed modifications seek to introduce a number of new provisions to the LPP and modify explanatory figures which officers believe are significant enough to warrant further consultation with the community.

Accordingly, it is recommended that Council modifies the draft Residential Development Policy and readvertises the LPP.

2.0 Recommendation to Committee

Council proceeds with the draft Residential Development Local Planning Policy, with modifications as set out in Attachment 1, and re-advertise for a period of 21 days.

2.1 Alternative Recommendation

Council resolves to adopt the Residential Development Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

3.0 Background

Draft policy adopted by Council with amendments

The Residential Development LPP provides guidance and supplementary requirements to LPS 3 and State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes Vol.1) in relation to single and grouped dwelling developments in all densities. The policy does not apply to multiple dwellings or mixed use developments which are captured by Volume 2 of the Residential Design Codes.

Council, at its Special Council Meeting held 2 May 2019, was presented with a range of draft policies to adopt for advertising as well as a list of redundant policies to revoke as they no longer had relevance with LPS3 being gazetted. In relation to the Residential Development LPP, Council resolved to adopt the draft with amendments.

Issue	As presented to Council	Amendment by Council
Carport setback from primary street	2.5m	3.5m
Building Height	8.5m wall height & 10m to roof pitch (deemed to comply heights as were applicable in TPS 2)	6m wall height & 9m to roof pitch (as per R-codes Vol. 1)
Further guidance required for variations to 9m front setback clauses in LPS3.	Local Housing Objectives included as cl. 4.1.1 of the policy to provide further guidance for the assessment of development applications proposing less than 9m front setback.	cl. 4.1.1 deleted Proposed reductions to 9m assessed against Design Principles of R-Codes
St. Johns Wood & Hollywood	Location specific clauses have precedent	None, as this clause was already provided in the Policy.
Landscaping	No provisions proposed. Officers did not consider landscaping requirements were required for single dwellings. Existing landscaping provisions for grouped dwellings are contained in the R-codes.	Provision inserted to require 20% minimum for all single house and grouped dwelling proposals.

4.0 Consultation

The amendments resolved by Council on the 2 May 2019 were made to the LPP and the LPP was then advertised for 21 days, in which fourteen (14) submissions were received.

All 14 submissions requested that Council reinstate the administration proposed policy building heights for single and grouped dwellings being 8.5m to wall height & 10m to roof pitch. One submission raised two additional points which were in relation to landscaping and sight line requirements.

A copy of all submissions in full has been provided to Councillors as a confidential attachment.

The following is a summary of the issues raised:

- Strongly object to the R-Codes building heights being applied to the City of Nedlands. Previous TPS 2 heights of 8.5m for walls and 10m for buildings should be maintained.
- Strongly support the proposed vehicle sightlines changes.
- Strongly support the proposed landscaping provisions.

Proposed modifications to policy

1. Remove duplication of scheme clause references and introductory statements within the policy

There was confusion caused by the replication of scheme clauses and introductory statements within the LPP, so a number of these have been removed for clarity. The policy will need to be read in conjunction with LPS 3 and the R-Codes and this is explained through the Application of Policy section of the LPP. Accordingly, the introductory statements within clause 4.1, 4.2 and 4.3 are proposed to be removed.

2. Introduce Local Housing Objectives to guide how proposed reductions to the 9m setback will be assessed

Under Clause 26 of LPS 3 the front setback requirement under the R-Codes for R10, R12.5 and R15 densities has been modified (from an average 7.5m setback) to be a minimum of 9m.

As the 9m front setback is a discretionary requirement (rather than a non-discretionary requirement as previously under TPS 2), there is the ability for landowners to seek approval for a reduced setback through an assessment under the 'Design Principles' of the R-Codes.

Under the Design Principles, there are considerations for when a reduced front setback is acceptable, however, administration recommends further guidance is provided in the Policy to qualify how a 'prevailing development context and streetscape' is interpreted for the purpose of this assessment. This will ensure that the assessment of an established streetscape is consistent.

An established streetscape of less than 9m is described as occurring when more than 50% of the dwellings in the street are forward of the 9m setback. When this occurs, the setback of the dwelling is considered to be appropriate if it accords with the average setback distance of the dwellings on that side of the street. It is noted that without this provision, the assessment of a reduced setback is dependent on the design principles of the R-Codes which does not define what constitutes a prevailing streetscape.

In addition, a local housing objective has been included to account for where undersized or irregular shaped lots may not be able to meet the setbacks of the established streetscape. In this instance it is considered that 'a reduced setback may be considered appropriate where the mass and form of the building is designed with an appropriate bulk and scale which minimises impact to the streetscape'.

The draft policy presented to Council in May included supplementary local housing objectives for front setback assessment. As this was removed by Council at the meeting of 2 May 2019, administration requests that Local Housing Objective provisions be reinstated to ensure that streetscape setback provisions are assessed appropriately and do not rely solely on the R-Codes design principles, which may result in degradation of the 9m setback, where Council deems this to be inappropriate.

3. Introduce side setbacks for carports

This element was missing from the original draft and is now being included to ensure carports are setback from side boundaries in accordance with the R-Codes Vol. 1.

This has been introduced in clause 4.2.1 sub-clause C1.6 iv.

4. Introduce pool fence exemption

Currently pool fences are captured by the R-Codes definition of a wall and are therefore subject to setbacks. Pool fences are a statutory requirement governed by separate legislation and it is not considered necessary to apply planning controls to these structures. As such, a provision has been inserted under Clause 4.4.1 to clarify that pool fences behind the street setback line are not subject to the standard setbacks of the R-Codes.

5. Introduce Local Housing Objectives to guide how reductions to the 6m rear setback will be assessed for lots with a density of R15 or less.

As the 6m rear setback is a discretionary requirement under the R-Codes there is the ability for landowners to seek approval to reduce this setback.

Council has recently received a number of applications for buildings within the rear 6m setback area on low density lots and has been to the State Administrative Tribunal (SAT) over these matters.

The R-Codes provides some guidance to consider a reduction, however, specific guidance would assist staff and Council in making consistent decisions in the future.

There are no automatic allowances being introduced through the policy. Any application for a building/structure within the rear 6m setback area will still require a development application (except outbuildings which have their own separate requirements). The R-Codes Vol. 1 Design Principles will still apply to provide guidance for assessment and the same advertising procedures will apply.

In considering an application for a building in the rear 6m setback area, some structures may be appropriate and could be approved whilst others are not and should be refused.

The types of structures which may be considered appropriate are patios, 'pool houses', ancillary accommodation (granny flats) and the like, as these are common within the City of Nedlands context and many approvals have been granted for such applications. However, these are not proposed to be permitted as of right, and an application still needs to demonstrate the proposal meets the objectives of the Policy, which includes the presence of buildings on adjacent neighbouring properties, that the building contributes to a more effective use of space on the lot and the cumulative bulk and distribution of all buildings on site warrant consideration of a reduction to the setback.

It is in those circumstances an approval could be granted. The converse is also true, in that, should an application fail to demonstrate the above, it could be refused. Administration is of the opinion that the local housing objectives will assist staff and Council in determining what can and cannot be approved in the rear 6m setback areas.

These circumstances are expressed through the insertion of a Local Housing Objectives in the policy. Accordingly, clause 4.4.2 (a) & (b) are proposed to be inserted into the policy.

6. Reinsert previous building heights

The advertised policy requires R-Code Vol. 1 wall and building heights of:

- 6m to top of walls; and
- 9m to the top of the roof.

Following advertising Fourteen (14) submissions were received seeking the wall and building height measurements applicable under TPS 2, to be reinstated under LPS 3.

Since 1985, Town Planning Scheme No. 2 permitted an 8.5m wall and 10m building height for all buildings within the City. These TPS 2 heights were established prior to the R-Codes and were non-discretionary.

Under the new LPS 3, there are no residential heights specified in the scheme and as a result, wall and building heights for residential development default to those specified in the R-Codes, resulting in lower deemed-to-comply heights of 6m and 9m respectively.

It is considered appropriate, given the Nedlands context of large, architecturally designed homes, for it to be permitted to build to a greater building height than that specified by the R-Codes.

The application of building heights as per the R-Codes (i.e. 6m and 9m) would result in advertising of applications that would previously have been deemed-to-comply and may result in an increase the number of referrals of development applications to Council for determination.

In order to allow the 8.5m and 10m wall and building height provisions to have effect these height limits need to be specified in the policy. Accordingly, the policy is recommended to be modified to permit 8.5m wall heights and 10m top of roof heights.

Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) Schedule 2, Part 2, Clause 4(3), sets out that after the expiry of the 21-day advertising period, the local government must review the proposed policy in light of any submissions made and resolve to:

- a) Proceed with the policy without modification;
- b) Proceed with the policy with modification; or
- c) Not to proceed with the policy.

Administration recommends that Council resolves to proceed with the Residential Development policy with modifications.

There are modifications being proposed to the policy that respond to submissions, but there is also new content being introduced which the public have not had the opportunity to comment on and is not considered minor.

Despite it not being set out in the Regulations, due to the number and extent of the changes being recommended to the policy, particularly the insertion of new content and provisions, it is recommended that the policy be readvertised for a period of 21 days, in the same format as previously advertised.

Elements requiring WAPC approval

The draft policy contains provisions that are not provisions that a local government can introduce without the approval of the WAPC.

As per R-Codes part 7.3.1 (a), provisions relating to Landscaping are not listed as an element that a Local Government can amend.

Accordingly, WAPC approval is required prior to these provisions taking effect. Once the policy is adopted by Council, it will be forwarded to the WAPC for approval of those provisions. All other parts of the policy will be able to operate as intended upon Council adoption.

5.0 Conclusion

The Residential Development policy provides guidance and supplementary requirements to LPS 3 and R-Codes Vol.1 in relation to single and grouped dwelling development.

The proposed modifications include guidance for assessing applications which seek a reduction to the 9m front setback requirement, assessment of buildings within the 6m rear setback area for low density areas and inserting building heights to reflect those previously applied under Town Planning Scheme No. 2 alongside other modifications.

Following advertising Fourteen (14) submissions have been received all seeking the 8.5m and 10m wall and building heights be reinstated.

As such, it is recommended that Council follows the administration recommendation, as set out in the resolution, and that the policy be readvertised, with modifications, for a further 21 days.



LOCAL PLANNING POLICY - RESIDENTIAL DEVELOPMENT

1.0 PURPOSE

- 1.1 To provide guidance and supplementary requirements to Local Planning Scheme 3 (LPS 3) and State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes Vol.1) in relation to single and grouped dwelling developments within the City of Nedlands.
- 1.2 To ensure consistent assessment and decision-making in the application of the LPS 3 and R-Codes Vol. 1.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to all single and grouped dwelling developments within all densities in the Scheme area.
- 2.2 This Policy is read in conjunction with R-Codes Vol.1 and Clause 26 of LPS 3 which relates to street setbacks, setbacks of garages and carports, and open space.
- 2.3 Where this Policy is inconsistent with a Local Development Plan or Local Planning Policy that applies to a specific site, area or R-Code, the provisions of that specific Local Development Plan or Local Planning Policy shall prevail.
- 2.4 When considering developments which do not meet the deemed-to comply provisions of this policy, the proposal is to be assessed against the relevant objectives and local housing objectives of this policy and the design principles of the R-Codes Vol. 1.

3.0 OBJECTIVES

- 3.1 To enhance the amenity and aesthetics of areas within the City.
- 3.2 To provide for residential development that is consistent with established or desired streetscapes.
- 3.3 To reduce the dominance (scale, mass and bulk) of buildings as viewed from the street.
- 3.4 To provide for building heights which are consistent with the character of the area and the topography of the site.
- 3.5 To provide for appropriate buildings within rear setback areas that reflect the City's context and built form and do not detrimentally affect the amenity of the property or adjoining properties.



4.0 POLICY MEASURES

LPS 3 modification of R-Codes

4.1 Street setback

4.1.1 The following Local Housing Objective qualifies a 'prevailing development context and streetscape' as provided for under Design Principle P2.2 of 5.1.2 Street setback, to guide decision-making in the assessment of a development application for a dwelling setback less than 9m to the primary street as specified in Clause 26(1)(a)(i) of LPS 3:

- (a) Where more than 50% of dwellings (excluding carports and minor projections) on one side of a street block, bound by intersecting streets have a setback of less than 9m to the primary street boundary, a dwelling may be setback to correspond with the average setback of dwellings (excluding carports and minor projections) fronting that side of the street (refer Figure 4).

4.1.2 The following Local Housing Objective provides guidance for decision-making in considering a development application which does not meet the Design Principles of 5.1.2 Street Setback:

- (a) Where a lot has a significant site constraint (including but not limited to an irregular configuration or being considerably undersized for the assigned density code), which prevents the setback of a dwelling being consistent with an established streetscape, a reduced setback may be considered appropriate where the mass and form of the building is designed with an appropriate bulk and scale which minimises impact to the streetscape.

4.2 Setback of garages and carports

4.2.1 In addition to Clause 26(1)(b) of LPS 3, Clause 5.2.1 of the R-Codes is amended to include the following additional deemed-to-comply requirements:

C1.6 On land coded R10, R12.5 and R15, other than lots identified in Schedules 2 & 3 of LPS 3, carports may be setback forward of the 9m primary street setback line provided that the following is met:

- i. the width of the carport does not exceed 50 percent of the lot frontage, and the carport allows an unobstructed view between the dwelling and the street, right-of-way or equivalent;
- ii. the carport is setback a minimum of 3.5m from the primary street;
- iii. the carport is not greater than 36m² in floor area as measured from the outside of the posts;
- iv. Side setbacks as per the R-Codes; and
- v. the carport complies with Table 1 - Maximum carport height.

**Table 1 – Maximum carport height**

Carport type	Wall height	Building height
Pitched Roof	3.0m	4.5m
Flat Roof	N/A	3.5m
Skillion Roof	N/A	3.5m (high side)

4.2.2 In considering a development application for a garage setback less than 9m to the primary street as specified in Clause 26(1)(b)(C1.1) of LPS 3, the Local Housing Objective as specified in 4.1.1 of this Policy shall apply.

R-Code amendments

The following provisions replace or augment the deemed-to-comply requirements of the R-Codes and include Local Housing Objectives to provide guidance for decision making in the determination of a development application. Where a development does meet the deemed-to-comply provisions contained in this Policy, a development application is required which will be assessed by the relevant local housing objectives, design principles of the R-Codes and objectives of this policy.

4.3 Street setback

4.3.1 Clause 5.1.2 C2.4 of the R-Codes is replaced with the following deemed-to-comply requirements:

- C2.4 i. A minor incursion such as a porch, balcony, verandah, architectural feature or the equivalent may project not more than 1m into the street setback area provided that the total of such projects does not exceed 50% of the building façade as viewed from the street.
- ii. For lots with a density code greater than R15, projections greater than 1m and exceeding 50% of the building façade may project into the street setback area provided an equivalent open space area is under Clause 5.1.2 C2.1iii.

4.3.2 Clause 5.1.2 is modified to include the following deemed-to-comply requirements:

C2.5 Pergolas to be set back behind the primary street setback line.

C2.6 Gate houses are permitted within front setback areas to a maximum building height of 3.5m and total area of 4m² as measured from the outside of the posts.

4.4 Lot boundary setback

4.4.1 Clause 5.1.3 C3.1 of the R-Codes is modified to include the following additional deemed-to-comply requirements:



- C3.1 vi. Where a site abuts a laneway less than 6 meters wide, building setback provisions are to be determined after allowing for any future laneway widening requirement from the lot, assuming equal widening on both sides of the laneway where appropriate (refer to Figure 1).
- C3.1 vii A swimming pool fence/barrier and pool pump screens behind the street setback line are permitted up to lot boundaries to a maximum height of 1.8m.

4.4.2 The following Local Housing Objectives provide further guidance for decision-making (in the determination of a development application) in relation to buildings (other than outbuildings) within the rear setback area on lots with a density of R15 or less.

- (a) On land coded R15 or less, detached buildings in the rear setback area may be considered for the purposes of a patio, 'pool house', ancillary dwelling or similar where:
 - the immediate locality is characterised by buildings within rear setback areas;
 - the building provides for more effective use of space on-site for outdoor living areas; or
 - the cumulative bulk and distribution of all buildings on site has a reduced impact on neighbouring properties.
- (b) On land coded R15 or less which abuts a laneway or right-of-way to the rear boundary, carports may be considered with a minimum setback of 1.5m in accordance with the objectives set out in (a).

4.5 Building Heights

Building height shall be measured as per the R-Codes being as per Clause 5.1.6 and Figure Series 7.

4.5.1 The following maximum building heights apply:

Maximum building heights	
Top of external wall (roof above) (i)	8.5m
Top of external wall (concealed roof)	8.5m
Top of pitched roof (ii)	10m

- (i) Gable walls above eaves height:
 - Less than 9m long: exempted
 - Greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.
- (ii) Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.

4.5.2 Clause 5.1.6 is modified to include in the deemed-to-comply requirements:



C6.1 Architectural features and building projections (such as, but not limited to lift shafts and feature walls) are permitted to project above the external wall height to a maximum height of 10m provided the feature does not exceed 3m in width.

4.6 Street walls and fences (including gates)

The R-Codes permit fencing within front setback areas to be a maximum of 1.2m solid and up to 1.8m with visually permeable infill. Fencing is also permitted in accordance with the following (refer figures 2 and 3).

4.6.1 Clause 5.2.4 of the R-Codes is modified to include in the deemed-to-comply requirements:

- C4.1
 - i. Piers to be a maximum of 0.5m wide and deep and 2.1m in height above natural ground level; and
 - ii. Piers are to be separated by no less than 1.5m.
- C4.2 For the purposes of housing a utility/meter box, solid fencing within the primary setback area is permitted where it is:
 - i. a maximum 1m in width;
 - ii. a maximum 1.8m in height;
 - iii. perpendicular to the street; and
 - iv. setback at least 1.5m from where a vehicle access point intersects with a public street on any property.
- C4.3 Fencing to secondary streets, laneways and boundaries to reserves shall be a maximum of 1.8m in height above natural ground level (piers permitted as per clause C4.1) and comply with clause 5.2.5 & 6.2.3 (sight lines) of the R-Codes, as amended by this policy.
- C4.4 Fencing within the primary street setback area shall be constructed of brick, stone, concrete, timber, wrought iron, tubular steel or glass.

4.7 Sight lines

Where a driveway meets a public street, walls and fences must be truncated or designed in accordance with the following requirements.

4.7.1 Clause 5.2.5 of the R-Codes is modified to include in the deemed-to-comply requirements:

- C5.1 One pier with a maximum width of 0.5m is permitted within 1.5m of a vehicle access point.
- C5.2 Within the visual truncation area visually permeable in-fill is permitted to a maximum of 1.8m in height, in addition to 0.75m high solid fencing, both measured from natural ground level.



4.8 Landscaping

4.8.1 Clause 5.3.2 of the R-Codes is modified to include the following additional deemed-to comply requirement:

C3 All residential properties require a minimum of 20% of the site area as landscaping.

4.9 Vehicular access

In relation to the location of a vehicle entry point, the following Local Housing Objectives provide guidance for decision-making (in the determination of a development application) in considering a secondary or primary street in lieu of access from a laneway.

4.9.1 In relation to Clause 5.3.5 vehicle access C5.1, where a lot abuts a laneway or public right-of-way, vehicle access may be considered from the secondary or primary street where:

- (a) The laneway is less than 5m in width;
- (b) The laneway is not appropriately sealed and drained;
- (c) Vehicle access from the laneway will result in removal of mature trees on the private property worthy of retention.

Boundary fencing

Dividing Fencing is subject to the requirements of the Dividing Fences Act 1961 (the Act). This Policy does not interpret any matters considered under the Act and where there is a conflict between the Act and this policy, the Act shall prevail.

4.10 Boundary Fences

4.10.1 A screen/fence setback less than 1m to a side or rear lot boundary, behind the primary street setback line shall:

- (a) be a maximum height of 1.8m above deemed-to-comply fill or retaining; and
- (b) be constructed of brick, stone, concrete, timber, corrugated reinforced cement sheeting, wrought iron or metal sheeting.

4.10.2 Where a proposal does not meet the requirements set out in 4.9.1 a development application is required with supporting justification in relation to the proposed material and/or height.

5.0 Development abutting a laneway

Where a property abuts an unconstructed laneway, landowners are advised to contact the City's Technical Services team with regards to appropriate finished floor levels of dwellings and garages to mitigate potential stormwater drainage impacts.



6.0 RELATED LEGISLATION

6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3
- State Planning Policy 7.3 - Residential Design Codes - Volume 1

7.0 DEFINITIONS

7.1 For this policy the following definitions apply:

Definition	Meaning
Boundary Fence	A fence set back less than 1m from a dividing lot boundary, behind the street setback line.
Dividing Fence	As per Dividing Fences Act 1961.
Gate house	A roofed open-sided entry feature usually incorporated into front fencing.
Patio	An unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.
Vergola	A patio with an open-close/louvered roof system. Also known as a solar patio.

7.2 A word or expression that is not defined in the Policy has the same meaning as it has in the R-Codes.

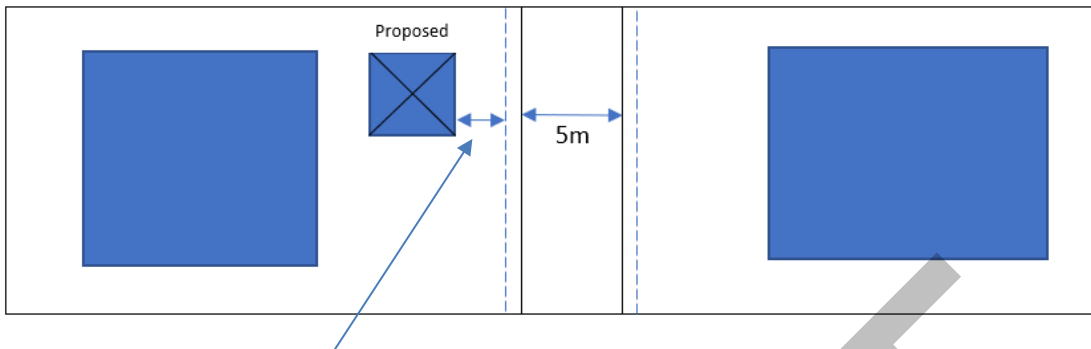
8.0 EXPLANATORY ASSESSMENT GUIDE

The following is an explanatory guide only to provide clarity of the method for assessment of various provisions of the R-Codes.

8.1 For the purposes of assessing lot boundary setbacks to a screen or fence:

- Where setback 1m or greater from a side lot boundary, a screen/fence is considered under the R-Code definition of a 'wall', being a structure appurtenant to a dwelling, and is subject to Clause 5.1.3 C3.1i of the R-Codes for the purposes of lot boundary setback requirements.

Figure 1 – Setback of buildings to laneways less than 6m wide



Setbacks for new buildings are determined 0.5m from the laneway boundary to provide for future widening either side (to 6m)

Figure 2 – Primary street setback area fencing

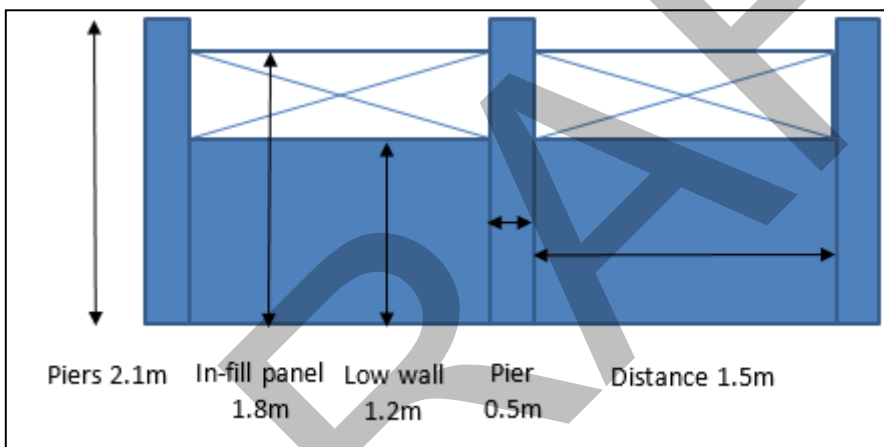


Figure 3 – Fencing within 1.5m of a vehicle access point

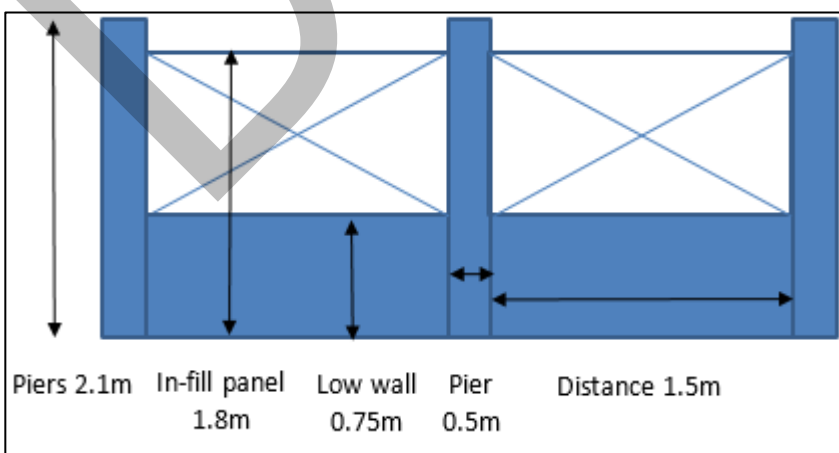
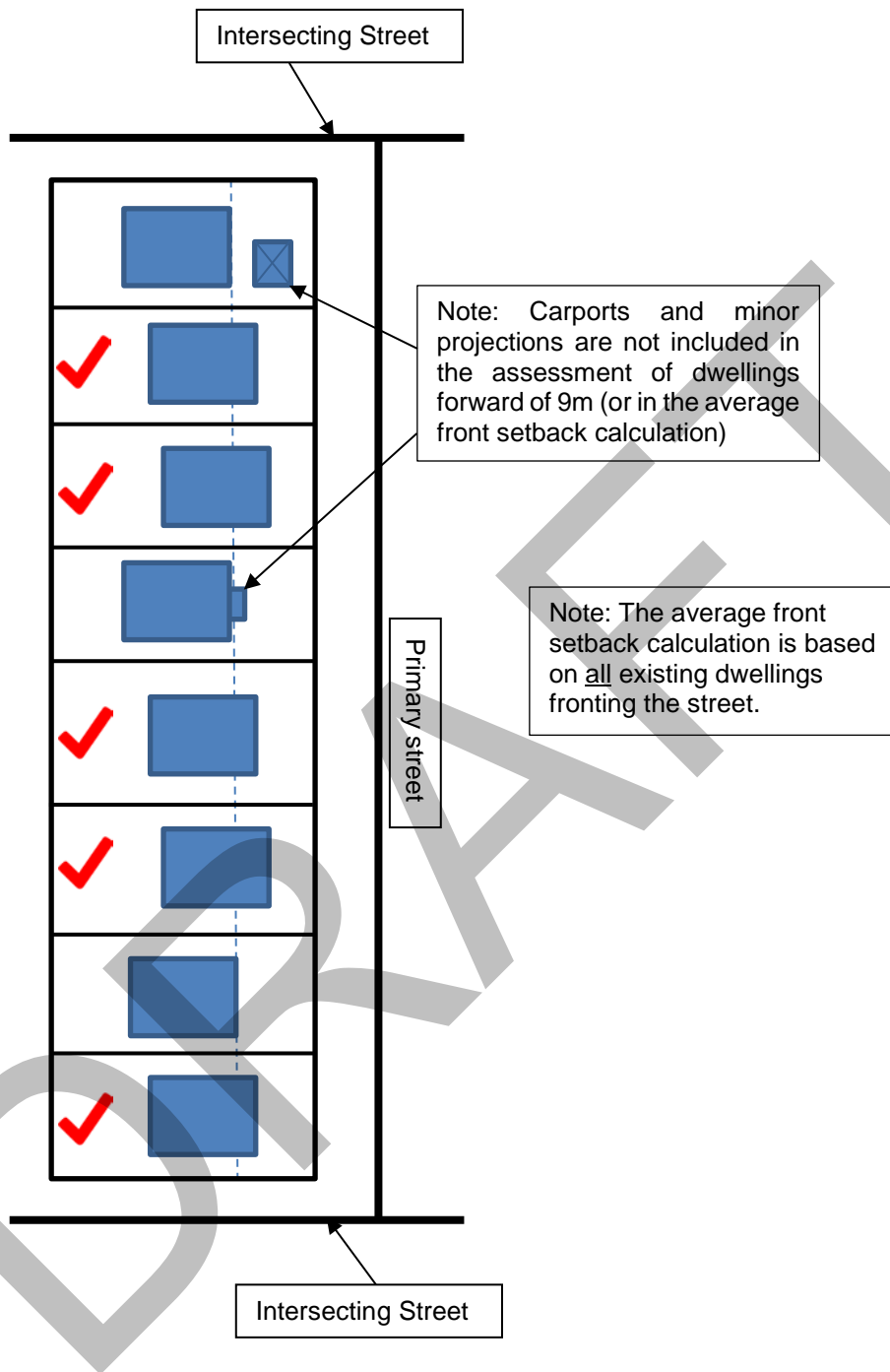




Figure 4 – Street setback



Council Resolution Number	PDX.XX
Adoption Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY - RESIDENTIAL DEVELOPMENT

1.0 PURPOSE

- 1.1 To provide guidance and supplementary requirements to Local Planning Scheme 3 (LPS 3) and State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes Vol.1) in relation to single and grouped dwelling developments within the City of Nedlands.
- 1.2 To ensure consistent assessment and decision-making in the application of the LPS 3 and R-Codes Vol. 1.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to all single and grouped dwelling developments within all densities in the Scheme area.
- 2.2 This Policy is read in conjunction with R-Codes Vol.1 and Clause 26 of LPS 3 which relates to street setbacks, setbacks of garages and carports, and open space.
- 2.3 Where this Policy is inconsistent with a Local Development Plan or Local Planning Policy that applies to a specific site, area or R-Code, the provisions of that specific Local Development Plan or Local Planning Policy shall prevail.
- 2.4 When considering developments which do not ~~comply meet the deemed-to comply provisions of with~~ this policy, the ~~aspect development which does not comply proposal~~ is to be assessed ~~under against~~ the relevant objectives and local housing objectives of this policy and the design principles of the R-Codes Vol. 1.

3.0 OBJECTIVES

- 3.1 To enhance the amenity and aesthetics of areas within the City.
- 3.2 To provide for residential development that is consistent with established or desired streetscapes.
- 3.3 To reduce the dominance (scale, mass and bulk) of buildings as viewed from the street.
- 3.4 To provide for building heights which are consistent with the character of the area and the topography of the site.
- 3.5 To provide for appropriate buildings within rear setback areas that reflect the City's context and built form and do not detrimentally affect the amenity of the property or adjoining properties.

4.0 POLICY MEASURES

LPS 3 modification of R-Codes

4.1 Street setback

~~In R10, R12.5 and R15 densities, LPS 3 modifies the R-Codes with a 9m minimum primary street setback.~~

~~Clause 26 (1) of LPS 3 states:~~

~~*In relation to land coded R10, R12.5 and R15, other than lots identified in Schedule 2 – St John’s Wood and Schedule 3 – Hollywood:*~~

~~(a) Clause 5.1.2 (Street setback) of the R-Codes is modified by replacing deemed-to-comply requirement G2.1 i to iv with:~~

~~(i) a minimum of 9m.~~

4.1.1 The following Local Housing Objective qualifies a ‘prevailing development context and streetscape’ as provided for under Design Principle P2.2 of 5.1.2 Street setback, to guide decision-making in the assessment of a development application for a dwelling setback less than 9m to the primary street as specified in Clause 26(1)(a)(i) of LPS 3:

(a) Where more than 50% of dwellings (excluding carports and minor projections) on one side of a street block, bound by intersecting streets have a setback of less than 9m to the primary street boundary, a dwelling may be setback to correspond with the average setback of dwellings (excluding carports and minor projections) fronting that side of the street (refer Figure 4).

4.1.2 The following Local Housing Objective provides guidance for decision-making in considering a development application which does not meet the Design Principles of 5.1.2 Street Setback:

(a) Where a lot has a significant site constraint (including but not limited to an irregular configuration or being considerably undersized for the assigned density code), which prevents the setback of a dwelling being consistent with an established streetscape, a reduced setback may be considered appropriate where the mass and form of the building is designed with an appropriate bulk and scale which minimises impact to the streetscape.

4.2 Setback of garages and carports

~~In R10, R12.5 and R15 densities, LPS 3 modifies the R-Codes with a 9m primary street setback for carports and garages. The provisions under 4.2.1 below set out when a setback of less than 9m is permitted for carports. Garages proposed within the 9m primary street setback area require a development application and shall be assessed in accordance with Clause 4.1.1 of this Policy.~~

~~Clause 26 (1) of LPS 3 states:~~

~~In relation to land coded R10, R12.5 and R15, other than lots identified in Schedule 2—St John's Wood and Schedule 3—Hollywood:~~

~~(b) clause 5.2.1 (Setback of garages and carports) of the R-Codes is modified by replacing deemed-to-comply requirements C1.1 to C1.5 with:~~

~~— C1.1 Garages and carports setback 9m from the primary street.~~

~~— C1.2 Garages and carports setback 1.5m from the secondary street.~~

4.2.74.2.1 In addition to Clause 26(1)(b) of LPS 3, Clause 5.2.1 of the R-Codes is amended to include the following additional deemed-to-comply requirements:

C1.6 On land coded R10, R12.5 and R15, other than lots identified in Schedules 2 & 3 of LPS 3, carports may be setback forward of the 9m primary street setback line provided that the following is met:

- i. the width of the carport does not exceed 50 percent of the lot frontage, and the carport allows an unobstructed view between the dwelling and the street, right-of-way or equivalent;
- ii. the carport is setback a minimum of 3.5m from the primary street;
- iii. the carport is not greater than 36m² in floor area as measured from the outside of the posts;
- iii.iv. Side setbacks as per the R-Codes; and
- iv.v. the carport complies with Table 1 - Maximum carport height.

Table 1 – Maximum carport height

Carport type	Wall height	Building height
Pitched Roof	3.0m	4.5m
Flat Roof	N/A	3.5m
Skillion Roof	N/A	3.5m (high side)

4.2.2 In considering a development application for a garage setback less than 9m to the primary street as specified in Clause 26(1)(b)(C1.1) of LPS 3, the Local Housing Objective as specified in 4.1.1 of this Policy shall apply.

R-Code amendments

The following provisions replace or augment the deemed-to-comply requirements of the R-Codes and include Local Housing Objectives to provide guidance for decision making in the determination of a development application. Where a development does ~~not comply~~ meet with the deemed-to-comply provisions contained in this Policy, a development application is required which will be assessed by the relevant local housing objectives, design principles of the R-Codes and objectives of this policy.

4.3 Street setback

~~The R-Codes provide the primary street setback required for the corresponding density. Minor incursions are permitted forward of the primary street setback are permitted in accordance with the requirements below.~~

4.3.24.3.1 Clause 5.1.2 C2.4 of the R-Codes is replaced with the following deemed-to-comply requirements:

- C2.4 i. A minor incursion such as a porch, balcony, verandah, architectural feature or the equivalent may project not more than 1m into the street setback area provided that the total of such projects does not exceed 50% of the building façade as viewed from the street.
- ii. For lots with a density code greater than R15, projections greater than 1m and exceeding 50% of the building façade may project into the street setback area provided an equivalent open space area is under Clause 5.1.2 C2.1iii.

4.3.34.3.2 Clause 5.1.2 is modified to include the following deemed-to-comply requirements:

C2.5 Pergolas to be set back behind the primary street setback line.

C2.6 Gate houses are permitted within front setback areas to a maximum building height of 3.5m and total area of 4m² as measured from the outside of the posts.

4.4 Lot boundary setback

4.4.1 Clause 5.1.3 C3.1 of the R-Codes is modified to include the following additional deemed-to comply requirements:

- C3.1vi. Where a site abuts a laneway less than 6 meters wide, building setback provisions are to be determined after allowing for any future laneway widening requirement from the lot, assuming equal widening on both sides of the laneway where appropriate (refer to Figure 1).

C3.1vii A swimming pool fence/barrier and pool pump screens behind the street setback line are permitted up to lot boundaries to a maximum height of 1.8m.

4.4.2 The following Local Housing Objectives provide further guidance for decision-making (in the determination of a development application) in relation to buildings (other than outbuildings) within the rear setback area on lots with a density of R15 or less.

(a) On land coded R15 or less, detached buildings in the rear setback area may be considered for the purposes of a patio, 'pool house', ancillary dwelling or similar where:

- the immediate locality is characterised by buildings within rear setback areas; or
- the building provides for more effective use of space on-site for outdoor living areas; or
- the cumulative bulk and distribution of all buildings on site has a reduced impact on neighbouring properties.

(b) On land coded R15 or less which abuts a laneway or right-of-way to the rear boundary, carports may be considered with a minimum setback of 1.5m in accordance with the objectives set out in (a).

4.5 Building Heights

Building height shall be measured as per the R-Codes being as per Clause 5.1.6 and Figure Series 7.

4.5.1 The following maximum building heights apply:

Maximum building heights	
Top of external wall (roof above) (i)	<u>8.56m</u>
Top of external wall (concealed roof)	<u>8.57m</u>
Top of pitched roof (ii)	<u>109m</u>

(i) Gable walls above eaves height:

- Less than 9m long: exempted
- Greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.

(ii) Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.

4.5.2 Clause 5.1.6 is modified to include in the deemed-to-comply requirements:

C6.1 Architectural features and building projections (such as, but not limited to lift shafts and feature walls) are permitted to project above the external wall height to a maximum height of 10m provided the feature does not exceed 3m in width.

4.6 Street walls and fences (including gates)

The R-Codes permit fencing within front setback areas to be a maximum of 1.2m solid and up to 1.8m with visually permeable infill. Fencing is also permitted in accordance with the following (refer figures 2 and 3).

4.6.1 Clause 5.2.4 of the R-Codes is modified to include in the deemed-to-comply requirements:

C4.1 i. Piers to be a maximum of 0.5m wide and deep and 2.1m in height above natural ground level; and

ii. Piers are to be separated by no less than 1.5m.

C4.2 For the purposes of housing a utility/meter box, solid fencing within the primary setback area is permitted where it is:

i. a maximum 1m in width;

ii. a maximum 1.8m in height;

iii. perpendicular to the street; and

iv. setback at least 1.5m from where a vehicle access point intersects with a public street on any property.

C4.3 Fencing to secondary streets, laneways and boundaries to reserves shall be a maximum of 1.8m in height above natural ground level (piers permitted as per clause C4.1) and comply with clause 5.2.5 & 6.2.3 (sight lines) of the R-Codes, as amended by this policy.

C4.4 Fencing within the primary street setback area shall be constructed of brick, stone, concrete, timber, wrought iron, tubular steel or glass.

4.7 Sight lines

Where a driveway meets a public street, walls and fences must be truncated or designed in accordance with the following requirements.

4.7.1 Clause 5.2.5 of the R-Codes is modified to include in the deemed-to-comply requirements:

C5.1 One pier with a maximum width of 0.5m is permitted within 1.5m of a vehicle access point.

C5.2 Within the visual truncation area visually permeable in-fill is permitted to a maximum of 1.8m in height, in addition to 0.75m high solid fencing, both measured from natural ground level.

4.8 Landscaping

4.8.1 Clause 5.3.2 of the R-Codes is modified to include the following additional deemed-to comply requirement:

C3 All residential properties require a minimum of 20% of the site area as landscaping.

4.9 Vehicular access

In relation to the location of a vehicle entry point, the following Local Housing Objectives provide guidance for decision-making (in the determination of a development application) in considering a secondary or primary street in lieu of access from a laneway.

4.9.1 In relation to Clause 5.3.5 vehicle access C5.1, where a lot abuts a laneway or public right-of-way, vehicle access may be considered from the secondary or primary street where:

- (a) The laneway is less than 5m in width;
- (b) The laneway is not appropriately sealed and drained;
- (c) Vehicle access from the laneway will result in removal of mature trees on the private property worthy of retention.

Boundary fencing

Dividing Fencing is subject to the requirements of the Dividing Fences Act 1961 (the Act). This Policy does not interpret any matters considered under the Act and where there is a conflict between the Act and this policy, the Act shall prevail.

4.10 Boundary Fences

4.10.1 A screen/fence setback less than 1m to a side or rear lot boundary, behind the primary street setback line shall:

- (a) Be a maximum height of 1.8m above deemed-to-comply fill or retaining; and
- (b) Be constructed of brick, stone, concrete, timber, corrugated reinforced cement sheeting, wrought iron or metal sheeting.

4.10.2 Where a proposal does not meet the requirements set out in 4.9.1 a development application is required with supporting justification in relation to the proposed material and/or height.

5.0 Development abutting a laneway

4.11 Where a property abuts an unconstructed laneway, landowners are advised to contact the City's Technical Services team with regards to appropriate finished floor levels of dwellings and garages to mitigate potential stormwater drainage impacts.

5.06.0 RELATED LEGISLATION

5.16.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

5.26.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3
- State Planning Policy 7.3 - Residential Design Codes - Volume 1

6.07.0 DEFINITIONS

6.17.1 For this policy the following definitions apply:

Definition	Meaning
Boundary Fence	A fence set back less than 1m from a dividing lot boundary, behind the street setback line.
Dividing Fence	As per Dividing Fences Act 1961.
Gate house	A roofed open-sided entry feature usually incorporated into front fencing.
Patio	An unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.
Vergola	A patio with an open-close/louvered roof system. Also known as a solar patio.

6.27.2 A word or expression that is not defined in the Policy has the same meaning as it has in the R-Codes.

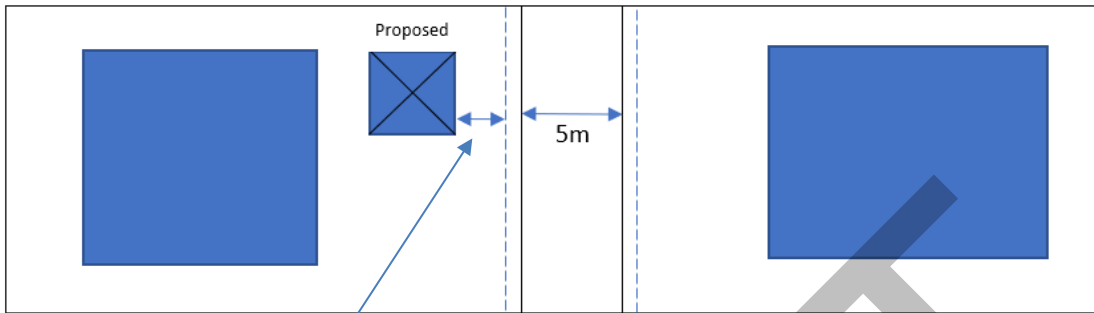
7.08.0 EXPLANATORY ASSESSMENT GUIDE

The following is an explanatory guide only to provide clarity of the method for assessment of various provisions of the R-Codes.

7.18.1 For the purposes of assessing lot boundary setbacks to a screen or fence:

- (a) Where setback 1m or greater from a side lot boundary, a screen/fence is considered under the R-Code definition of a 'wall', being a structure appurtenant to a dwelling, and is subject to Clause 5.1.3 C3.1i of the R-Codes for the purposes of lot boundary setback requirements.

Figure 1 – Setback of buildings to laneways less than 6m wide



Setbacks for new buildings are determined 0.5m from the laneway boundary to provide for future widening either side (to 6m)

Figure 2 – Primary street setback area fencing

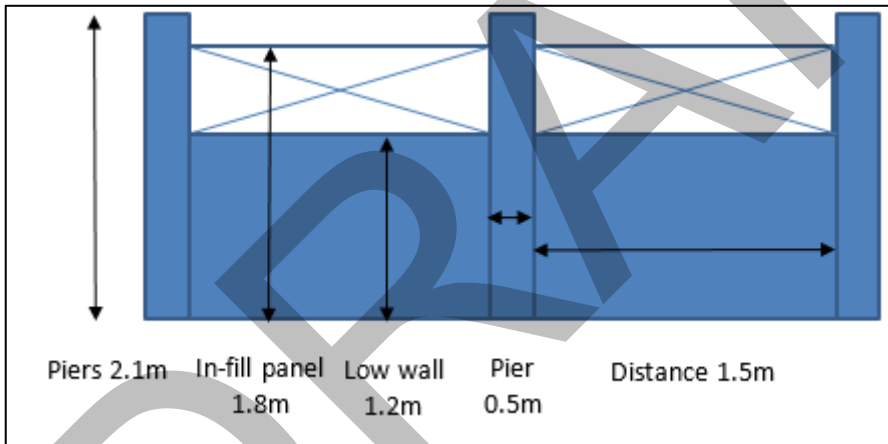


Figure 3 – Fencing within 1.5m of a vehicle access point

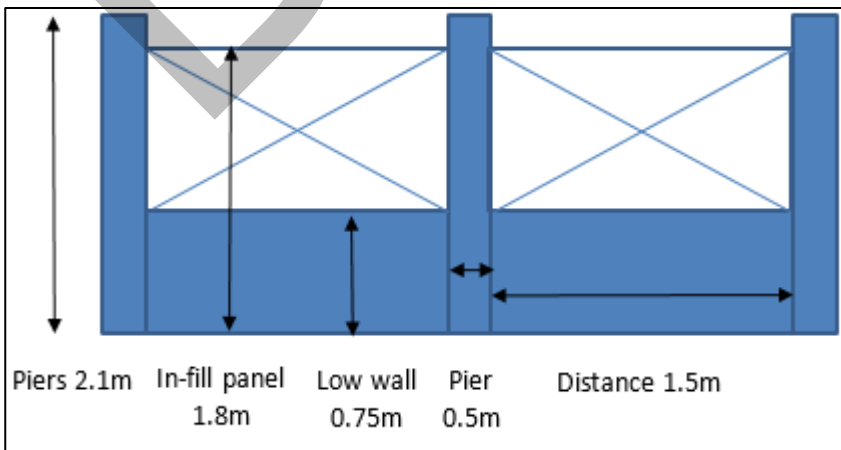
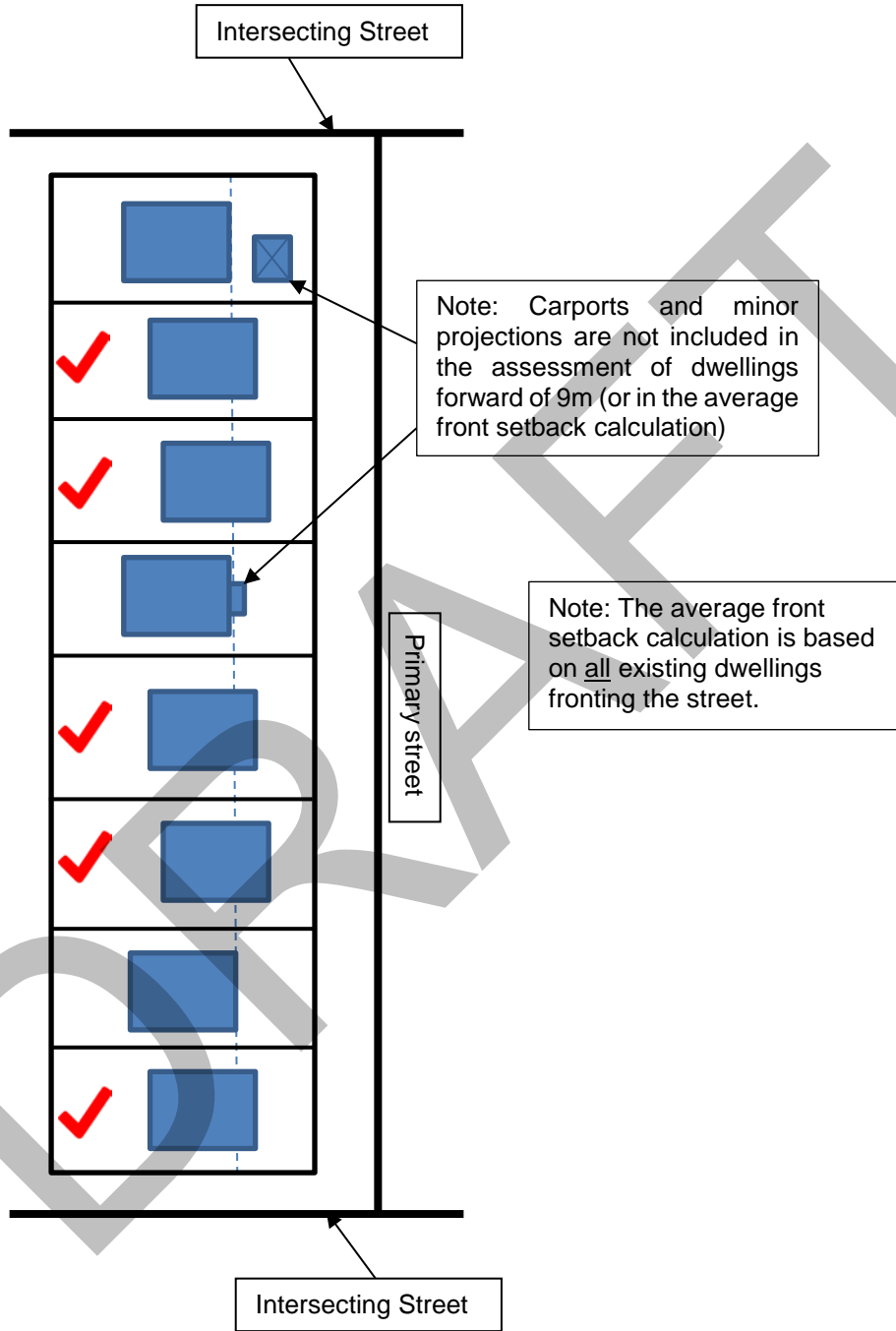


Figure 4 – Street setback



Council Resolution Number	PDX.XX
Adoption Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

PD28.19	Local Planning Scheme 3 – Local Planning Policies for Heritage, SAT process and procedures, Refunding and Waiving fees, Planning Compliance and Signs.
----------------	---

Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	<ol style="list-style-type: none"> 1. Draft Heritage LPP 2. Draft State Administrative Tribunal – Process and Procedures LPP 3. Draft Refunding / Waiving Fees LPP 4. Draft Planning Compliance LPP 5. Draft Signs LPP

1.0 Executive Summary

The purpose of this report is for Council to adopt, following advertising, a series of Local Planning Policies which are required under Local Planning Scheme 3 (LPS 3). All of the policies proposed to be adopted as part of this report remain unchanged since Council adopted them for advertising on the 2 May 2019.

The policies provide for the continuation of many of the City's previous practices and application of development standards from Town Planning Scheme 2 (TPS 2), to apply in a similar fashion under LPS 3.

Once Council adopts these Local Planning Policies, they must be taken into account by the decision maker in determining a Development Application. This is particularly important when the decision maker is not the Council, that is, the JDAP or SAT. LPP's allow Council's views on a particular issue to have influence on the decision maker and thus be considered in any decision.

All policies adopted as part of this report, will have effect once notification of their adoption is published in a local newspaper.

2.0 Recommendation to Committee

Council adopts the policies listed below, without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:

1. Heritage
2. State Administrative Tribunal – Process and Procedures
3. Refunding/ Waiving Fees
4. Planning Compliance
5. Signs

3.0 Background

At the Special Council Meeting 2 May 2019 Council resolved to prepare and advertise a series of policies for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

These policies were advertised from the 18 May 2019 until the 8 June 2019. No submissions were received on any of these policies whilst they were advertised.

4.0 Local Planning Policies for Adoption

There are 5 policies proposed for Council to adopt which have remained unchanged to what was 'adopted to advertise' at the Council Meeting 2 May 2019.

1. Heritage

The existing Council Policies for Heritage Advice for Owners of Places of Significance and Refund of Planning Fees for Places of Heritage Significance were combined into one Local Planning Policy.

2. State Administrative Tribunal – Process and Procedures

This policy prescribes the process to be followed when an appeal is lodged with the SAT regarding a development application, depending on whether it was made under delegation, the application was 'deemed refused' by the applicant, or the decision was made by Council.

3. Refunding / Waving Fees

This policy outlines the circumstances where the City of Nedlands (the City), may refund or waive development application fees.

It gives a not-for-profit organisation a 50% reduction to a planning fee.

It sets out that the City may refund a development application fee, the refund amount varying, depending on how much officer time has been spent on the application.

4. Planning Compliance

This policy is to provide guidance for the planning compliance process to be undertaken including:

- establishing a consistent and transparent approach;
- process for complaint handling and how to determine when further action is required;
- outlining options for dealing with unlawful activity; and
- establishing where further enforcement action is warranted.

5. Signs

This policy amends the current Advertisement Signs on Zoned and Reserved Land (Except Road Reserves) Policy adopted under TPS 2. It largely retains the existing provisions, but is updated with the inclusion of:

- Photos rather than drawings for illustration
- Sponsorship signage requirements
- Variable (electronic) messaging boards
- Portable (A-frame sandwich board) signs

5.0 Consultation

These policies were advertised from the 18 May 2018 until the 8 June 2019. No submissions were received on any of these policies.

6.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3) of the Regulations, sets out that after the expiry of the 21-day advertising period, the local government must review the proposed policy in light of any submissions made and resolve to:

- a) Proceed with the policy without modification;
- b) Proceed with the policy with modification; or
- c) Not to proceed with the policy.

Policies listed under the resolution are proposed to proceed to be adopted without modification, having been advertised from 18 May 2019 until 8 June 2019 with no submissions received.

7.0 Conclusion

The draft LPP's work towards the City having an operative local planning framework in place under LPS 3. All of the policies proposed to be adopted as part of this report remain unchanged since Council adopted them for advertising on the 2 May 2019.

As such, it is recommended that Council follows the administration recommendation as set out in the resolution.



LOCAL PLANNING POLICY – HERITAGE INCENTIVES

1.0 PURPOSE

- 1.1 The purpose of this policy is to encourage the retention, maintenance and upgrade of the City's historic buildings.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to all properties within the City that are listed on the City's Municipal Inventory or Heritage List.

3.0 OBJECTIVES

- 3.1 To reduce planning fees for developments that propose to conserve or improve the heritage aspects of a place.
- 3.2 To provide heritage advice for owners or occupiers of places with heritage significance.

4.0 POLICY MEASURES

Refund of Planning Fees

- 4.1 A request for a refund of planning fees will only be considered where the subject building is on the City's Heritage List or Municipal Inventory.
- 4.2 A request for the refund of a fee for an application for development approval must relate to a development that, in the opinion of the City, fulfils one or more of the following statements:
- (a) The sole purpose of the proposed development is to restore or conserve the heritage attributes of a significant building and/or site; or
 - (b) Where the proposed development consists solely of the demolition of non-original fabric and which has no adverse impact on the heritage significance associated with the place; or
 - (c) Development application involving a change of use of a heritage-listed place that does not involve any significant physical construction; or
 - (d) Development application involving alterations and additions which has no adverse effect on the heritage significance associated with the heritage listed place; or
 - (e) Development application involving partial demolition which has no adverse effect on the heritage significance associated with the heritage listed place.



- 4.3 The maximum refund will be 50% of the Development Application fees paid OR \$1,500 (whichever is lesser).
- 4.4 This policy does not apply to retrospective applications.
- 4.5 The refund of planning fees only applies to the standard development (planning) application fees and does not include the following fees:
 - (a) Building permit and processing fees, BCITF/Building Services Levies.
 - (b) Planning Service Fees.
 - (c) WAPC subdivision, amalgamation and clearance fees.
 - (d) Rezoning/scheme amendment fees.
 - (e) Health and Compliance fees.
 - (f) Other fees charged by the City.
- 4.6 Applicants will be required to pay all fees at the time of application. The City will refund the appropriate planning fees after development approval is issued and where the provisions of this policy are satisfied.
- 4.7 The budget allocation to allow for the refund of planning fees will be included in the annual budget for Council's consideration. Refunding of fees is subject to the approval of the budget allocation by Council and the available budget remaining at the time of the request.
- 4.8 The refund of fees will be at the sole discretion of the City of Nedlands.

Heritage Advice

- 4.9 A request for a heritage advice session will only be considered where the subject building to be discussed is on the City's Heritage List or Municipal Heritage Inventory.
- 4.10 A request for a heritage advice session must relate to developments or proposals that, in the opinion of the City, will enhance or maintain the heritage aspects of a certain building and/or site.
- 4.11 Heritage advice sessions will be conducted with heritage professional/s engaged by the City of Nedlands.
- 4.12 The City will bear the cost of a maximum of five hours of the nominated heritage professional's time. This is inclusive of but not limited to; time meeting with an owner/occupier, site visits, research and drafting of correspondence.
- 4.13 The budget allocation to allow for the heritage advice sessions will be included in the annual budget for Council's consideration. The City's ability to grant access



to this service is subject to the approval of the budget allocation by Council and the available budget remaining at the time of the request.

4.14 The granting of heritage advice sessions will be at the sole discretion of the City of Nedlands.

5.0 RELATED LEGISLATION

5.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- City of Nedlands Municipal Inventory
- City of Nedlands Heritage List
- *Local Government Act 1995*
- *Planning and Development Regulations 2009*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Local Planning Scheme No. 3

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY – STATE ADMINISTRATIVE TRIBUNAL – PROCESS AND PROCEDURES

1.0 PURPOSE

1.1 This policy prescribes the procedures by which Councillors and the City's Administration shall deal with applications for review made to the State Administrative Tribunal (SAT).

2.0 APPLICATION OF POLICY

2.1 This policy applies when an application is made to the SAT for review of a planning decision or direction notice issued by Council, or Administration under delegated authority, as per the *Planning and Development Act 2005* (PD Act).

3.0 OBJECTIVES

3.1 To outline the procedure for Council and Administration to follow in responding to an application for review lodged with the SAT that is financially responsible, consistent, impartial and transparent.

4.0 POLICY MEASURES

The Council's and the City's role in SAT proceedings

4.1 Council shall use its best endeavours to assist the SAT to make a correct and preferable decision of a review as per its obligations under the SAT Act.

4.2 Councillors and the City's Administration shall avoid discussions or correspondence concerning an ongoing SAT review with third parties.

4.3 Notwithstanding policy measure 4.2, discussions with third parties may occur only where necessary or appropriate to:

- inform a person that a matter is before the SAT;
- make a person aware of their ability to access relevant information on the SAT website at www.sat.justice.wa.gov.au, including information concerning the role of third parties in SAT reviews;
- to obtain advice from an expert or government agency, or to obtain a witness statement.

4.4 Direct communication between a proponent and Councillors (individually or collectively) shall be avoided for the duration of a review before the SAT. Should contact be made by a proponent, Councillors are encouraged to:

- make the person aware of this policy; and



- advise the applicant to contact the responsible officer if they require any further information.

Representation

- 4.5 Where the applicant has engaged legal representation, the City will also engage legal representation.
- 4.6 Where an applicant has elected to not have legal representation, the City shall be represented by either officers or appointed consultants.
- 4.7 Where a Council decision is the same or essentially the same as an officer's recommendation, then officers may represent the Council's position, at the Chief Executive Officer's discretion.
- 4.8 Where an application is made for the review of a decision made by Council, and that decision is substantially different to the recommendation made by the City's Administration (e.g. against, or change to, the recommendation or a condition is introduced by Council), then independent consultants may be engaged to represent the City. The mover and the seconder of a Council Resolution shall be notified of the SAT proceedings and shall represent the Council in the proceedings and an alternative/s shall be requested to attend if the mover and the seconder are unable to attend.
- 4.9 Where a review proceeds to a final hearing, independent consultants will usually be engaged, however the decision to engage, independent consultants under any circumstances, shall be made by the City's Chief Executive Officer or the City's Director Planning and Development.

Mediation proceedings

- 4.10 Discussions occurring for the purposes of mediation are conducted by the Tribunal on a "without prejudice" and confidential basis. Councillors and the City's Administration will not disclose the content of these discussions outside the mediation session whilst the matter is still under review.
- 4.11 Where a matter is referred to mediation, the Councillors, legal representation, relevant consultant or officers:
- (a) Shall participate constructively in the mediation to attempt to reach a solution; and
 - (b) Shall refer any potential solutions arising out of the mediation back to the decision maker of the original application.
- 4.12 With respect to 4.11 above, where the matter was originally considered by Council, any proposed solution arising from the mediation shall be presented to Council for further consideration in accordance with the procedures for section 31 reconsiderations set out below.



4.13 Where practical, officers shall provide regular updates on proceedings before the SAT to Councillors. Updates shall be limited to issues relating to the programming of proceedings, including timeframes, and likely cost implications. Specific details in relation to the proceedings shall not be discussed.

Section 31 reconsiderations

4.14 The responsible officer, in consultation with the Director Planning & Development, shall have the discretion to advise whether a reconsideration under section 31 would assist with the resolution of a matter in a timely and cost-effective manner.

4.15 Upon receipt of a section 31 reconsideration, the responsible officer shall assess the proposal and refer it to Council. Council may affirm the original decision, vary the decision or set aside the decision and substitute a new decision.

4.16 Reports presented to Council for reconsideration under section 31 of the SAT Act shall be presented as confidential reports to ensure compliance with the *State Administrative Tribunal Regulations 2004* (SAT Regulations).

4.17 Where a proposal the subject of a SAT review has already been advertised, the proposal will not be re-advertised before Council reconsiders the proposal pursuant to a section 31 invitation except where:

- (a) the SAT mediating member suggests re-advertising, or the applicant agrees;
- (b) the proposal to be reconsidered is substantially different to the proposal previously advertised and may add planning issues not raised by the advertised proposal; or
- (c) in the judgment of the responsible officer, there are exceptional circumstances which justify re-advertising.

4.18 If it is determined by the relevant officer, under 4.17(c) above, that a proposal should be re-advertised before a reconsideration by Council, but the applicant does not consent to the re-advertising, the responsible officer shall be entitled to decline to refer the proposal back to the Council.

4.19 Should the item be advertised; the content of advertising shall not be placed on the City's website to ensure the confidentiality of the mediation process is maintained to only relevant parties.

Appeals against decisions of the SAT

4.20 The City will not generally appeal a decision of the SAT unless, in the opinion of the City, it is considered that the SAT has made an error of law and the issue at stake has significant implications for the City or local government in general.

4.21 In considering making an appeal against the decision of the SAT, the City may seek legal advice and shall give weight to the cost and legal implications prior to undertaking an appeal of the SAT's decision.



Parallel direction notice under s.214 of the PD Act 2005

4.22 Where an application for review of a decision is lodged and the matter is also the subject of a direction notice under s. 214 of the PD Act, the City will generally defer enforcement of the direction notice until the application before the SAT is determined. If the review application is dismissed, the City will enforce the direction notice immediately without further consideration by Council.

Notification of community members

4.23 The City will advise all parties who made a submission on an application that was the subject of review at the SAT, in writing as soon as practical, of the SAT decision.

Costs

4.24 The City shall not seek an order relating to costs against an applicant, unless the applicant behaves in a dishonest, frivolous or vexatious manner. Should an applicant behave in a dishonest, frivolous or vexatious manner, the City will seek legal advice as to the reasonable chance of success in recovering costs, prior to deciding to seek such an order.

5.0 RELATED LEGISLATION

5.1 This policy has been prepared in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5.2 This policy should be read in conjunction with the following and its requirements apply unless specifically stipulated elsewhere in any of the below:

- State Administrative Tribunal Act 2004
- Planning and Development Act 2005
- Planning and Development Regulations 2009
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3

Council Resolution Number	PDX.XX
Implementation Date	Date and Item # of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY – REFUNDING AND WAIVING DEVELOPMENT APPLICATION FEES

1.0 PURPOSE

1.1 This policy outlines the circumstances where the City of Nedlands (the City), may refund or waive development application fees charged in accordance with the *Planning and Development Regulations 2009*.

2.0 APPLICATION OF POLICY

2.1 This policy applies to all applications for development approval made on land that is within the Scheme area of the City and which the City is the determining authority.

3.0 OBJECTIVES

3.1 To ensure consistent decision making for requests to waive or refund development application fees.

4.0 POLICY MEASURES

Personal circumstances

4.1 Financial hardship, personal or family circumstances will not be considered grounds for waiving or refunding development application fees.

Waiving of Development Application Fees

4.2 Development applications fees will not be entirely waived under any circumstance.

4.3 A request for partial waiver of an application for development approval fee may be approved by the Director Planning and Development.

4.4 Circumstances in which a request for partial waiver of an application for development approval fee will ordinarily receive favourable consideration include:

- (a) Where the applicant is a government recognised charity;
 - (i) has obtained an income tax exemption status from the Australian Taxation Office; and
 - (ii) the application is either for a change of use or has a value of less than \$500,000.

4.5 An application for a partial waiver of fees will be required to provide sufficient proof of current “government recognised charity” status at the time of submitting the request.

4.6 Ordinarily, a successful application will result in a reduction of 50% of the applicable planning fee.



Note: See Local Planning Policy - Heritage Incentives for fee reductions for Heritage Listed properties and properties on the Municipal Inventory.

Refund of Application for Development Approval Fees where the application is withdrawn

4.7 The City will consider a written request for the refund of application for development approval fees where the application is withdrawn prior to a determination being issued. Conditions for granting refund requests are:

- (a) 90% of the application fee will be refunded where:
 - (i) no assessment work has been undertaken by the City; and
 - (ii) the application is withdrawn within seven days of the date of lodgement of application.

or

- (b) 50% of the application fee will be refunded where:
 - (i) assessment work has been undertaken by the City;
 - (ii) the application has not been advertised; and
 - (iii) the application is withdrawn within fourteen days of the date of lodgement of the application.

4.8 A request for the refund of an Application for Development Approval fee that is outside the conditions set out above will not be granted.

Unauthorised Existing Development

4.9 The waiver or refund of development application fees will not apply to applications made where a use or development has already been commenced or carried out unlawfully and the purpose of the application is to render that use or development lawful under the Scheme.

5.0 DEVELOPMENT APPLICATION REQUIREMENTS

5.1 The Schedule of Fees and Charges, adopted with the Council's annual budget, contains the fees set for the current financial year. This will be referred to when considering requests to refund or waive development application fees.

6.0 RELATED LEGISLATION

6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- *Local Government Act 1995*
- *Planning and Development Act 2005*
- *Planning and Development Regulations 2009*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Local Planning Scheme No. 3



DRAFT

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY – DEVELOPMENT COMPLIANCE

1.0 PURPOSE

1.1 The purpose of the Policy is to provide guidance for the Development Compliance process to be undertaken by the City including:

- Establishing a consistent and transparent approach for planning compliance;
- Outlining the process for assessment of complaints of unlawful activity, land use or structures to determine when further investigation and/or action is required;
- Outlining the City's options for dealing with unlawful activity; and
- Establishing circumstances where further enforcement action is warranted.

2.0 BACKGROUND

2.1 The City is responsible for enforcing the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and the City's Local Planning Scheme No. 3 (the Scheme). These documents set out when development approval is required and the requirements for assessing any development approval.

2.2 Part 13 of the Planning and Development Act 2005 (PD Act) outlines the City's enforcement and legal proceedings as a decision maker of relevant development applications and enforcer of the relevant Local Planning Scheme. Likewise, Schedule 2, Part 10 of the Regulations includes enforcement provisions specific to the district. The City has a legal responsibility to ensure that all development within the district is compliant with the Scheme.

2.3 Development Compliance relates to the specific objectives of the Scheme, which includes the orderly and proper development of land and securing the amenity, health and convenience for the inhabitants thereof. Development Compliance is therefore required to ensure that land use activities and works are undertaken in accordance with Development Approvals issued by the City and the requirements of the Scheme, so as not to be in breach of legislation.

2.4 The PD Act includes a range of actions that can be taken to address a prescribed offence such as serving Direction Notices to stop work, to bring the land into compliance with the Scheme and/or restore the land as nearly as practicable to its condition immediately before the development started.

3.0 APPLICATION OF POLICY

3.1 This policy applies to all development that is within the Scheme area of the City of Nedlands and includes development on zoned land, reserved land, land which is not zoned and development which was not approved by the City of Nedlands.



3.2 The Policy applies to alleged breaches of the PD Act and the Scheme.

4.0 OBJECTIVES

4.1 To ensure that development complies with the provisions of the Scheme, the PD Act and conditions of development approval.

4.2 To ensure that any alleged non-compliances and/or breaches of the relevant legislation are investigated in a fair, transparent and equitable manner.

4.3 To facilitate negotiated outcomes, where appropriate, where it is found that a breach of the relevant legislation or conditions of approval has occurred.

4.4 To undertake legal, accountable and defensible enforcement.

5.0 POLICY MEASURES

Discovery of Non-compliance

5.1 The City may become aware of an alleged non-compliance or a breach by a land owner or occupier within the District through either a site inspection, aerial photography or a complaint. In the case of a complaint, the City will investigate all complaints received in writing.

Complaint

5.2 Any person who is aggrieved by a land use or development matter must lodge their complaint in writing, either by letter delivered to the City in person or via post or by email. The City will record the complaint and deliver (either by post or email) acknowledgement correspondence to the complainant. Complainant particulars will be kept confidential and will not be released to offenders without the consent of the complainant.

5.3 The complaint must contain the following details:

- (a) The complainant's name, property address and preferred contact details;
- (b) The property address where the alleged offence has occurred;
- (c) Details of the alleged offence;
- (d) How the alleged offence is having an impact on the complainant;
- (e) The dates and times the alleged offence has occurred (if applicable); and
- (f) Photographs of the offence (if applicable).

5.4 The City may not respond to any anonymous complaints as it has no way of determining the validity of a complaint.



- 5.5 If the complaint matter can be resolved by City Officers, the complaint will be closed, and no further action will be undertaken, unless there is a subsequent occurrence of non-compliance.
- 5.6 If the complaint involves multiple issues that relate to various City Departments, the matter will be coordinated to ensure joint investigation by City Officers, to reduce the inconvenience and confusion to owners and occupiers.
- 5.7 The Council shall be kept informed of non-compliance issues.

Investigations

- 5.8 The City will investigate all complaints and alleged unlawful land use activity, unless:
 - (a) the matter has already been investigated and resolved;
 - (b) the City has no jurisdiction. i.e. there is no lawful provision for Council or relevant authority to take action;
 - (c) the activity is deemed to be lawful without an investigation; or
 - (d) the matter is the subject of an anonymous complaint.
- 5.9 If the City determines that there is no legal breach of any operative Planning legislation, it will explain in writing to the complainant the reasons why it is unable to act on the complaint.

Jurisdiction

- 5.10 Any compliance issue falling outside the jurisdiction of the City will be referred to the relevant authority for action, and the complainant will be advised accordingly. No further action will be able to be taken by the City in these circumstances.
- 5.11 Where a compliance issue falls partly within the jurisdiction of the City and partly within the jurisdiction of another authority, that part falling within City's jurisdiction will be dealt with in accordance with this policy, and that part falling outside the City's jurisdiction will be referred to the relevant authority for action, and the complainant will be advised accordingly.

Options for Dealing with Unlawful Activity

- 5.12 When acting upon and resolving planning breaches, the City will consider a range of different options depending upon the circumstances of the matter. Some or all the following options may be explored by the City with a person/s undertaking an unlawful activity. These options are initial steps only.

Negotiation

- 5.12.1 Negotiations can be a worthwhile approach to foster relationships and build trust in the community and demonstrate reasonableness to the community. Negotiation can often be the least time-consuming approach in achieving an



acceptable outcome, however, it is dependent upon the seriousness of the breach and willingness of the offender to comply. Negotiation is an important tool but cannot always be relied upon to achieve the desired outcome.

Education

5.12.2 Alleged offenders may be counselled or cautioned, with the purpose of educating them on the relevant requirements. The City recognises that educational incentives may lead to compliance being achieved without enforcement action in some circumstances.

Planning Application

5.12.3 Any person is entitled at any time to apply for development approval for an existing use or retrospective approval of an unlawful construction. The City will not encourage the application for development approval where the development cannot be considered for approval under the Scheme or relevant building legislation. Such an application for development approval must include the applicable fee, plus twice the applicable fee by way of a penalty. The City may consider not commencing formal enforcement proceedings where an application for development approval is made to formalise the unlawful development that complies with the standards and requirements of the Scheme.

Notice

5.12.4 Issuing a written notice or caution requiring the activity/work to cease or modify the development to comply. This is not a direction notice under the PD Act. Notices may be issued by the City for any development compliance matter.

Priority

5.13 Compliance priorities will be processed in the following order, irrespective of the number or frequency of complaints received, namely:

- (a) Dangerous and/or unsafe works and matters of significant nuisance with a high risk of adversely impacting on public amenity, health and/or safety.
- (b) Any matter involving irreversible or permanent damage to a building or place on the State Register of Heritage Places or on the Heritage List established under the Scheme, or the natural environment.

5.14 All other compliance issues not referred to above, will be progressed in the order in which the City becomes aware of the matter.

5.15 All compliance matters will be investigated where the City has reasonable grounds to suspect that non-compliant activity is occurring.

5.16 The City will not act in relation to those complaints which it determines are either frivolous or have been made with the intention to create mischief.



Determine Not to Take Compliance Action

5.17 The City may determine not to take compliance action where:

- (a) On the balance of issues, it is not within the public interest to do so.
- (b) After reasonable investigation
 - (i) it is uncertain that the matter is compliant; or
 - (ii) is incapable of being made compliant due to a lack of specific information in the plans and documents of any relevant approval.
- (c) The extent of the non-compliance is so minor that the distinction between complying and not complying with the relevant legislation would be unnoticeable to the general public.
- (d) The non-compliance has been in existence for a substantial period and has had no apparent adverse impact on the amenity, health or safety of the adjoining properties, the streetscape, the locality or the natural environment, and the land use, development or building work pose no potential risk to the public or the natural environment.

5.18 In determining not to take compliance action, the City is not legitimising or giving its consent or approval to the non-compliance, but has decided, in the circumstance, not to pursue the matter at the time being.

Powers of Entry

5.19 Schedule 2, Part 10, clause 79 of the Regulations authorises an employee of the City authorised by Council to enter any building or land for ascertaining at all reasonable times, whether the provisions of the Scheme are being observed. The City views the power to enter private property very seriously and will ensure that the exercise of these functions is strictly in accordance with the Scheme. The City's Delegated Authority only enables authorised City Officers to legally enter property for them to carry out their investigative duties and take necessary action.

5.20 Authorised City Officers who carry out inspections on private land for regulatory purposes, will carry photographic identification. An owner is not required to be present when an authorised City Officer undertakes an investigative inspection. When property entry cannot be obtained or is denied the City may either:

- (a) seek a WA Police escort; or
- (b) by Warrant obtained pursuant to s.3.33 of the Local Government Act 1995 enter any building or land, together with any other persons described in the Warrant, or a Police Officer using such force as is necessary.

Undertaking Compliance Action

5.21 The City will issue a notice requiring that a non-compliant development be made compliant generally within 14-28 days where an outstanding condition of



development approval has not been complied with to the City's satisfaction. The length of time given to the offender will depend on the nature of the breach and required time for compliance.

- 5.22 The City may extend the period of time for compliance at the request of the offender of the property where the breach has occurred. The City will consider the nature of the breach and steps to be, or already, undertaken to comply with the Scheme when determining if extension for compliance can be granted.
- 5.23 Where a non-compliance with the Scheme or breach of the conditions of approval has occurred and is determined by the City to have a significant adverse impact on the amenity, health and/or safety of the public or the natural environment, a notice may be issued to the land owner requiring that the non-compliance or breach be stopped immediately and rectified within a timeframe appropriate to the severity of the non-compliance or breach.
- 5.24 The City may temporarily defer the commencement of enforcement action where an application for development or building approval has been submitted in respect of the alleged breach, within 28 days of the City's notice outlined in policy measure 5.16 above, or such further period agreed in writing by the City.
- 5.25 After the expiry of the notice period outlined in policy measure 5.16, the City may issue a further notice requiring that a non-compliant development be made compliant within a lesser period of time.
- 5.26 If after the expiry of the notice period, stated in the notice issued under policy measures 5.16, the non-compliance, has not ceased or been rectified as directed, the City may:
- (a) issue an infringement to the offending party in accordance with the penalties prescribed in the Planning and Development Regulations 2009;
 - (b) issue a written direction pursuant to section 214 of the PD Act requiring the non-compliance be made compliant within 60 days from the date of the direction, or another period specified by the City. The written direction may require (amongst other things) the land owner/recipient to obtain subsequent development approval, cease the unapproved development, remove any unapproved structures or undertake prescribed work; or
 - (c) If non-compliance has not been rectified after the expiry of the date of the written direction, or other period specified by the City as the case may be, legal action as provided for under Section 214 and 218 of the PD Act shall commence.
- 5.27 Nothing in this section precludes the City from commencing prosecution in respect of a non-compliance at any time.
- 5.28 The City may grant an extension of time, where in the opinion of the City, there has been a genuine attempt by the land owner to address the non-compliance.



- 5.29 Where a City decision relating to non-compliance is referred to the State Administrative Tribunal, (SAT) by the land owner, the City will defer any further compliance action until the matter has been determined by SAT.
- 5.30 If the City believes the referral by the land owner to SAT is frivolous, vexatious or used to delay or frustrate the action of the City to require the land use, development or building work to be made compliant, the City will not support any requests for adjournments to the SAT proceedings.

Subsequent Approval

- 5.31 Under clause 65 of the deemed provisions of the Regulations, the Council has the discretion to give subsequent development approval to a development already existing or commenced without having applied for or received the Council's approval. Sometimes is referred to as retrospective approval.
- 5.32 Clause 65 does not affect the power of the Council to take legal action for a breach of the Scheme or the Planning and Development Act 2005.
- 5.33 The Planning and Development Regulations 2009, Schedule 2 prescribes the maximum fees, and in respect to development applications (other than extractive industries) where development has commenced or been carried out, the fee for the subsequent approval is the prescribed development fee which includes an additional charge to reflect a financial penalty for commencing the development without approval.
- 5.34 In accordance with Council's Local Planning Policy – The Waiving and Refunding of Development Application Fees, the waiver or refund of development application fees will not apply to applications made where a use or development has already been commenced or carried out unlawfully and the purpose of the application is to render that use or development lawful under the Scheme.

Discretionary Action

- 5.35 Where there are extenuating circumstances associated with the reason for non-compliance, the City shall have regard to the following when deciding any action, it may take:
- (a) The need to reinforce the orderly and proper development of the District.
 - (b) The public interest served by requiring compliance with the Scheme.
 - (c) The factual circumstances which may have caused the non-compliance and/or the breach of the applicable laws and requirements relating to the development, building or building work.

6.0 RELATED LEGISLATION

- 6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and



Western Australian Planning Commission (WAPC) Planning Bulletin No. 98 – Planning and Development Regulations 2009.

6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Planning and Development Act 2005
- Planning and Development Regulations 2009
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Government Act 1995
- Town Planning Scheme No. 2

DRAFT

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY – SIGNS

1.0 PURPOSE

- 1.1 The purpose of this policy is to establish the requirements which apply to signs and to provide guidance when determining development applications for signs.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to all signs on land within the Scheme area under Local Planning Scheme 3 (the Scheme) within the City of Nedlands.
- 2.2 Development approval under the Scheme is not required for signs located wholly on land reserved under the Metropolitan Region Scheme (MRS). An approval under the MRS may be required.

3.0 OBJECTIVES

- 3.1 To ensure that signs do not adversely impact on the amenity of the surrounding area.
- 3.2 To avoid the proliferation of signs nor signage which are not relevant to the business.
- 3.3 To ensure that commercial signs are generally located in non-residential areas.
- 3.4 To ensure that signs do not detract from the level of safety for drivers, cyclists and pedestrians.
- 3.5 To ensure that signage directs pedestrian and vehicular traffic appropriately and is proportionate to the scale of the building.

4.0 POLICY MEASURES

- 4.1 Notwithstanding any provision of this policy, an application for Development Approval is required to be obtained from the City prior to installing signage on any place which is on the City's Heritage List or the State Heritage List.
- 4.2 All signs:
- (a) Shall be in keeping with the scale and form of the building;
 - (b) Shall not be in any position where it obstructs the site lines of vehicles and/or pedestrians; and
 - (c) Shall not contain any discriminatory or offensive material.
 - (d) Shall be displayed at the site to which it relates with the exception of Sponsorship Signage cl4.4.8.



4.3 Signs exempt from requiring development approval


- 4.3.1 Street naming signs and directional signs are considered public works by a public authority on public land and are therefore exempt from requiring Development Approval.
- 4.3.2 In accordance with cl. 61(f) & cl. 61(g), Part 7, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) the following signs are exempt from the requirement for development approval.
- (a) Temporary signs where in existence for less than 48 hours in any 12-month period.
 - (b) Election signs where:
 - (i) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918*, the *Electoral Act 1907* or the *Local Government Act 1995*; and
 - (ii) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll; and
 - (iii) The advertisement is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted.
- 4.3.3 In accordance with cl. 61(h), Part 7, Schedule 2 of the Regulations the following signs are exempt from the requirement for development approval provided:
- (c) the sign satisfies the specific requirements for each sign type; and
 - (d) the sign is wholly located within the boundaries of the property to which it relates and not within the road reserve.




4.3.4 Construction site sign

<p>Definition</p>	<p>A sign that provides details or promotional material of the project, professional consultants, contractors and/or builders; displayed during construction of a building, development or subdivision.</p>	 <p style="text-align: center;">1</p>
<p>Development Provisions</p>	<p>(i) Shall have a maximum of one sign per street frontage; (ii) Shall have a maximum height of 2.0m above natural ground level; (iii) Shall be removed within 14 days from date of practical completion of the development; and (iv) Must be located wholly within the property boundary, where the development is occurring.</p>	
<p>Permitted locations</p>	<p>All zones. All reserves (except road reserves).</p>	

4.3.5 Name Plates and wall signs

<p>Definition</p>	<p>Name Plate: A flat, usually rectangular sign which the name of a person, company etc. is printed or engraved.</p> <p>Wall Sign: A sign which is affixed to the external part of a wall of the building but does not project more than 300mm from the wall and does not extend above the height or length of the wall to which it is attached.</p>	 <p style="text-align: center;">2</p>
<p>Development Provisions</p>	<p>If associated with an authorised home business: (i) Shall be a maximum of one sign per building; and (ii) Shall be a maximum of 0.2m² in area.</p>	
<p>Permitted locations</p>	<p>All zones. All reserves (except road reserves).</p>	

4.3.6 Portable sign (within property boundary)

<p>Definition</p>	<p>A sign which is not permanently attached to a building, structure, fence or the ground, includes 'A-frame' and 'sandwich board' signs.</p>	 <p>3</p>
<p>Development Provisions</p>	<ul style="list-style-type: none"> (i) Shall be located within property boundaries; (ii) Shall be a maximum of 1 sign per tenancy; (iii) Shall be a maximum of 1m in height and 1m in width; (iv) Do not flash or pulsate; and (v) Are setback at least 1.5m from where the driveway meets the crossover. 	
<p>Permitted locations</p>	<p>All zoned land except the Residential zone. All reserves (except road reserves).</p>	

4.3.7 Property Transaction signs

<p>Definition</p>	<p>A sign designed to promote the sale or lease of a property and includes the words 'for sale' or 'for lease'.</p>	 <p>4</p>
<p>Development Provisions</p>	<ul style="list-style-type: none"> (i) Shall be a maximum of 5m² in area; and (ii) Does not exceed a maximum of 1 sign per street frontage. 	
<p>Permitted locations</p>	<p>All zones. All reserves (except road reserves).</p>	

4.3.8 Statutory signs

<p>Definition</p>	<p>A sign required to be exhibited by, or pursuant to, any law or policy. Includes all categories of signs.</p>	
<p>Development Provisions</p>	<p>(i) Shall be limited to the requirements of any applicable Act or Statute.</p>	
<p>Permitted locations</p>	<p>All zones. All reserves (except road reserves).</p>	

4.3.9 Window signs


<p>Definition</p>	<p>A sign painted or affixed to either the interior or exterior surface of the glazed area of a window.</p>	
<p>Development Provisions</p>	<p>(i) Does not cover more than 25% of the glazed area of the window; (ii) Does not exceed 10m² in area per tenancy; and (iii) Does not flash or pulsate.</p>	
<p>Permitted locations</p>	<p>All zoned land except the Residential zone. All reserves (except road reserves).</p>	




4.4 Signs requiring development approval

4.4.1 The following signs require an application for development approval to be lodged with the City. These signs should meet the requirements as set out for the specific sign type and must be wholly located within the property boundaries to which it relates and not encroach within the road reserve.


4.4.2 Hoarding signs

Definition	A large freestanding advertisement, supported above ground level by one or more piers and is not attached directly to any building or other structure.	
Development Provisions	<ul style="list-style-type: none"> (i) A maximum of 1 sign per site, which may be double sided; (ii) A maximum height of 6m above natural ground level; (iii) Minimum setback of 2m from adjoining sites; (iv) Shall be aligned at a right angle to street; (v) Setback at least 1.5m from where a driveway meets the crossover; and (vi) Shall have a minimum clearance of 2.75m above natural ground level or where it can be demonstrated the sign complies with the requirements of the relevant Building Codes. 	
Permitted locations	All zoned land except the Residential zone.	

4.4.3 Monolith signs


<p>Definition</p>	<p>A sign in-filled from natural ground level to the top of the sign and appears as a solid structure when the supporting columns cannot be seen.</p>	
<p>Development Provisions</p>	<ul style="list-style-type: none"> (i) A maximum of 1 sign per property, which may be double sided; (ii) A maximum height of 6m above natural ground level and a maximum width of 2m; (iii) Minimum setback of 2m from adjoining sites; (iv) Setback at least 1.5m from where a driveway meets the crossover; and (v) Shall be aligned at a right angle to street. 	
<p>Permitted locations</p>	<p>All zoned land except the Residential zone.</p>	

4.4.4 Projecting signs

<p>Definition</p>	<p>A sign which is attached to a projection or projects more than 300mm from a wall of the building below the eaves or ceiling height.</p>	
<p>Development Provisions</p>	<ul style="list-style-type: none"> (i) A maximum one sign per tenancy; (ii) A minimum clearance of 2.75m above natural ground level or where it can be demonstrated the sign complies with the requirements of the relevant Building Codes; (iii) A maximum area of 4m²; 	

	<ul style="list-style-type: none"> (iv) Signs are not to project above the height of the wall to which they are attached; (v) Not to project more than 1.0m forward of the wall to which it is attached; and (vi) May be internally illuminated during the opening hours of the use to which it relates.
Permitted locations	All zoned land except the Residential zone. All reserves (except road reserves).

4.4.5 Pylon sign

Definition	A sign supported by one or more piers and which is not attached to a building and includes a detached sign framework to which sign infills may be added.	
Development Provisions	<ul style="list-style-type: none"> (i) A maximum of 1 sign per site, which may be double sided; (ii) A maximum height of 6m above natural ground level; (iii) Minimum setback of 2m from adjoining sites; (iv) Shall be aligned at a right angle to street; (v) Setback at least 1.5m from where a driveway meets the crossover; and (vi) Shall have a minimum clearance of 2.75m above natural ground level or where it can be demonstrated the sign complies with the requirements of the relevant Building Codes. 	
Permitted locations	All zoned land except the Residential zone.	


4.4.6 Roof signs

Definition	Signs which protrude above the roof line or attached to the roof.	
-------------------	---	--




Development Provisions	<ul style="list-style-type: none"> (i) Shall have regard to the amenity of any nearby residential zoned properties; (ii) Shall comply with the building heights which are applicable for the property; and (iii) Roof signs, should not exceed a maximum area of 5m² and a maximum height of 2m above roof level.
Permitted locations	All zoned land except the Residential zone.


4.4.7 Tethered signs

Definition	<p>A sign which is suspended from or tethered to any building/structure or pole (with or without supporting framework) and made of paper, plastic, fabric or similar materials. The term includes lighter than air aerial devices, inflatables, bunting, banners, flags and kites.</p>	 <p>12</p>
Development Provisions	<ul style="list-style-type: none"> (i) A maximum of 1 sign per site; (ii) Where attached to the ground, a maximum height of 4.0m and maximum area of 5m²; (iii) Where attached to a pole, maximum area of 3m²; (iv) Tethered signs which are inflatable to be limited to one sign per lot, with a maximum height of 3.0m and width of 2m; (v) To be wholly located within the property boundaries of the lot; and (vi) Tethered signs are not permitted to be erected on the roof of the building and project above the roofline; or where attached to a wall project above the wall height of the building. 	
Permitted locations	All zoned land except the Residential zone.	

4.4.8 Sponsorship signs

<p>Definition</p>	<p>A sign which is for a financial or other benefit to a sporting or community club but is not directly related to the functions or activities of the club.</p>	 <p>13</p>
<p>Development Provisions</p>	<ul style="list-style-type: none"> (i) Is wholly located within the lot boundaries and adequately maintained to the satisfaction of the City; (ii) Shall face internally to the reserve and be setback sufficiently from lot boundaries so as not to be visually prominent from the street; (iii) Individual sponsorship signs shall be a maximum of 5m² in area and up to 2.7m in height from natural ground level; (iv) The maximum number of sponsorship signs (fixed or moveable) shall be no greater than three signs per club. An application for a greater number of signs may be considered based on the location of signs not being visually prominent from the street; and (v) Sponsorship signage which is illuminated, or flashing is not permitted. 	
<p>Permitted locations</p>	<p>All reserves (except road reserves).</p>	


4.4.9 Wall signs

<p>Definition</p>	<p>A sign which is affixed to the external part of a wall of the building but does not project more than 300mm from the wall and does not extend above the height or length of the wall to which it is attached.</p>	 <p>14</p>
<p>Development Provisions</p>	<ul style="list-style-type: none"> (i) Maximum two signs per tenancy; (ii) Maximum area of 10m² in aggregate for a tenancy; (iii) Must be displayed on the wall/s of tenancy in which it relates; and (iv) If placed directly over door openings, have a minimum clearance of 2.75m above natural ground level or where it can be demonstrated 	



	the sign complies with the requirements of the relevant Building Codes.
Permitted locations	All zoned land except the Residential zone. All reserves (except road reserves).

4.4.10 Variable Message signs


Definition	Advertising signage generally affixed to a trailer and where the message can be set to change at regular intervals but does not flash or pulsate.	
Development Provisions	<ul style="list-style-type: none"> (i) Must not obstruct vehicle, pedestrian and cycle movement; (ii) Not be displayed on any one lot for more than fourteen days in aggregate for any one calendar year; (iii) Not create visual conflict with traffic signals or roadwork signals; and (iv) Not be permitted where they unduly distract drivers due to their display, location, content, movement or rotation, frequency or flashing, brightness or luminance. 	
Permitted locations	All reserves (except road reserves).	

DRAFT



4.5 The following signs may be considered outside the boundaries of the property to which they relate and be located within the road reserve. These signs require an application for development approval to be lodged with the City and must meet the requirements as set out for the specific sign type.

4.5.1 Portable sign

<p>Definition</p>	<p>A sign which is not permanently attached to a building, structure, fence or the ground, and include 'A-frame', 'sandwich board' and 'garage sale' signs.</p>	
<p>Development Provisions</p>	<ul style="list-style-type: none"> (i) May be considered where a building is setback less than 1m from the primary street boundary; (ii) Does not exceed a maximum of 1 sign per tenancy/residence; (iii) Does not exceed 1m in height and 1m in width; (iv) Are located directly outside of the property to which they relate; and (v) Do not obstruct a pedestrian thoroughfare. 	
<p>Permitted locations</p>	<p>Road Reserve</p>	

Note 1: Despite compliance with this Policy any sign in the Road Reserve may also be required to comply with the City's Local Law Thoroughfares.

Note 2: Signs subject to any commercial agreement with the City will be required to satisfy the requirements of that commercial agreement and any policy measures set out in this Policy.

5.0 VARIATIONS TO POLICY

5.1 Variations to this policy shall be assessed against the objectives of this policy.

5.2 Applicants seeking variations to policy measures are required to submit a detailed written statement addressing each of the objectives of this policy for the City's assessment.

5.3 Where a development application seeks to vary a policy measure, and in the opinion of the City the variation may have an adverse impact on the amenity of an adjoining property or the streetscape, the City will undertake consultation and notification of neighbouring landowners and occupiers in accordance with the City's policy for Consultation and Notification of Planning Proposals.



6.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 6.1 In addition to the standard Development Approval Form, as set out in the Planning and Development (Local Planning Schemes) Regulations 2015, all applications for advertisements are required to complete and submit the additional Information for Development Approval for Advertisements Form (a copy is provided as Appendix 1).
- 6.2 Applications for signage within the road reserve must submit a scaled dimensioned plan showing the location of the sign and minimum width for the pedestrian thoroughfare.
- 6.3 Applications for signage within a road reserve (including on road verges and nature strips) may require separate approval from the City under its Local Law relating to Thoroughfares.

7.0 RELATED LEGISLATION

- 7.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 7.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Local Planning Scheme No.3
 - City of Nedlands Local Law relating to Thoroughfares
 - Any relevant State or Local Planning Policies

Image References:

1. Pierside Construction - <https://www.tradiepacks.com.au/products/corflute-signs>
2. Fortune - <http://fortune.com/2018/05/25/nordstrom-fortune-500-tech-amazon/>
3. Etsy - <https://www.etsy.com/nl/listing/498286389/custom-sandwich-board-sign-reclaimed>
4. Economy Inn - <http://economyinnlancaster.com/best-font-for-political-signs/best-font-for-political-signs-fresh-home-for-sale-signs-yard-signs/>
5. Toronto Local Government - <https://kitchendecor.club/files/what-process-amendments-are.html>
6. Window Design Agencies - <http://pin.photome.review/window-design-agencies.html>
7. Award Signs - <http://awardsigns.net.au/services/commercial-and-retail-signage/>
8. Signs Express - <https://www.signsexpress.co.uk/products-services/outdoor-business-signs/monolith-signs>
9. Pics We - <https://www.picswe.com/pics/projecting-signs-street-9c.html>
10. Tops Images - <https://www.topsimages.com/images/pylon-signage-specifications-drawings-2c.html>



- 11. City Scoop - <https://cityscoop.us/rochesterny-signs/2016/07/19/rochester-ny-searching-for-roof-signs-for-your-business-pics-included/>
- 12. Ameramark - http://www.ameramark.com/hot_air_balloons.htm
- 13. Bacchus Marsh Scorpions Soccer Club - <http://bacchusmarshsoccer.org.au/sponsors/>
- 14. Boardwalk Designs - <http://boardwalkdesigns.com/exterior-signs/wall/>
- 15. Amazon - <https://www.amazon.com/Message-Board-Trailer-Replacement-Solar/dp/B00K7FAQZW>

DRAFT

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



**Appendix 1 –
Additional Information for Development Approval for Advertisements Form**

1. Description of property on which advertisement is to be displayed including full details of its proposed position within that property:

.....
.....
.....

2. Details of proposed sign:

(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):

.....

(b) Height: Width: Depth:

(c) Colours to be used:

(d) Height above ground level —

to top of advertisement:

to underside:

Materials to be used:

.....

(e) Illuminated: Yes / No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

.....

3. Period of time for which advertisement is required:

.....

4. Details of signs (if any) to be removed if this application is approved:

.....

.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed as detailed in 4 above.