



City of Nedlands

Planning and Development Reports

Committee Consideration – 9 March 2021

Council Resolution – 23 March 2021

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PD05.21	Reconsideration of Planning Application – No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)
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Committee	9 March 2021
Council	23 March 2021
Applicant	David Joseph
Landowner	David Joseph and Christine Joseph
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia</p>
Report Type	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Quasi-Judicial	
Reference	DA20-48595
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	<ol style="list-style-type: none"> 1. Applicant's Justification Report 2. Extract of 27 October 2020 OCM – Agenda containing report with recommendation to Council 3. Extract of 27 October 2020 OCM – Minutes
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Management Plan 3. Submissions 4. Assessment 5. Petition

1.0 Executive Summary

The purpose of this report is for Council to reconsider pursuant to the orders set by the State Administrative Tribunal a Development Application for an existing Holiday House (Short-Term Accommodation) at No. 37 Strickland Street, Mount Claremont.

At the 27 October 2020 Ordinary Council Meeting, the motion for conditional approval was lost. In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, Council stated the reason for not approving the application was due to the number and type of complaints received. As the approval motion was lost without an alternative refusal resolution, the application is legally

considered to have been 'deemed refused' as the statutory time period in which to make a determination has expired.

Subsequent to Council's consideration of the matter, the applicant lodged an application for review to the State Administrative Tribunal. The Tribunal has ordered the City consider the proposal again. This report is presented to Council to make a final determination for the proposal based on sound town planning grounds.

It is recommended that the application be approved by Council as it is considered to satisfy all the Objectives and Policy Measures for a Holiday House of the City of Nedlands Short Term Accommodation Local Planning Policy (LPP).

Recommendation to Committee

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

- 1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.**
- 2. The approval period for the Holiday House will expire 12 months from the date of this approval.**
- 3. The Management Plan date stamped 24 June 2020 forms part of this approval and is to be complied with at all times to the City's satisfaction.**
- 4. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 5. The proposed use complying with the Holiday House definition stipulated under the City's Local Planning Scheme No. 3 (refer to advice note a)).**
- 6. A maximum of six (6) guests are permitted on the reside at the Holiday House at any one time.**
- 7. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.**
- 8. A maximum of two (2) guest vehicles for guests of the Holiday House are permitted on the premises at any one time.**

Advice Notes specific to this proposal:

- a) **With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:**

‘Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast’.
- b) **In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House after the expiry period (30 June 2022), an application to renew the approval must be submitted to the City’s Planning Department for assessment prior to the completion of the initial approval period. The applicant is advised to contact the City’s Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.**
- c) **A separate development application is required to be submitted to and approved by the City prior to any increase in the maximum number of guests at the Holiday House.**
- d) **The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.**
- e) **This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.**
- f) **This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.**
- g) **Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.**
- h) **All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).**
- i) **No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.**

- j) **Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).**
- k) **Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.**
- l) **Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.**

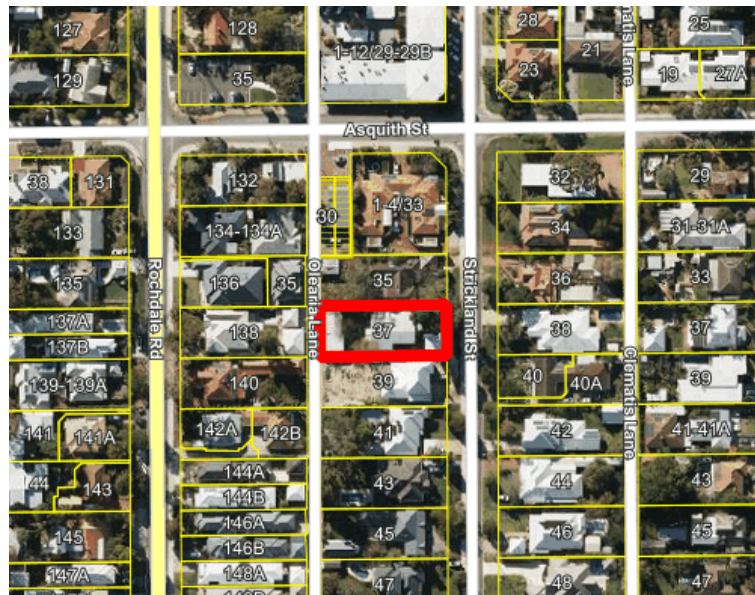
2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R20
Land area	1012m ²
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No
Land Use	Existing – Residential and Ancillary Dwelling Proposed – Residential and Holiday House
Use Class	Proposed – ‘A’ use class for Holiday House in a Residential zoned area.

2.2 Locality Plan

The subject property is located within an area which displays a predominantly residential character with a density of R20 under LPS 3 as shown in the aerial map below.



Approximately 80m to the north of the subject property is the Mount Claremont Local Centre which consists of a diverse variety of retail and commercial tenancies as shown on the map below.



3.0 Application Details

3.1 Nature of Application

The applicant seeks development approval for the use of the subject property for a Holiday House. As per the City of Nedlands Local Planning Scheme No. 3, a “Holiday House” is defined as:

“a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.”

The City of Nedlands Local Planning Scheme No. 3 defines a “Short-Term Accommodation” use as:

“temporary accommodation provided either continuously or from time-to-time with no guest/s accommodated for periods totalling more than 3 months in any 12-month period.”

The applicant (who is also the owner of the property) is seeking to operate the “Holiday House” at the subject property. The owners of the property will reside on site and manage the holiday house.

In the Management Plan contained as **Confidential Attachment 2** of this report, the applicant has explained:

- There will be one booking taken at a time.
- The maximum number of guests at the property will be between 4 to 6 guests and each booking will be for a minimum of 2 consecutive nights.
- The maximum number of guest cars the property will be 2 guest cars.
- The hosting requirements of the holiday house will be managed by 'Houst' (a management company) to take care of bookings, guest data and check in and check out dates.
- The Management Plan also contains a Code of Conduct which will be provided to all guests of the Holiday House.

The City notes that when the Short-Term Accommodation Local Planning Policy was adopted, there was an amnesty period to encourage already operating short term accommodation providers to get their necessary approvals through the Council.

Of the many already operating short term accommodation properties within the City, the applicant for this DA was one of the few owners that came forward to normalise the use of the land for the holiday house.

3.2 History of Application

The timeline below refers to the history of the application thus far:

May 2020	Development application lodged to the City of Nedlands
July 2020	Application advertised to adjoining landowners and occupiers
September 2020	Application presented to Council for determination due to objections being received. At the Committee Meeting, the application was recommended for approval. At the Council Meeting on 22 September 2020, the item was deferred to October 2020
October 2020	<p>Application re-presented to Council for final determination, where the motion to approve was lost, and no decision was made.</p> <p>The Council Minutes contained as Attachment 3 indicated that in accordance with Regulation 11(da) of the Local Government (Administration) Regulations 1996, Council did not approve this application due to the number and type of complaints received. This is not considered a resolution to refuse the application under clause 68(2)(c) of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <ul style="list-style-type: none"> - Note: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration
December 2020	SAT Appeal lodged by applicant for Deemed Refusal (i.e., no decision having been made within the 90-day statutory time limit).

January 2021	Directions Hearing held at SAT – Orders made that the application is to be re-presented to Council for a final determination.
March 2021	Application presented to Council for determination.

In summary, pursuant to the Orders set by the SAT, the purpose of this report is for Council to reconsider the Development application for an existing Holiday House (Short-Term Accommodation) at the subject site and make a determination under clause 68(2) of the Deemed Provisions.

3.3 SAT Appeal

An Order made by the SAT requests the landowner to provide further information to the City to assist their proposal.

At the Council Meetings in 2020, submitters made a presentation to Council and stated they have filed a Police Report against the Holiday House with concerns over street drinking, antisocial behaviour and noise. To confirm these statements, the owner of the subject site visited the Wembley Police Station on 25 September 2020. The owner was advised by the police that there have been no incident reports created for the use of the site as a Holiday House.

The Assessing Officer called Wembley Police Station on 10 February 2021 to ask the Police Station to confirm if there have been any police incident reports against No. 37 Strickland Street, Mount Claremont. The Police Station confirmed that on the Statewide Database, there have been no police incident reports against the subject property in relation to street drinking, antisocial behavior or noise.

The Assessing Officer has also enquired with the City of Nedlands Rangers Department who have confirmed that Rangers have no complaints or issues for the subject property.

In light of the above findings, there have been no complaints or issues for this site to the City's Planning Department, City's Rangers Department, or the Police. It can therefore be considered that although the holiday house has been operating since 2019, there have been no negative impacts on the local amenity through antisocial behavior or noise.

4.0 Consultation

A Holiday House is an 'A' Use in a Residential Zone under the Zoning Table of the City of Nedlands Local Planning Scheme No. 3.

An 'A' use means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions. Therefore, the development application was advertised for a period of 14 days in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. The application was advertised in July from 6 July 2020 – 20 July 2020 to a total of 38 owners and occupiers. During this consultation period, 4 objections were received.

In support of the application, the applicant has provided a letter of response, addressing the submissions received. This has been provided as **Attachment 1** of this Council Report.

In the original report to Council, a summary of the concerns/comments raised, and the City's response and action taken is provided in the table under Section 5.0. Please refer to **Attachment 2 – 5.0 Consultation** for the summary of submissions of the 4 submissions received, the officer response and action taken.

Administration notes that after the report was presented to Council in September, the application was deferred to the October meeting. On 22 October 2020, a Petition was received by the City to refuse the application with a total of 31 signatories. Council considered the Development Application at the 27 October 2020 Ordinary Meeting. The petition is contained as **Confidential Attachment 5** to this report.

5.0 Assessment of Statutory Provisions

5.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67(2) (Consideration of application by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections.

In accordance with provisions (m) and (n) of the Regulations clause 67(2), due regard is to be given to the compatibility of the development and the likely effect of the proposed development's potential impact it will upon the local amenity.

5.2 Local Planning Scheme No. 3 – Residential Zone Objectives

Requirement	Proposal	Satisfies
a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to positively contribute to the City's housing diversity through the proposal of a Holiday House. Temporary accommodation through the proposal of a Holiday House is seen to meet the needs of the community, which seeks for a diverse range of housing options.	Yes
b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	Not applicable as the application is only seeking approval for the use of the existing dwelling as a Holiday House. No works are proposed as part of this development application.	N/A
c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;	As above. It is noted that the proposal for a Holiday House is seen complementary to the existing residential development on site and the residential land use in the locality of Mount Claremont. As seen in the locality plan, the surrounding land uses all include Residential dwellings in an R20 coding.	N/A

	The dwelling which will be used for the Holiday House is an existing dwelling and the proposal of the Holiday House is seen to be compatible with this existing land use of the site and the adjoining residential use of the locality.	
d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	As above – no works are proposed as part of this development application.	N/A

5.3 Local Planning Policy

5.3.1 – Short Term Accommodation Local Planning Policy

Policy Objective	
3.1	To ensure the location and scale of short-term accommodation uses are compatible with the surrounding area.
3.2	To maintain a high standard of amenity for the surrounding neighbourhood through required management controls.
3.3	To ensure properties used for a short-term accommodation uses do not have an undue impact on the residential amenity of the area by way of noise, traffic, or parking.
3.4	To establish a clear framework for the assessment and determination of applications for short-term accommodation.
Policy Requirement	
4.2	Applications for Holiday House, where a keeper does not reside on-site may be supported where: <ol style="list-style-type: none"> a) The number of guests is limited to 6 persons; and b) Bookings must be for a minimum stay of 2 consecutive nights.
Proposed	
The application proposes: <ul style="list-style-type: none"> - A Holiday House which proposes the owners to reside on site, - Only one booking will be taken at a time, - The maximum number of guests which will reside at the Holiday House is 6 people, - Each booking will be for a minimum stay of two consecutive nights, and - Check in time is 3PM and check out time is 11AM. 	
Administration Assessment	
<p>The application for the Holiday House is considered to meet the objectives and requirements of a Holiday House under the City of Nedlands Short Term Accommodation LPP. The applicant has demonstrated through the submitted management plan that the use of the residential dwelling as a Holiday House will likely have a negligible impact on neighbouring landowners and the surrounding amenity of the property.</p> <p>As per recommended Condition 8 of the determination, the Management Plan forms part of the approval and is to be complied with at all times to the City's satisfaction.</p> <p>Administration also notes that this Application was proposed during the amnesty period which was provided by Council through the adoption of the City of Nedlands Short Term Accommodation LPP.</p> <p>As per recommended Condition 2 of determination, this Approval would only be valid for 12 months. During this time, the City can keep a record of complaints or concerns raised</p>	

through the use of the Holiday House. Should the applicant wish to continue operating the Holiday House after the expiry period, an Amendment to the Development application will be required to be submitted to the City for further review and assessment of the short-term accommodation, taking into consideration any complaints received during the approval period.

5.3.2 – Parking Local Planning Policy

Policy Objective
3.1 To facilitate the development of sufficient parking facilities for cars and other wheeled vehicles.
Policy Requirement
For a Holiday House, the Parking LPP prescribes that 1 car parking bay is required per guest bedroom, in addition to any bays required under the R-Codes for the dwelling.
Proposed
As per the plans, 4 rooms will be used for the Holiday House. These rooms include Bedroom 2, 3, 4 and 5.
On point 2 of the Management Plan, the applicant (and landowner) has advised that there will be a maximum of 2 guest cars on the property.
As per the requirements of the R-Codes, 2 car parking bays are required for the dwelling. Therefore, a total of 4 car parking bays are required for this proposal.
The subject property has 3 carports at the rear of the site abutting Olearia Lane to the rear and there is a double carport for 2 cars at the front of the property facing Strickland Street. Therefore, a total of 5 car parking bays are provided on the subject property.
Administration Assessment
The application for a Holiday House is considered to meet the objectives and requirements of a Holiday House under the City of Nedlands Parking LPP. The applicant has demonstrated through the submitted Management Plan contained as Confidential Attachment 2 that the use of the residential dwelling as a Holiday House will likely have a negligible impact on neighbouring landowners and the surrounding amenity of the property.
As per recommended Condition 7 of the determination, a maximum of 2 guest vehicles are permitted for the guests of the Holiday House at any given time.
As per recommended Condition 8 of the determination, the Management Plan (which also indicates that a maximum of 2 guest cars are permitted on the property) forms part of the approval and is to be complied with at all times to the City's satisfaction.
As per recommended Condition 9, all guest vehicles shall be parked within the property boundaries of the subject site and no guest parking is permitted on the verge or street.

6.0 Conclusion

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

The application for a retrospective Holiday House is considered to satisfy the objectives and requirements of the City of Nedlands Local Planning Scheme No. 3,

the City of Nedlands Short Term Accommodation Local Planning Policy and the City of Nedlands Parking Local Planning Policy.

Through the proposed Management Plan submitted by the applicant (and owner of the subject property), the applicant has demonstrated that the Holiday House is unlikely to have an undue impact on the residential amenity of the area by way of noise or parking. The Holiday House proposes sufficient parking facilities on the site for the operation of the Holiday House.

As per the Management Plan submitted with this application, the owners will reside on site which will allow for any potential neighbour concerns of the Holiday House to be readily addressed in comparison to a proposal for an unsupervised Holiday House.

Accordingly, it is recommended that the application be approved for fixed-term period of 12 months, subject to Conditions and Advice Notes.

City of Nedlands
Received
3 August 2020

RESPONSE TO SUBMISSIONS

The main reason we decided to put up our home for a Holiday House was due to the fact that the Travel Business which I have owned for 20 years was gradually deteriorating due to competition from the Internet.

Covid19 has made the necessity of a second income even more critical, as the income from my Travel Business has now dwindled away to negative territory, for the last 6 months.

So in April 2019 we started taking in guests and have had a very successful and event free year of clients living at home with us.

When the Council stipulation came along, we decided to do the right thing and applied for Council approval.

To address some of the points raised by the submissions received, I have tabulated them below for easy reference.

1. Devaluing Property value:

There have been quite a few homes bought and sold in the suburb and the property prices would be impacted more by Covid19 than from a holiday house in the street.

Most buyers would not even know if there was a holiday house being operated in the suburb as that is not something advertised by real estate agents.

A few months ago, the property directly opposite our house was sold at the going price.

This is after a year of us running the holiday house.

Also, there are people all over Australia doing the same to augment their incomes, and it seems rather a poor objection.

2. Parties and unknown regular strangers

We have lived in our home for 15 years and are very keen on making sure that our neighbours and we are not adversely affected in any way.

All prospective tenants are vetted and checked before approving them for staying in the house.

We are as interested as anyone else to have only the right people staying in our house.

Parties and gatherings are not permitted.

Prospective guests are advised of the rules prior to arrival.

By the same token we have had neighbours around us having parties well beyond midnight.

3. Noise

As we are living on the property ourselves, we will ensure that noise will not be an issue.

We have never had a complaint about noise in the 15 years we have been living there.

4. Parking

We have two closed Garages and open car ports for three additional cars.

Our guests have usually only had two cars and very rarely three.

Parking therefore has never been and will not be an issue.

5. Concern property will be used for short term accommodation or a boarding house instead of a holiday house

We have, as I mentioned in Point 1, had this business for over a year already, and have always run it as a Holiday House.

We do not intend to run it any other way.

6. Concern over rubbish

We have never had a problem thus far with managing the disposal of rubbish and I do not see how that is of any concern.

We can always use the Tip if necessary, although we have never had to do that.

PD52.20	No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)
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Committee	13 October 2020
Council	27 October 2020
Applicant	David Joseph
Landowner	David Joseph and Christine Joseph
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20/48595
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant's Justification Report
Confidential Attachments	1. Plans 2. Management Plan 3. Submissions 4. Assessment

1.0 Executive Summary

The purpose of this report is for Council to determine a retrospective Development application for an existing Holiday House (Short-Term Accommodation) to a residential property at No. 37 Strickland Street, Mount Claremont.

A Holiday House is an 'A' use under the City of Nedlands Local Planning Scheme No. 3 (LPS3). As such, the application was advertised to adjoining neighbours in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. Four (4) objections were received during the advertising period.

It is recommended that the application be approved by Council as it is considered to satisfy the Objectives and Policy Measures for a Holiday House of the City of Nedlands Short Term Accommodation Local Planning Policy (LPP). Further, it is unlikely to have a significant adverse impact on the character of the locality.

2.0 Recommendation to Committee

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

- 1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.**
- 2. The approval period for the Holiday House is limited to 12 months (1 year) from the date of this decision letter.**
- 3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 4. The proposed use complying with the Holiday House definition stipulated under the City's Local Planning Scheme No. 3 (refer to advice note 1).**
- 5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.**
- 6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.**
- 7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)**
- 8. The Management Plan forms part of this approval and is to be complied with at all times to the City's satisfaction.**
- 9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.**

Advice Notes specific to this proposal:

- 1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:**

'Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.

2. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City's Planning Department for assessment prior to the completion of the 12 month temporary approval period. The applicant is advised to contact the City's Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.
3. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
4. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
5. This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
7. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).
8. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
9. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.
10. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbors (in accordance with City requirements).
11. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.
12. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).

13. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.
14. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.

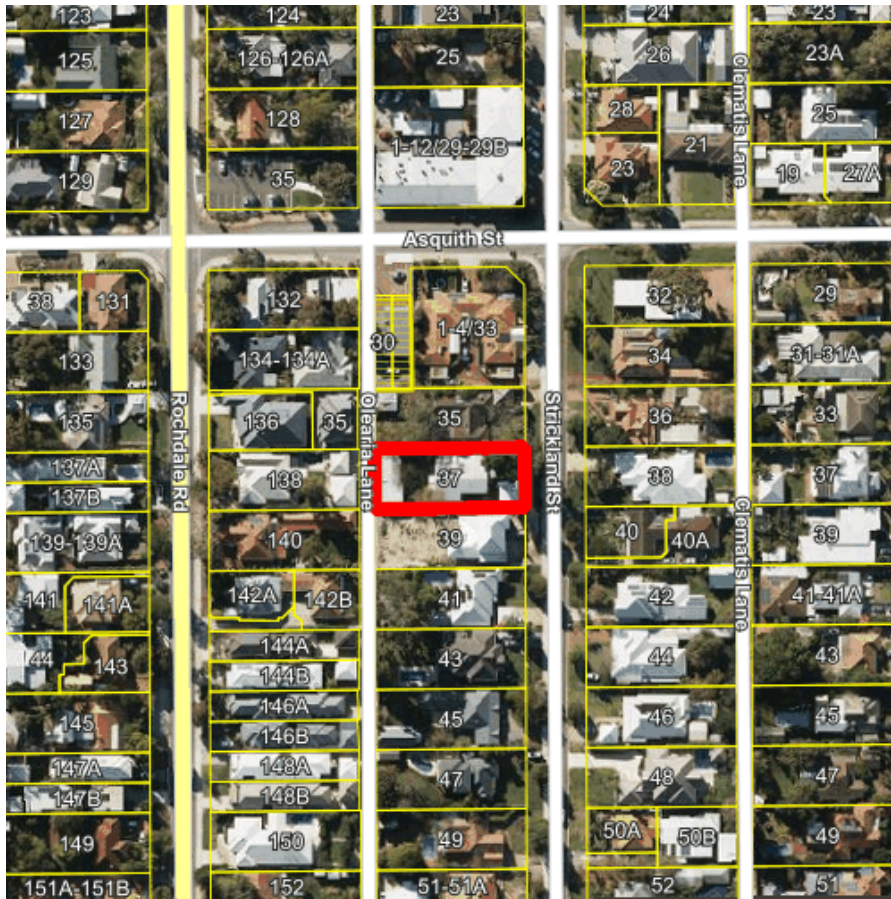
3.0 Background

3.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R20
Land area	1012.00m ²
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No
Land Use	Existing – Residential Proposed – Residential and Holiday House
Use Class	Proposed – ‘A’ use class for Holiday House in a Residential zoned area.

3.2 Locality Plan

The subject property is located within an area which displays a predominantly residential character with a density of R20 under LPS 3 as shown in the aerial map below.



Approximately 80m to the north of the subject property is the Mount Claremont Local Centre which consists of a small variety of retail and commercial tenancies as shown on the map below.



4.0 Application Details

The applicant seeks development approval for the use of the subject property for a Holiday House. As per the City of Nedlands Local Planning Scheme No. 3, a Holiday House is defined as:

“a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.”

The City of Nedlands Local Planning Scheme No. 3 defines a Short Term Accommodation as:

“temporary accommodation provided either continuously or from time-to-time with no guest/s accommodated for periods totalling more than 3 months in any 12-month period.”

The applicant (who is also the owner of the property) is seeking to operate the Holiday House at the subject property and the owners of the property will reside on site and manage the holiday house.

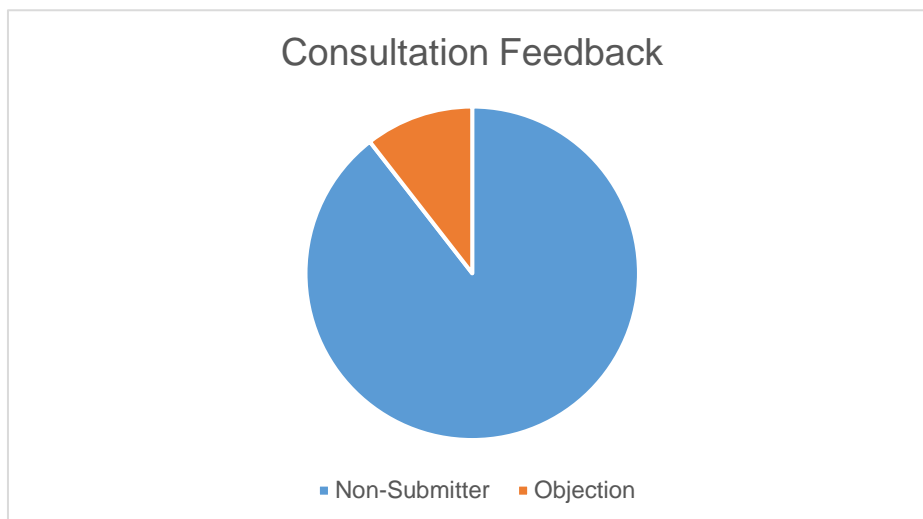
In the Management Plan contained as Confidential Attachment 2 of this report, the applicant has explained:

- There will be one booking taken at a time
- The maximum number of guests at the property will be between 4 to 6 guests and each booking will be for a minimum of 2 consecutive nights
- The maximum number of guest cars the property will be 2 guest cars.
- The hosting requirements of the holiday house will be managed by 'Houst' (a management company) to take care of bookings, guest data and check in and check out dates
- The Management Plan also contains a Code of Conduct which will be provided to guests of the Holiday House

5.0 Consultation

The applicant is proposing a change of use to 'Holiday House' as a form of Short-Term Accommodation at the subject property. A Holiday House is an 'A' Use in a Residential Zone. An 'A' use, means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

The development application was therefore advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to a total of 38 owners and occupiers. During the consultation period, 4 objections were received as per below pie graph.



By way of justification, in support of the retrospective development application the applicant has provided a letter of response, addressing the submissions received. This has been provided as Attachment 1 of this Council Report.

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

Submission	No. of times issue raised	Officer Response	Action Taken
Subject property is already operating as a short term accommodation holiday house and the submitter assumed it already had approval.	1	As per the description of the application, the use of the site as a Holiday House is retrospective. The applicant (also the landowner) has lodged a Development Application to seek approval for the use of the land as a Holiday House in accordance with the City of Nedlands LPS 3 and City of Nedlands Short Term Accommodation LPP	No action required
A constant turnover of people will make Strickland St uncomfortable, worrying and unsafe as Strickland St is currently a family suburban street.	2	Residential amenity will be assessed for this proposal under Section 6.0 – Assessment of Statutory Provisions of this report.	Refer to Section 6.0 of this Report.
Concerns relating to noise levels.	3	Noise levels are to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> and the applicant is advised to comply with the assigned noise levels of the Regulations. As per the Management Plan submitted by the applicant, the landowners who will also manage the Holiday House will continue to	Advice Note 6 and 7 recommended.

		reside on the property and as such, will be able to manage the noise levels at the Holiday House.	
Concerns relating to rubbish and excessive rubbish left on the verge on bin collection day.	1	All solid waste and refuse and waste is to be managed so as to not create a nuisance to neighbours to the City's requirements. In the Management Plan, the owners have explained that a Management Company called Houst will take care of hosting requirements, including rubbish disposal.	Advice Note 10 recommended.
Concerns about the car parking and hazardous driving conditions due to overflowing parking.	2	A parking assessment against the City's Parking LPP is provided under Section 6.3.2 of this report. A recommended condition of the determination is for all guest vehicles to be parked within the property boundaries of the subject site and no guest parking is permitted on the verge or street. A recommended condition of the determination is for a maximum of 2 guest vehicles to be permitted on site at any given time. The resulting traffic movements associated with the operation of the property as a holiday house are in keeping with those expected for a single residential dwelling and are unlikely to increase congestion and traffic movements in the area.	Condition 7 recommended for maximum 2 guest parking bays permitted. Condition 9 recommended for all parking to be within the property's boundaries. Refer to Section 6.3.2 for an assessment of the parking.
Concern that more than 6 guests will be staying in the house at any one time and that the owner will not be present on the site.	2	As per Condition 5 of the recommendation, a maximum of 6 guests are permitted to reside at the Holiday House at any one time. An increase in the number of guests will require further approval from the City. As per the Management Plan provided by the applicant, Point 1 identifies that the owner will reside on site. Condition 8 requires that the management plan forms part of the approval and is to be complied with at all times to the satisfaction of the City.	Condition 5 and 8 recommended.
Concern that the holiday house will be used as student accommodation or a boarding house.	1	This application is only for a Holiday House as per recommended Condition 1. The use of the land for student accommodation or a boarding house would be in breach of the Planning Approval and would be subject to compliance action. As per Point 3 of the Applicant's Management Plan and Condition 6 of the recommended approval, the bookings will be for a minimum of 2 consecutive nights.	Condition 1 and 6 and Advice Note 1 recommended.
Concern about the negative impact	1	A Holiday House is an 'A' Use in a Residential Zone which means that the use	No action required

on the current street and suburb.		is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions. The application has been advertised in accordance with Clause 64 of the deemed provisions and an assessment on the impact of the proposal is outlined in Section 6.0 of this Report.	
Concern that the Holiday House will devalue the property of the submitters and other properties in the area.	2	A decrease in property value is not a valid planning consideration.	No action required.

Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections.

In accordance with provisions (m) and (n) of the Regulations clause 67, due regard is to be given to the likely effect of the proposed development's potential impact it will upon the local amenity.

6.2 Local Planning Scheme No. 3 – Residential Zone Objectives

Requirement	Proposal	Satisfies
e) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to positively contribute to the City's housing diversity through the proposal of a Holiday House. Temporary accommodation through the proposal of a Holiday House is seen to meet the needs of the community, which seeks for a diverse range of housing options.	Yes
f) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	Not applicable as the application is only seeking approval for the use of the existing dwelling as a Holiday House. No works are proposed as part of this development application.	N/A
g) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;	As above. It is noted that the proposal for a Holiday House is seen complementary to the existing residential development on site and the residential land use in the locality of Mount Claremont.	N/A

	As seen in the locality plan, the surrounding land uses all include Residential dwellings in an R20 coding. The dwelling which will be used for the Holiday House is an existing dwelling and the proposal of the Holiday House is seen to be compatible with this existing land use of the site and the adjoining residential use of the locality.	
h) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	As above – no works are proposed as part of this development application.	N/A

6.3 Local Planning Policy

6.3.1 – Short Term Accommodation Local Planning Policy

Policy Objective
3.1 To ensure the location and scale of short-term accommodation uses are compatible with the surrounding area.
3.2 To maintain a high standard of amenity for the surrounding neighbourhood through required management controls.
3.3 To ensure properties used for a short-term accommodation uses do not have an undue impact on the residential amenity of the area by way of noise, traffic, or parking.
3.4 To establish a clear framework for the assessment and determination of applications for short-term accommodation.
Policy Requirement
4.2 Applications for Holiday House, where a keeper does not reside on-site may be supported where: <ul style="list-style-type: none"> a) The number of guests is limited to 6 persons; and b) Bookings must be for a minimum stay of 2 consecutive nights
Proposed
The application proposes: <ul style="list-style-type: none"> - A Holiday House which proposes the owners to reside on site, - Only one booking will be taken at a time, - The maximum number of guests which will reside at the Holiday House is 6 people, - Each booking will be for a minimum stay of two consecutive nights, - Check in time is 3PM and check out time is 11AM.
Administration Assessment
The application for the Holiday House is considered to meet the objectives and requirements of a Holiday House under the City of Nedlands Short Term Accommodation LPP. The applicant has demonstrated through the submitted management plan that the use of the residential dwelling as a Holiday House will likely have a negligible impact on neighbouring landowners and the surrounding amenity of the property.
As per recommended Condition 8 of the determination, the Management Plan forms part of the approval and is to be complied with at all times to the City's satisfaction.
Administration also notes that this Application was proposed during the amnesty period which was provided by Council through the adoption of the City of Nedlands Short Term Accommodation LPP.

As per recommended Condition 2 of determination, this Approval would only be valid for a period of 12 months (1 year). During this time, the City can keep a record of complaints or concerns raised through the use of the Holiday House. Should the applicant wish to continue operating the Holiday House after the 12 months lapses, an Amendment to the Development application will be required to be submitted to the City for further review and assessment of the short term accommodation, taking into consideration any complaints received during the 12 month period.

6.3.2 – Parking Local Planning Policy

Policy Objective
3.1 To facilitate the development of sufficient parking facilities for cars and other wheeled vehicles.
Policy Requirement
For a Holiday House, the Parking LPP prescribes that 1 car parking bay is required per guest bedroom, in addition to any bays required under the R-Codes for the dwelling.
Proposed
<p>As per the plans, 4 rooms will be used for the Holiday House. These rooms include Bedroom 2, 3, 4 and 5.</p> <p>On point 2 of the Management Plan, the applicant (and landowner) has advised that there will be a maximum of 2 guest cars on the property.</p> <p>As per the requirements of the R-Codes, 2 car parking bays are required for the dwelling.</p> <p>Therefore, a total of 4 car parking bays are required for this proposal.</p> <p>The subject property has 3 carports at the rear of the site abutting Olearia Lane to the rear and there is a double carport for 2 cars at the front of the property facing Strickland Street. Therefore, a total of 5 car parking bays are provided on the subject property.</p>
Administration Assessment
<p>The application for a Holiday House is considered to meet the objectives and requirements of a Holiday House under the City of Nedlands Parking LPP. The applicant has demonstrated through the submitted Management Plan contained as Confidential Attachment 2 that the use of the residential dwelling as a Holiday House will likely have a negligible impact on neighbouring landowners and the surrounding amenity of the property.</p> <p>As per recommended Condition 7 of the determination, a maximum of 2 guest vehicles are permitted for the guests of the Holiday House at any given time.</p> <p>As per recommended Condition 8 of the determination, the Management Plan (which also indicates that a maximum of 2 guest cars are permitted on the property) forms part of the approval and is to be complied with at all times to the City's satisfaction.</p> <p>As per recommended Condition 9, all guest vehicles shall be parked within the property boundaries of the subject site and no guest parking is permitted on the verge or street.</p>

7.0 Conclusion

The application for a retrospective Holiday House is considered to satisfy the objectives and requirements of the City of Nedlands Local Planning Scheme No. 3, the City of Nedlands Short Term Accommodation Local Planning Policy and the City of Nedlands Parking Local Planning Policy.

Through the proposed Management Plan submitted by the applicant (and owner of the subject property), the applicant has demonstrated that the Holiday House is unlikely to have an undue impact on the residential amenity of the area by way of noise or parking. The Holiday House proposes sufficient parking facilities on the site for the operation of the Holiday House.

As per the Management Plan submitted with this application, the owners will reside on site which will allow for any potential neighbour concerns of the Holiday House to be readily addressed in comparison to a proposal for an unsupervised Holiday House.

Accordingly, it is recommended that the application be approved by Council for a 12 month period, subject to Conditions and Advice Notes.

City of Nedlands
Received
3 August 2020

RESPONSE TO SUBMISSIONS

The main reason we decided to put up our home for a Holiday House was due to the fact that the Travel Business which I have owned for 20 years was gradually deteriorating due to competition from the Internet.

Covid19 has made the necessity of a second income even more critical, as the income from my Travel Business has now dwindled away to negative territory, for the last 6 months.

So in April 2019 we started taking in guests and have had a very successful and event free year of clients living at home with us.

When the Council stipulation came along, we decided to do the right thing and applied for Council approval.

To address some of the points raised by the submissions received, I have tabulated them below for easy reference.

1. Devaluing Property value:

There have been quite a few homes bought and sold in the suburb and the property prices would be impacted more by Covid19 than from a holiday house in the street.

Most buyers would not even know if there was a holiday house being operated in the suburb as that is not something advertised by real estate agents.

A few months ago, the property directly opposite our house was sold at the going price.

This is after a year of us running the holiday house.

Also, there are people all over Australia doing the same to augment their incomes, and it seems rather a poor objection.

2. Parties and unknown regular strangers

We have lived in our home for 15 years and are very keen on making sure that our neighbours and we are not adversely affected in any way.

All prospective tenants are vetted and checked before approving them for staying in the house.

We are as interested as anyone else to have only the right people staying in our house.

Parties and gatherings are not permitted.

Prospective guests are advised of the rules prior to arrival.

By the same token we have had neighbours around us having parties well beyond midnight.

3. Noise

As we are living on the property ourselves, we will ensure that noise will not be an issue.

We have never had a complaint about noise in the 15 years we have been living there.

4. Parking

We have two closed Garages and open car ports for three additional cars.

Our guests have usually only had two cars and very rarely three.

Parking therefore has never been and will not be an issue.

5. Concern property will be used for short term accommodation or a boarding house instead of a holiday house

We have, as I mentioned in Point 1, had this business for over a year already, and have always run it as a Holiday House.

We do not intend to run it any other way.

6. Concern over rubbish

We have never had a problem thus far with managing the disposal of rubbish and I do not see how that is of any concern.

We can always use the Tip if necessary, although we have never had to do that.

Council Meeting Minutes – 27 October 2020

PD52.20	No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)
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Committee	13 October 2020
Council	27 October 2020
Applicant	David Joseph
Landowner	David Joseph and Christine Joseph
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20/48595
Previous Item	Nil
Delegation	In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant’s Justification Report
Confidential Attachments	1. Plans 2. Management Plan 3. Submissions 4. Assessment

Regulation 11(da) – Council did not approve this application due to the number and type of complaints received.

Moved – Councillor Wetherall

Seconded – Councillor Youngman

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Lost 6/7

(Against: Mayor de Lacy Crs. Horley Smyth Bennett
Mangano Coghlan & Hay)

Committee Recommendation

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information, and conditions of approval. It does not relate to any other development on the lot.
2. The approval period for the Holiday House is limited to 6 months from the date of this decision letter, after which time the matter will be brought back to council for review.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. The proposed use complying with the Holiday House definition stipulated under the City's Local Planning Scheme No. 3 (refer to advice note 1).
5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.
6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)
8. The Management Plan forms part of this approval and is to be complied with at all times to the City's satisfaction.
9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.

Advice Notes specific to this proposal:

1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:

'Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.

2. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City's Planning Department for assessment prior to the completion of the 6 month temporary approval period. The applicant is advised to contact the City's Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application after which time the matter will be brought back to council for review.
3. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
4. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
5. This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
7. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).
8. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
9. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.
10. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).
11. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.

12. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
13. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will require reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.
14. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.

Recommendation to Committee

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
2. The approval period for the Holiday House is limited to 12 months (1 year) from the date of this decision letter.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).
5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.
6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)
8. The Management Plan forms part of this approval and is to be complied with at all times to the City’s satisfaction.
9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.

Advice Notes specific to this proposal:

1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:

'Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.
2. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City's Planning Department for assessment prior to the completion of the 12 month temporary approval period. The applicant is advised to contact the City's Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.
3. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
4. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
5. This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
7. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).
8. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
9. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.

10. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbors (in accordance with City requirements).
11. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.
12. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
13. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will requirement reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.
14. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.

PD06.21	No. 14A Odern Crescent, Swanbourne – Single House
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Committee	9 March 2021
Council	23 March 2021
Applicant	Humphrey Homes
Landowner	Tracie Louise Cielak
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20/53238
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	<ol style="list-style-type: none"> 1. Site Photographs 2. Applicant Justification and Response to Submissions 3. Clause 67 (2) Assessment 4. Local Planning Scheme No. 3 Assessment 5. Administration Summary of Submission and Officer Response
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Summer Overshadowing Diagram 3. Submissions 4. Approved Plan of Subdivision 5. Lot Boundary Setback Assessment 6. Visual Privacy Setback Assessment

1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received from the applicant on 28 August 2020, for a proposed two storey single house at No. 14A Odern Crescent, Swanbourne.

The subject site is considered to be significantly constrained by the lot configuration and lot area when considering the residential density coding R12.5.

The application was advertised to adjoining neighbours in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. At the close of advertising period, a total of 4 submissions were received: 1 in support and 3 objections.

Due to objections being received, this application is presented to Council for determination.

It is recommended that the application be approved by Council as it is considered to satisfy the Design Principles of the Residential Design Codes (R-Codes), appropriately respond to the significant site constraints of the lot and is unlikely to have a significant adverse impact on the local amenity and character of the locality.

Recommendation to Committee

Council approves the development application dated 28 August 2020, with amended plans received on 22 February 2021, for a two-storey single house at Lot 102 (No. 14A) Odern Crescent, Swanbourne, subject to the following conditions and advice notes:

- 1. This approval is for a 'Residential' land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 3. This decision constitutes planning approval only and is valid for a period four (4) years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
- 4. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**
- 5. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:**
 - Face brick;**
 - Painted render;**
 - Painted brickwork; or**
 - Other clean material as specified on the approved plans**

And maintained thereafter to the satisfaction of the City.

- 6. Prior to occupation of the development, the screening as shown on the approved plans to the southern, eastern and western elevations installed in accordance with the Residential Design Codes by either:**
 - Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or**

- Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
- A minimum sill height of 1.60 metres as determined from the internal floor level; or
- An alternative method of screening approved by the City.

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

7. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.
8. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City.
9. Prior to the occupation of the development, all structures within the 1.5m x1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m in height to the satisfaction of the City.
10. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes:

- a) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- b) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.
- c) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be

submitted and early liaison with the City’s Planning Department is encouraged prior to lodgement.

- d) The applicant is advised to liaise with the eastern and western adjoining property owners regarding the possible retention or replacement of the existing dividing fences along the common lot boundaries. Please refer to the *Dividing Fences Act 1961* for the rights and responsibilities of landowners regarding dividing fences. Information is available at the following website: <http://www.commerce.wa.gov.au/building-commission/dividing-fences-0>
- e) All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
- f) All street tree assets in the nature-strip (verge) shall not be removed or damaged. Any approved street tree removals shall be undertaken by the City and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City.
- g) All works within verge (i.e., road, kerbs, footpath, verge, crossover) will require separate approval from the City prior to construction commencing.
- h) Where building works are proposed a building permit shall be applied for prior to works commencing.
- i) All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands unless otherwise approved as part of this determination.
- j) In relation to condition 9, the applicant is advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R12.5
Land area	351m ²
Additional Use	No
Special Use	No
Local Development Plan	No

Structure Plan	No
Land Use	Residential Single House
Use Class	'P' (Permitted Use)

On 23 December 2016, the Western Australian Planning Commission granted subdivision approval for two freehold lots at No.14A and 14B Odern Crescent, Swanbourne, with site areas of 351m² and 536m² respectively.

In accordance with State Planning Policy 7.3 – Residential Design Codes (Volume 1), an R12.5 density code would ordinarily require an average lot of 800m² and minimum of 700m². Both lots are significantly undersized when considering their R12.5 residential density code and are rather better represented by an R30 and R17.5 density code. No change to the coding of the subject sites has occurred following the subdivision approval and the issuing of titles, with both lots retaining their original R12.5 residential density code.

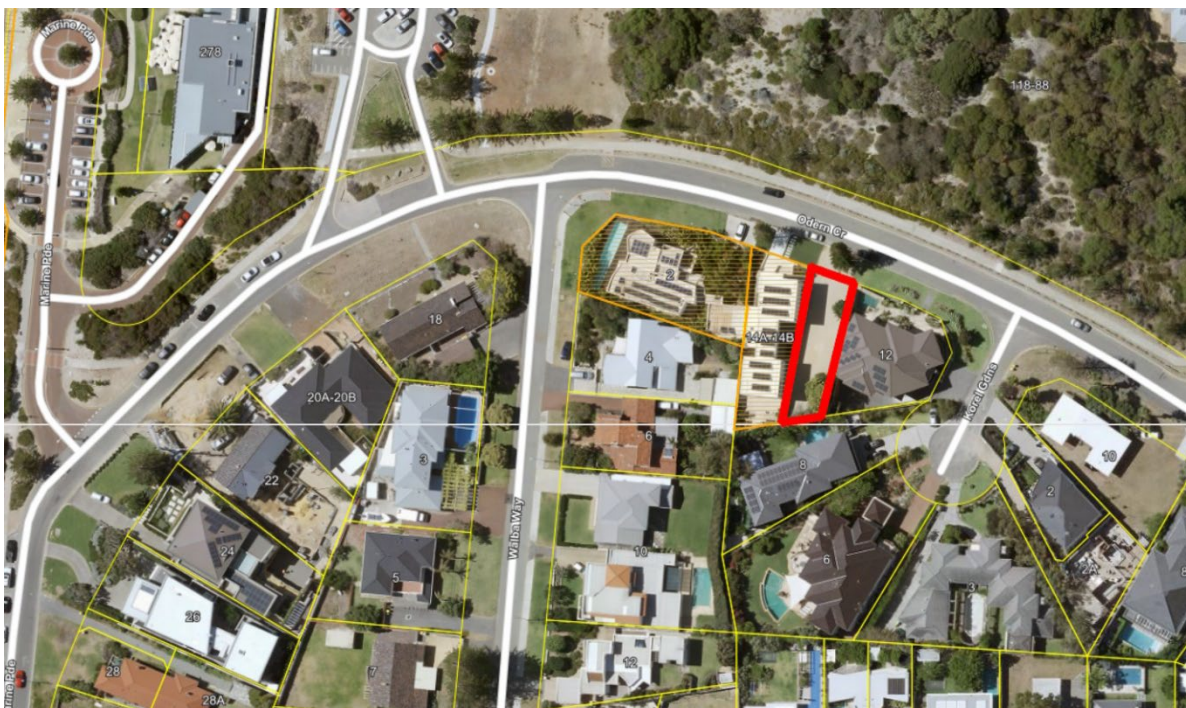
In 2017, the adjoining dwelling located at No.14B Odern Crescent, received development approval by Council and is nearing completion. This development also proposed variations to the primary street setback of 3.6m in lieu of 9m.

2.2 Locality Plan

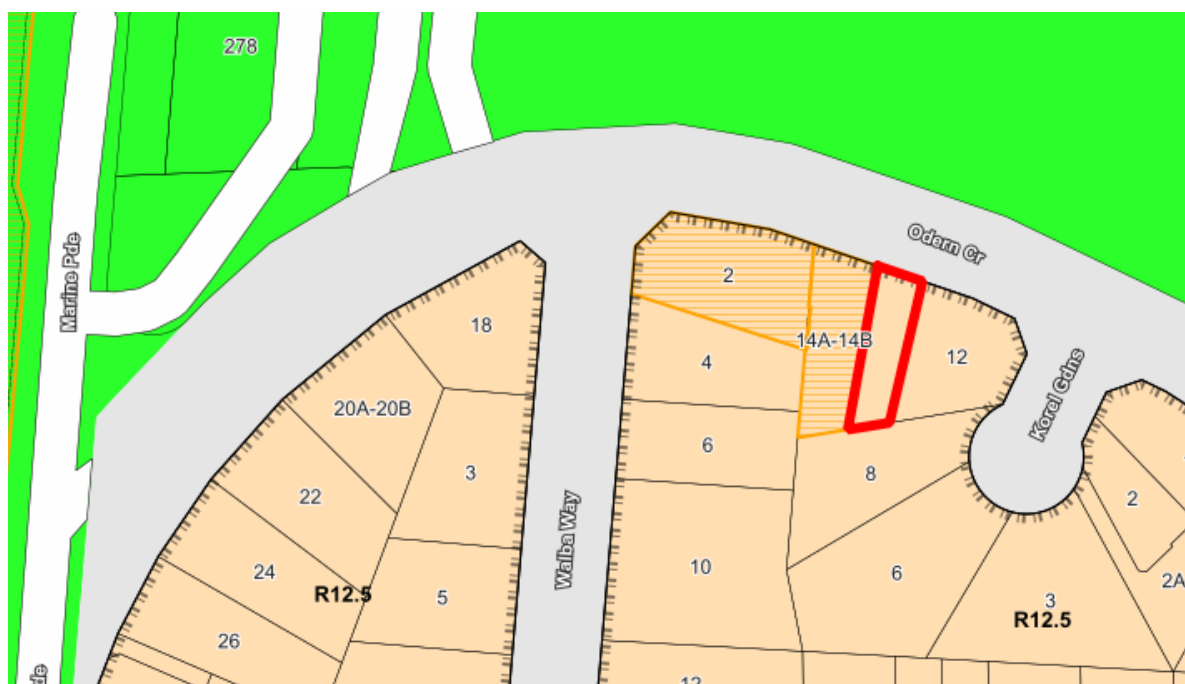
The subject site is located at No.14A Odern Crescent, Swanbourne. The lot has an area of 351m² and a 10.85m wide primary street frontage and is oriented north-south. There is approximately a 0.7m fall towards the western boundary.

The locality of the subject site is characterised by large, two storey single houses with an average lot area of approximately 850m². To the north of the subject site is the WA Bridge Club and the Swanbourne Nedlands Surf Life Saving Club. To the west of the subject site lies Swanbourne Beach.

The immediate western neighbour of the subject site (No.14B Odern Crescent) has been created through the approval of the same subdivision as the subject lot and has received development approval which construction is nearly completed.



As shown in the graphic below, the subject site and adjoining properties are coded R12.5.



3.0 Application Details

The applicant seeks development approval for the construction of a single house, details of which are as follows:

- A two-storey single house comprising of two bedrooms, a library, study, scullery balcony and roof top terrace; and
- Single width vehicle access proposed along the western lot boundary. Two car parking bays are provided in a tandem car parking arrangement.

By way of justification in support of the development proposal the applicant has provided a Design Principles assessment and response to submissions. This has been provided as an attachment to this report (**Attachment 2**).

4.0 Consultation

The applicant is seeking assessment under the Design Principles of the R-Codes for the following:

- Clause 5.1.2 - Primary Street Setback
- Clause 5.1.3 - Lot Boundary Setbacks
- Clause 5.1.4 - Open Space
- Clause 5.4.1 - Visual Privacy

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals for a period of 14 days to 5 adjoining landowners/occupiers. At the close of advertising period, a total of 4 submissions were received: 2 in support and 2 objections.

Due to the number of submissions and issues raised, the City has provided a separate schedule of submissions as an attachment to this report (**Attachment 5**).

Note: A full copy of all consultation feedback received by the City has been given to the Councillors prior to the Council meeting as a Confidential Attachment.

5.0 Assessment of Statutory Provisions

5.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Consideration of application by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. The City considers that the development meets these objectives, particularly in relation to height, scale and landscaping and overall amenity. Refer to **Attachment 3** for the full assessment against the relevant provisions.

5.2 Local Planning Scheme No. 3

5.2.1 – Clause 9: Aims of the Scheme

The City considers that the development meets the Aims of the Scheme, as identified in **Attachment 4**.

5.2.2 – Clause 16: Residential Zone Objectives

The City considers that the development meets the ‘Residential’ zone objectives, as identified in **Attachment 4**.

5.3 Residential Design Codes – Volume 1 (State Planning Policy 7.3)

State Planning Policy 7.3 (Volume 1) of the Residential Design Codes (R-Codes) apply to single and grouped dwellings. The application is seeking an assessment under the Design Principles of the R-Codes for primary street setbacks, lot boundary setbacks, open space and visual privacy as addressed in the tables below.

Clause 5.1.2 – Street Setback

Deemed-to-Comply Requirement	
Clause 26 of the City’s LPS3 modifies the R-Code requirements for ‘primary street setbacks’ by replacing the deemed-to-comply requirement of clause C2.1 to have a minimum 9m setback.	
Proposed	
The submitted plans propose a minimum 5.6m setback at ground level (master bedroom) and 4m setback at first floor level (balcony).	
Design Principles	
P2.1	Buildings set back from street boundaries an appropriate distance to ensure they: <ul style="list-style-type: none"> - contribute to, and are consistent with, an established streetscape; - provide adequate privacy and open space for dwellings; - accommodate site planning requirements such as parking, landscape and utilities; and - allow safety clearances for easements for essential service corridors.
P2.2	Buildings mass and form that: <ul style="list-style-type: none"> - uses design features to affect the size and scale of the building;

- uses appropriate minor projections that do not detract from the character of the streetscape;
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and
- positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

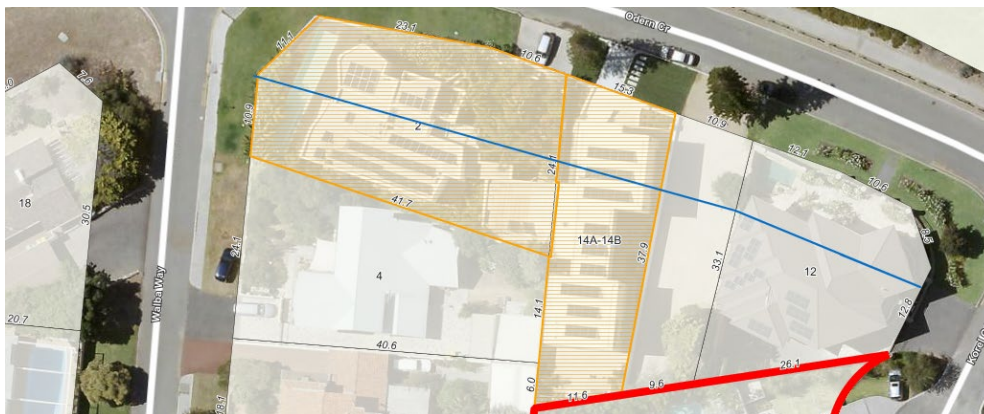
Administration Assessment

The development is considered to respond to the prevailing streetscape context.

Assessment of P2.1

- The prevailing streetscape character is typified by primary street setback intrusions, ranging between a minimum 2.4m primary street setback and a maximum 7.6m primary street setback. This reduced primary street setback precedence is supported by all dwellings addressing Odern Crescent, to the west of Korel gardens and east of Walba Way.
- The approved dwelling at No. 14B Odern Crescent (the development's 'sister' lot) is nearing completion of construction and was approved with a minimum 3.6m primary street setback to both the ground floor and first floors of the dwelling.
- The approved dwelling at No. 12 Odern Crescent presents a minimum 4.1m primary street setback to Odern Crescent.
- The proposed primary street setbacks have been designed to appropriately interface with the western adjoining lot, No. 14B Odern Crescent.
- Considering the lots' undersized nature, in accordance with Clause 4.1.2 of the City of Nedlands Residential Development Policy, a reduced primary street setback is considered reasonable and appropriate for the subject site.

The blue line on the graphic below represents the 9.0m primary street setback line addressing Odern Crescent, between Korel Gardens and Walba Way.



- The proposed primary street setback intrusion responds to the established neighbouring properties' primary street setbacks.
- The privacy impact has been reduced through screening to maintain appropriate visual privacy.
- Open space is considered to respond to the design principles, please see section iii. below.
- The proposed dwelling design is considered to respond to all site planning requirements, including vehicle access, parking, landscaping and utility services. These site planning requirements are appropriately screened from the street interface where possible.
- No easements are present within the property's Certificate of Title.

Assessment P2.2

- The principle primary street setback intrusion is primarily present due to a proposed first floor balcony addressing the primary street. This balcony is considered to appropriately support good design and planning outcomes, providing passive surveillance of the streetscape, supporting CPTED principles.
- The proposed balcony is open to the streetscape and provides architectural relief and visual interest to the primary street dwelling façade.
- The dwelling’s design utilises a single width driveway, abutting the western lot boundary. The vehicle access arrangements are proposed to occupy less than one third of the lot’s frontage.
- The ground floor of the dwelling is proposed to be occupied with a sheltered pedestrian entry and master bedroom overlooking the primary street frontage.
- Considering the established streetscape precedent set by the immediate western and eastern dwellings, visual interest to the streetscape and passive surveillance of the public realm, the proposed primary street setback incursions are considered to appropriately respond to the established character and desired future character of the streetscape and the local planning framework.

ii. Lot Boundary Setback

Development Proposal and ‘Deemed to Comply’ Requirement
<p><i>Refer to Confidential Attachment - Lot Boundary Setback</i></p> <p><u>South (Rear):</u></p> <ul style="list-style-type: none"> • Ground Floor (entire length) setback at 3.5m in lieu of 6m – <i>iii on attached plans</i> • First Floor (entire length) setback at 3.9m in lieu of 6m – <i>ix on attached plans</i> <p><u>East (Side):</u></p> <ul style="list-style-type: none"> • Ground Floor (master to stair) setback at 1m in lieu of 1.5m – <i>i on attached plans</i> • Ground Floor (library to laundry) setback at 1m in lieu of 1.1m – <i>ii on attached plans</i> • First Floor (terrace to stairs) setback 1.05m in lieu of 2.5m – <i>iv on attached plans</i> • First Floor (court) setback 3.5m in lieu of 4.3m – <i>v on attached plans</i> • First Floor (study to Helena) setback 1m in lieu of 1.2m – <i>vi on attached plans</i> <p><u>West (Side):</u></p> <ul style="list-style-type: none"> • First Floor (Helena to bath) setback 1.17m in lieu of 1.3m – <i>vii on attached plans</i> • First Floor (dining to balcony) setback 1.5m in lieu of 7.7m – <i>viii on attached plans</i> <p><u>Building on Boundary</u></p> <ul style="list-style-type: none"> • Garage (west) – 17.8m long x 3.5m tall boundary wall proposed addressing the western lot boundary. No boundary walls are permitted as a right under a R12.5 residential density code – <i>x on attached plans</i>
Design Principles
<p>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p>

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;
- does not compromise the design principle contained in clause 5.1.3 P3.1;
- does not have any adverse impact on the amenity of the adjoining property;
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
- positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

Administration Assessment

Having regard to the Design Principles of State Planning Policy 7.3, Residential Design Codes Volume 1, the proposed development is considered to appropriately respond to the development site and associated site constraints, namely the significantly undersized R12.5 lot.

Rear Lot Boundary Setback (iii and ix):

A property coded R12.5 is required to provide a minimum 6.0m rear lot boundary setback to maintain an open character. However, the City must consider the surrounding area to determine whether or not the deemed to comply should be upheld.

An overview of the surrounding properties reveals an established precedent of development within the 6.0m rear setback area.

- Eastern neighbour (No. 12 Odern Crescent) Minimum 3.2m rear lot boundary setback provided.
- Southern neighbour (No 8 Korel Gardens) Minimum 2.4m rear lot boundary setback provided.
- Western neighbour (No. 14B Odern Crescent) Minimum 6.0m rear lot boundary setback provided.
- No. 2 Walba Way – Minimum 2.4m rear lot boundary setback provided.

The above rear lot boundary setback assessment of neighbouring lots has been shown graphically on the image below.



- From the above assessment of the immediate surrounding development context, it is demonstrated that the locality is characterised by rear lot boundary setback intrusions. The development proposal is considered to respond to the prevailing development context and provide a suitable rear lot boundary setback.
- Had the development been assessed under the previous R12.5/R20 code, the development would satisfy the 'deemed to comply' requirements of these tables/figure series.
- The rear neighbouring property owner has withdrawn their objection, following amendments to the first-floor design. No objections remain outstanding for the proposed rear lot boundary setback intrusion.

Assessment of C3.1

- The applicant has proposed a minimum 3.5m rear lot boundary setback for the ground floor and a minimum 3.9m rear lot boundary setback for the first floor.
- Both the ground floor and first floor rear lot boundary setbacks achieve a maximum and average setback of 4.2m and 4.8m respectively.
- The articulated wall is considered to be setback far enough from the rear lot to provide satisfactory areas of open space and landscaping which help to reduce the overall impact of building bulk.
- The rear elevation casts shadow onto the neighbouring property, however, overall complies with element 5.4.2 – Solar access to adjoining properties. The area subject to shadow is primarily the southern neighbour's pool. The City has taken into account the likelihood that this area is less affected by winter shadow as usage of the pool is most likely to occur in summer. There is no shadow cast onto the pool area in summer as demonstrated in CONFIDENTIAL ATTACHMENT – Summer Overshadowing Diagram.
- The rear elevation major openings exceed the deemed to comply requirements for element 5.4.1 – Visual privacy; thereby maintaining privacy to the rear lot.

Eastern Lot Boundary (i, ii, iv, v and vi):

Assessment of P3.1

- The applicant is considered to have made a significant effort in minimising the proposed building bulk addressing the eastern lot boundary. The proposal makes use of building articulation on both the ground floor and first floor to reduce the perceived impact of building bulk on the eastern landowner (No. 12 Odern Crescent). Along the eastern elevation of the development, an approximate average 1.3m eastern lot boundary setback for both the ground floor and first floor of the dwelling has been proposed. The adjoining eastern lot (No. 12 Odern Crescent) has a natural ground level of between 0.75m – 1.1m higher than the natural ground level located within the subject site. This in turn reduces the perceived impact of building bulk addressing the eastern lot boundary.
- The articulation of the eastern elevation is considered to maintain access to natural light and ventilation, whilst minimising the extent of direct overlooking and loss of privacy for adjoining properties.
- The existing development at No 12. Odern Crescent addresses the subject site with a blank brick wall, with lot boundary setbacks of between 1.1m – 2.2m along the wall's length. No detrimental impact to visual privacy is envisaged as a result of the proposed lot boundary setbacks in this instance.
- The proposed eastern lot boundary setbacks are considered to be technical variations of the R-Codes. The applicable Figure Series 4 only allows walls to be articulated under specific circumstances. The development proposal is considered to have provided significant articulation along the eastern lot boundary (courtyard, library and staircase). However, the aggregate impact of these articulations cannot be considered as a deemed to comply lot boundary setback requirement as walls

along a single elevation are only permitted to be articulated at one point along their length to allow Figure Series 4 to be applied.

- The adjoining neighbour to the east did not object to the proposed lot boundary setback variations.

Western Lot Boundary (vi, viii and X):

- The proposed western lot boundary is divided into two sections comprising of building on boundary (garage) and the remainder of the western elevation (master, laundry and the first floor). It is noted that the adjoining neighbour provided support of the proposal.

vi and viii - Lot Boundary Setback:

Assessment of P3.1

- The western elevation has been articulated to provide architectural relief for the western lot, reducing the perceived impact of building bulk addressing the western lot boundary.
- The primary western lot boundary setback shortfall results from the first-floor balcony addressing the western lot boundary. This balcony is classified as a 'major opening' under the R-Codes and triggers a lot boundary setback assessment to be completed using Table 2B of the R-Codes. The utilisation of Table 2B in calculating the required 'deemed to comply' lot boundary setback requirements places a more onerous setback requirements on the built form based entirely on the presence of a 'major opening'. Should the 'major opening' be removed from the western elevation the required lot boundary setback is reduced from 7.7m to 3.8m.
- The dwelling design of the western lot, No.14B Odern Crescent interfaces with the subject site by means of a two-storey solid wall, containing no major openings and minimal highlight windows. As a result of the limited site interface with the subject site the preservation of the western lot's access to natural light and ventilation is considered to be maintained as a consequence of the development proposal.
- No detrimental impact to visual privacy is considered to result from the development proposal addressing No.14B Odern Crescent.
- The proposed first floor western lot boundary setback variations are considered to be technical variations under Figure Series 4 of the R-Codes. Across the first floor, western elevation, the development proposes a minimum 1.2m lot boundary setback, with an average western lot boundary setback exceeding 1.5m.

X - Boundary Wall:

- A R12.5 density code requires a minimum 1.0m lot boundary setback to all side lot boundaries, with no right to a boundary wall, unless abutting an existing boundary wall of equal or greater length on a neighbouring lot.
- The development proposes a 17.8m long boundary wall, with a maximum height of 3.6m addressing the western lot boundary. This boundary wall houses a tandem garage.
- Considering the narrow nature of the lot (10.8m) and the lot being significantly undersized for its coding, the proposed boundary wall is considered to make more effective use of space for the site, having no negative visual privacy implications addressing the western lot.
- The boundary wall is proposed to address the western lot boundary and is restricted in height to a maximum of 3.6m.
- The proposed boundary wall addresses the western lot boundary and is unlikely to detrimentally affect the western landowner's access to natural light and ventilation.
- The minimum lot frontage for a R12.5 coded lot is 17.0m, whilst the minimum primary street frontage required for a R20 coded property is 10.0m. In order to facilitate development on narrow lots (such as those coded R20 and higher) the R-Codes allow for a 'deemed to comply' boundary wall, provided the boundary wall does not

<p>exceed one-third of the length of a lot boundary (excluding the front setback area). A R12.5 coded lot has no such right to a boundary wall.</p> <ul style="list-style-type: none"> • The narrow lot width of the subject site, combined with no ‘deemed to comply’ right to a boundary wall, makes it difficult for a fully ‘compliant’ development to be created on the site. • As both 14B and 14A Odern Crescent were originally created under a R12.5/R20 split coding, it is reasonable to consider the ‘deemed to comply’ requirements for a boundary wall to be considered under the ‘Design Principles’ for this application. • The western elevation addresses the ‘sister’ lot of the original subdivision, No. 14B Odern Crescent. The interface between the two original subdivided lots is similar to that of a ‘terraced home’ configuration. • By locating the proposed boundary wall against the lot boundary of the sister lot of the proposed development, the prevailing character of the neighbouring properties is maintained, with perceived building bulk being confined within the original lot, pre-subdivision. This is consistent with the development typology established within the site’s immediate development context. • It is noted that the western property owner (No 14B Odern Crescent) submitted a letter of unconditional support for the development proposal during the consultation period. <p>No objections were received during the consultation period regarding the proposed boundary wall or western lot boundary setbacks.</p> <ul style="list-style-type: none"> • In light of the above, the application is considered to successfully meet the Design Principles for Clause 5.1.3 – Lot Boundary Setbacks.
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Open Space (Site Coverage)

Deemed-to-Comply Requirement and Proposed
55% of the site’s area as ‘open space’ as per Table 1, with 45% proposed.
Design Principles
<p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling; • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities.
Administration Assessment
<p><u>Assessment of P4</u></p> <ul style="list-style-type: none"> • The subject site’s area (351m²) is under half the average lot area requirement for an R12.5 coded lot. The City of the view that the proposed design, when considering the site constraints, is consistent with the prevailing streetscape character. The locality is characterised by substantial, high-quality two storey homes. While there are setback shortfalls proposed, the building envelope of the house is, on balance, consistent with the character of the area. • The original coding for the subject site at the time the subdivision was approved was R12.5/R20. The ‘deemed to comply’ open space requirement for a R20 coded lot is 50%. • The development proposal includes provision of a first-floor balcony and rooftop terrace along the northern elevation. These two outdoor living areas are designed to

be used in conjunction with the primary living space for the dwelling, also obtaining northern aspect.

- The dwelling’s design is considered to maximise access to northern light wherever possible, providing suitable active outdoor living areas and primary living areas addressing the north of the site.
- The design has made appropriate use of articulation along the dwelling’s side and rear lot boundaries to reduce the perceived impact of building bulk to adjoining properties.
- The dwelling’s design features an open primary street frontage, framed by a first-floor balcony addressing the primary street. The proposed cladded balcony is considered to provide an attractive primary street elevation, minimising perceived build bulk of the development proposal.
- The dwelling is proposed to feature four outdoor living areas including:
 - Eastern Court
 - Rear Garden
 - First-Floor Balcony
 - Second-Floor Rooftop Terrace

The provision of four outdoor living areas is considered to provide adequate space for recreational outdoor activity.

Having regard to the above, the proposed open space provision is considered to appropriately respond to the site’s constraints, representing an appropriate interface with neighbouring lots and supporting the desired future character of the streetscape.

iii. Visual Privacy

Development Proposal and ‘Deemed to Comply’ Requirement
Refer to Confidential Attachment 6 - Visual Privacy Setback Assessment
<p><u>First Floor</u></p> <ul style="list-style-type: none"> i. Helena (east) – 4.4m visual privacy setback in lieu of 4.5m ii. Study (south) – 2.3m visual privacy setback in lieu of 4.5m iii. Study (north) – 1.67m visual privacy setback in lieu of 4.5m iv. Living (east) – 2.0m visual privacy setback in lieu of 6.0m v. Scullery (north) – 2.1m visual privacy setback in lieu of 6.0m <p><u>Second Floor</u></p> <ul style="list-style-type: none"> vi. Roof Terrace (west) – 4.5m visual privacy setback in lieu of 7.5m required.
Deemed-to-Comply Requirement
<p>5.4.1 Visual privacy</p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber

- screens, external blinds, window hoods and shutters).

Administration Assessment

The application is considered to meet the Design Principles for the reasons outlined below.

- The application proposes minimal direct overlooking of active habitable spaces and outdoor living areas of the adjacent southern, eastern and western properties.
- The dwelling's design positions all major openings to be aligned perpendicular to the adjoining lot boundary. The resulting effect of orientating windows in this manner is that all major openings contain the majority of their 'cone of vision' within the boundaries of the subject site.
- In response to submissions received during consultation, the applicant has provided additional screening to both the proposed rooftop terrace and the first-floor balcony. This screening has primarily restricted overlooking of the eastern landowner's (No. 12 Odern Crescent) front setback area and associated swimming pool.
 - As a result of this additional screening, the rooftop terrace and first floor balcony are considered to satisfy the 'deemed to comply' visual privacy setback requirements addressing the eastern lot boundary.
- All outstanding departures from the 'deemed to comply' visual requirements represent indirect overlooking only, providing only oblique viewing angles outside of the property's Certificate of Title.
- The neighbouring properties to both the east and west of the subject site front the proposed dwelling with solid walls, containing no major openings to habitable spaces along their length.
- The proposed departures from the 'deemed to comply' development requirements are not considered to negatively impact surrounding landowner's visual privacy, specifically in relation to outdoor living areas and active habitable spaces.
- It is considered that there is minimal overlooking of major openings, active habitable spaces and outdoor living areas of the adjacent dwellings due to the proposed dwelling design, design of major openings, location of the screening devices throughout the dwelling's design and regard to the context of neighbouring lots.

In light of the above, the application is considered to successfully meet the Design Principles for Clause 5.4.1 – Visual Privacy as it proposes minimal direct overlooking of active habitable spaces and outdoor living areas of the adjacent adjoining lots.

5.3.1 Residential Development Local Planning Policy

Administration has considered the augmented deemed-to-comply criteria and housing objectives which are detailed in clause 6.3.1 – R-Codes.

Clause 4.1.2 of the City's Residential Development Local Planning Policy considers developments which do not meet the Design Principles for Primary Street Setbacks of the R-Codes where it is an undersized for the assigned density, have significant site constraints, or are irregular sized.

The City considers that this site at 351m² is significantly undersized for an R12.5 coded lot, which would ordinarily require an average lot area of not less than 800m² with a minimum not area of not less than 700m². As a result, it prevents the design to be consistent with the established streetscape of 9m, with 4m proposed to the primary street.

It is considered on the merits of this application, the reduced setback to the primary street is acceptable as overall, an appropriate bulk and scale is proposed which minimises its impact to the streetscape. It is further a consistent setback with the adjoining western site at No.14B Odern Crescent and is therefore not considered out of character to affect the amenity of the locality.

6.0 Conclusion

The proposed residential development is considered to appropriately respond to the site constraints of the lot, in both its reduced width and undersized nature, whilst respecting the existing and desired future character of the streetscape and locality.

The development proposal has been assessed against the Design Principles of the R-Codes, relevant City of Nedlands Local Planning Policies and the objectives of City of Nedlands Local Planning Scheme No. 3. The application is considered to have satisfied the requirements of these statutory documents and respond to the character of the locality.

Accordingly, it is recommended that the application be approved by Council, subject to conditions.















Our Ref: 20-624

22 February 2021

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

Attention: Scott van Ierland – Urban Planner, Planning Services

Dear Scott,

LOT 102 (NO. 14A) ODERN CRESCENT, SWANBOURNE – RESPONSE TO SUBMISSIONS ON DEVELOPMENT APPLICATION FOR PROPOSED SINGLE HOUSE

element has been engaged by the landowner, Tracie Cielak, to respond to the submissions received on the above-mentioned development application.

As background to this development application, the following is of note:

- The lot was created under the previous City of Nedlands Town Planning Scheme No. 2 which zoned the property R12.5/20. The Western Australian Planning Commission (WAPC) approved the subdivision of the lot consistent with the lot area requirements of the R20 density code. The R20 density code permits a minimum lot area of 350m² and an average lot area of 450m² (with 5% variation permitted to the average lot area when certain criteria are met).
- The subject lot was subsequently down coded to R12.5 when the City of Nedlands Local Planning Scheme No. 3 was gazetted. This creates difficulties in complying with the deemed-to-comply requirements within the Residential Design Codes Volume 1 (R-Codes) due to the smaller lot area than that anticipated for under the R12.5 density code.
- The current landowner purchased the lot in March 2020 and therefore was not involved with the subdivision of the land. They have purchased the lot with the intention to build a family home near the beach in the beautiful suburb of Swanbourne.
- Compliance with a 'design element' of the R-Codes (i.e., such as open space) can be achieved through either the 'deemed-to-comply' pathway or the 'design principle' pathway. Satisfying all deemed-to-comply requirements removes the need to obtain development approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The design principles mandate less prescriptive controls than the deemed-to-comply requirements and allow for appropriate discretion to be exercised in the application of more high-level considerations such as amenity and local context.
- The deemed-to-comply requirements are very prescriptive to avoid the need for development approval for the majority of new single houses within new housing estates. However, this means that often many architecturally designed homes within existing areas require development approval as they are not capable of demonstrating compliance under the deemed-to-comply requirements (and hence require assessment under the relevant design principles).
- Many other developments within the immediately locality have been assessed under the

design principles as evident in the dwellings to the eastern, western and southern neighbouring properties as discussed below. This means that there is precedence of design principles assessment in the locality of this proposal which in turn has shaped the local development context.

- In determining the appropriateness of a development under the design principles, the local government may seek comment from the neighbouring landowners to assist in determining the application – but are not bound by the comments made by the neighbour/s. In this regard the City assessed the application and subsequently advertised the proposal to the neighbouring landowners for comment to assist in the assessment of the application against the relevant design principles. Three (3) objections and one (1) non-objection were received (from the landowners of the immediately adjacent western neighbouring property).
- Subsequent neighbour consultation involved the applicant (Humphrey Homes) and the landowner (Tracie Cielak) meeting with the partner of the eastern neighbouring landowner and speaking with the southern neighbouring landowners’ architect to discuss concerns raised within their submissions to the City.
- The plans have been amended to address some of the concerns raised from these discussions and the comments received – with the rear setback increased and screening introduced to the eastern elevation of the balcony and roof terrace.
- In preliminary discussions with these neighbours’ in relation to the revisions made, the southern neighbour has advised that they will rescind their objection. The eastern neighbour however has advised that they do not wish to rescind their objection and therefore we understand that the application is required to be determined by Council.

The below table outlines the submission comments received and our responses:

Submission comment	Response
Submission no. 1	
<p><i>Visual privacy</i></p> <ul style="list-style-type: none"> - <i>I object to the roof terrace as it allows residents and guests to oversee our swimming pool and terrace entertaining area. The roof top terrace should not be permitted due to its height and location allowing overseeing when looking east towards my residence.</i> - <i>I object to the steel screening posts shown on the east elevation first floor balcony to the underside of the roof top terrace. They should be replaced by a full height solid wall or obscure glass to prevent overseeing into my property for the same reasons above.</i> 	<p>Noted and screening has been introduced accordingly to the balcony and roof terrace along the eastern elevation to protect privacy between the properties.</p> <p>A solid screen is proposed to both the balcony and roof terraces. The steel posts are retained as an architectural feature only.</p>
<p><i>Front setback</i></p> <ul style="list-style-type: none"> - <i>It is clear that the size of this lot (approximately 350m²) is far too small to apply the designated R12.5 code ratings for setbacks and therefore the whole development as submitted should not be approved.</i> - <i>LPS3 requires a minimum setback from the primary street boundary to be 9 metres. This application seeks approval for a minimum ground floor setback of 5.65 metres and a minimum first floor setback of</i> 	<p>The lot has been created and there are provisions within the City’s LPS3 and the R-Codes to cover situations where lots are smaller in area than the minimum specified for the applicable density code. Under these provisions, there is the ability to consider a lesser setback to the primary street – as per the setbacks provided to the adjacent western and eastern neighbouring dwellings.</p> <p>The City’s Residential Development Local Planning Policy (RDLPP) outlines the circumstances where it is appropriate to consider (through the application of the design principles of the R-Codes), a setback of less than 9.0 metres to a primary street. The RDLPP states that when more than half the dwellings within the street</p>

3.89 metres which is a major departure from the required LPS3 requirement.

- The proposed street setback will have a profound effect on our ground floor and first floor entertainment areas if this development is approved with a minimum 3.89 metres primary street setback to a large first floor balcony which is 4 metres deep. The proposed balcony will allow substantial oversteering into our ground and first level entertaining areas which is unacceptable for privacy reasons.

(between two cross streets) have setbacks less than 9.0 metres, a dwelling may be setback to correspond with the average setback of dwellings (excluding carports and minor projections) fronting that side of the street.

All existing dwellings along Odern Crescent between Walba Way and Korel Gardens have their front door facing Odern Crescent and a minimum setback less than 7.5 metres. This means that discretion was likely required to be applied in the assessment of these application in relation to primary street setbacks (as would be the case now under the current planning framework).

Furthermore, the average ground floor setback proposed is close to 9 metres (approximately 8.7 metres) given the larger setback area in front of the garage. The upper floor area adjacent to the street of the proposed dwelling is open in nature and therefore does not make any negative impacts in terms of bulk and scale when compared to other developments either side of the subject site (which also have minimum setbacks less than 7.5 metres).

The building is setback further into the lot than the adjacent western neighbouring property (14B Odern Crescent) and the solid portions of the building proposed are in line with the setbacks of the eastern neighbouring dwelling (12 Odern Crescent) to Odern Crescent. This ensures that the proposed building sits approximately half-way between that of the adjacent western neighbouring dwelling and the portion of the eastern neighbouring dwelling located furthest from Odern Crescent.

Therefore, the development appropriately balances the impacts of bulk within the Odern Crescent streetscape and provides an appropriate setting for the proposed dwelling with an attractive building façade. Therefore, the development can be considered to meet the design principles of the R-Codes in relation to street setbacks.




Rear setback


- The south-side (rear boundary) setback under R12.5 code is 6.0m. This application is seeking approval for 2.87m (ground) and 2.84m (first floor) which is another major departure from the code.

The setback proposed to the rear has been increased to a minimum of 3.5 metres on the ground floor and 3.7.04 metres on the upper floor. These minimums are of relevance as the majority of the building has setbacks in excess of these minimums due to the dwelling alignment with the rear lot boundary and articulation of the facade. The increased rear setback has also increased the open

	<p>space available for the development accordingly and reduced overshadowing to the southern neighbouring property.</p> <p>When considering that the properties to the rear (No. 8 Korel Gardens), east (No. 12 Odern Crescent) and west (14B Odern Crescent) already have rear setbacks less than 6 metres to the respective dwellings, it is inappropriate to apply the deemed to comply requirement, especially considering the lot area is substantially smaller than these neighbouring lots (see above image).</p> <p>As such, assessment under the design principles is appropriate. The area provided accommodates sufficient space to retain mature landscaping as well as some additional landscaping to act as a screen to the adjacent southern neighbouring property. The minimum setback provided also sits approximately in line with the adjacent western neighbouring property which has a larger lot area.</p>
<p><i>Use of design principles</i></p> <ul style="list-style-type: none"> - <i>In the attachment the applicant refers to a number of design principles that I understand can be used to modify the R12.5 rating for this property. I object to the design principles listed being used to approve this residence when there are not many major departures from the code and no compromises offered.</i> - <i>This development application should not be approved on the basis it substantially breaches all the R12.5 codes and LPS3 on all boundaries, the bulk of the proposed residence is too large for the small 350m² lot that should never have been approved and the bulk of this development is a major departure from other homes in this area that all have generous setbacks and open areas.</i> 	<p>The development application is permitted to be assessed under the design principles, as have many other developments in the locality. In the City's assessment against the design principles, simply objecting to this avenue of assessment is not a reasonable objection as there is a right to this avenue under the explanatory provisions within the R-Codes. This is not open to dispute.</p> <p>The eastern neighbouring dwelling has its primary street to Odern Crescent which has a minimum setback of approximately 3.75 metres in lieu of 9 metres and thus applying the submitter's logic – should not have been approved. It is hypocritical for other landowners who have smaller minimum setbacks to request a 9 metre or even a 7.5 metre setback when their own house does not meet these allowances.</p> <p>The bulk of the proposed dwelling is also much smaller than the surrounding dwellings – reflective of the reduced lot size. When considering that the front and rear setbacks provided are larger than or the same as the adjacent western neighbouring property, it is evident that the development has been appropriately scaled to the size of the lot so that it fits within the streetscape context.</p>
<p><i>Open space</i></p> <ul style="list-style-type: none"> - <i>The clause states that a minimum of 55% open space is required. This application proposes 47.09% open space which should not be approved. Most of the residences in this area bounded by Odern Crescent, Walba Way and Clement Street have street setbacks from 7 metres to 9 metres creating large open spaces in front of each property.</i> - <i>This proposed residence appears to be approximately 400m² which is being squeezed onto a 350m² lot. It is obvious by the numerous R-Code breaches for the development that the lot is too small for the proposed residence which will change the streetscape of this area and therefore should not be approved.</i> 	<p>The slightly larger rear setback area provided has increased the open space provided accordingly. In taking into consideration the appropriateness of the open space provided, it is important to consider the size of the lot, the size of the dwelling and the outdoor areas provided for the dwelling rather than just a simplistic 'tick-box' approach.</p> <p>The statement that many dwellings have setbacks of 7 metres or 9 metres in this streetscape is inaccurate – all dwellings have minimum setbacks less than 4 metres to Odern Crescent.</p> <p>If this house was to be developed as per TPS2, the open space requirement would have been 50%. Furthermore, the roof terrace would have been able to be included in open space, therefore, ensuring over 50% open space was provided for the dwelling.</p> <p>However, as the zoning of the property is R12.5 under LPS3, the deemed to comply requirement is 55% which would permit a house which has a footprint of less than 158m². This would result in a dwelling which appears substantially smaller than those within the streetscape,</p>

	<p>introducing a discordant element and not accommodating an appropriately sized family home.</p> <p>There is a deficiency with the ‘open space’ definition within the R-Codes which does not permit area on the ground which is covered by an upper floor above to be included in open space. When considering the amount of actual ground area which is available and open in nature which can be used for the purpose of open space, the amount of open space provided is 54% of the subject site. This means that the dwelling has ample outdoor areas for landscaping and outdoor pursuits. Furthermore, the setbacks provided to the front and rear are greater than or equivalent to the minimums provided to adjacent neighbouring properties, further ensuring that the dwelling is scaled to the size of the lot and that it will sit comfortably in context.</p> <p>The adjacent dwelling to the east appears to have a footprint of over 310m² and therefore, if it does meet the deemed to comply requirement, it would only just do so. It is more likely that it also exceeds the deemed to comply open space requirement on a much larger lot.</p>
<p><i>Eastern boundary setbacks</i></p> <ul style="list-style-type: none"> - <i>Allowing this residence to be built within 1 metre of our western boundary and a proposed setback of 3.89 metres from the primary street to a first-floor balcony has a major effect on the privacy of our ground level entertaining and pool area. It will also affect other areas along our western boundary such as a ground level ensuite toilet/bathroom and a first-floor entertaining area balcony.</i> - <i>The proposed design indicates a solid wall setback a minimum of 1 metre from the boundary for both ground and first floor levels. The bulk of this wall so close to the eastern boundary, it will dramatically deny any open space along this boundary and create unacceptable visual outlook with a wall some 6 metres high with some windows for the length of the property, thrusting a major structure hard up against our residence. We do not believe this is in-keeping with the other homes in our area which have generally complied with R12.5 code setbacks.</i> 	<p><u>Ground floor</u></p> <p>The ground floor has a <u>minimum</u> setback of 1 metre with articulations along the wall length ranging from 1.5 metres up to 4 metres. There are no major openings facing to the eastern side lot boundary with the only opening to the hallway, which is setback further into the property adjacent to the courtyard area. The major openings have been oriented north to protect the privacy of the eastern neighbouring property and increase the dwelling’s access to sunlight. We believe this to be a more favourable outcome to the eastern neighbouring property than having larger setbacks which meet the deemed to comply requirements but have major openings facing east.</p> <p><u>Upper floor</u></p> <p>With the removal of the major openings from the screening provided to the balcony and roof terrace, this reduces the deemed to comply setback requirement. Furthermore, whilst it is noted that the courtyard provides a separation in the building mass, it is slightly under the required 5 metres to allow for articulations of the wall lengths under the deemed to comply requirements (figure 4c), but still achieves the important function of breaking up the building bulk of the dwelling.</p> <p>With the introduction of screening to the balcony and roof terrace and having the majority of the major openings face north or blank walls of the adjacent eastern neighbouring dwelling, the privacy between the subject site and the eastern property is protected.</p> <p>The bulk and scale of the building is articulated in relation to the eastern boundary given the narrow lot width and north-south lot orientation. Furthermore, the eastern neighbour does not have west facing openings to the subject site with their dwelling also oriented to the north (see below image) – therefore the visibility of the length of the wall is limited to the front portion of the dwelling only.</p>

	 <p>The north-south orientation of the lot also ensures that the overshadowing to the east is minimised to only the rear portions of their yard during winter afternoons. This space is already overshadowed by the eastern neighbouring dwelling and this space is not the main outdoor living area of the dwelling. This means that the eastern neighbour's access to sunlight is not compromised as a result of the setbacks proposed.</p>
<p><i>We believe that is problem has been created by the owners of Lot 14B Odern Crescent subdividing their original property into two (2) titles and selling an undersized lot for financial gain.</i></p>	<p>The subdivision is a separate matter which the landowner and City have no control over – the lot area was approved by the WAPC as at the time of subdivision approval being granted, the lot area met the minimum requirement permitted under the R20 density code which was in force at the time. Subsequent adoption of the City's LPS3 requires the requirements of the R12.5 zone to be applied to the development, however there is ability to exercise discretion under the design principles to allow development of an appropriately sized home given the size of the lot. Please see the open space justification provided above.</p>
<p><i>Possible compromise solutions</i></p> <p><i>We are prepared to meet with the proposed owners and their designers to see if they are proposed to modify their currently design. I am prepared to make the following suggestions as a compromise however these suggestions should not be taken as agreed changes.</i></p> <ul style="list-style-type: none"> - <i>The street setback to the front edge of the ground floor terrace and/or first floor balcony to be a minimum of 7.5 metres.</i> - <i>Complete removal of the roof terrace.</i> - <i>A solid screen wall along the eastern side of any proposed balcony.</i> - <i>Move the residence 1 metre further west so there is a nil setback along the western boundary for both the ground floor and first floor walls. This would move the ground and first floor walls on the western boundary to approximately 2.0 metres off the eastern boundary instead of the proposed 1.0 metre.</i> - <i>Increase the southern boundary setback to 4.0 metres for both ground and first floor to increase the open space to meet the 55% open space requirement.</i> 	<p>The request to have a 7.5 metre minimum setback to Odern Crescent is not considered appropriate or acceptable given the eastern neighbouring property has a minimum setback of 3.75 metres to Odern Crescent (their primary street). Furthermore, the setback provided is larger than the western neighbouring dwelling with open areas provided within the street setback area to compensate and the enclosed portions of the building setback further so as to ensure that the permeability of the streetscape is maintained. A larger setback being provided to Odern Crescent would likely create more overlooking opportunities into the eastern neighbour's property and a more unbalanced streetscape appearance.</p> <p>The City's assessment of the roof terrace indicates it meets the building height requirements and provides a functional north facing outdoor living area for the dwelling which is screened to the eastern neighbouring property. This area will provide passive surveillance of the street and allow some ocean views which are not available from the lower levels.</p> <p>A screen is proposed to the eastern side of the balcony and roof terrace to prevent overlooking to the east.</p> <p>The setbacks proposed to the eastern side lot boundary are only visible for the front sections of the eastern neighbouring property as a result of the outdoor living area being within their front setback area adjacent to Odern Crescent. There is inevitably reduced protection of</p>

	<p>these spaces from a visual privacy perspective when landowners elect to have these spaces adjacent to the street.</p> <p>Increasing the setback to the eastern side lot boundary to 2 metres would result in building on the boundary for almost the entire western side lot boundary. It would also not result in any improvement to the eastern neighbour's access to sunlight, ventilation or substantially reduce the visibility of building bulk. However, such a change would compromise the appearance of the development from the streetscape and adversely impact the amenity of the western neighbouring landowner.</p> <p>Furthermore, an increase in the building separation for the internal courtyard from 4 metres up to 5 metres would enable greater compliance with the deemed to comply requirement without any tangible benefit to the eastern neighbouring landowner. This outlines the importance of a well-considered and balanced assessment under the design principles in many circumstances.</p> <p>The rear setback has been increased to a minimum of 3.5 metres and has increased the open space provision slightly.</p>
<p>Submission 2</p> <p><i>Please note that this submission has been rescinded by the southern neighbouring landowner following the plans being amended to have the upper floor setback increased by 0.5 metres.</i></p>	
<p>Submission 3</p>	
<p><i>I object to the primary street setback of 9 metres not being adhered to as this would over-crowd the streetscape. I also would like a list of all aspects of this development that are outside of the R-Codes, as I object in principle to the R-Codes being ignored.</i></p>	<p>The R-Codes are not being ignored nor is the development outside of R-Codes allowances. The application requires assessment under the design principles for some design elements. This is similar to other developments within the area including no. 2 Walba Way which has the primary street to Odern Crescent (given the front door of the house orientates to this street) and has a street setback of less than 3 metres, even though the deemed to comply setback requirement is 9 metres.</p>  <p>The list of design elements of the R-Codes which require assessment under the design principles was provided to the public on the City's website during the advertising period along with the proposed plans.</p>

With the revisions provided, we believe that we have appropriately addressed the concerns and comments from the neighbouring landowners, ensuring that the development appropriately responds to the site context in terms of the streetscape and the amenity of other neighbouring properties. When taking into consideration the relevant design principles of the R-Codes Vol. 1, we believe that the development is worthy of development approval.

Should you have any queries or require clarification on the above matter, please do not hesitate to contact the undersigned on 9289 8300.

Yours sincerely

element

A handwritten signature in blue ink, reading "Murray Casselton". The signature is written in a cursive style with a long horizontal stroke at the end.

Murray Casselton
Director

Clause 67 (2) Code	Requirement	Assessment	Satisfied
A	<i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	Please see Administration's assessment under 6.2 of this report.	Yes
B	<i>the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	All current applicable scheme provisions have been considered in the assessment of this application, including any proposed advertised scheme amendments. The application, as proposed is considered to satisfy the requirements of the <i>City of Nedlands Local Planning Scheme No 3</i> . Please see sections 6.2.1 and 6.2.2 within Administration's report.	Yes
C	<i>any approved State planning policy;</i>	The assessment of this application has given due regard to <i>State Planning Policy 7.3, Residential Design Codes</i> as demonstrated through Administration's assessment below (6.3.1)	Yes
D	<i>any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);</i>	Not applicable for this application.	N/A
E	<i>any policy of the Commission;</i>	Not applicable for this application.	N/A
F	<i>any policy of the State;</i>	Not applicable for this application.	N/A
Fa	<i>any local planning strategy for this Scheme endorsed by the Commission;</i>	Not applicable for this application.	N/A
G	<i>any local planning policy for the Scheme area;</i>	Administration has considered the requirements of the <i>City of Nedlands Local Planning Policy – Residential Development Policy</i> as demonstrated under 6.3 below.	Yes

H	<i>any structure plan or local development plan that relates to the development;</i>	Not applicable for this application.	N/A
I	<i>any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;</i>	Not applicable for this application.	N/A
J	<i>in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve</i>	See Administration's assessment 6.2.1 and 6.2.2 of this report.	Yes
K	<i>the built heritage conservation of any place that is of cultural significance;</i>	Not applicable for this application.	N/A
L	<i>the effect of the proposal on the cultural heritage significance of the area in which the development is located;</i>	Not applicable for this application.	N/A
M	<i>the compatibility of the development with its setting, including —</i> <i>i. the compatibility of the development with the desired future character of its setting; and</i> <i>ii. the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	See Administration's assessment 6.3, 6.3.1 and 7.0 of this report.	Yes
N	<i>the amenity of the locality including the following —</i> <i>i. environmental impacts of the development;</i> <i>ii. the character of the locality;</i> <i>iii. social impacts of the development;</i>	See Administration's assessment below (6.3, 6.3.1 and 7.0)	Yes
O	<i>the likely effect of the development on the natural environment or water resources and any means that are</i>	No adverse effect to natural resources or waterways is envisaged as	Yes

	<i>proposed to protect or to mitigate impacts on the natural environment or the water resource;</i>	a consequence of the proposed development.	
P	<i>whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</i>	The subject site has been fully cleared and represents a 'builder ready lot' following the approval of the subdivision. Where possible the application proposes retention of trees to the eastern and southern lot boundaries. The applicant has proposed a landscaped front setback area and rear setback area, providing a softened streetscape interface.	Yes
Q	<i>the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</i>	The subject site is above the high water line and is not located in a flood risk area. The site is not subject to a BAL and is Urban under the MRS, being suitable for Residential development and land use.	Yes
R	<i>the suitability of the land for the development taking into account the possible risk to human health or safety;</i>	Not applicable for this application.	N/A
S	<i>the adequacy of:</i> <i>i. the proposed means of access to and egress from the site; and</i> <i>ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	The site proposes a single point of vehicle ingress and egress. The permitted use for the site is a 'single house'. Vehicle access arrangements are considered consistent with this land use.	Yes
T	<i>the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i>	Not applicable for this application.	N/A
U	<i>the availability and adequacy for the development of the following:</i> <i>i. public transport services;</i> <i>ii. public utility services;</i>	The permitted use for the site is a 'single house'. The subject site has access to a public bus network within 400m of the subject site (to	Yes

	<p>iii. <i>storage, management and collection of waste;</i></p> <p>iv. <i>access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i></p> <p>v. <i>access by older people and people with disability;</i></p>	the south west and the east)	
V	<i>the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</i>	Not applicable for this application.	N/A
W	<i>the history of the site where the development is to be located;</i>	Not applicable for this application.	N/A
X	<i>the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</i>	The development proposal is for a single house. There is no expected detrimental impact on the wider community as a consequence of the proposed development.	Yes
Y	<i>any submissions received on the application;</i>	Please see Administration's assessment and response under 5.0 (above)	N/A
Za	<i>the comments or submissions received from any authority consulted under clause 66;</i>	Not applicable for this application.	N/A
Zb	<i>any other planning consideration the local government considers appropriate.</i>	No further considerations not contained within this report noted.	Yes

6.2.1 – Part 1 (Preliminary) Clause 9: Aims of the Scheme

Requirement	Proposal	Satisfies
a) Protect and enhance local character and amenity	<p>The surrounding area is distinguished by both character and contemporary Single Houses within the Swanbourne Coastal District.</p> <p>The established single residential dwellings are predominantly two storey, contemporary dwellings, with a mix of pitched and concealed roof designs.</p> <p>Administration considers that the proposed single house is consistent with the local character and amenity of the Swanbourne locality.</p>	Yes
b) Respect the community vision for the development of the district;	The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.	Yes
c) Achieve quality residential built form outcomes for the growing population;	The built form of the development has been assessed and is considered to achieve the relevant Design Principles of the R-Codes Vol. 1 and is consistent with the expectations of a lot with a 351m ² lot area.	Yes
d) To develop and support a hierarchy of activity centres;	The proposed development is consistent with the intent of the R12.5 density code, providing a single residential house.	Yes
e) To integrate land use and transport systems;	<p>The subject site is not located within a high frequency public transport route.</p> <p>The vehicle access for the site will be obtained from Odern Crescent.</p>	Yes
f) Facilitate improved multi-modal access into and around the district;	The subject site is located in close proximity to walking and cycle networks. These are especially present along the coast to the west of the subject site.	Yes
g) Maintain and enhance the network of open space	The proposed development does not impact the City's network of open space.	Yes
h) Facilitate good public health outcomes;	The development is not considered to adversely affect the desired public health outcomes.	Yes
i) Facilitate a high-quality provision of community services and facilities;	The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability.	Yes
j) Encourage local economic development and employment opportunities;	The development is considered to positively contribute to economic development and employment opportunities created for builders and tradespersons.	Yes
k) To maintain and enhance natural resources;	The development does not propose the removal of trees on the site. The site is currently clear and 'builder ready'.	Yes

l) Respond to the physical and climatic conditions;	The development maintains solar access to adjoining properties by having appropriate setbacks. The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation.	Yes
m) Facilitate efficient supply and use of essential infrastructure;	The development does not negatively impact this objective.	Yes

6.2.2 – Clause 16: Residential Zone Objectives

Requirement	Proposal	Satisfies
a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to positively contribute to the City's housing diversity.	Yes
b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	The development has achieved an acceptable design, with an appropriate built form and streetscape presentation considering the site's significant constraints.	Yes
c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;	This objective is not applicable to the subject application as this application only proposes the use of the land for residential purposes.	N/A
d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	The development is considered to achieve a balance between the existing streetscape character and the future character of this area. The City considers that the proposal complements the local character and amenity of the site, with the two storey height provision which is consistent with the surrounding area. The dwelling's design is considered to respond in particular to the lot's sister site, No. 14B Odern Crescent which was created through the same subdivision and nearing completion. Where discretion is sought the proposal is considered to satisfy the Design Principles of the R-Codes.	Yes

6.2.2 Part 4 (General Development Requirements) Clause 26: Modification of R-Codes

(1) *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 C2.1 i to iv with:*

(i) *a minimum of 9m.*

See 6.3.1, Residential Design Codes Volume 1 – Street Setback Design Principle Assessment for Administration assessment.

Submission	No. of times issue raised	Officer Response	Action Taken
Objection regarding overlooking of the eastern landowner's swimming pool from the rooftop terrace.	1	<p>The swimming pool located within No. 12 Odern Crescent is located within the front setback area of the lot.</p> <p>In accordance with clause 5.4.1 C1.1 of the R-Codes a cone of vision from a habitable space elevated 0.5m or above the natural ground level is permitted to intrude within a primary street setback area as a 'deemed to comply' development outcome.</p> <p>In response to the submission received, the applicant has provided additional screening to both the rooftop terrace and the first-floor balcony to restrict the area of overlooking of the front setback area of the eastern lot. It is noted that the additional screening proposed is over and above the 'deemed to comply' requirements of the R-Codes.</p>	<p>Overlooking of the front setback area is considered to meet the 'deemed to comply' development requirements of the R-Codes.</p> <p>No action required.</p>
Objection regarding the material choice of the eastern screen to the first floor balcony.	1	<p>The requirements for visual privacy screens are outlined under Clause 5.4.1 C1.2 of the R-Codes. This clause requires all visual privacy screens to achieve a minimum 75% obscenity, to a minimum height of 1.6m above the finished floor level of the habitable space.</p> <p>Condition 5 of the City's recommended conditions of development approval is included to ensure any proposed screening complies with the requirements of Clause 5.4.1 of the R-Codes</p>	<p>Condition 5 recommended to facilitate compliance with a 'suitable' visual privacy screen as outlined under Clause 5.4.1 of the R-Codes.</p> <p>No further action required.</p>
Objection regarding building height	2	<p>The City of Nedlands Residential Development Policy permits a maximum wall height of 8.5m and maximum roof pitch height of 10.0m above natural ground level directly beneath the wall and the maximum roof pitch height (Clause 4.5).</p> <p>The submitted plans indicate a proposed maximum wall height of 8.40m and top of pitch height of 9.84m, achieving compliance with Clause 4.5 of the City's Residential Development Policy</p>	<p>Development proposal complies with the City of Nedlands Residential Development Policy, Clause 4.5 (Building Height) requirements.</p> <p>No action required.</p>
Objection regarding the subject site's lot area being too small.	1	<p>The City of Nedlands as a Local Government is not the decision maker for subdivision applications. The Western Australian Planning Commission (WAPC), as a State Government Body holds the</p>	<p>The subject site has been created through a subdivision application approved by</p>

		<p>power to assess and approve subdivision applications.</p> <p>The WAPC resolved to approve the proposed subdivision to create lots 101 and 102 with lot areas of 536m² and 351m² respectively. At the time of the subdivision application being lodged, the subject site was subject to a split density code of R12.5/R20. Since the approval of the subdivision and issuing of new Titles, following the Gazettal of Local Planning Scheme No. 3, the subject site has been down-coded to R12.5.</p> <p>Due to the lots being created, the City of Nedlands, as the delegated assessment authority is responsible for the assessment and determination of the subsequent Development Application on the new lot.</p>	<p>the WAPC, with Titles issued by Landgate.</p> <p>The City is assessing the subsequent Development Application for a single house only and cannot consider the approved lot area in the determination of this application.</p>
Objection regarding the proposed eastern lot boundary setback	2	See Administration assessment below (6.1.3 ii)	Application considered to satisfy the Design Principles of the R-Codes. Approval Recommended
Objection regarding the primary street setback	3	See Administration assessment below (6.1.3 i)	Application considered to satisfy the Design Principles of the R-Codes. Approval Recommended
Objection regarding the southern (rear) lot boundary setback	1	See Administration assessment below (6.1.3 ii)	Application considered to satisfy the Design Principles of the R-Codes. Approval Recommended
Objection regarding the proposed site coverage	1	See Administration assessment below (6.1.3 iii)	Application considered to satisfy the Design Principles of the R-Codes. Approval Recommended
Objection regarding overshadowing of the southern lot	1	An R12.5 residential density code permits overshadowing of 25% of southern lot (No. 8 Korel Gardens, Swanbourne)	The development proposal satisfied the

		<p>The subject site occupies 22.17% of the southern lot's northern boundary. The resulting maximum permitted overshadowing of the southern lot is 5.54%. The development proposal results in overshadowing of 5.5% of the southern lot.</p> <p>The development proposal is considered to satisfy the 'deemed to comply' requirements of the R-Codes in relation to overshadowing.</p>	<p>'deemed to comply' criteria of the R-Codes in relation to overshadowing.</p> <p>No further action required.</p>
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PD07.21	No. 26 Louise Street, Nedlands – 5 x Grouped Dwellings
Committee	9 March 2021
Council	23 March 2021
Applicant	Urbanista Town Planning
Landowner	Canute Australia Pty Ltd
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20-56186
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings.
Attachments	<ol style="list-style-type: none"> 1. Applicant's Report 2. Acoustic Report 3. Traffic Impact Statement 4. Landscape Plan 5. Planning and Development (Local Planning Schemes) Regulations 2015 Assessment 6. Aims of the Scheme Assessment 7. Residential Zone Objectives Assessment 8. State Planning Policy 7.0 – Design of the Built Environment Assessment 9. State Planning Policy 7.2 – Precinct Design Assessment
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Assessment

1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received by the City of Nedlands on 10 November 2020, for five two-storey grouped dwellings at No. 26 (Lot 166) Louise Street, Nedlands. Each grouped dwelling within the subject site comprises three-bedroom dwellings with two bathrooms and the provision of two car parking bays in a garage provided at grade.

The original application was advertised to neighbours in accordance with the City of Nedlands Local Planning Policy – Consultation of Planning Proposals. At the close of the advertising period, no submissions were received.

Amended plans were received on 20 January 2021 and a second round of advertising was conducted to reflect these changes. At the close of the advertising period, there were no submissions received.

This application is presented to Council for determination in accordance City's Instrument of Delegation, due to the application proposing five dwellings. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) Volume 1 and is unlikely to have a significant adverse impact on the local amenity and character.

Recommendation to Committee

Council approves the development application dated 10 November 2020, with amended plans received on 16 February 2021 for five (5) Grouped Dwellings at Lot 166 (No. 26) Louise Street, Nedlands, subject to the following conditions and advice notes:

- 1. This approval is for a 'Residential' land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 3. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
- 4. Prior to the issue of a Building Permit, a Waste Management Plan shall be submitted and approved to satisfaction of the City. The Waste Management Plan shall be complied with at all times to the satisfaction of the City.**
- 5. The Acoustic Report dated 10 November 2020 (Attachment 2) prepared by Hewshott Acoustics forms part of this development approval and shall be complied with at all times to the satisfaction of the City. Recommendations contained within the acoustic report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
- 6. The Landscape Plan (Attachment 4) forms part of this approval. Landscaping shall be installed and maintained in accordance with the approved landscaping plan prepared by Propagule dated 28 October 2020, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**

7. In accordance with the Australian Standard AS2890.1 (as amended), all car parking and vehicle manoeuvring areas are to maintain adequate circulation space, free of intrusions such as doors and storage areas which do not compromise the minimum parking dimensions required under AS2890.1.
8. Prior to the issue of a Building Permit, amended plans are to be submitted with the Building Permit Application to show the doors providing access into the garages for Lot 1 and Lot 5 swing in the opposite direction, away from the manoeuvring areas for the vehicles within the garage.
9. Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.
10. The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City's satisfaction.
11. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.
12. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
13. Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level located behind the street setback area shall satisfy the deemed to comply criteria of element 5.4.1 of the Residential Design Codes Volume 1. Screening referred to in c1.1(ii) of the Residential Design Codes Volume 1 is to be in the form of;
 - a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level, or
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.
 - c) A minimum sill height of 1.60 metres as determined from the internal floor level; or
 - d) an alternative method of screening approved by the City of Nedlands.

The required setbacks and/or screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

14. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:
 - a) Face brick;
 - b) Painted render
 - c) Painted brickwork; or

d) **Other clean material as specified on the approved plans.**

And maintained thereafter to the satisfaction of the City of Nedlands.

15. **The parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004 prior to the occupation or use of the development.**
16. **Prior to occupation of the development, the proposed visitor car parking bay shall be provided with 1.5m x 1.5m visual truncations in accordance with AS2890.1 on both sides of the bay to the satisfaction of the City of Nedlands.**
17. **Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
18. **Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**
19. **Prior to the occupation of the development, the car parking designated for visitors shall be clearly marked and signage provided to the specification and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.**

Advice Notes specific to this proposal:

- a) **The applicant is advised that this application is for Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.**
- b) **The applicant is advised to provide as part of the Building Permit application, a compaction certificate from a structural engineer for the area previously occupied by the swimming pool (Units C & D). The compaction certificate is to demonstrate that the land/foundation can support the proposed development.**
- c) **The applicant is advised that the proposed development does not meet the “Deemed-to-Satisfy” provisions of the NCC BCA Vol.2 2019 in following areas Part 3.7.2.2 - External walls of Class 1 buildings, Part 3.7.2.4 - Construction of external walls, Part 3.7.2.7 - Allowable Encroachments and 3.7.3.2 - Separating Walls. The proposed development is required to satisfy the Performance Requirements P2.3.1 (Part 3.7) and be determined in accordance with A2.2(3) and A2.4(3) as applicable. Where proposed works do not satisfy the “Deemed-to-Satisfy”**

provisions of the NCC BCA the design/proposed works must be documented in a Performance Solution and form part of the relevant Certificate of Design Compliance and Building Permit application.

- d) The applicant is advised that in relation to Condition 4, the maximum number of bins permitted on the verge is eight (8) bins at any time.
- e) The applicant is advised that a separate noise management plan will be required to be prepared, submitted to the City and approved by the CEO if it is desired to work outside of normal hrs of operation during construction of the project (i.e., 0700 hrs and 1900 hours on any day that is not a Sunday or Public Holiday). This will be subject to the subject to the Clause (6) of the *Environmental Protection (Noise) Regulations 1997*, that is detailed in section 3.4.1 of the acoustic report.
- f) The proposal requires compliance with the City's *Health Local Laws 2017*, which requires an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:
 - i. Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - ii. Walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - iii. Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - iv. Easily accessible to allow for the removal of the receptacles;
 - v. Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City; and
 - vi. Provided with a tap connected to an adequate supply of water.
- g) The applicant is advised outdoor lighting installations are required to comply with Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting, such that they will not cause adverse amenity impacts on the surrounding locality, and the spread of artificial light from installations is restricted to the property.
- h) The plans indicate the parking level will be constructed beneath the natural ground level. The proposed development is within proximity to the Swan River. In the event that dewatering is required at the site during construction the applicant is to prepare, submit, and have approved a Dewatering Management Plan by the Department of Parks and Wildlife and to the satisfaction of the Department of Water and Environmental Regulation, Swan River Trust and City.
- i) The applicant is advised to apply dust control measures during construction in accordance with *City of Nedlands Health Local Laws 2017* and DWER requirements.
- j) The landowner is advised that all mechanical equipment (e.g., air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.

- k) The applicant is advised to consult the City’s Acoustic Advisory Information in relation to locating any mechanical equipment (e.g., air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.**
- l) All street tree assets in the nature-strip (verge) shall not be removed without prior approval from the City of Nedlands.**
- m) The existing crossover is to be removed and the nature-strip / verge reinstated in accordance with the City of Nedlands’ Nature Strip Improvement Guidelines.**
- n) A new crossover, temporary crossover or modification to an existing crossover will require obtaining a separate Vehicle Crossover Permit from the City of Nedlands prior to construction commencing.**
- o) All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
- p) All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**
- q) The applicant is advised that in relation to Condition 8, the Construction Management Plan shall detail how proposed site works will be managed to minimise environmental impacts and shall address but not be limited to:**

 - i. Staging plan for the entire works;**
 - ii. Applicable timeframes and assigned responsibilities for tasks;**
 - iii. Onsite storage of materials and equipment;**
 - iv. Parking for contractors;**
 - v. Waste management;**
 - vi. Management of noise in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*;**
 - vii. Management of vibrations;**
 - viii. Complaints and incidents; and**
 - ix. Site signage showing the builder’s direct contact details (telephone number and email address).**
- r) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**

- s) The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.
- t) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- u) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.
- v) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	1011.7m ²
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No
Land Use	Existing – 'Residential' use for a Single House Proposed – 'Residential' use for Grouped Dwellings
Use Class	Permitted (P)

2.2 Locality Plan

The subject site currently comprises one lot at No. 26 (lot 166) Louise Street, Nedlands which is currently vacant. The site previously contained a Single House which has recently been demolished.

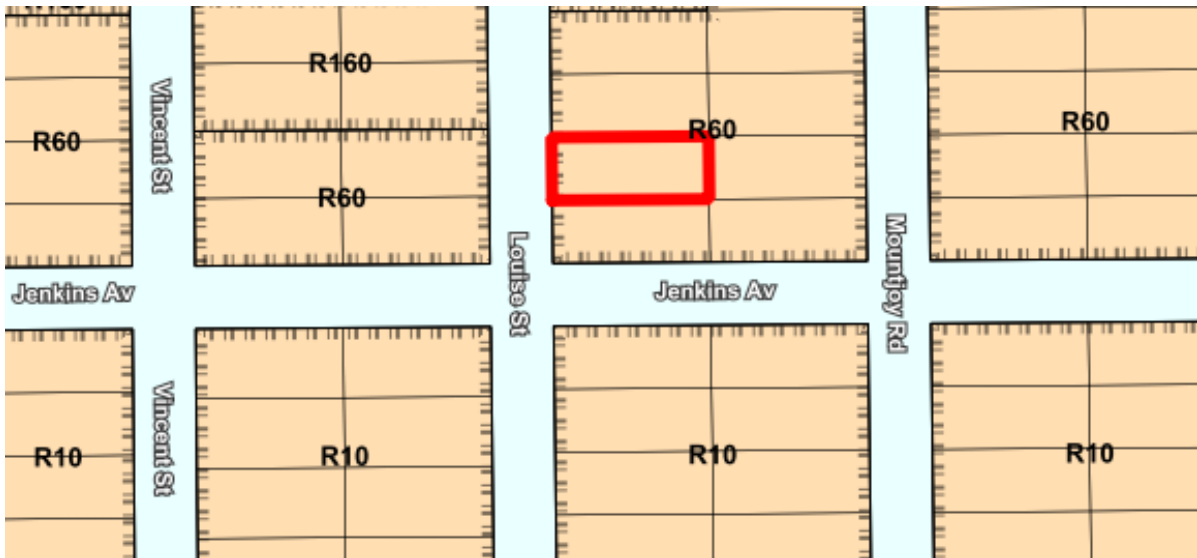
The site is oriented east-west and has its frontage to Louise Street and is bound by residential lots to the northern, eastern and southern lot boundaries.



The site slopes downwards from the north eastern corner to the south western corner of the lot. The lowest point of the site is 9.6m AHD with the highest point being 10.83m AHD. This results in a drop of 1.23m over 50m, representing a grade of approximately 2.5%.

As shown in the aerial map above, the subject property is surrounded by a mix of single houses and grouped dwellings. The Metro-Inner West Joint Development Assessment Panel (JDAP) recently approved 37 multiple dwellings at 17-19 Louise Street and 6 multiple and 7 grouped dwellings at 21-23 Louise Street directly opposite the site.

As shown in the Locality Plan below, the subject site is zoned R60. All lots to the north of Jenkins Avenue are coded R60 and above. All lots to the south of Jenkins Avenue are coded R12.5 and R10.



3.0 Application Details

The applicant seeks development approval to construct five (5) grouped dwellings, details of each are as follows:

- Two-storey grouped dwellings comprising three bedrooms, two bathrooms, a double garage, kitchen, living area, dining area, sitting room and an outdoor living area facing north;
- Consolidated vehicle access to the south of the site with a designated visitor bay proposed in front of Unit 1 and contained within the lot; and
- A communal bin store along the southern lot boundary for general waste bins and recycling bins to be located within the garages of the units.

It is noted that no subdivision application has been submitted for this site.

4.0 Consultation

The application was assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1). The application was advertised to seek assessment under the Design Principles of the R-Codes for the following clauses:

- Clause 5.1.3 – Lot Boundary Setbacks
- Clause 5.1.4 – Open Space
- Clause 5.2.4 – Street Walls and Fences

Round 1 Advertising:

The development application was initially advertised to 11 landowners/occupiers between 30 November 2020 to 14 December 2020 due to variations proposed under Clause 5.1.4 – Open Space and Clause 5.2.4 – Street Walls and Fences. At the close of the advertising period, no submissions were received.

Round 2 Advertising:

A second round of advertising was conducted from 29 November 2021 to 12 February 2021 as amended plans were received by the City. The advertising in relation to clause 5.1.3 – Lot Boundary Setbacks as a communal bin store was now proposed on the southern lot boundary. At the close of the advertising period, no submissions were received.

5.0 Assessment of Statutory Provisions

5.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Consideration of application by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. The City considers that the development meets these objectives, particularly in relation to height, scale and landscaping and overall amenity. Refer to **Attachment 5** for the full assessment against the relevant provisions.

5.2 City of Nedlands Local Planning Scheme No. 3

5.2.1 – Clause 9: Aims of the Scheme

The City considers that the development meets the Aims of the Scheme, as identified in **Attachment 6**.

5.2.2 – Clause 16: Residential Zone Objectives

The City considers that the development meets the 'Residential' zone objectives, as identified in **Attachment 7**.

5.3 Policy/Local Development Plan Consideration

5.3.1 State Planning Policy 7.0 – Design of the Built Environment

The intent of State Planning Policy 7.0 is to address design quality and built form outcomes in Western Australia. In summary, the City considers that the development appropriately responds to each of the 10 Design Principles (**Attachment 8**). The applicant has also provided an assessment as contained in **Attachment 1**.

5.3.2 State Planning Policy 7.2 – Precinct Design

State Planning Policy 7.2 has recently been introduced to provide guidance on the design, planning, assessment and implementation of precinct structure plans, local development plans, subdivision and development in areas identified as precincts. As the subject property is located in Rose Garden Transition area precinct, the City has undertaken an assessment against this Policy. Overall, it is considered that the proposed development meets the objectives and elements, as contained in **Attachment 9**.

5.3.3 State Planning Policy 7.3 – Residential Design Codes (Volume 1)

State Planning Policy 7.3 (Volume 1) of the Residential Design Codes (R-Codes) apply to single and grouped dwellings. The application is seeking an assessment under the Design Principles for the R-Codes for street setbacks, lot boundary setbacks, open space and street walls and fences as addressed in the below tables.

Clause 5.1.2 – Street Setback

Design Principles
<p>P2.1 - Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings; • accommodate site planning requirements such as parking, landscape and utilities; and • allow safety clearances for easements for essential service corridors. <p>P2.2 Buildings mass and form that:</p> <ul style="list-style-type: none"> • uses design features to affect the size and scale of the building; • uses appropriate minor projections that do not detract from the character of the streetscape; • minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.
Deemed-to-Comply Requirement
<p>C2.1 (iv) A grouped dwelling which is not adjacent to the primary street, has its main frontage to a communal street, right of way or shared pedestrian access way; the deemed-to-comply street setback is 2.5m.</p>
Proposed
<p>The applicant seeks assessment under the Design Principles which are as follows:</p> <p>Units 1-4:</p> <ul style="list-style-type: none"> • Ground: 1.7m • Upper: 2.0m

Administration Assessment

The street setbacks to the common property driveway are considered to meet the Design Principles for the following reasons:

- The setback variations face the internal common property driveway and do not directly face the primary street. The reduced setbacks to an internal common property driveway are not considered incongruous with its setting.
- The proposed landscaping plan is supported and contribute to the leafy-green streetscape.
- The two-storey bulk is predominately massed towards the common property driveway as a means to increase side lot boundary setbacks to adjoining landowners. This in turn facilitates more efficient use of a useable outdoor living space for internal residents, whilst maintaining the amenity and privacy of adjoining sites. Collectively, this approach is considered more desirable.
- Provision has been made for windows to face the common property driveway which is considered to make a positive contribution to the internal private street in terms of public surveillance and activity. Whilst the major openings facing the common property driveway provide for passive surveillance, they are also setback in compliance with the deemed-to-comply setbacks for Clause 5.4.1 – Visual Privacy.
- Each site can accommodate parking, landscaping and utilities and there are no easements or essential service corridors to apply.
- The design of the development incorporates various articulations of the wall lengths on the ground and upper floors so as to ensure the building mass and form is not excessive. It further provides for a range of materials and architectural treatments such as timber cladding, render face brick minimise the perception of bulk as viewed from the street.
- The height of the development is consistent with the surrounding area and is below the deemed-to-comply 10m height limit.
- In relation to the primary street, the streetscape is not dominated by building services, vehicle entries, blank walls, or infrastructure. All garages face onto the common property and there is no garage wall that faces the primary street. This is considered to be a positive outcome for the streetscape of Louise Street. There is a visitor bay located outside Unit 1 which is a requirement for a proposal of 5 grouped dwellings. The location of the visitor bay outside Unit 1 is seen appropriate as it ensures that visitors to the site are easily able to locate the bay.

In light of the above, the street setbacks for the units to the common property driveway are not considered incongruous within its setting that would prejudice the objectives of the zone and as such, are considered to meet the Design Principles.

Clause 5.1.3 – Lot Boundary Setbacks

Design Principles

P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- reduce impacts of building bulk on adjoining properties;
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;
- does not compromise the design principle contained in clause 5.1.3 P3.1;
- does not have any adverse impact on the amenity of the adjoining property;
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and

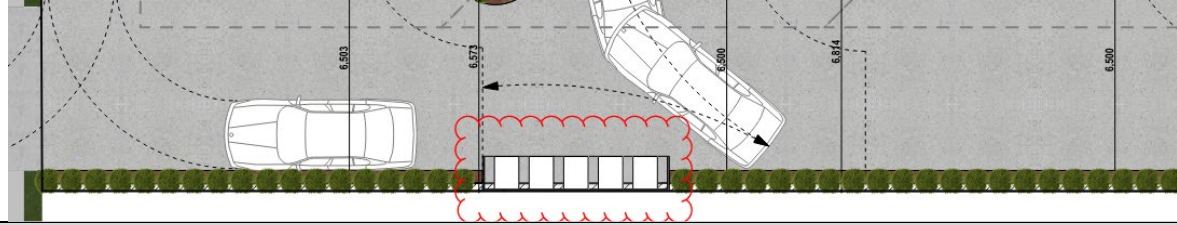
- positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

Deemed-to-Comply Requirement

Boundary walls are only deemed-to-comply to one lot boundary to the parent lot

Proposed

Boundary walls are proposed to two boundaries – along the eastern and southern lot boundaries. The second boundary wall is deemed to be on the southern lot boundary.



Administration Assessment

The communal bin store located on the southern lot boundary meet the Design Principles for the following reasons:

- The development could have utilised the deemed to comply length and height permitted under Residential R60 which would have had a much greater impact on the adjoining properties. Instead, the proposed boundary walls do not exceed the 3.5m height and 3.0m average height requirements. Therefore, the proposals impact on the amenity is considered lower than what is capable under the deemed to comply.
- In R60, building on boundary is permitted for two-thirds (66%) of the length of the balance of the lot boundary behind the front setback. The boundary walls along the eastern and southern boundaries are relatively short so as to minimise their impact on the overall bulk and ventilation. Only one boundary wall is presented on the eastern lot boundary of Unit 5. The boundary wall has a total length of 7.9m and represents 39% of this lot boundary. The remainder of the walls to the lot boundary are compliant with their respective deemed to comply setbacks.
- Another boundary wall is presented by the communal bin store on the southern lot boundary. The bin store is of a total length of 4.5m which represents 9% of the entire southern lot. The bin store will be of a maximum height of 1.8m which is the same height as a standard Dividing Fence.
- These boundary walls are considered relatively minor as a comparison to the permitted 66% building on boundary permitted.
- The proposed boundary walls do not contain any major openings on the walls and as such, the boundary walls ensure there is minimal overlooking and resultant loss of privacy on adjoining properties.
- The boundary walls do not exacerbate the overshadowing as per element 5.4.2 of the R-Codes Vol. 1 to the adjoining lots, with overshadowing that does not exceed the limits of Clause 5.4.2. As such, the proposed development does not unduly compromise the direct sun and ventilation to the building and open spaces upon the adjoining properties.
- It is considered that the proposal of the grouped dwellings contributes to the future development context and streetscape of the locality, representing an appropriate development for the newly appointed R60 density code through the gazettal of LPS 3.

Clause 5.1.4 – Open Space

Design Principles
<p>“P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling; • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities.”
Deemed-to-Comply Requirement
The deemed to comply open space for each lot is 40%
Proposed
Unit 2, 3 and 4 provide 37% open space.
Administration Assessment
<p>The open space provision for Units 2-4 is considered to meet the Design Principles for the following reasons:</p> <ul style="list-style-type: none"> • The development as a whole is consistent with the existing and emerging streetscape character. It is noted that the 3% variation of open space to Units 2, 3 and 4 does not negatively impact upon the streetscape character of Louise Street. Unit 1, which addresses Louise Street, proposes a total of 43% open space which exceeds the deemed to comply requirement of 40% per lot. • A large variety of trees such as Acorn Banksia, Lime, Native Frangipani, Dracaena & Cabbage Trees, Ornamental Pear (Capital) Frangipani and Queensland Box trees proposed in the open spaces of the site will reflect and enhance the streetscape character of Louise Street as leafy green locality. • Despite the minor variation to open space, the design of the development carefully considers the importance of the northern aspect of the site. All outdoor living areas and principal living spaces are orientated to take advantage of the northern aspect of the site which will improve the living amenity of the future residents. • The design of the development utilises multiple articulations at ground and upper floor so as to reduce the building bulk of the site onto adjoining properties. The setbacks of the development are all compliant with the deemed to comply provisions outlined under Clause 5.1.3. With compliant setbacks proposed to the lot boundaries, the City does not consider that the open space shortfall is as a result of overdevelopment of the site and this proposal is consistent with the expectations of the R60 density code. • As shown in the Site Plan and Landscaping Plan, the development provides an attractive setting for the buildings, nestled amongst a variety of trees, shrubs and vegetation which will improve the amenity of the future residents of the grouped dwellings. • The outdoor living areas which face north will provide opportunities for the residents to use these spaces for private recreation and outdoor pursuits. It is also noted that the site is within close proximity of the Peace Memorial Rose Gardens, where future residents will have access to open space for outdoor pursuits. • Administration notes that when considering the open space provision of the parent lot, the site cover is 41% of the entire lot and the remainder of the total of the site which is not occupied by buildings (open space) is 59% which is a positive outcome for the site.

Clause 5.2.4 – Street Walls and City of Nedlands Residential Development Local Planning Policy

Design Principles
<p>“P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:</p> <ul style="list-style-type: none"> • for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and • for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.”
Deemed-to-Comply Requirement
<p>The maximum pier width permitted is 0.5m.</p> <p>The maximum height of fencing is 1.8m</p>
Proposed
<p>A maximum pier width of 1.0 is proposed on either side of the fencing.</p> <p>The maximum height of street fencing proposed is 2.0m.</p>
Administration Assessment
<p>As shown in the primary street elevation, the application proposes street fencing. There are two pillars proposed, with a total width of 1.0m with visually permeable infill panel fencing between the piers.</p> <p>This type of fencing is typically seen in the locality, with solid piers and infill panels. In comparison to the entire elevation facing the primary street, the fencing height of 2.0m is considered to be low enough so as to permit surveillance and enhance the streetscape. The piers on the sides are not considered to restrict passive surveillance to Louise Street as the majority of the facade of the fencing is composed of the infill panels which are visually permeable.</p> <p>With approximately 5 trees proposed in the verge, the trees will act as vegetative screening to the pillars. As such, the fencing will not detract from the streetscape of Louise Street.</p> <p>The development on the upper floor also contains major openings which face Louise Street, which will permit passive surveillance onto the street.</p>

5.4 City of Nedlands Peace Memorial Rose Garden Precinct Local Planning Policy

Local Planning Policy – Peace Memorial Rose Garden Precinct (PMRG Policy, was prepared by residents, and submitted to Council to adopt for advertising. It was submitted with the stated purpose to “ensure that the character of the well-established precinct is sustained and evolved as new development occurs”. The subject site is within this precinct. The precinct boundary is illustrated below in the map below:



The development of the PMRG Policy can be summarised as follows:

- Original draft PMRG Policy was submitted by the community, and Council adopted this policy for advertising at its April 2020;
- As part of the April 2020 Council Resolution, there was also instruction to establish a Community Working Group (CWG) to assist with the refinement of the policy;
- Draft PMRG Policy advertised May-June 2020;
- Amended draft PMRG Policy was prepared by CWG in August 2020;
- Amended draft PMRG Policy presented to September 2020 Special Council Meeting. Administration recommended that Council not adopt the policy on the basis that:
 - Significant changes were made to the policy post-advertising, requiring further advertising;
 - The policy did not follow orderly and proper planning in its formation, as was not informed by built form modelling and testing; and
 - The policy area does not align with the boundaries of identified precincts for which strategic planning has already commenced.
- Council adopted the PMRGP Policy at the 3 September 2020 Special Council Meeting. WAPC approval is not required for any aspect of the policy.
- Legal advice was obtained by the City on 14 September 2020, which contended that the PMRG Policy ‘does not validly form part of the City’s current planning

framework’. The primary reason for this advice is that the policy was prepared by landowners, rather than by the City, which is not supported by the *Planning and Development Act*. For this reason, the assessment of the amended plans does not include reference to this policy.

5.5 Melvista West Transition Zone Draft Local Planning Policy:

The Draft Local Planning Policy – Melvista West Transition Zone seeks to establish a localised planning response for the Melvista West Transition Zone. The subject site is within this precinct.

Image: The precinct boundary of the Melvista West Transition Zone



The draft Melvista West Policy was adopted for advertising by Council at its 3rd September 2020 Special Council Meeting. Advertising of this policy has now closed. In its report for this item, Administration noted that the draft policy will form a “starting point” for development guidance in the precinct and will be subject to further revisions through built form modelling, legal and architectural review, external referrals, horticultural and heritage advice, as well as community engagement.

The Melvista West Policy seeks to augment provisions of both R-Codes Vol. 1 and Vol. 2, as outlined below.

R-Codes Vol. 1 – proposed changes to deemed-to-comply provisions for:
<ul style="list-style-type: none"> • Street setback • Lot boundary setback • Building height • Setback of garages and carports • Landscaping • Design of car parking spaces • Vehicle access

Pursuant to clause 67(b) of the deemed provisions, in considering an application for development approval, due regard is to be given by the decision-maker to the requirements of any planning instrument that the local government is seriously considering adopting or approving.

‘Due regard’ requires the decision maker to give proper, genuine and realistic consideration to the draft policy, however, the weight which is given to that consideration is a matter for the decision-maker.

The legal principles that are applied when assessing the weight afforded to a draft instrument, such as a local planning policy, are explained in the SAT’s decision in ***Nicholls and Western Australian Planning Commission [2005] WASAT 40.***

Those principles require four factors to be given consideration to, which are:

- i. *the degree to which the draft assesses the specific application;*
- ii. *the degree to which the draft is based on sound town planning principles;*
- iii. *the degree to which the ultimate approval of the draft could be regarded as ‘certain’; and*
- iv. *the degree to which the ultimate approval of the draft could be regarded as ‘imminent’.*

With respect to the above factors, the City will only comment on the third and fourth matters. As noted above, the provisions of the draft Melvista West Policy are still subject to change as a result of rigorous testing, peer review and community engagement. Given that this policy is a “starting point” for development guidance in the precinct the degree of certainty and imminence of the policy is questionable. Therefore, the City’s position is that the weight given to the draft Melvista West Policy should not prevail over the weight afforded to the relevant Deemed-to-Comply provisions of the R-Codes (Vol 1) in determining whether or not the application has met the element objective(s) as the draft policy is neither certain in its final form nor is it imminent in terms of adoption. For this reason, the proposal has not been assessed against the draft Melvista West Draft Policy.

5.6 City of Nedlands Waste Management Local Planning Policy:

As outlined in the Consultation section of this report, the application was advertised for a second time. The initial plans of the application did not propose a communal bin store on the boundary. When the application was lodged, the City was in the process of proposing an amendment to the City of Nedlands Waste Management Local Planning Policy to be presented to the Council at the December 2020 Ordinary Council Meeting. One of the amendments to the policy was to allow for 10x bins to be presented on the verge for bin collection, therefore not requiring a communal bin store. If the amendment was successful, with adoption from Council, this application would have been able to present 10x bins on the verge without a communal bin store.

As the amendment to the Policy was not adopted at the December 2020 Ordinary Council Meeting, in January 2021, the applicant’s submitted amended plans to the City. The amended plans received in January 2021 show a communal bin store on the southern lot boundary of the site. The bin store is proposed as the applicants are seeking to address the City of Nedlands Waste Management Local Planning Policy so as not to present more than 8 bins on the verge for collection.

The applicants are required to address the City of Nedlands Waste Management LPP to ensure that there is a maximum of 8 bins presented on the verge and all other relevant provisions of the Policy. By way of Condition 4, the City has recommended that prior to the lodgement of a Building Permit, a Waste Management Plan shall be submitted and approved to satisfaction of the City of Nedlands. The Waste Management Plan shall be complied with at all times to the satisfaction of the City.

6.0 Conclusion

Whilst the proposal is a more intense form of development than what currently exists, it is compatible with the built form and scale of the redeveloped homes that predominate Louise Street and is consistent with the emerging streetscape character. The proposal is seen to be an appropriate type of development in a transitional zone between high density on Stirling Highway and lower density in Dalkeith.

The proposal meets the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The five two-storey grouped dwellings proposed at the subject site are considered to be consistent with the Residential R60 density code and has been designed to complement the existing streetscape. The proposal has been assessed and satisfies the design principles of the Residential Design Codes and does not prejudice the intent of the zone or objectives of the Scheme.

Accordingly, it is recommended that the application be approved by Council.

City of Nedlands
Received 28
October 2020

URBANISTA

TOWN PLANNING



PROPOSED GROUPED DWELLING DEVELOPMENT

26 Louise Street Nedlands

This report has been prepared by Urbanista Town Planning
for the proposed townhouses at 26 Louise Street Nedlands



Petar Mrdja | **Director**

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231 Bulwer Street, Perth

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1 INTRODUCTION

Urbanista Town Planning have been engaged by the owner of No. 26 (Lot 144) Louise Street, Nedlands, to prepare and submit a planning application for a two-storey grouped dwelling development comprising five dwellings.

This report provides a detailed assessment of the proposal in accordance with the relevant state and local planning frameworks to comprehensively demonstrate the merit of the proposal, and its supportability in development approval.

The proposal provides appropriate development density and scale for the subject site, in line with the future desired built form outlined in the local planning framework and will cater to the future housing needs of the area. The high-quality design with an emphasis on the character and context of the locality has been rigorously assessed and improved prior to lodgement.

We look forward to working with the City to achieve development application approval.



Streetscape elevations as prepared by Trendsetter Homes.



Perspective render of Unit E as prepared Trendsetter Homes.

2 SITE CONTEXT

2.1 LOCATION & PROPERTY DESCRIPTION

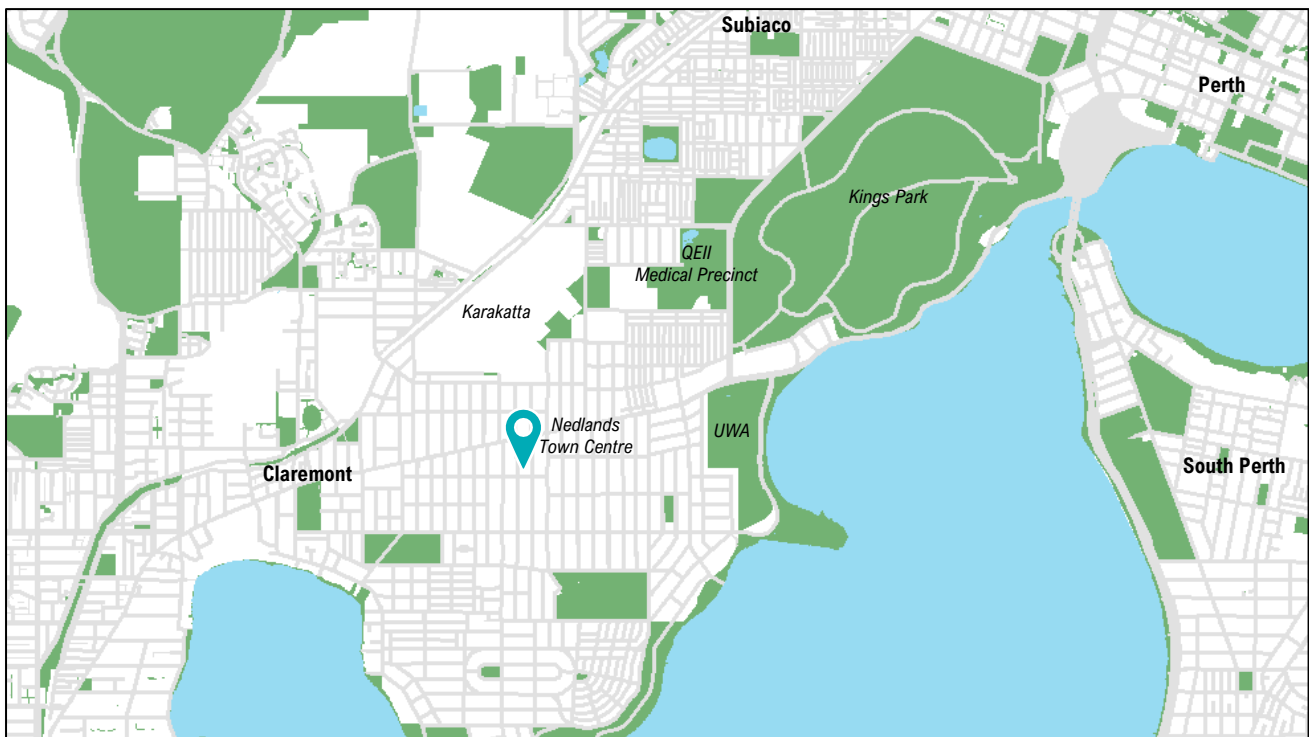
The proposed development is located at No. 26 (Lot 144) Louise Street, Nedlands. The property currently contains a single house and has a total site area of 1,012sqm with a frontage of 20.12m and lot depth of 50.29m.

The site is situated a short distance from Stirling Highway, and has excellent public transport links. There are numerous commercial and retail offerings throughout the local area, including along Stirling Highway, from food and beverage, to medical, shopping, fitness, and business. This is supported by the UWA – QEII Specialised Centre, the Claremont Secondary Centre, the future Nedlands Town Centre, and Perth — which all act as employment hubs, business incubators, and community focal points. The Peace Memorial Rose Gardens are located just 50m north west of the site.

The site is surrounded by a mix of higher density land which has been recently upzoned, and is expected to see redevelopment in the short to medium term as a result. The site itself is zoned and surrounded by land zoned “Residential” with a density coding of R60, with R160 and R-AC1 land both less than 100m north of the site.

The crucial site details of the property are outlined in the table below.

Lot	Street Address	Land Area	Volume / Folio	Proprietor
Lot 166 P3668	26 Louise Street	1,012sqm	10 / 228A	Canute Australia Pty Ltd



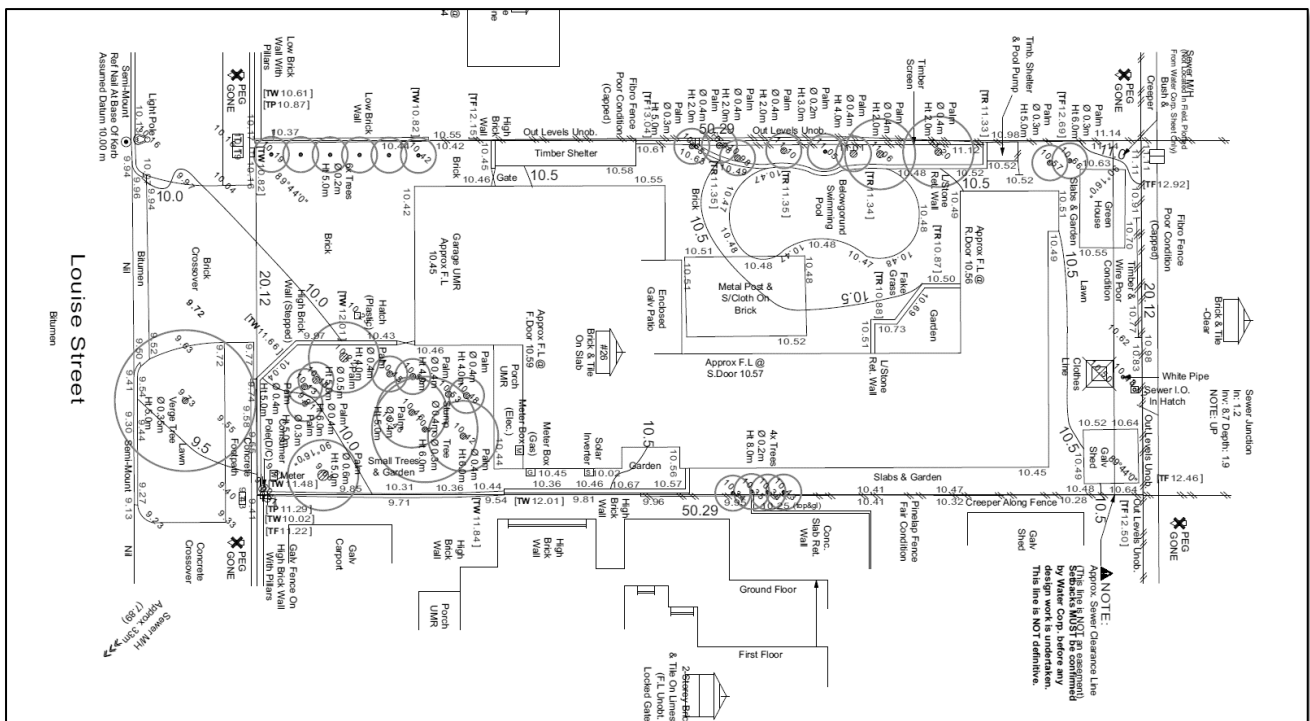
Site Location Map.

2.2 TOPOGRAPHY

The subject site has a slight downslope from the east (street) to the west (rear) topography of about 1.2m.

The site has a minor slope in a downwards direction from east to west, as demonstrated on the site plan. The lowest point of the site is 9.6m AHD with the highest point being 10.83m AHD. This results in a drop of 1.23m over 50m, representing a grade of approximately 2.5%.

The proposed ground floor FFL is 10.3m AHD. The development responds to the changing topography through averaging the extent of site works required to minimise the extent of soil disturbance, cutting, and fill. It is considered that the topography of the site is generally consistent and does not create any notable design constraints which have not been addressed in the building design. No issues in relation to stormwater drainage have been identified as a result of the topography of the site. The design will accommodate 1 in 1 year Average Recurrence Interval rainfall events through infiltration soakwells with trafficable covers.



Site Feature Survey Plan as prepared by Cottage Surveys & Engineering.

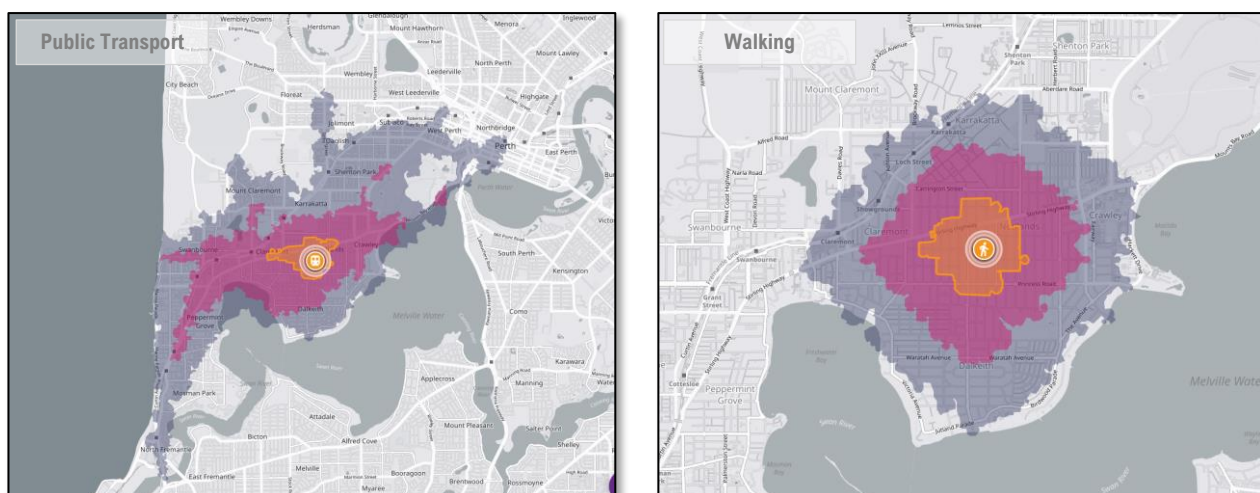
2.3 AMENITIES

The site is very well positioned in terms of services, amenity, and transport options, and presents an excellent opportunity for redevelopment of the area to bring in much needed housing diversity and additional options to the local area which is dominated by single houses. The site is approximately 6km from the Perth CBD. The existing pattern of development in the area is predominantly residential, however includes a mix of highway commercial businesses alongside Stirling Highway. Following the adoption of LPS No. 3 the local area has undergone extensive rezoning to enable redevelopment in this high amenity area.

2.3.1 Transport

The site has excellent public transport links. Bus routes 25, 102, 103, 107, 998, and 999 are all located just a short distance from the site. Stops for bus routes 102, 103, 107, 998, and 999 are just 240m walking distance away, while stops for route 25 are about 280m away. 900 series bus routes provide a minimum of one service every 15 minutes (each direction) from the morning to 7pm (for planning purposes, high frequency criteria are specified in the R-Codes). The nearest train station is the Loch Street Station (as well as Karrakatta), which is on the Fremantle line and located approximately 2km away from the subject site. A map illustrating the public transport network is shown in the image below. The site is in a “location A” area as per the SPP 7.3 Vol. 1.

The local area includes bicycle friendly routes along the railway line to Perth and North Fremantle (to be extended to Fremantle in the coming five years), and along the river foreshore. While Stirling Highway and several local roads are not bicycle friendly, the local cyclist infrastructure is adequate for the local area. The City has recently constructed a “bicycle boulevard” along Elizabeth Street and Jenkins Avenue (less than 50m south of the site). An extract of the 2016 Department of Transport Your Move Active Transport Map is provided below. Pedestrian infrastructure is good and expected to improve following the redevelopment of the wider Nedlands area. A footpath is located on the opposite side of the road verge to the subject site, and most roads in the area include high-quality pedestrian paths.



10 (yellow), 20 (red), and 30 (blue) minute travel time isochrone maps.
Source: TravelTime Platform 2020.

2.3.2 Schools and education

There are several educational facilities within close proximity to the site. The University of Western Australia is located approximately 1km from the subject site. The nearest primary school is the Loreto Nedlands Primary School, which is approximately 500m from the site, while Hollywood Primary School and Nedlands Primary School are both about 1km from the site

Christ Church Grammar School, Scotch College, Presbyterian Ladies College, Methodist Ladies College (MLC) and Mercedes College are the nearest secondary schools and which are all about 3km from the site.

2.3.3 Parks, Nature, and Recreation

The site is practically located opposite the Peace Memorial Rose Gardens (being just a 50m walk away). There are several other parks to the south including Melvista Park, Mason Gardens, and Highview Park, which includes a community garden and community sports facilities for Tennis, Bowls, Hockey, and several other sports.

The site is also in close proximity to Kings Park and the Swan River foreshore reserves which are highly desirable for active and passive recreation. The local public open space and reserve network is excellent and provides several other high amenity large and smaller reserves and parks close to and within 2km of the site.

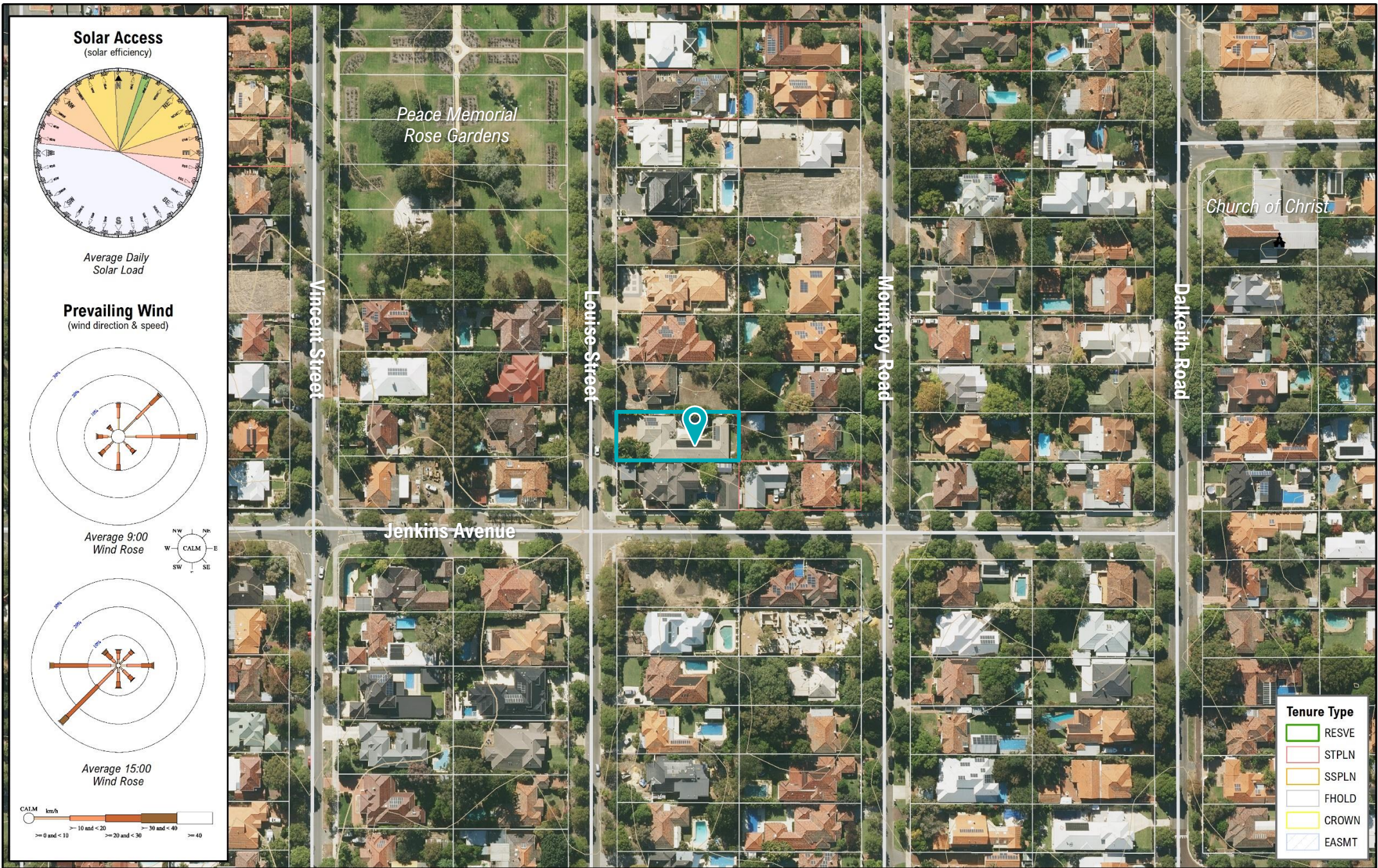
2.3.4 Shopping, Retail, Medical, Community, and Other Services

The site is well serviced for shopping, retail, medical, community, and other services. Notable nearby businesses and centres include:

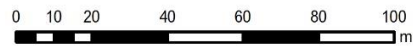
- The Taylor Road IGA (500m west along Stirling Highway), a conveniently accessible 24-hour grocery store;
- The nearby Captain Stirling Shopping Centre and future Nedlands Town Centre (200m north) which have a range of smaller retail options at present, from a post office to pharmacy and is expected to be a great community focal point going forward with a range of grocery, food, and service options;
- Broadway Fair (1.4km south east), which is a neighbourhood activity centre, and includes a range of retail options from an IGA grocery store, to a pharmacy, medical centre, and numerous food and dining options;
- A mixed-use corridor which extends along Stirling Highway offering a range of retail options, small businesses, personal and medical services, and food and beverage businesses. The range and diversity of businesses are expected to be expanded on in the coming years in association with redevelopment of the wider Nedlands area.
- Claremont Shopping Centre, a large shopping centre, which is located about 1.8km west of the site

There is also a high availability of medical services in the local area given the proximity of the site to the QEII medical precinct including Sir Charles Gardiner Hospital and Perth Children's Hospital. The proposed townhouses will provide a great opportunity for housing people who are employed in the medical precinct, as well as people who attend and use these services and are visiting the area.

The proposed apartments will also help contribute to changing the face of the wider Nedlands area providing much needed alternative housing options in a high amenity area.



LOCAL CONTEXT PLAN AERIAL + TOPO



SCALE 1:2,000 @ A4



26 LOUISE STREET NEDLANDS

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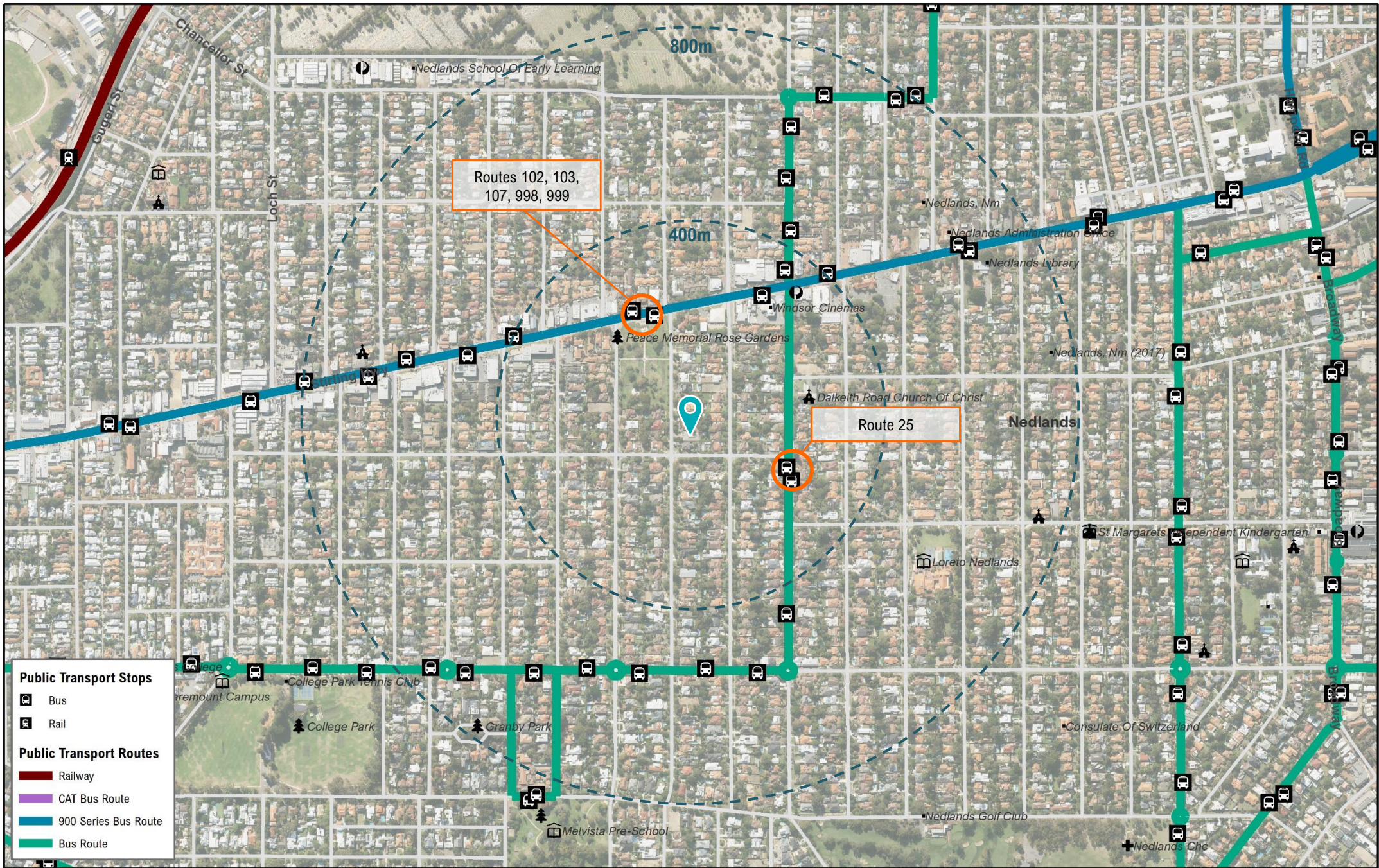
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WIDER CONTEXT PLAN PUBLIC TRANSPORT

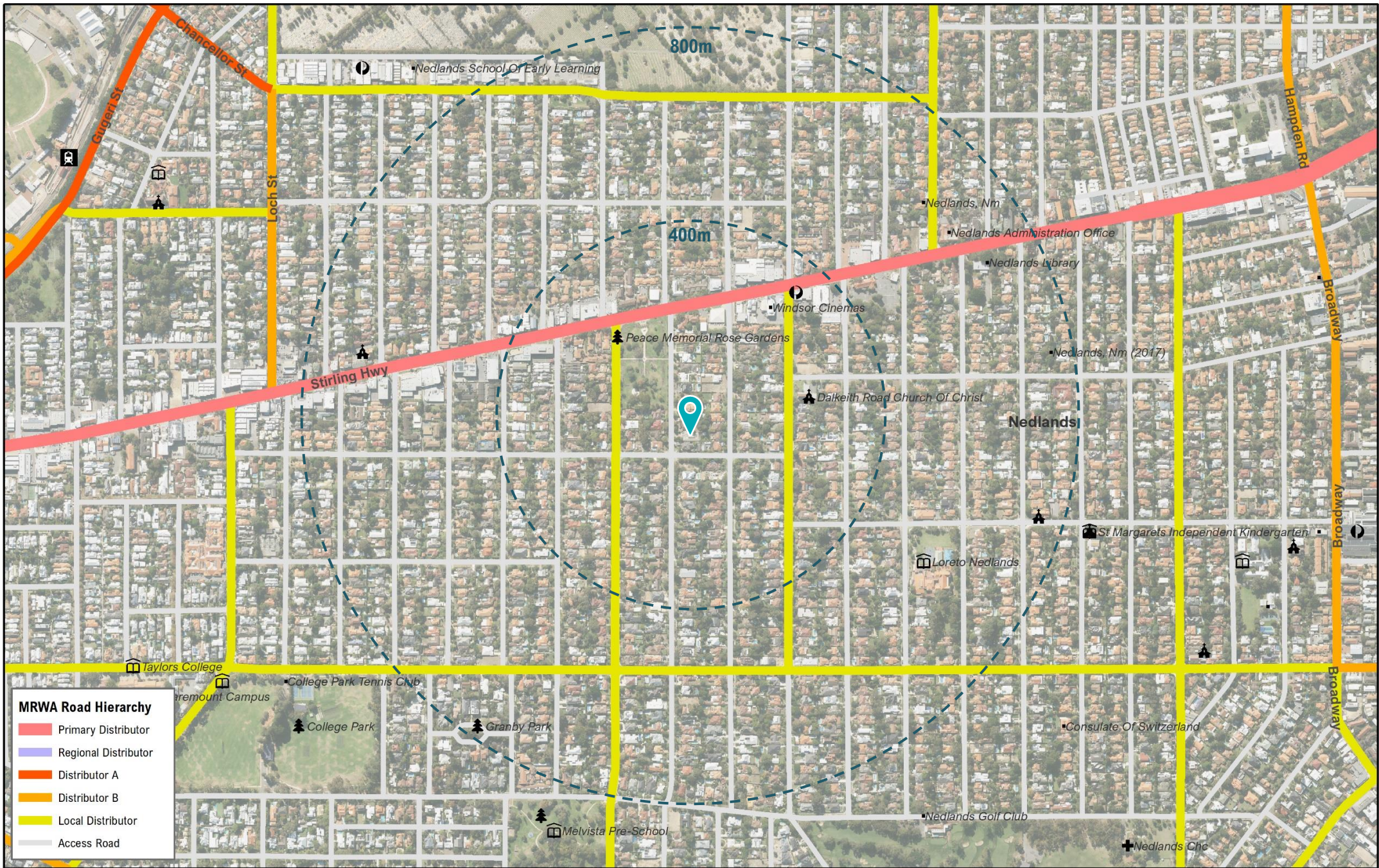
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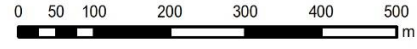
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WIDER CONTEXT PLAN ROADS

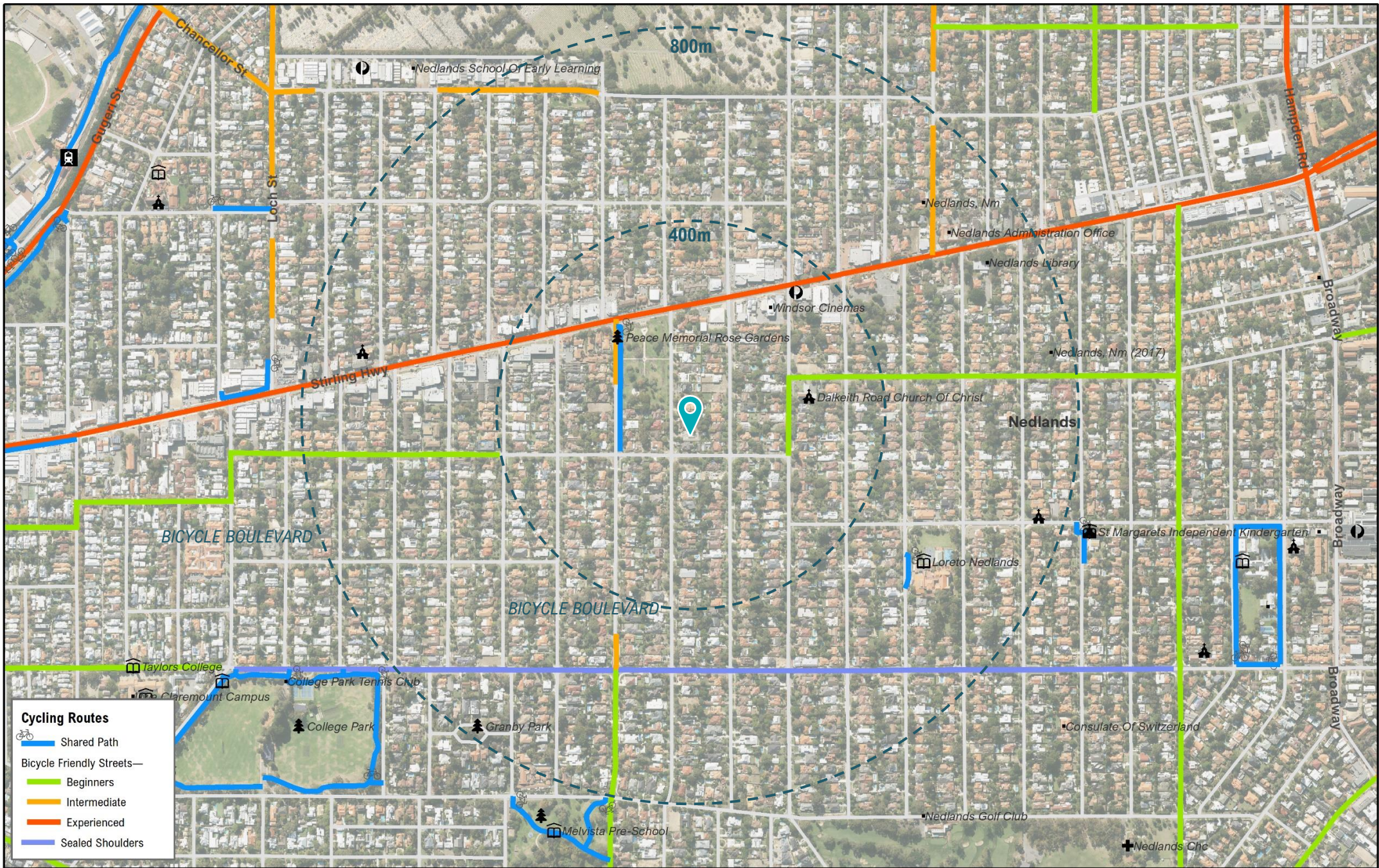
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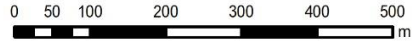
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WIDER CONTEXT PLAN CYCLING NETWORK

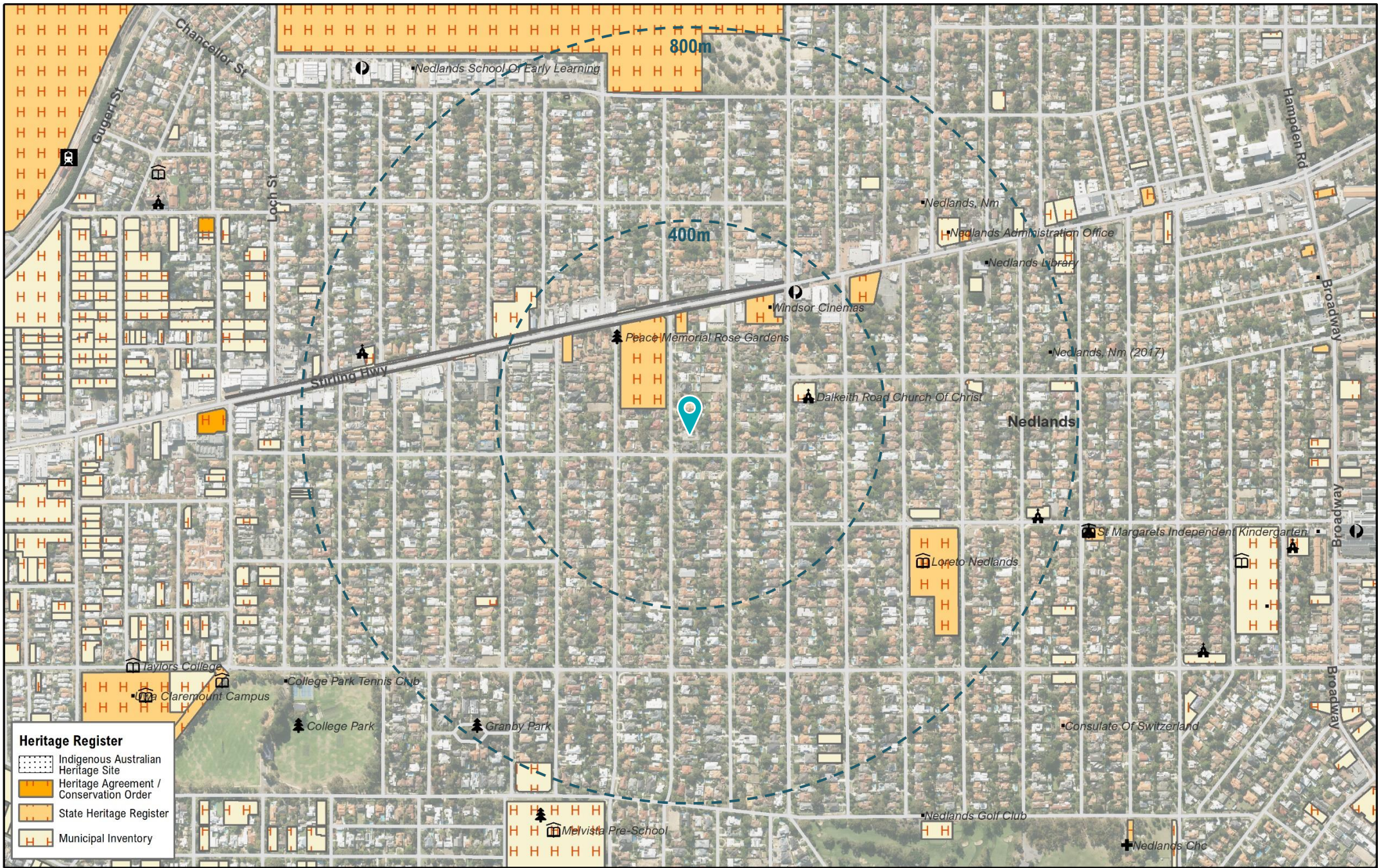
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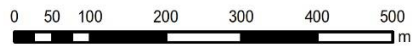
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WIDER CONTEXT PLAN HERITAGE

26 LOUISE STREET NEDLANDS



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3 THE PROPOSAL

The proposal is for five generously proportioned two-storey townhouse style grouped dwellings, each with three bedrooms. The proposed development has been thoughtfully designed by Trendsetter Homes. The townhouses provide indentation and articulation over the building façade to reduce the appearance of bulk. This is complemented through meaningful colour and materials changes across the façade as well as the exceptional landscaping solution.

Each townhouse interfaces with the communal street by way of major openings. While each townhouse is also provided with well-proportioned private open space areas which are weather protected to enable all-weather year-round use, and accompanied by engaging and functional Lime and Frangipani trees.

Each townhouse is provided with its own garage and space to park two vehicles, while the location of the site itself is near to good public transport links along Stirling Highway and encourages residents to consider using alternative transport options. Further, all individual townhouses have space for the secure parking of bicycles to provide a convenient means for residents to use alternative transport options.

Each apartment has been thoughtfully designed and laid out, and provides a high amount of amenity for future residents, with an open-plan living style is used throughout.

The architecturally designed façade includes a varied materials and colours palette with a striking clean white textured and rendered façade accompanied timber slats and brick feature wall façades. The contrast provided with the metallic window framing and supporting posts, and the exposed aggregate and permeable paving of the driveway works together with the exceptional on-structure landscaping solution to create a coherent, cohesive, respectful, and contextually responsive design which will provide a positive contribution to the Louise Street streetscape — and one which celebrates the established character of the immediate local area, while responding to the emerging character and built form of the future Nedlands Town Centre and its surrounds.

The townhouses design is complemented by the excellent landscaping solution. Propagule have worked closely in collaboration with the apartment's designer to reach a highly resolved landscaping solution, that has achieved the principles of Water Sensitive Urban Design (WSUD), and that proposes the planting of more than 23 trees on-site and 5 road verge trees and includes a mixture of native and WaterWise varieties from trees, to shrubs, grasses, groundcover, planters, and fencing climbers. The proposed plan selection will include Acorn Banksia, Lime, Native Frangipani, Lime, Frangipani, Dracena, Cabbage Trees, Capital Pear, and Queensland Box trees. The proposed landscaping has respected and understood the scale and context of this proposal and addressed the streetscape through its integrated approach to landscape design by seamlessly integrating the development from façade to street. The design includes a substantial verge treatment which further adds to the aesthetics of the proposal and provides a positive contribution to the streetscape.

Furthermore, there are no expected or identified issues with site servicing (such as those relating to reticulated sewerage, electricity, water, telephony, or waste). The attached plans, documentation, and consultants' reports provide further detailed information on the proposal.

3.1 FLOOR BY FLOOR COMPOSITION

Ground Floor

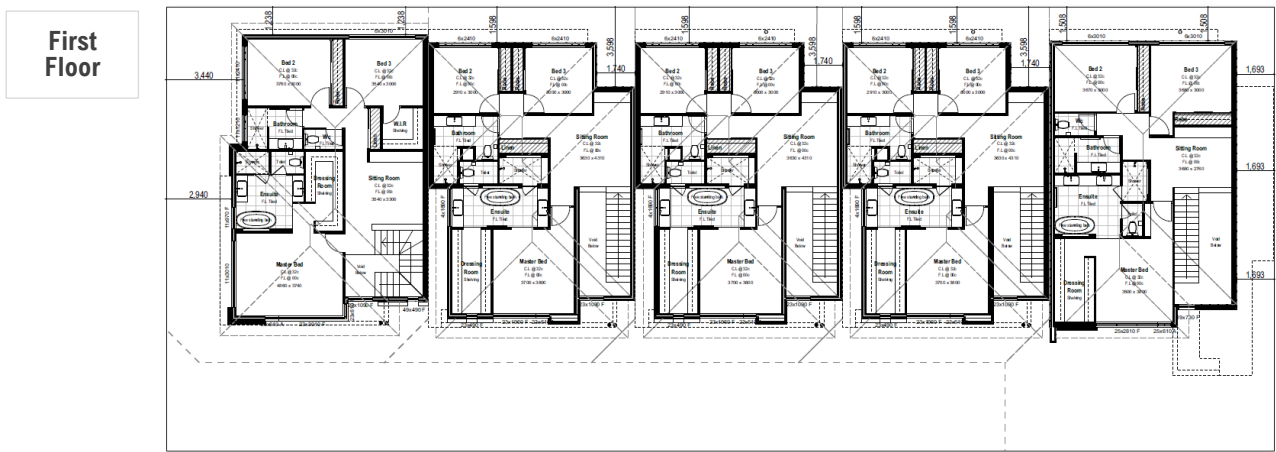
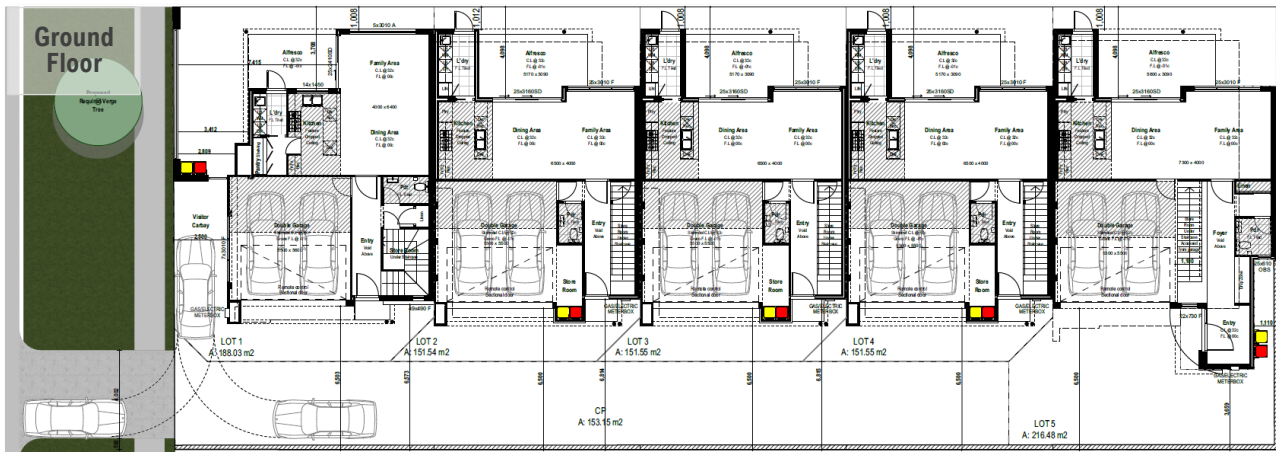
- Generous landscaping consisting of more than 23 trees, as well as a substantial road verge landscaping treatment that will be easily maintainable for the life of the development through its use of low maintenance materials and hardy WaterWise plants. The proposed landscaping also includes measures to direct stormwater into garden beds, before infiltration into soakwells.
- Safe and continuous, direct pedestrian entries to each townhouse from the street.
- Two car parking bays per dwelling, as well as a dwelling store associated with the garage of each respective dwelling. Each garage / store also includes facility for the parking of bicycles.
- 1 visitor car parking bay located with convenient, safe, and legible access from the street.
- External circulation areas incorporating low-maintenance materials.
- Stairs, building servicing infrastructure, and design features provided in accordance with AS1428.
- Space for the storage and presentation of MGB and MRB bins with space for recyclable and general waste for each individual townhouse.
- Townhouses A–E each with three-bedrooms, two-bathrooms, and including the following features:
 - A separate laundry;
 - Two additional WC rooms;
 - A large open plan family, living, and dining area opening out onto the alfresco and outdoor living.
 - A dressing room and sitting room foyer;
 - A significant low-maintenance garden area incorporating a tree, and a range of plantings.
- The ground floor functions as the primary living space of each dwelling. The ground floor has been intelligently orientated with the living areas to the northern aspect and servicing to the south.

First Floor

- The first floor includes the continuation of each respective townhouse below.
- The first floor functions as the primary bedroom and sleeping space of each dwelling, and includes two bathrooms, and three bedrooms on this floor, which includes the orientation of the master bed to the southern aspect.

Roof

- Articulated low pitch darker corrugated tin roof form.
- Concealed building services, and utilities.



Louise Street Townhouses Floor Plans and Landscape Plan as prepared by Trendsetter Homes and Propagule.

3.2 DWELLING DESIGN SUMMARY

A summary of the grouped dwelling apartment composition and design is provided in the table below.

Apartment Design Summary Table

Unit #	Floor Area	Bedrooms	Bathrooms / WC	Store	Outdoor Living
Townhouse A	176.9sqm	3 bed	2 bath + 2 WC	4.0sqm	>20sqm
Townhouse B	167.5sqm	3 bed	2 bath + 2 WC	4.0sqm	>20sqm
Townhouse C	167.8sqm	3 bed	2 bath + 2 WC	4.0sqm	>20sqm
Townhouse D	167.8sqm	3 bed	2 bath + 2 WC	4.0sqm	>20sqm
Townhouse E	186.3sqm	3 bed	2 bath + 2 WC	4.0sqm	>20sqm

3.3 SUPPORTING INFORMATION & REPORTS

Consultant reports and other supporting information has been duly prepared to assist in the assessment of this planning application, and to compliment and assist the planning approval process. The reports and documentation which have been provided are detailed in the table below.

Consultant	Plan / Document	Dated
Trendsetter Homes	Development Plans	14 Oct 2020
Cottage Surveys & Engineering	Site Feature Survey	18 Aug 2020
Propagule	Landscape Plan	19 Oct 2020
Talis Consultants	Waste Management Design Note	19 Oct 2020
Urbii	Transport Impact Statement	18 Oct 2020

4 PLANNING FRAMEWORK

The planning framework comprises numerous state and local laws, policies, regulations, and reports. Critical key planning framework documents have been highlighted and discussed in this section. The discussion includes background on these documents, details how they apply, and deliberates important considerations which apply to the proposed development.

A summary table of the statutory and non-statutory planning framework is provided in the table below.

Key Statutory Planning Framework Documents	
1	State Planning Policy 7.3 Volume 2 (and associated WAPC Position Statements)
2	City of Nedlands Local Planning Scheme No. 3

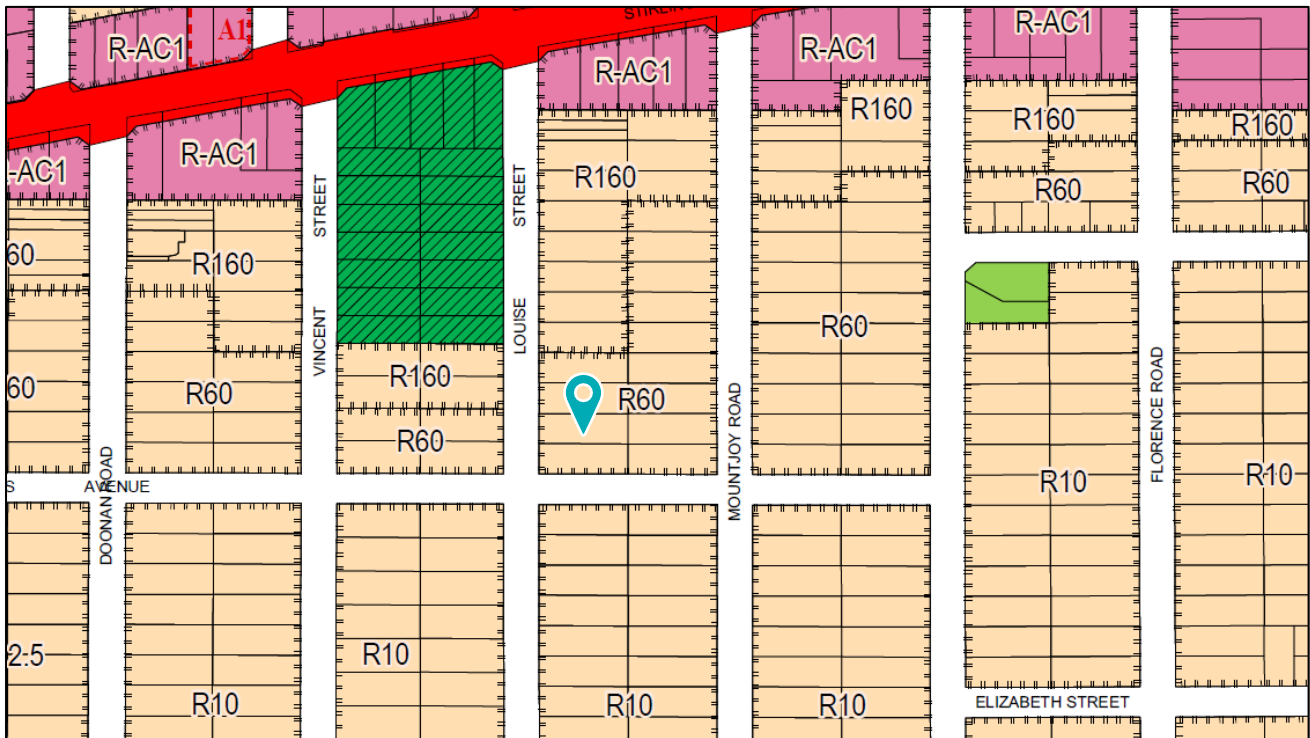
Key Non-Statutory Planning Framework Documents	
1	State Planning Policy 7.0 Design of the Built Environment
2	State Planning Policy 2.10 Swan-Nedlands River System
4	City of Nedlands — Residential Development: Single and Grouped Dwellings Local Planning Policy
5	City of Nedlands — Landscaping Plans Local Planning Policy
6	City of Nedlands — Waste Management Local Planning Policy
7	Perth and Peel@3.5million
8	City of Nedlands Local Planning Strategy

4.1 STATUTORY PLANNING FRAMEWORK

This section identifies and discusses the statutory planning framework applicable to the proposal.

4.1.1 City of Nedlands Local Planning Scheme No. 3

The City of Nedlands Local Planning Scheme No. 3 (LPS No. 3) is a statutory Scheme that provides guidance for the development and use of land and buildings in the City. LPS No. 3 was recently gazetted on 16 April 2019 replaced the previous Scheme. In conjunction with the gazettal of LPS No. 3 the density was increased from R10 to R60. The lot is zoned “Residential” under LPS No. 3 and is situated just south of Stirling Highway.



City of Nedlands Local Planning Scheme No. 3 Map 4 of 5 Karrakatta and Nedlands Localities. Source WAPC 2020.

The “Residential Zone” has the following objectives:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

It is considered that the proposed development achieves the objectives of the Residential Zone as follows:

- The proposed design increases the choice and range of housing options available in the local area responding to community needs for increased housing choice and housing density in a high amenity location near to the University of Western Australia (U.W.A.) and Queen Elizabeth II (QEII) Medical Precincts as well as Claremont, Perth CBD and the future Nedlands Town Centre. These all contribute to the amenity of the area, and provide and support a diverse range of functions, and resident and community needs — from employment to education, medical, and retail. The design includes two-bedroom and three-bedroom townhouse style apartments.
- The proposed high-quality design addresses and achieves the objectives and intent of SPP 7.3 Vol. 1 / SPP 7.3 Vol. 2 and urban densification objectives of the City's new Local Planning Scheme as discussed subsequently, from its aesthetic appearance, to its amenity impact and functional build quality and design response.
- Non-residential uses are not provided, consistent with the land use zoning and development intent set out by the planning framework.
- The development maintains a scale and built form which is consistent with the planning framework and the development intent established by that planning framework. Elaboration is provided in the planning assessment and justification section of this report.

It is considered that the proposed development is wholly consistent with the objectives of "Residential" zoned land, as elaborated on and detailed in the Planning Assessment and Justification section of this report.

4.1.2 State Planning Policy 7.3 Volume 2 (Design WA)

State Planning Policy 7.3 Volume 2 does not apply to this development. State Planning Policy 7.3 Volume 1 applies to grouped dwelling development, as proposed at 26 Louise Street, Nedlands.

4.2 NON-STATUTORY PLANNING FRAMEWORK

4.2.1 Local Planning Policies (LPPs)

A range of Local Planning Policies apply to the subject site and development, as detailed in the summary tables provided in part 4 of this report. Local Planning Policies are planning instruments of “due regard”, as per clause 67g of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (W.A.). The Local Planning Policies which apply in relation to the proposed development, include the following:

- City of Nedlands Residential Development: Single and Grouped Dwellings Local Planning Policy;
- City of Nedlands Landscaping Plans Local Planning Policy; and
- City of Nedlands Waste Management Local Planning Policy.

Further detail and discussion in relation to Local Planning Policies is provided in the Planning Assessment and Justification section of this report.

4.2.2 State Planning Policies (SPPs)

Except for State Planning Policy 7.3 (Residential Design Codes) — as affirmed through a SAT decision — all other State Planning Policies are planning instruments of “due regard”, as per clause 67c of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (W.A.), the guidance provided in State Planning Policy 1 SPP1, and elsewhere.

The following location specific State Planning Policies are applicable to the proposed development site:

- State Planning Policy 2.10 Swan-Canning River System.

4.2.3 SPP 2.10 Swan-Canning River System

The site is located in the “Melville Water” trigger area. The proposed development is consistent with the provisions of section 8.2 of SPP 2.10. It is noted that the site is located some distance away from Melville Water, and the development standards of this section of SPP 2.10 apply more so as a formality on paper than in practice or reality.

4.3 STRATEGIC PLANNING FRAMEWORK

4.3.1 Perth and Peel@3.5million

Perth and Peel@3.5million is the overarching strategic planning framework for the Perth and Peel metropolitan regions. Perth and Peel@3.5million proposes five strategic themes for a liveable, prosperous, connected, sustainable and collaborative City. The framework aspires to a city that provides:

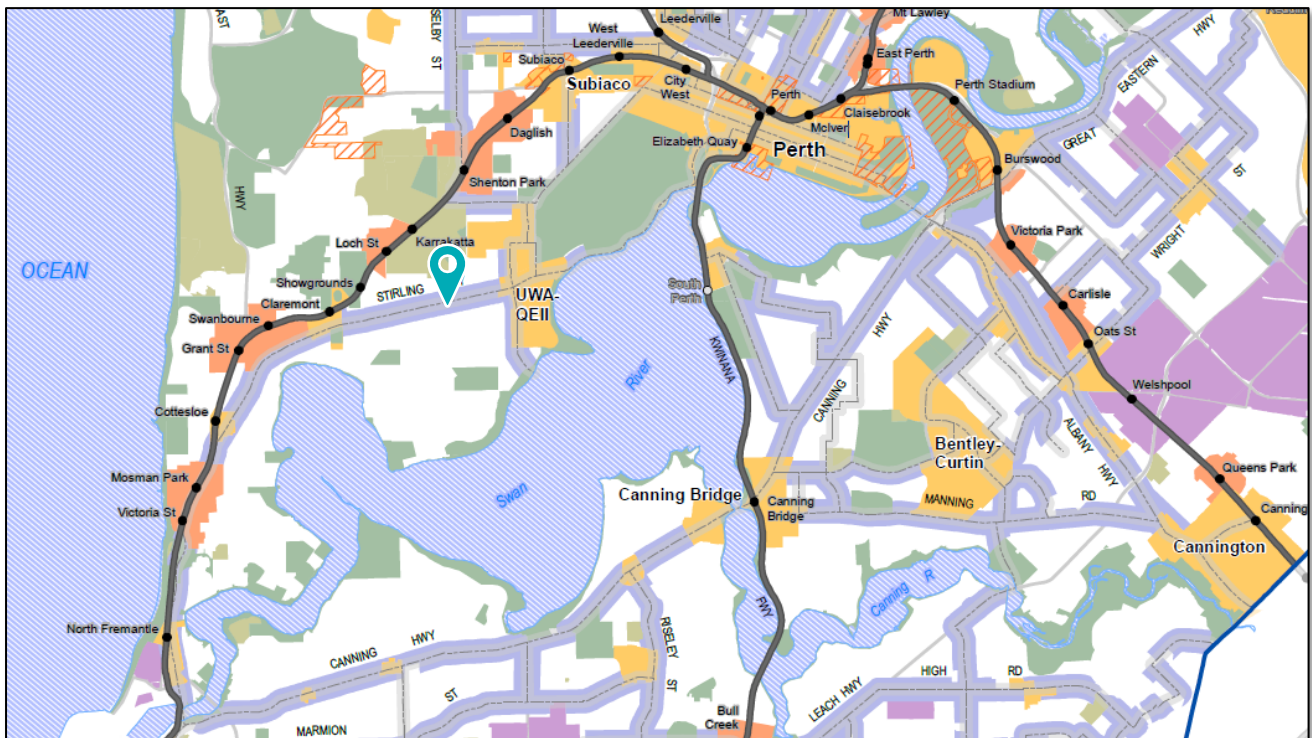
...a network of connected activity centres which deliver employment, entertainment and high-density lifestyle choices'. The framework further identifies that additional ~800,000 dwellings will be required to the year over the 35 years between 2015 and 2050.

This consists of 4,320 additional dwellings, or 9,500 residents within the City of Nedlands on brownfield land, to a target population of 31,530.

The strategy also identifies that: 'The aim is for the majority of all new infill residential development to occur within the preferred urban consolidation precincts of activity centres, urban corridors and station precincts to accommodate the majority of the infill dwellings required by 2050. The principle of activity centres in accordance with Perth and Peel@3.5million is to:

Support urban and economic development of the activity centres network as places that attract people to live and work by optimising land use and transport linkages between centres; protecting identified employment land from residential encroachment, where appropriate, and avoiding contiguous linear or ribbon development of commercial activities beyond activity centres.

The proposed development seeks to consolidate density into the Nedlands area, to help enable the City to meet its strategic dwelling targets set by the State government. The site is in close proximity to employment nodes, high-frequency multi-modal transport routes, public and private business nodes and centres, and numerous retail options as detailed in the Amenities section of this report.



Perth and Peel@3.5 million Plan 1 Central sub-regional planning framework. Source: WAPC 2016.

4.3.2 City of Nedlands Local Planning Strategy

The WAPC endorsed the City of Nedlands Local Planning Strategy on 26 September 2017. Local Planning Strategies aim to guide the medium term (10–15 years) strategic planning direction of development in the area they cover. The City's Local Planning Strategy helped inform the changes made in LPS No. 3, and the associated increases in density coding.

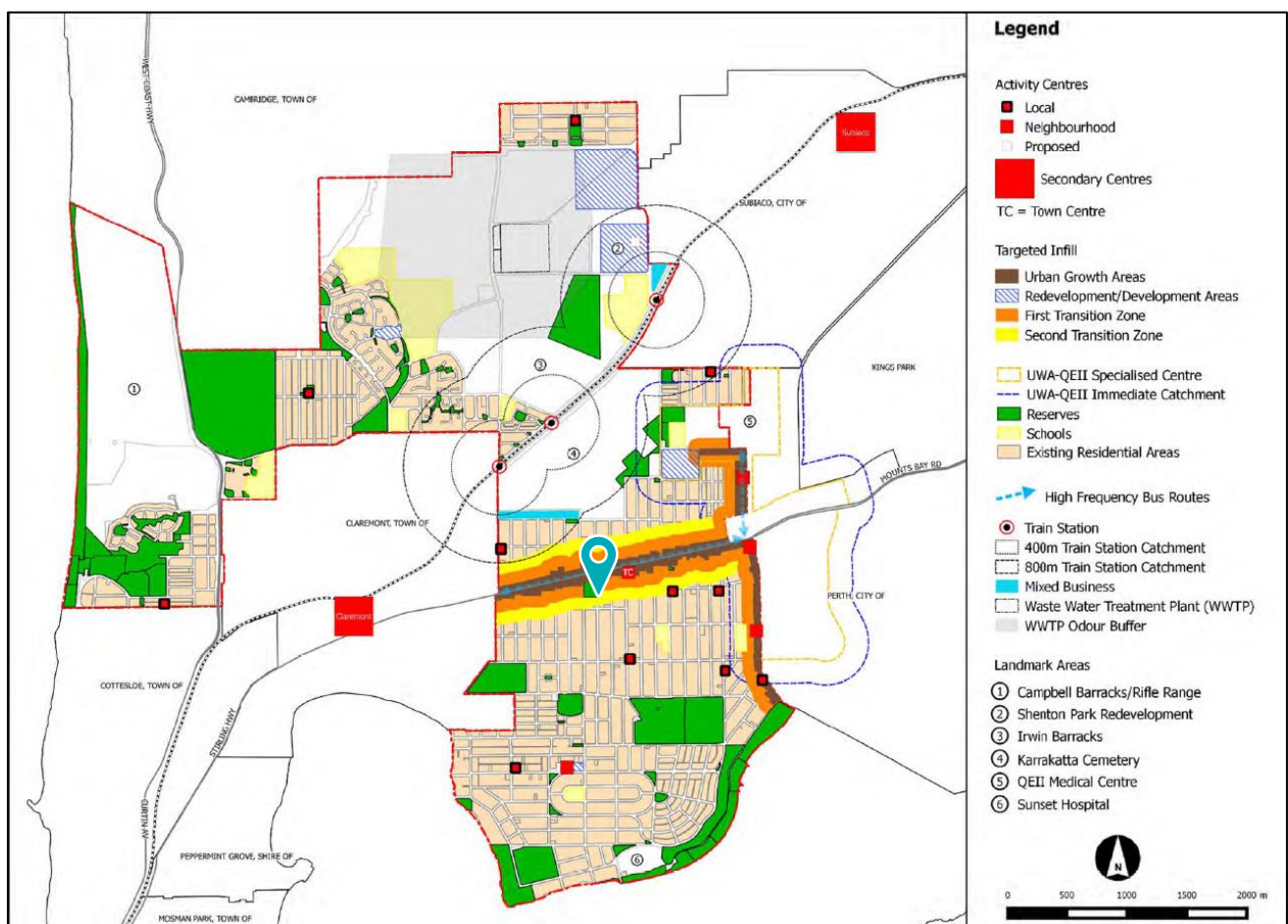
The City's Local Planning Strategy has the following objectives:

- *Provide strategic direction for land use planning and development to 2030 and beyond as the basis for a Local Planning Scheme;*
- *Provide a high level strategic plan which is consistent with State planning;*
- *Set out the strategic direction for sustainable resource management and development in the context of state planning;*
- *Provide the rationale for the zoning and reservation of land and for the provisions of a Local Planning Scheme relating to development and development control;*
- *Provide a strategic framework for assessment and decision-making in relation to a Local Planning Scheme, scheme amendments, subdivision and development;*
- *Provide the context for coordinated planning and programming of physical and social infrastructure at the local level;*
- *Identify the need for further studies or investigation within the City to address longer-term strategic planning and development issues; and*
- *Provide a flexible and robust framework that can readily adapt to forecasted growth and market trends and changing community expectations as they arise.*

The proposed development is located with the “second transition zone” and “Nedlands South” precinct with the strategy. The following specific strategies apply to the site:

- *Within the Transition Zones adjoining Stirling Highway, ensure the height, scale and bulk of redevelopment smoothly integrates back to the established residential character of the area;*
- *Facilitate low rise, diverse residential built form within the Second Transition Zone;*
- *Ensure a quick transition of built form to integrate back to the established residential character of the area; and*
- *In appropriate and identified locations, consider a range of uses (particularly knowledge based uses) and accommodation types that complement the Health/Education/Research function of the UWA-QEII Specialised Centre on a scale that will not detract from other centres in the hierarchy.*

The proposed townhouses are considered to achieve these objectives and strategies, as far as practicable and applicable for a site specific context, in providing a sympathetic and responsive built form which complements the locality and the densification objectives of the planning framework — as appropriate for a site coded with a density of R60.



City of Nedlands Local Planning Strategy Map. Source: City of Nedlands 2017.

5 PLANNING ASSESSMENT & JUSTIFICATION

An assessment of the proposed development's performance against the various relevant provisions of the planning framework is detailed in this section of the report. This report provides evidence to support development approval by demonstrating how the proposal satisfies these relevant development standards, design guidance, and objectives, and why it is capable of planning approval.

5.1 SPP 7.3 Vol. 1 PLANNING ASSESSMENT & CONTEXT

This section of the report provides an assessment of key variations of the proposed development in accordance with SPP7.3 – Residential Design Codes Volume 1, and the associated applicable local planning framework modifications to the Residential Design Codes.

5.1.1 Application of Local Planning Framework

The table below details the application of the City's Local Planning Policy framework with respect to provisions which amend or replace the deemed-to-comply requirements of SPP 7.3 Vol. 1 in accordance with clause 7.3 of that same policy. Clause 7.3.1 of SPP 7.3 Vol. 1 details design element clauses which may be amended or replaced without WAPC approval.

Clause 7.3.2 details design element clauses which require the express approval of the WAPC. In situations where that approval has not been expressly granted and noted as such, but the Local Planning Policy has been approved at Council level, then those provisions may apply (only) as Local Housing Objectives to an extent that is practicable and appropriate.

A Local Planning Policy may contain Local Housing Objectives (which apply in addition to but do not replace the design principles), which are only considered and evaluated against where a development has not met the applicable "deemed-to-comply requirements pathway" of a design element, under SPP 7.3 Vol. 1. Local Housing Objectives do not require the approval of the WAPC.

As detailed in the following table, deemed-to-comply requirements of the following design elements are amended or replaced by the City's Residential Development: Single and Grouped Dwellings Local Planning Policy, or the City's Waste Management Local Planning Policy. Note: no other Local Planning Policy of the City contain applicable provisions which amend or replace the deemed-to-comply requirements of SPP 7.3 Vol. 1.

- 5.1.2 Street setback (Res. Development LPP);
- 5.1.6 Building height (Res. Development LPP);
- 5.2.4. Street walls & fences (Res. Development LPP);
- 5.2.5 Sight lines (Res. Development LPP); and
- 5.4.4 External fixtures, utilities, & facilities (Waste Management LPP).

Local Planning Framework Summary Table

Part 5.1: Context	LOCAL F/WORK APPLIES?	WAPC APPROVED?
5.1.1 Site area	—	—
5.1.2 Street setback	✓	N/A
5.1.3 Lot boundary setback	—	N/A C3.2 / C3.3 ONLY
5.1.4 Open space	—	—
5.1.5 Communal open space	—	—
5.1.6 Building height	✓	N/A

Part 5.2: Streetscape	LOCAL F/WORK APPLIES?	WAPC APPROVED?
5.2.1 Setback of garages & carports	—	N/A
5.2.2 Garage width	—	N/A
5.2.3 Street surveillance	—	N/A
5.2.4 Street walls & fences	✓	N/A
5.2.5 Sight lines	✓	N/A
5.2.6 Appearance of retained dwell.	—	N/A

Part 5.3: Site planning & design	LOCAL F/WORK APPLIES?	WAPC APPROVED?
5.3.1 Outdoor living areas	—	—
5.3.2 Landscaping	—	—

Part 5.3: Site planning & design	LOCAL F/WORK APPLIES?	WAPC APPROVED?
5.3.3 Parking	—	—
5.3.4 Design of car parking spaces	—	—
5.3.5 Vehicular access	—	—
5.3.6 Pedestrian access	—	—
5.3.7 Site works	—	N/A
5.3.8 Retaining walls	—	—
5.3.9 Stormwater management	—	—

Part 5.4: Building design	LOCAL F/WORK APPLIES?	WAPC APPROVED?
5.4.1 Visual privacy	—	—
5.4.2 Solar access for adjoining sites	—	—
5.4.3 Outbuildings	—	—
5.4.4 Ext. fixtures, utilities, & facilities	✓	N/A

Part 5.5: Special purpose dwell.	LOCAL F/WORK APPLIES?	WAPC APPROVED?
5.5.1 Ancillary dwellings	—	—
5.5.2 Aged or depend. persons' dwell.	—	N/A C2.1ii ONLY
5.5.3 Single bedroom dwellings	—	—

N/A indicates WAPC approval is not required.

5.1.2 Deemed-to-Comply Assessment

A summary of the achievement of the deemed-to-comply requirements has been provided in the table below. Based on the detailed assessment provided subsequently, the design is considered to achieve all applicable design principles and local housing objectives where a merit based assessment is sought, as comprehensively detailed in the assessment below. This ☑ symbol indicates that an item meets the deemed-to-comply requirements, and is also expected to be conditioned as a standard condition of development application approval. N/A indicates that there are no planning framework provisions, while — indicates that there are no planning framework provisions which are applicable to this proposal.

Based on this assessment and the demonstration of the design in its achievement of merit-based planning framework — it is considered that the proposal is wholly supportable in development application approval.

This assessment summary table has been segmented into five parts based on the layout of SPP 7.3 Vol. 1; these are:

- 5.1 Context
- 5.2 Streetscape
- 5.3 Site Planning and Design
- 5.4 Building Design
- 5.5 Special Purpose Dwellings

Deemed-to-Comply Assessment Summary Table

Part 5.1: Context	R-CODES	LOCAL F/WORK
5.1.1 Site area	—	N/A
5.1.2 Street setback	✓	✓
5.1.3 Lot boundary setback	✓	N/A
5.1.4 Open space	C4	N/A
5.1.5 Communal open space	—	N/A
5.1.6 Building height	N/A	✓

Part 5.2: Streetscape	R-CODES	LOCAL F/WORK
5.2.1 Setback of garages & carports	C1.1ii	N/A
5.2.2 Garage width	✓	N/A
5.2.3 Street surveillance	✓	N/A
5.2.4 Street walls & fences	✓	4.6.1 C4.1i
5.2.5 Sight lines	✓	✓
5.2.6 Appearance of retained dwell.	—	N/A

Part 5.3: Site planning & design	R-CODES	LOCAL F/WORK
5.3.1 Outdoor living areas	✓	N/A
5.3.2 Landscaping	✓	N/A

Part 5.3: Site planning & design	R-CODES	LOCAL F/WORK
5.3.3 Parking	✓	N/A
5.3.4 Design of car parking spaces	✓ ✓ ✓	N/A
5.3.5 Vehicular access	✓	N/A
5.3.6 Pedestrian access	✓	N/A
5.3.7 Site works	✓	N/A
5.3.8 Retaining walls	✓	N/A
5.3.9 Stormwater management	✓ ✓ ✓	N/A

Part 5.4: Building design	R-CODES	LOCAL F/WORK
5.4.1 Visual privacy	✓	N/A
5.4.2 Solar access for adjoining sites	✓	N/A
5.4.3 Outbuildings	—	N/A
5.4.4 Ext. fixtures, utilities, & facilities	✓ ✓ ✓	✓

Part 5.5: Special purpose dwell.	R-CODES	LOCAL F/WORK
5.5.1 Ancillary dwellings	—	N/A
5.5.2 Aged or depend. persons' dwell.	—	N/A
5.5.3 Single bedroom dwellings	—	N/A

Design Principles Achievement Summary Table

Design Principles & Local Housing Objs.	ACHIEVED?
5.1.4 Open space	✓
5.2.1 Setback of garages & carports	✓

Design Principles & Local Housing Objs.	ACHIEVED?
5.2.4 Street walls & fences	✓

Assessment Notes:

5.1.4 Open Space Calculations

	Comm. Prop.	Unit A	Unit B	Unit C	Unit D	Unit E
Site Area	153.2sqm	188.0sqm	151.5 sqm	151.6 sqm	151.6 sqm	216.5 sqm
Proportionate CP	—	30.6sqm	30.6sqm	30.6sqm	30.6sqm	30.6sqm
Total Area	—	218.7sqm	182.2sqm	182.2sqm	182.2sqm	247.1sqm
Unenclosed Roofed Areas	—	11.5sqm	10%=15.2sqm (15.5sqm)	10%=15.2sqm (15.6sqm)	10%=15.2sqm (15.6sqm)	18.4sqm
Dwelling Area	—	105.0sqm	113.8sqm	113.8sqm	113.8sqm	116.3sqm
Total Covered	—	105.0sqm	114.1sqm	114.2sqm	114.2sqm	116.3sqm
Total Open Space	Avg: 43.5%	113.6sqm 52.0%	68.1sqm 37.7%	68.0sqm 37.3%	68.0sqm 37.3%	130.9sqm 53.0%
Deemed-to-comply	—	87.5sqm 40%	72.9sqm 40%	72.9sqm 40%	72.9sqm 40%	98.8sqm 40%

5.2 SPP 7.3 Vol. 1 PLANNING JUSTIFICATION

This section of the report provides justification of key variations of the proposed development in accordance with SPP7.3 – Residential Design Codes Volume 1, and the associated applicable local planning framework modifications to the Residential Design Codes.

The application proposes a merit-based assessment on three design elements, all of which are relatively minor in nature in terms of their functional (practical) impact to the streetscape, neighbouring properties, and to future residents of the 26 Louise Street townhouses.

5.2.1 Open Space (5.1.4) Merit-Based Assessment

Units B, C, and D do not meet a deemed-to-comply requirements pathway for open space, being different from the deemed-to-comply requirement by less than 5.0sqm in all instances (or about a 2.2m by 2.2m square). A reconfiguration of common property could easily address this matter, and for all intents and purposes (for all practicalities) the lot still provides more than 40% open space. Notwithstanding the proposed development easily satisfies a merit-based assessment pathway.

The lot is coded with a Residential Density Code of R60, with a 40% open space deemed-to-comply requirement.

It is also noted that the draft amendments to SPP 7.3 Vol. 1 (late 2020) are contemplating lowering the open space deemed-to-comply requirement for R60 density coded sites to 35% (which would see the proposed development meet the open space criteria). Further, Open Space is assessable on the basis of individual survey strata parcels (WASAT81 of 2019).

Development Standards		Merit-Based Assessment	
Deemed-to-comply	Proposed	Design Principles	Local Housing Objectives
40%	Refer assessment table	✓	N/A

The proposed open space is supportable on the basis of a merit-based assessment in accordance with the design principles, and detailed below.

Open Space Design Principles	
5.1.4	<p><i>P4 Design Principles</i> <i>Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> • <i>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i> • <i>provide access to natural sunlight for the dwelling;</i> • <i>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i> • <i>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i> • <i>provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i> • <i>provide space for external fixtures and essential facilities.</i>

An assessment of the proposal with respect to these design principles has been provided on the following page.

Justification Open Space

The proposed development is considered to achieve the design principles for open space as follows:

- The difference between the deemed-to-comply standard and what is proposed is insignificant, and can be easily achieved without any physical changes to the development or its design (via an increase in common property. Note that for all intents and purposes there is no difference at all between a design meeting the deemed-to-comply requirements and the design as proposed, and on this basis alone it is considered that the open space variation is entirely supportable)

The difference between the deemed-to-comply for Units B, C, and D and what is proposed equates to only about a 2.2m by 2.2m square area (or less than 5.0sqm), the “average” amount of open space is 43.5%. The deemed-to-comply is 40%

- The amount of open space for each dwelling is offset by the provision an outdoor living area for each dwelling which has a total area greater than that specified by the deemed-to-comply criteria. This ensures well-proportioned and useable outdoor space is available to residents of the dwelling.
- The development provides a good level of opportunity for access to natural sun-light, including to living areas. The proposed family and dining areas of each dwelling front onto the outdoor living area alfresco and allow for good access to natural sunlight and ventilation via large windows and sliding doors.
- The reduced open space itself does not compromise the ability of neighbouring sites to achieve a good level of access to natural sun-light. The proposal meets the deemed-to-comply requirements for solar access (design element 5.4.2).
- The proposed development includes a number of tree plantings and landscaped area (uncommon in traditional grouped dwelling development), which contribute to softening the appearance of the development to the street, as well as improving the amenity of the homes for its future residents.

A landscape plan has been prepared by Propagule which details the generous landscaping and greening solution. The Louise Street townhouses will include 23 on-site trees, and the planting of an additional four street trees, as well as the retention of a large Queensland Box tree. The amount of landscaping is significant by any standard, and of great benefit to the future residents and streetscape.

The proposed plants and landscaping solution has been chosen to reduce the need for ongoing maintenance, to reduce the water consumption of the garden, and to improve the amenity and aesthetics of the development for future residents and the wider community.

This landscaping will contribute to providing an attractive setting for the dwellings, and contribute to the streetscape.

The site is in close proximity to several parks which are able to be used for both active and passive recreation. This includes the Peace Memorial Rose Gardens less than a 50m walk away to the north west.

Jenkins Street, less than 50m to the south of the site, also includes a recently constructed bicycle boulevard which improves the connection of the development to nearby Swan River foreshore reserves.

Open Space DesignWA considerations

Although SPP 7.3 Vol. 2 (Apartment Design Codes) does *not* apply to the proposed development — as multiple dwellings are not proposed — a brief comparative analysis between the two documents and the relevant associated provisions related to open space has been conducted (given the specific grouped dwelling development style), as detailed below.

- Open space is not a consideration or design element of SPP 7.3 Vol. 2.
- Open space is planning on being reduced in association with amendments to SPP 7.3 Vol. 1 which are anticipated to come out in the near future (to 35%).

- SPP 7.3 Vol. 2 provides for “open space” through the provisions of design elements 2.3 street setbacks, 2.4 side and rear setbacks, 2.7 building separation, 3.3 tree canopy, 3.5 visual privacy, and 4.1 solar and daylight access, the equivalent of which have been achieved in this development.
- SPP 7.3 Vol.2 prescribes generally lower acceptable outcomes (acceptable outcomes ≠ deemed-to-comply requirements), than the deemed-to-comply requirements of SPP 7.3 Vol. 1 design elements 5.1.2 and 5.1.3.

As demonstrated in the justification above, the proposed development achieves a merit-based assessment for open space, and is wholly capable of support in development application approval.

5.2.2 Setback of Garages & Carports (5.2.1) Merit-Based Assessment

A garage setback of 2.5m to Louise Street for Unit A is proposed in lieu of 3.0m.

Development Standards		Merit-Based Assessment	
Deemed-to-comply	Proposed	Design Principles	Local Housing Objectives
3.0m garage setback Unit A	2.5m garage setback Unit A	✓	N/A

The proposed garage street setback is supportable on the basis of a merit-based assessment in accordance with the design principles, and detailed below.

Setback of garages & carports Design Principles	
5.2.1	<i>P1 Design Principles The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</i>

An assessment of the proposal with respect to these design principles has been provided below.

Justification Setback of Garages & Carports

The proposed development is considered to achieve the design principles for open space as follows:

- The street setback (5.1.2) deemed-to-comply requirement (primary street) is just 2.0m, 2.5m is proposed — that is, the setback of garages & carports deemed-to-comply requirement is greater than the street setback deemed-to-comply requirement. The proposed merit-based assessment relates only to the garage wall.
- The bulk of the wall (family / laundry / pantry to Unit A) is setback more than 3.0m (notwithstanding this meets the street setback (5.1.2) deemed-to-comply requirement of 2.0m, and no further assessment is necessary in relation to these wall portions).
- The proposed garage includes windows on its side to improve the interface of the development with the street and streetscape.
- Both the ground floor and upper floor of Unit A include major openings, articulation, and a range of façade treatments, materials, and colours to improve the interface of the development to the street and streetscape, this includes views from the Master Bed and Bed 2 of Unit A from the upper floor.
- Clear vehicular sight lines are proposed from the garage and the visitor car parking bay.

- The location of the garage does not obstruct or impede the ability of the development to provide a positive streetscape contribution in the form of windows openings and other positive interface features to Louise Street.
- The functional impact of the reduced garage street setback is minimal, and does not materially affect the development in terms of the impact of bulk and scale, or interface with the street.
- The design includes a generous landscaping solution, including climbing plants on the front fences which will soften the appearance of the development and improve its interface with the street.
- The proposed garage street setback contributes to improving the interface of Unit A with the communal street.

As demonstrated in the justification above, the proposed development achieves a merit-based assessment for setback of garages and carports, and is wholly capable of support in development application approval.

5.2.3 Street Walls & Fences (5.2.4) Merit-Based Assessment

The application proposes a solid pier fence portion wider than 0.5m.

Development Standards		Merit-Based Assessment	
Deemed-to-comply	Proposed	Design Principles	Local Housing Objectives
Fencing/wall piers with dimensions of 0.5m by 0.5m by 2.1m height above NGL.	Front fence piers with dimensions of 0.3m by 0.95m by 1.8m height.	✓	N/A

The proposed front fence is supportable on the basis of a merit-based assessment in accordance with the design principles, and detailed below.

Street walls and fences Design Principles	
5.2.4	<p><i>P4 Design Principles</i> <i>Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:</i></p> <ul style="list-style-type: none"> • <i>for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and</i> • <i>for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.</i>

An assessment of the proposal with respect to these design principles has been provided below.

Justification Street Walls and Fences

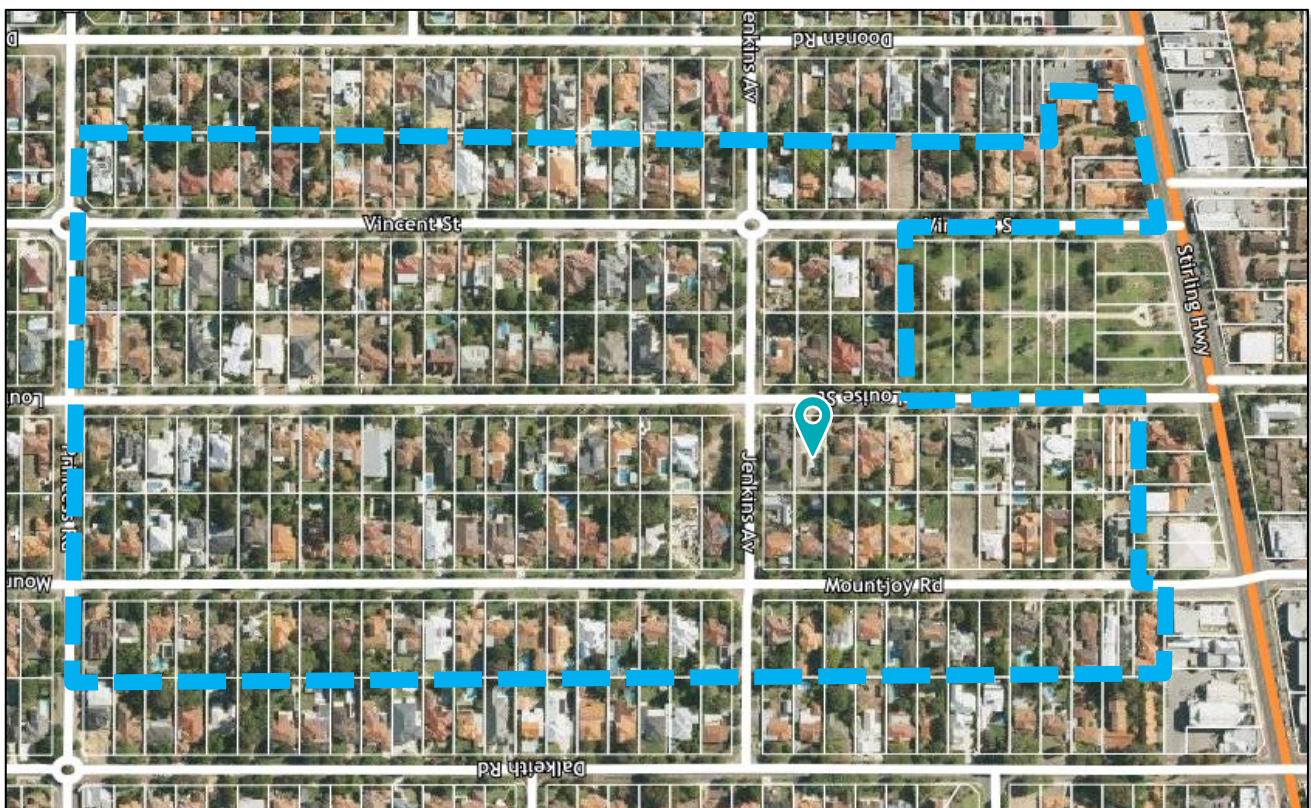
The proposed development is considered to achieve the design principles for street walls and fences as follows:

- The street wall and fencing design still provides excellent visual permeability and a sense of openness. The design does not compromise the ability to provide passive surveillance to the street from the Master Bed and Bed 2.
- The majority of the fence is still visually permeable, and consists of a short solid wall portion (~0.75m) and 1.2m of visually permeable vertical infill fins above.

- The functional difference between the deemed-to-comply standard and what is proposed is insignificant and has little bearing on the design, or design outcome.
- The design includes on-fence climbing plantings which will soften the appearance of the fence to the street, and contribute to providing a welcoming and attractive interface of the Louise Street townhouses with the streetscape.

As demonstrated in the justification above, the proposed development achieves a merit-based assessment for street walls & fences and is wholly capable of support in development application approval.

A brief comparative visual analysis of walls (excluding small portions associated with meter boxes / utilities) was conducted on Louise Street, Mountjoy Road, and Vincent Street between Stirling Highway and Princess Road. This also includes some examples of more modern fence development to primary streets, such as at 16 Louise Street.



Fence comparative analysis area.

Selected nearby walls with solid portions wider than 0.5m



16 Louise Street



21 Louise Street



23 Louise Street



25 Louise Street



28 Louise Street



59 Louise Street



63 Louise Street



72 Louise Street



4 Mountjoy Road



8 Mountjoy Road



9 Mountjoy Road



12 Mountjoy Road



27 Mountjoy Road



29 Mountjoy Road



40 Mountjoy Road



44 Mountjoy Road



66 Mountjoy Road



69 Mountjoy Road



1 Vincent Street



5 Vincent Street



15 Vincent Street



20 Vincent Street



21 Vincent Street



24 Vincent Street



24 Vincent Street



47 Vincent Street



51 Vincent Street



60 Vincent Street

5.3 SPP 7.0 PLANNING ASSESSMENT

State Planning Policy 7.0 sets out the objectives, measures, principles, and processes which apply to the design and assessment of built environment proposals through the planning system. SPP 7.0 outlines ten key overarching design principles which establish a definition of “good design” to inform planning processes. An assessment of the proposed development has been provided accordingly below in accordance with these ten design principles.

SPP 7.0 Design Principles Summary Table

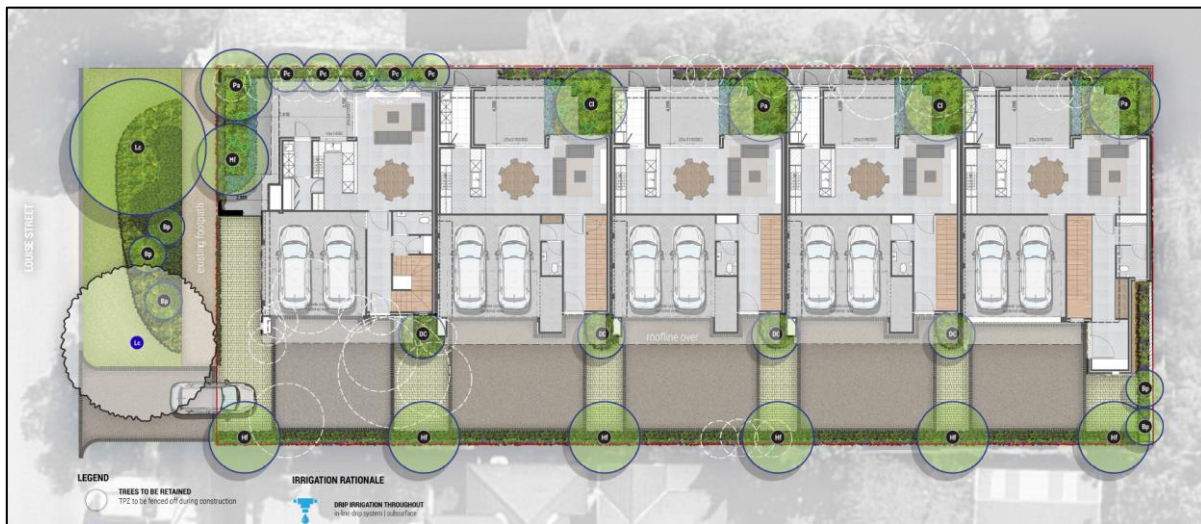
SPP 7.0 — Design Principles			SPP 7.0 — Design Principles		
1	Context & Character	✓	6	Amenity	✓
2	Landscape Quality	✓	7	Legibility	✓
3	Built Form & Scale	✓	8	Safety	✓
4	Functionality & Build Quality	✓	9	Community	✓
5	Sustainability	✓	10	Aesthetics	✓

State Planning Policy 7.0 Design of The Built Environment Design Principles		Objective Achieved
1. Context & Character	<i>Good design responds to and enhances the distinctive characteristics of a local area contributing to a sense of place</i>	✓
<p>The local area is in transition. Greater density of development is now permissible following changes made after the City’s new LPS No. 3. The surrounding land is all zoned at a R60 higher density stepping down from R-AC1 land along Stirling Highway.</p> <p>In the future there will be further higher-density development in the local area. The proposed development complements and respects this emerging character, and has responded to and references the built form of the immediate local area by its use of building materials and colours scheme.</p> <p>The immediate built form character north of Stirling Highway at this location is currently a mix of single houses, highway commercial businesses along Stirling Highway, and several emerging multiple dwelling developments. The emerging and future built form includes a greater number of multiple dwelling and townhouse developments. Notwithstanding it should be noted that the proposed dwellings are “grouped dwellings”.</p> <p>The appearance of the development to the street will be further broken up (reducing the impact of bulk and scale) and softened by the landscaping treatment including the creative well-resolved verge landscaping and the use of materials across the site and in the dwellings’ façades.</p> <p>Through its creative modern reinterpretation of the local character, the design has created beautiful homes which will be a welcome addition to the Louise Street streetscape, and will help form part of the transition zone to the more “traditional” parts of Nedlands.</p> <p>By drawing on and sympathetically interpreting these character elements — which have been previously identified as desirable by the City — the design has formed a unique and distinct development which will positively contribute to the streetscape.</p> <p>Overall, it is considered that the design addresses, responds to, and enhances the character of the area, and will be a suitable and welcome addition. This is achieved through the façade and building design treatment referencing local building materials and the accompanying landscaping which will enhance and contribute to this green aesthetic.</p>		

State Planning Policy 7.0 Design of The Built Environment Design Principles		Objective Achieved
2. Landscape Quality	<i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system within a broader ecological context</i>	✓

Propagule have provided detailed and highly resolved concept plans which illustrate the quality and progressiveness of the proposed landscaping and greening solution, and its initiative and attempt to contribute to providing an exceptional high-amenity and welcoming place for future residents to call home.

The landscaping recognises the importance of greenery to mental and physical health and wellbeing outcomes, especially in urban environments. The landscaping design prioritises the use of native and WaterWise varieties throughout to respond to local site conditions, a changing climate, and the increasing need for greenery in light of these factors. Water saving features include the use of drip irrigation, bubblers, limited spray irrigation, hydrozoning, soil moisture sensors, rain sensors, and passive irrigation.



Landscape Plan of Louise Street prepared by Propagule.

The proposed tree planting will consist of more than 23 trees! This will include Acorn Banksia, Lime, Native Frangipani, Dracena & Cabbage Trees, Ornamental Pear (Capital) Frangipani, and Queensland Box trees. A typical grouped dwelling development in Perth of this scale would be lucky to have more than a handful of trees.

These trees will provide a shade and tree canopy which will help in combatting the Urban Heat Island Effect, and improve the amenity of the communal open space, the streetscape, and each individual dwelling. The landscaping will also help improve mental and physical health outcomes of residents.

A large Queensland Box tree will also be retained and protected during construction, and complemented by the outstanding road verge landscaping treatment (consistent with the City's policies and standards for nature strips and road verges).

The landscaping solution has recognised the need to include a variety of low-maintenance hardy plants and the benefits of providing these plants in human health and wellbeing, in the context of a grouped dwelling development. The landscaping selection will also help to complement and soften the built form. Landscaped areas are also easily accessible and will be able to be maintained through the life of the development by the strata body and each individual owner. An inspection by the strata company will be conducted on at least an annual basis to monitor the health of landscaping and building infrastructure. All landscaped areas will be reticulated and mulched (using a thick 75mm nominal depth mulch) as necessary to reduce the burden of their upkeep, and will be regularly inspected and maintained on an ongoing basis by the strata company caretaker. Water falling on rooves will be directed into garden beds and collected and stored for future use in garden areas reducing the ongoing water use of the townhouses.

The landscaping solution is considered to be a welcome and much needed addition which will provide a great benefit to the future residents these Louise Street townhouses and to the amenity and streetscape for the wider community.

State Planning Policy 7.0 Design of The Built Environment Design Principles

Objective
Achieved



Typical Tree Planting Palette.

3. Built form & scale

Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.



The proposed built form and scale is consistent with the zoning and desired future character of the area as established by the City’s planning framework for R60 sites.

The built form is considered to be appropriate and to have achieved the design principle for built form & scale as the built form is broken up through façade articulation throughout by the use of recessing, stepping, voids, and materiality. The exterior is clean and refined in its expression through its choice and variation of materials, textures, and colours across the façades.

The use of landscaped private open space and yard areas will also improve the interface of the development with neighbouring properties. The design optimally locates the driveway on the southern aspect, and outdoor living to the northern aspect — both improving the amenity of future residents and respecting the amenity of neighbouring properties.

With consideration of the detailed justification provided, the proposed apartments are considered to achieve this design principle for built form and scale.

The local area is undergoing transition. The proposed design recognises the future development character of the area and has responded accordingly by seeking to reduce the effects of massing to the streetscape. The proposed townhouses have respected the existing residential aspect of the area and provided setbacks and a built form considerate of the locality and neighbours, while understanding and acknowledging the future built form character intent set-out by the planning framework.

4. Functionality & build quality

Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full lifecycle.



The proposal is for a low-maintenance, aesthetically pleasing design which will use durable materials, finishes, and design elements. The design also does not excessively rely on artificial or mechanical heating, or lighting methods (which require regular upkeep) and considers and responds to the potential for future changes in climate. The building will be administered by a strata company and caretaker who will monitor and address any future building issues as they arise in a timely manner.

The build quality of the design is exceptional, as can be made clearly evident by the care and attention Trendsetter Homes have made to the design. Trendsetter Homes have ensured that design respects its neighbours without compromising the amenity of each townhouse, including the ability to gain access to natural ventilation and sunlight.

The design has also accommodated building utilities and services in an integrated manner, without detriment to the appearance, functionality and serviceability of the development and its future residents.

State Planning Policy 7.0 Design of The Built Environment Design Principles		Objective Achieved
5. Sustainability	<i>Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.</i>	✓
<p>The design proposes a number of sustainable design initiatives. The proposal considers key environmental aspects of its materials with several key overarching priorities:</p> <ul style="list-style-type: none"> • Use of low-maintenance materials, finishes, and landscaping with low whole-of-life costs to reduce the need for replacement, repairs, and maintenance. • Maximising solar access and natural ventilation opportunity for each townhouse. • Providing a generous and well-resolved landscaping solution that contributes to increasing tree canopy and reducing heat-loads, and which includes more than 23 trees on-site! • Use of a two-bin system with room for recyclables. • Glazing types and sizing assist winter heat gain into the building, whilst minimising heat gain in the summer. • Dwelling and room orientation and positioning to improve solar access outcomes, including the orientation of “living areas” and outdoor living areas on the northern aspect, as well as servicing on the southern aspect, and bedrooms to the exterior, with the location of the master on the southern aspect. • Use of water efficient fittings and fixtures throughout, in bathrooms, kitchens, and toilets. • Reducing water use in the garden from using a very thick 75mm mulch and using bubblers instead of sprinklers, to implementing a moisture <u>and</u> weather sensing retic system, as-well as directing water falling on rooves into garden beds. Permeable paving is also used throughout. • Use of LED lighting throughout and light sensors to public areas to reduce power consumption. • Use of high-quality insulation throughout. 		
6. Amenity	<i>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i>	✓
<p>The proposed development prides itself on providing a high level of amenity to its future residents. Each townhouse is provided with large bedrooms and living areas complemented with a well-proportioned alfresco and yard area suitable for outdoor living pursuits and which will help improve the amenity of each individual apartments.</p> <p>The ground floor of the development is step-free and provides a means of safe access to a range of users, supporting the ability for ageing in place and for those with movement difficulties.</p> <p>With respect to the situation of the development the site is less than 50m from the Peace Memorial Rose Gardens and 600m from the Taylor Road IGA (a 24/7 grocery store). 26 Louise Street is also only about 2km from the University of Western Australian campus and the QEII Medical Precinct, as-well as a short stroll away from Stirling Highway, which is undergoing redevelopment at the moment as part of the future Nedlands Town Centre.</p> <p>Stirling Highway itself includes a range of high frequency public-transport options which make it possible to access Perth CBD in less than 15 minutes. Notable bus services include the CircleRoute bus 998 and 999.</p> <p>Nearby businesses from cafés to restaurants, take-away, service businesses and a range of small businesses and shops along Stirling Highway and throughout the local area. This is supported by the redevelopment occurring as part of Nedlands Town Centre. U.W.A, QEII, and Perth are all large employment centres and located within a stone’s throw of the site, while Claremont (3km west) includes a range of commercial and retail offerings.</p> <p>The nearby local amenity is excellent and the siting of such a proposal for ten townhouses at this location is highly desirable and suitable.</p>		

State Planning Policy 7.0 Design of The Built Environment Design Principles		Objective Achieved
7. Legibility	<i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i>	✓
<p>The design of the Louise Street townhouses is clearly legible and intuitive for residents and visitors to use. There is a clear differentiation between the public and private realm.</p> <p>The use of permeable paving helps to contribute to traffic calming by design, while the trees also help to define the development and create a clear sense of legibility for visitors and residents to the 26 Louise Street townhouses.</p> <p>The amount of unnecessary circulation space has been minimised. The entry to the development from the street is clearly defined, and easy and safe to use, and there is a clear hierarchy of space proposed within the development.</p> <p>With regard to waste management, no communal bin store is proposed and the bins will be moved to the road verge for presentation and returned to each dwelling by each respective resident. The operation of the building will be reviewed by the strata company and caretaker on an ongoing basis, and as issues arise these will be addressed.</p> <p>There are no issues with legibility, and the design is considered to respond to and achieve this design principle.</p>		
8. Safety	<i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>	✓
<p>The design is considered to achieve the safety design principle. All townhouses overlook and provide passive surveillance of both Louise Street and the communal street, without compromising their ability to provide visual privacy for their residents. A clear hierarchy of defensible space has been created.</p> <p>In relation to vehicle manoeuvring, adequate sightlines are maintained through the development and driveway through to the crossover and street. The use of contrasting permeable paving with reinforced exposed concrete aggregate paving as well as the design, choice, and layout of landscaping will contribute to lowering vehicle speeds in the driveway area through traffic calming by design. There are not considered to be any notable conflict areas on the development between vehicles and pedestrians. A continuous concrete footpath will be installed on the road verge in-line with City standards.</p> <p>A traffic impact statement has been prepared by Urbii which demonstrates the suitability of the development with regards to vehicular traffic and safety.</p> <p>The design attempts to limit areas for concealment, and the amount of exposed blank façade (in relation to graffiti). The design is considered to achieve the underlying principles of Crime Prevention Through Environmental Design.</p> <p>The development has also ensured passive visual surveillance of the street throughout and provided clear sightlines to public spaces to maximise opportunities for natural light penetration. All public areas are to be provided with lighting to improve visibility — operated by sensor where appropriate to reduce energy consumption and lightspill.</p>		
9. Community	<i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i>	✓
<p>The proposed design recognises and responds to the needs of providing opportunities for community interaction, while acknowledging the smaller scale of the proposal and its situation as part of a residential only development.</p> <p>Given its proposal as a grouped dwelling development, and the specific site context, layout, and design, a communal open space is not appropriate.</p> <p>Given the design does not include a mixed-use component, public interface is unnecessary and inappropriate for this site. The design provides an inviting, friendly, and appealing streetscape interface and appearance through its use of direct street access, private open space, landscaping, and façade treatment. This improves the sense of connection for residents to their community and street, and vice-versa of “inviting” the community to feel a sense of connection to this development (without compromising CPTED principles).</p> <p>The design will contribute to the diversity of housing stock available in the wider local area.</p>		

State Planning Policy 7.0 Design of The Built Environment Design Principles		Objective Achieved
10. Aesthetics	<i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>	✓

The design provides a well resolved façade, colours, and materials solution. The contemporary design uses a mixture materials and colours from contrasting textured render, face brick, timber panelling, metallic framing elements, and glass. The design is softened by the generous landscaping solution. The streetscape appearance and façade treatment creates an attractive interface with the wider local area. The built form is also not overbearing, and highly appropriate for the area as part of transitional zone stepping away from Stirling Highway.



Perspective Render of Unit A.

5.4 LOCAL PLANNING FRAMEWORK ASSESSMENT

An assessment in relation to the Local Planning Framework has been undertaken with regard to the City's Landscaping Plans LPP and Waste Management LPP.

5.4.1 Landscaping Plans LPP

The City's Landscaping Plans LPP sets out the format of Landscaping Plans prepared for the City. The submitted Landscape Plans prepared by Propagule for this development are consistent with the LPP.

5.4.2 Waste Management LPP

The City's Waste Management LPP sets out the format of Waste Management Plans prepared for the City where development exceeds a certain threshold. The Waste Management LPP is accompanied by Waste Management Guidelines. A Waste Management Plan Design Note has been prepared by Talis Consulting and submitted in conjunction with this development application.

Each individual dwelling will be provided with their own bins with facility for recyclable waste and general waste. Further details of the well-resolved waste management solution which achieves the City's Waste Management Guidelines are provided in Talis Consulting's Waste Management Plan Design Note.



Indicative Streetscape Perspective Render as viewed from Louise Street.

5.5 PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

The decision maker is to have due regard to various matters contained within clause 67 of Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (W.A.). It is noted that the development satisfies the matters to be considered by local government within clause 67 of these regulations. In considering an application for development approval the local government (or delegated decision-making authority / decision-maker) is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

Provision		Justification and Comment
Clause 67 Deemed Provisions		Matters to be considered by local government / decision maker
a.	the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	Satisfies aims and provisions of the Local Planning Scheme as discussed prior.
b.	any approved State planning policy;	Satisfies State Planning Policy framework.
c.	the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	Satisfies the requirements of orderly and proper planning.
d.	any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);	Not applicable to this site.
e.	any policy of the Commission;	Satisfies WAPC policies.
f.	any policy of the State;	Satisfies State policies.
fa.	any local planning strategy for this Scheme endorsed by the Commission;	<i>Sub-clause fa. is contemplated in the proposed draft amendments (Planning Regulations Amendment Regulations 2020 (W.A.)) to the Planning and Development (Local Planning Schemes) Regulations 2015 (W.A.).</i> <i>The proposed development has considered the endorsed Local Planning Strategy for the City of Nedlands and is considered to be consistent with the objectives and provisions of this strategy as far as practicable.</i>
g.	any local planning policy for the Scheme area;	Satisfies Local Planning Policy framework as detailed in the planning assessment section of this report.
h.	any structure plan, activity centre plan or local development plan that relates to the development;	<i>Not applicable to this site.</i> <i>Note: proposed amendments remove the term "activity centre plan" from the Planning and Development (Local Planning Schemes) Regulations 2015 (W.A.).</i>
i.	any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;	<i>Not applicable to this site.</i>

Provision		Justification and Comment
j.	in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	<i>Not applicable to this site.</i>
k.	the built heritage conservation of any place that is of cultural significance;	Satisfied. The lot does not contain registered places of Indigenous Australian or Australian heritage significance.
l.	the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Satisfied. The lot does not contain registered places of Indigenous Australian or Australian heritage significance.
m.	the compatibility of the development with its setting including — (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	Satisfies sub-clause m. The proposed development is considered to be compatible with its setting. Multiple dwellings are permissible and encouraged by planning framework set out by the City of Nedlands. The addition of subclause m(i) is contemplated in the proposed draft amendments (<i>Planning Regulations Amendment Regulations 2020 (W.A.)</i>) to the <i>Planning and Development (Local Planning Schemes) Regulations 2015 (W.A.)</i> .
n.	the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	Satisfies sub-clause n. The design considers the established character of the locality and associated environmental and social impacts. No significant adverse impact has been identified.
o.	the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	Satisfies sub-clause o. No significant adverse impact has been identified in relation to the impact of the proposed development on the natural environment. Minimal excavation and fill works are proposed.
p.	whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	The proposal satisfies sub-clause p. Landscaping and deep soil areas are provided throughout as shown on the submitted plans, which create an aesthetically pleasing outlook for future residents.
q.	the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The site is not within a bush fire risk area or 1 in 100-year flood area. No other specific site constraints related to clause q have been identified.
r.	the suitability of the land for the development taking into account the possible risk to human health or safety;	The land is suitable to be developed to the standard proposed. The site proposes minimal risk to human health and safety and will meet (and be required to meet) the standards on the National Construction Code.
s.	the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	The proposed vehicular and pedestrian access is adequate, clearly legible and suitable for the proposed development.

Provision	Justification and Comment
<p>t. the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>	<p>The site is in close proximity to multi-modal transport options. Expected traffic volumes capable of being handled within the site and proposed development. The site is within a location A area. The proposed car parking provision is suitable for local area.</p>
<p>u. the availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability; 	<p>The site is in close proximity to multi-modal transport options. The development proposes a suitable amount of amenity for pedestrians and cyclists. Waste and site servicing requirements are to standard. Design provides suitable access options for older people and people with a movement disability.</p>
<p>v. the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p>	<p>The development satisfies sub-clause v. No adverse negative impact to community service or community benefit identified.</p>
<p>w. the history of the site where the development is to be located;</p>	<p>Development in the local area has been traditionally residential suburban development. No historical issues of note have been identified for the subject site.</p>
<p>x. the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</p>	<p>The design is considered to increase the opportunity for interaction and activity to the streetscape and local area, and provide an overall community benefit. The design satisfies sub-clause x.</p>
<p>y. any submissions received on the application;</p>	<p>The development is subject to advertising. Submissions to be addresses at a later date as part of the development application approval process.</p>
<p>za. the comments or submissions received from any authority consulted under clause 66;</p>	<p><i>Not applicable.</i></p>
<p>zb. any other planning consideration the local government considers appropriate.</p>	<p><i>Not applicable.</i></p>

6 CONCLUSION

The proposed development at 26 Louise Street in Nedlands has been duly considered in the sections above in accordance with City of Nedlands's and the State's planning framework, including State Planning Policy 7.3 *Volume 1*. As demonstrated in this submission, the proposed design satisfies the objectives and design guidance, and the City's support in development application approval is therefore welcomed.

The application prepared and submitted for development approval to the City showcases a proposal which has considered its site and immediate locality to produce a development outcome and which is responsive to and respectful of the established streetscape and local development character.

This proposal will bring in much needed vibrancy, density, and activity to the wider Nedlands Town Centre and Nedlands, and positivity contribute to the growth and vitality of the area.

It is recommended that the City welcome this addition to the local area and assist the City of Nedlands in meeting their dwelling diversity and housing targets, by approving the application subject to appropriate conditions.

Should you have any question in relation to the details provided in this submission, please contact Petar Mrdja on [6444 9171](tel:64449171).

2047a/CC

10 November 2020

Urbanista Town Planning

26 Louise Street, Nedlands – Acoustic Report

Acoustic Report for Development Application [draft] Rev. A

Disclaimer

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1. Executive Summary

Hewshott International has been engaged by Urbanista Town Planning to undertake the acoustic consultancy services for Development Application for the proposed development at 26 Louise Street, Nedlands.

This desktop review has identified key aspects of the acoustic design of the development.

The key aspects are:

- Environmental noise emission from the development,
- Internal indoor ambient noise levels,
- Reverberation time,
- Walls, floors, ceilings and services separation,
- Mechanical services noise and vibration.

To ensure that the final design of the building achieves the recommended acoustic design criteria, we recommend that a further acoustic assessment is undertaken at subsequent phases of the project (e.g. detailed design).



2. Design and Test Standards

Australian Standards (AS) are now equivalent of International Standards (ISO), although some additional Australian Standards are referenced in this briefing document which have not yet been introduced into an ISO version. Note that British and European Standards are now being merged with ISO Standards.

2.1. Noise

2.1.1 Internal Noise

- AS 2021-2015, “Acoustics - Aircraft Noise Intrusion-Building Siting and Construction”.
- AS 2107-2016, “Acoustics - Recommended design sound levels and reverberation times for building interiors”.

2.1.2 External Noise Emission

- AS 1055-1997 “Acoustics - Description and measurement of environmental noise-general procedures”

The above standard is similar to ISO 1996:2016 “Acoustics - Description, measurement and assessment of environmental noise”.

- Environmental Protection (Noise) Regulations 1997

2.1.3 Room Acoustics

- AS ISO 354-2006 “Acoustics - Measurement of sound absorption in a reverberation room”
- AS ISO 11654-2002 “Acoustics - Rating of sound absorption - Materials and systems”

Also refer to AS 2107 above.

2.1.4 Sound Insulation (Speech Privacy)

- National Construction Code 2016 (NCC 2016) Building Code of Australia
- AS ISO 140-2006 “Acoustics – Measurements of sound insulation in building and of building elements”
- AS/NZS ISO 717-1:2013 “Acoustics - Rating of Sound Insulation in Buildings and of Building Elements-Airborne Sound Insulation”.
- AS 2822-1985 “Acoustics-Methods of Assessing and Predicting Speech Privacy and Speech Intelligibility”.
- BS EN 12354-3:2017 Part 3: Building Acoustics – Estimation of acoustic performance of buildings from the performance of elements – Part 3: Airborne sound insulation against outdoor sound.



2.2. Vibration

2.2.1 Human Response

These standards relate to the response of humans within a building, when subjected to continuous or intermittent vibration (e.g. footfall, transportation), or transient vibration (e.g. piling during construction). The excitation frequency considered is between 1Hz and 80Hz.

- AS 2670-2001 “Evaluation of human exposure to whole-body vibration”

Equivalent to ISO 2631-2003 “Mechanical vibration and shock - Evaluation of human exposure to whole-body vibration”.

Where resonance of a building structure results from wind excitation with a resonance frequency less than 1Hz, the following standard is relevant:

- ISO 6897-1984 “Guidelines for the evaluation of the response of occupants of fixed structures, especially buildings and off-shore structures, to low-frequency horizontal motion (0.063 to 1Hz)”

2.2.2 Machinery

These standards relate to allowable vibration limits for machinery installed within a building.

- ISO 10816:2015 “Mechanical vibration - Evaluation of machine vibration by measurements on non-rotating parts”

2.2.3 Structures

These standards refer to compromise of the integrity of structures subject to vibration from ground-borne sources such as construction, demolition and transportation.

- ISO 4866:2010: Mechanical vibration and shock - Vibration of fixed structures (equivalent to BS ISO 4866:2010)

Other standards for consideration include DIN 4150-3 (1999-02): “Structural vibration - Effects of vibration on structures”. The Australian Standard AS 2187-2006 “Explosives-Storage and Use of explosives” also provides guidance.



3. Project Location

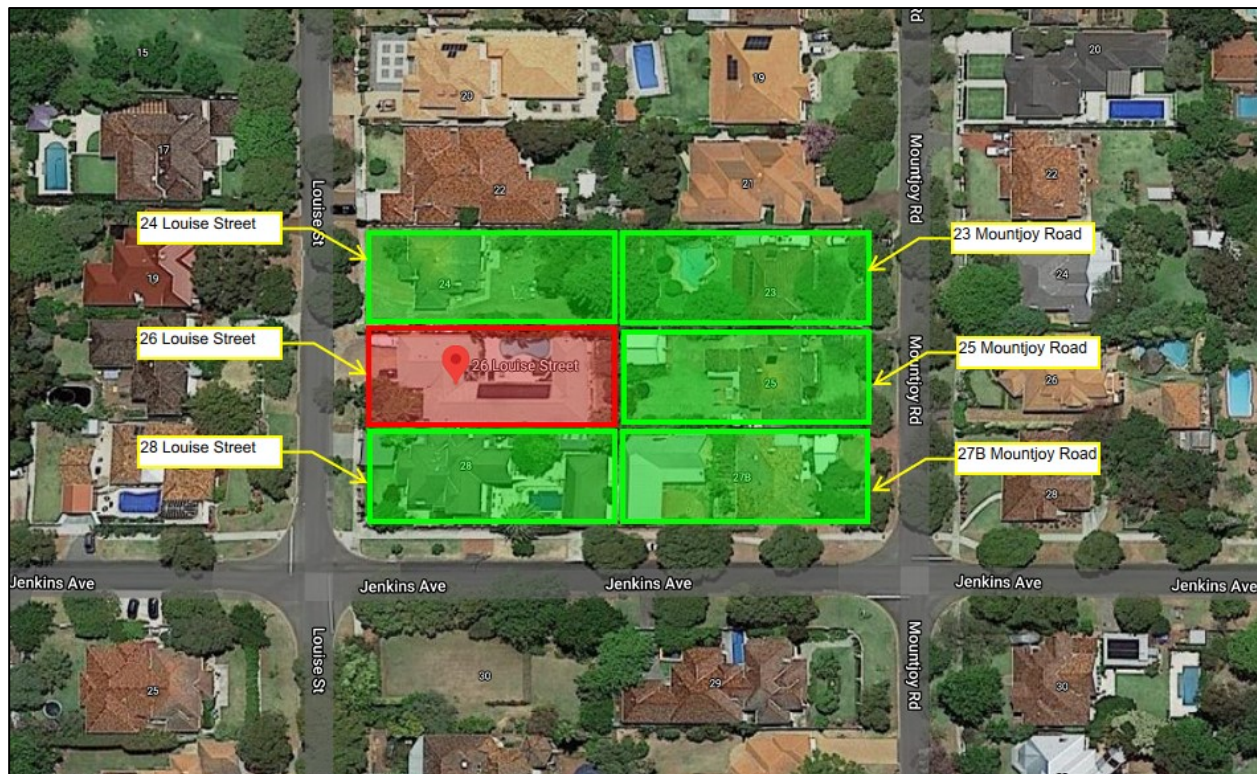
26 Louise Street, Nedlands WA is located in Residential Zone, according to Local Planning Scheme 3, City of Nedlands. It is surrounded by single and double storey residential buildings and located in close proximity to Mixed Use Zone with the majority of buildings designated as commercial type buildings.

Each individual unit on the development at 26 Louise Street is to be classified as a noise sensitive premises. Also, due to the building orientation and mechanical plant items location, nearest noise sensitive receivers (NSR) have been identified and are located at:

- 24 Louise Street, to the north of the development,
- 26 Louise Street, the development,
- 28 Louise Street, to the south the development
- 23 Mountjoy Road, to the north-east of the development,
- 25 Mountjoy Road, to the east of the development,
- 27B Mountjoy Road, to the south-east of the development.

Perth Airport is located approximately 14km to the east of the proposed development, therefore the proposed site falls outside the ANEF Contours stated in AS 2021-2015. The proposed development is not expected to require additional sound insulation for aircraft noise.

Figure 3.1: Aerial view of site and its surroundings – source: Google Maps





4. Environmental Noise Impact Criteria

In Western Australia, the noise emissions from a development to a receiver are assessed in accordance with the Environmental Protection (Noise) Regulations 1997 (EPNR 1997). The noise emissions from the development are compared with calculated assigned noise levels at a given noise sensitive receiver.

4.1. EPNR 1997 Assigned Noise Levels Table

The Western Australian Department of Environmental Protection Noise Regulations (EPNR 1997), operate under the Environmental Protection Act 1986. The Regulations specify maximum noise levels that can be received at noise sensitive premises, including industrial, commercial and residential premises.

EPNR 1997 provides a methodology and stipulates clear procedures relating to noise assessments and control. The regulations provide limits for three types of assigned noise level:

- L_{Amax} assigned noise level which cannot be exceeded at any time;
- L_{A1} assigned noise level that cannot be exceeded for more than 1% of the time;
- L_{A10} assigned noise level that cannot be exceeded for more than 10% of the time.

The resulting assigned noise levels are displayed in Table 4.1.1 below.

Table 4.1.1: Assigned noise levels

Type of premises receiving noise	Time of day	Assigned noise level (dB _A)		
		L_{A10}	L_{A1}	L_{Amax}
Noise sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use	07:00 to 19:00 Monday to Saturday	45+IF	55+IF	65+IF
	09:00 to 19:00 Sunday and Public holidays	40+IF	50+IF	65+IF
	19:00 to 22:00 All days	40+IF	50+IF	55+IF
	22:00 to 07:00 All days	35+IF	45+IF	55+IF
Noise sensitive premises at locations further than 15 metres from a building directly associated with a noise sensitive use	All hours	60	75	80
Commercial premises	All times	60	75	80
Industrial and utility premises	All times	60	75	80

The “influencing factor” (IF) is calculated for each of noise-sensitive premises receiving noise. It takes into account the amount of industrial and commercial land and the presence of major roads within a 450m radius around the noise receiver.



4.2. EPNR 1997 Noise Character Adjustments

It is a requirement of EPNR 1997 that the noise character of any breakout noise from a development be free of annoying characteristics, namely –

- Tonality, e.g. whining, droning;
- Modulation, e.g. like a siren; and
- Impulsiveness, e.g. banging, thumping.

According to EPNR 1997, “if these characteristics cannot be reasonably and practicably removed, e.g. in the case of an emission like music, then a series of adjustments to the measured levels are set out, and the adjusted level must comply with the assigned level”. The adjustments are set out below.

Table 4.2.1: EPNR 1997 noise character adjustments

Adjustment where noise emission is not music These adjustments are cumulative to a maximum of 15 dB			Adjustment where noise emission is music	
Where tonality is present	Where modulation is present	Where impulsiveness is present	Where impulsiveness is not present	Where impulsiveness is present
+5 dB	+5 dB	+10 dB	+10 dB	+15 dB

4.3. Nearest Noise Sensitive Receiver (NSR)

The assigned noise levels defined in the regulations have been calculated for the following nearest noise sensitive receiver (NSR) below:

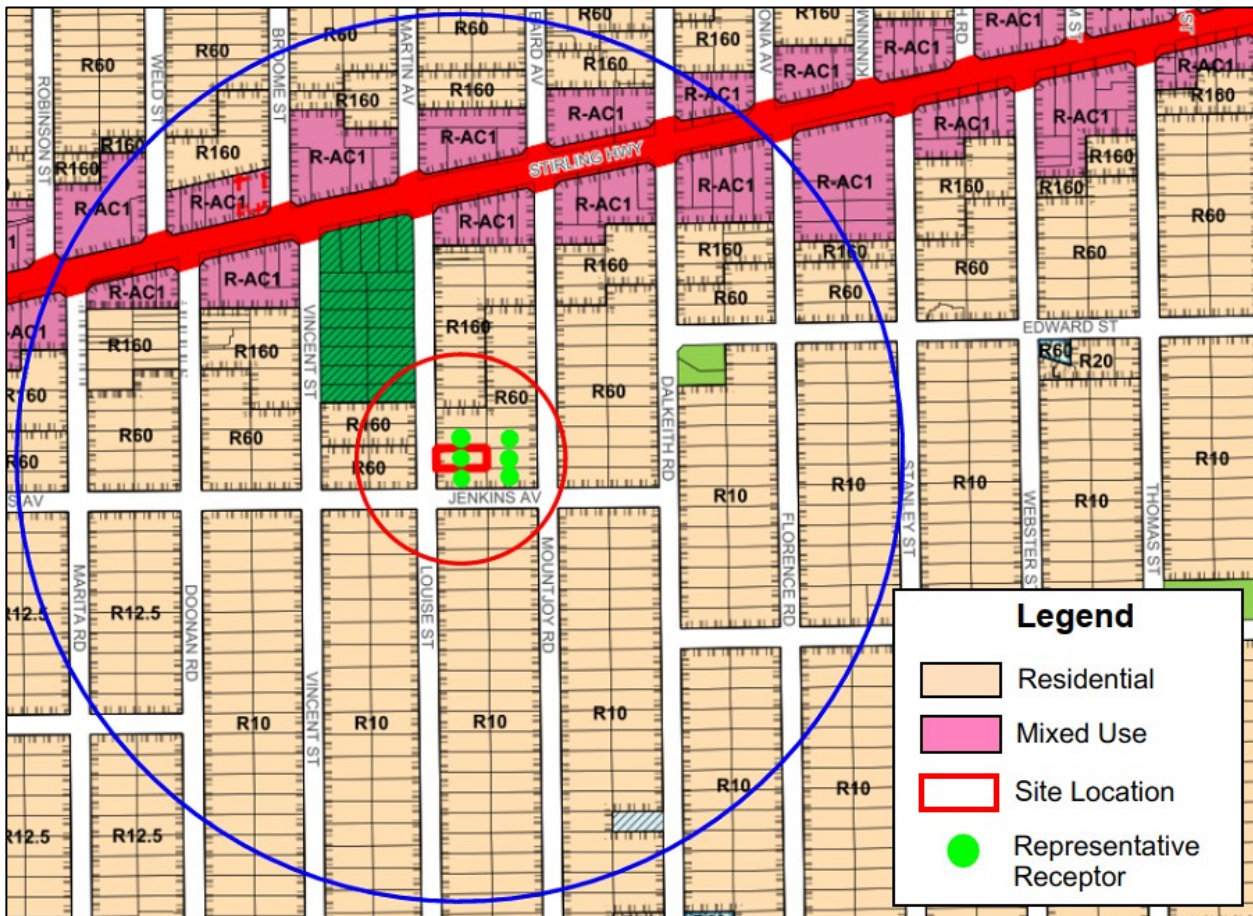
- 24 Louise Street, Nedlands,
- 26 Louise Street, Nedlands,
- 28 Louise Street, Nedlands
- 23 Mountjoy Road, Nedlands,
- 25 Mountjoy Road, Nedlands,
- 27B Mountjoy Road, Nedlands.

4.4. Calculation of Assigned Noise Levels

Based on the regulations set out in the WA Environmental Protection (Noise) Regulations 1997, the maximum allowable noise levels are determined using the assigned noise level base values and the influencing factor (IF). The influencing factor takes into account zoning and road traffic around the receiver of interest within a 100 and 450m radius. In figure 4.4.1, the red circle is the 100m radius circle, and the blue circle is the 450m radius circle. Their centre is the noise-sensitive receiver under consideration (24, 26, 28 Louise Street, 23, 25, 27B Mountjoy Road).



Figure 4.4.1: Composite map showing zoning around proposed development – source: City of Nedlands Intramaps



4.4.1 100-Metre-Radius Circle

Based on the available information no commercial or industrial activity has been identified within the 100-metre-radius circle.

4.4.2 450-Metre-Radius Circle

Based on the available information, the percentage of commercial use within the 450-metre-radius circle is 9%, and 0% industrial activity has been identified within this area.

4.4.3 Traffic/Transport Factor

There are no major (more than 15,000 vehicles per day) or secondary (6,000 – 15,000 vehicles per day) roads within the 100m radius area. There is one major road and no secondary roads within the 450m radius area.

From information provided by Main Roads WA, which is summarised in table below, the transport factor is 2.

Table 4.4.3.1: Traffic Volume in the Area, 2019/20.

Road	Vehicles per day	Classification
Stirling Highway	34 761	Major



4.4.4 Influencing Factor

Based on calculations, and taking into account the percentage of commercial, industrial and residential areas as well as secondary and major roads in the 100 and 450 metre radius circles, the influencing factor is 2 dB.

4.4.5 EPNR 1997 Assigned Noise Levels Table – NSR

The resulting assigned noise levels for the NSR are displayed in Table 4.4.5.1 below.

Table 4.4.5.1: Assigned Noise Levels at Louise Street

Type of premises receiving noise	Time of the day	Assigned Noise Level (dB)		
		LA10	LA1	LAm _{ax}
Noise sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use	07.00 to 19.00 hrs Monday To Saturday	47	57	67
	09.00 to 19.00 hrs Sunday and Public holidays	42	52	67
	19.00 to 22.00 hrs All days	42	52	57
	22.00 to 07.00 hours all days	37	47	57
Commercial premises	All times	60	75	80
Industrial and utility premises	All times	65	80	90

The most sensitive period is highlighted in bold.

L_{A10} is an acoustic descriptor which corresponds to the noise level exceeded for ten per cent of the time period under consideration; this may be considered to represent an “average maximum level” and is often used for the assessment of road traffic noise. The L_{A1} is the level exceeded for one per cent of the time; this is representative of the maximum levels recorded during the sample period. The L_{Amax} is the absolute maximum recorded level, which is most useful for assessing sounds of short duration.

4.5. Noise emissions – Mechanical Services

The mechanical services noise emissions must be kept to a level that is not exceeded at any nearby neighbours’ boundary. The night-time assigned noise level is 37 dB, L_{A10} and has been calculated in Table 4.4.5.1.

All noise from condenser units and exhaust fans must not exceed this value at the boundary of any nearby residential neighbour.

Due to the close proximity to residential neighbours, the noise from condenser units must be mitigated using the following options:

- All condenser units should be roof located, facing away from nearby residents. Currently the intention is to mount units on walls, therefore a preliminary mechanical noise assessment will be undertaken to confirm compliance according to the EPNR, once the mechanical services details are finalised.
- Vibration from any condenser units would also need to be controlled appropriately to minimise structure borne noise. Guidance has been provided on how to mitigate vibration in Section 4.6.
- As far as practicable, noise from mechanical services including condenser units and exhaust fans should be free from tonality and impulsiveness.

It is a responsibility of an equipment installer and maintenance company, that all noise mitigation measures are implemented, and balancing and maintenance of all plant equipment is to be undertaken



in accordance with manufacturers recommendations, in order to minimise a noise emission from the development.

4.6. Vibration mitigation

It is the responsibility of the installer to ensure that any rotational equipment or pumps do not cause objectionable vibration. In order to minimise the transmission of vibration and noise from rotating reciprocating or vibrating equipment to building elements, it is necessary to provide vibration control comprising vibration isolators and inertia bases where necessary to limit building vibrations in occupied areas as follows:

Table 4.7.1: Maximum allowable RMS velocity levels

Equipment	Allowable rms velocity level mm/s
Pumps	3.3
Centrifugal compressors	3.3
Fans (vent sets, centrifugal, axial)	2.3

Isolator selection: Select mounts with static deflections to limit building vibration allowing for span, stiffness and mass of supporting structure, and mass, imbalance, and operating speed range of equipment.

All equipment must be balanced to minimise vibration.

Rotating and reciprocating machinery – within evaluation zone A measured in accordance with *ISO 10816-3:1998* and *AS 2625.4:2003*.

Vibration mounts are required except for external equipment which is not connected to the structure of any building, support rotating, reciprocating or vibrating equipment on vibration isolating mounts.



5. Indoor Ambient Noise Criteria

5.1. Internal Ambient Noise and RT Requirements

AS/NZS 2107 has been used to derive the indoor noise criteria.

The 'houses and apartments near major roads' category in AS/NZS 2107 has been considered appropriate due to the proximity of Stirling Highway.

Table 5.1.1: Recommended indoor noise levels summary according to AS/NZS 2107

Type of occupancy/activity	Recommended Design Sound Level Range L _{Aeq} (dB)		Recommended reverberation time (RT), s
	Minimum	Maximum	
RESIDENTIAL BUILDINGS			
Houses and apartments near major roads:			
Sleeping areas	35	40	-
Living areas	35	45	-

NOTES:

1. The recommended indoor design sound levels are for a fully fitted out and completed building. Attention is drawn to the additive noise effect of many machines within the same area and adjacent areas. Allowance for the total number and type of noise sources should therefore be made in the selection of equipment and in the design of building spaces. A building owner or developer may consider an allowance of 3-5 dBA to be appropriate.

Any mechanical services must be selected and installed so that the resultant indoor ambient noise levels in the proposed development do not exceed the values shown in Table 5.1.1.

5.2. Internal Background Noise and Reverberation Time for the Project

The acoustic requirements of the building with reference to the descriptors of performance in Section 5 and 6 are nominated in Table 5.2.1 below.

Table 5.2.1: Indoor Noise levels & Reverberation Time Design Criteria for the Project

Location	Design Sound Level Range L _{eq} , dBA		Reverberation Time (seconds)
	Minimum	Maximum	
Sleeping Areas	35	40	-
Living Areas	35	45	-



6. Residential Internal Sound Insulation

6.1. NCC 2016 F5 Requirements

The minimum sound insulation criteria for Class 2 buildings are set in NCC 2016 and have been summarised in Table 6.1.1 below. An SOU is a single occupancy unit i.e. an apartment.

Table 6.1.1: Summary of NCC 2016 Part F5 requirements (Class 2 buildings) - dB

Construction	R_w	$R_w + C_{tr}$	$L_{n,w} + C_i$	Discontinuous Required?
Walls separating habitable rooms in adjoining SOUs	-	≥ 50	-	-
Walls separating kitchens, toilets, bathrooms and laundries in adjoining SOUs	-	≥ 50	-	-
Walls between a bathroom, toilet, laundry or kitchen and a habitable room (other than a kitchen) in adjoining SOUs	-	≥ 50	-	Yes
Walls between a SOU and a public corridor, public lobby, stairway or the like or parts of a different classification	≥ 50	-	-	-
Walls between a SOU and a plant room or lift shaft	≥ 50	-	-	Yes
Walls or ceilings separating a duct, soil, waste or water supply pipe or storm water pipe from a habitable room	-	≥ 40	-	-
Walls or ceilings separating a duct, soil, waste or water supply pipe or storm water pipe from a kitchen or other non-habitable room	-	≥ 25	-	-
Floors between SOUs and between a SOU and a plant room, lift shaft, stairway, public corridor, public lobby or the like, or parts of a different classification	-	≥ 50	≤ 62	-

Discontinuous construction means a wall having a minimum 20 mm cavity between two separate leaves, and:

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

6.2. Walls

Party walls between tenancies must achieve BCA minimum requirement of $R_w + C_{tr} 50$.

Mark-ups showing NCC Part 5F requirements for walls are available in Appendix B.

6.3. Floors

In order to comply with the requirements of NCC 2016, the floors separating SOUs from other SOUs must achieve an airborne sound insulation rating of $R_w + C_{tr} \geq 50$; and an impact sound insulation rating of $L_{n,w} + C_i \leq 62$.

6.4. Doors

According to NCC 2016, all entry doors separating apartments from common areas to be minim 44 mm solid core timber (or equivalent performing to be approved by Hewshott) and tightly fit to the frame with acoustic seals to achieve the $R_w 30$ minim requirement of NCC 2016.

The preliminary design shows all entry doors lead to outdoor areas, therefore there are no requirements in terms of acoustic separation.



6.5. Internal Services

According to Part F5.6 of NCC 2016, if a duct, soil, waste or water supply pipe, including a duct or pipe that is located in a wall or floor cavity, serves or passes through more than one single-occupancy unit, the duct or pipe must be separated from the rooms of any single-occupancy unit by construction with an $R_w + C_{tr}$ (airborne) not less than:

- (i) 40 if the adjacent room is a habitable room (other than a kitchen); or
- (ii) 25 if the adjacent room is a kitchen or non-habitable room.



7. External Sound Insulation

7.1. Existing Noise Levels

A noise survey was undertaken in the vicinity of the proposed development, at 26 Louise Street, in peak traffic afternoon hours to assess noise levels which are to be incident upon the façade of the development.

Sample measurements were undertaken on Tuesday 13th October 2020, approximately 6 meters from the side of the road on Louise Street at the boundary of the 26 Louise Street property.

The wind speed for the measurement duration was always below 5m/s; the weather was sunny, 21°C, with no rain.

Table 7.1.1: Measurement equipment and settings used in survey

Item	Description
Sound level meter	RION NA-28 Type 1 Sound Level Meter
Calibrator	RION NC-74 Sound Calibrator
Real time analysis	One-third octave band and octave band frequencies
Frequency weighting	Unweighted and A-weighted

The sound level meter was calibrated both before and after the survey and did not deviate from the calibration level of 94dB.

Traffic counts for Louise Street at site location are not available on Main Road online mapping service, therefore manual counting has been undertaken on site during sample measurements. No heavy vehicles have been identified on Cooper Street during measurements.

Results of the noise survey are given in table 7.1.2 for the measurement location, along with the traffic counts and the corresponding Leq spectral data.

Table 7.1.2: Sample measurement spectra LAeq [dB]

Location	Time	Vehicles per hour	Duration of sample measurement	LAeq [dB]	Octave band centre frequency [Hz]				
					125	250	500	1k	2k
26 Louise Street	16:30 – 17:30	65	15 min	55	38	43	47	53	49
			15 min	56	46	44	47	52	50
			15 min	56	41	43	47	53	50
			15 min	55	38	42	47	51	49

The measured on-site results have been used to determine noise levels breaking into the façade of the development.



7.2. External Façade Construction

The external construction of the building will consist of brick walls, standard glazing with metal roof. Based on the architectural drawings, the following building elements have been used to determine indoor noise levels from external sources (traffic noise), presented in table 7.2.1.

Table 7.2.1: Proposed façade construction

Building element	Sound Reduction Index (R) dB					R _w
	Octave band centre frequency [Hz]					
	125	250	500	1k	2k	
6mm glazing	19	24	28	32	31	31

It is essential that the airspace between roof and ceiling is packed with at least R2.0 insulation. To ensure that the final design of the roof achieves the design criteria for internal noise levels, we recommend that a further acoustic assessment is undertaken at subsequent phases of the project (e.g. detailed design).

7.3. Indoor Ambient Noise Level Associated with External Sources

The indoor ambient noise levels within the development will be directly associated with the external noise environment and the external envelope of the building. For mechanical ventilation, the following internal ambient noise levels should be maintained and an accounted for the cumulative effect of the mechanical noise and the intrusive noise. Prediction are based on noise ingress from external sources and not services within the building.

Table 7.3.1 presents the predicted indoor ambient noise levels along with the specific design criteria for indoor ambient noise for typical living room and bedroom areas within units situated on the perimeter of the development, facing Louise Street. The glazing system used in the calculation is also presented. Typical living areas have a volume of approximately 85-110m³ bedroom areas have a volume of approximately 40m³.

All calculations have been undertaken in accordance with BS EN 12354-3:2017 Part 3: Building Acoustics – Estimation of acoustic performance of buildings from the performance of elements – Part 3: Airborne sound insulation against outdoor sound. Reverberation times used in calculation are based on a normalised level of 0.5 seconds.

Table 7.3.1: Estimated indoor ambient noise levels

Room/ Area	Predicted Indoor Ambient Noise Level L _{Aeq} (dB)	Specific Design Criteria L _{Aeq} (dB)	Glazing System
Ground Floor			
Living Area	32	35 – 45	6 mm glazing
First Floor			
Master Bedroom	32	35 – 40	6 mm glazing
Bedroom 2	30	35 – 40	6 mm glazing

All bedroom and living areas achieve compliance with design criteria for all levels using 6mm glazing configuration, or any equivalent achieving sound reduction index R_w 31. The predicted internal noise levels will have a safety factor of more than 5 dB. This will take into account increased future traffic



flows or any other factors in construction detailing that may occur. Using a safety factor will subsequently offer additional protection to the amenity of residents.

Glazing frames and seals of insufficient sound insulation can compromise the performance of the building element. We recommend that doors with glazing, window frames and all seals are selected to match the acoustic performance of the glazing within it.

7.4. Sliding Doors

Laboratory airborne sound insulation data (R_w) for specific glazed door systems include the performance of the frame. We recommend that acoustic data for the proposed sliding door system is provided in order to confirm that the R_w value is adequate. Glazed sliding door frames must be selected ensuring that the composite sound insulation performance of the frame system and the glazed pane is not lower than R_w 23.

Special attention must be taken during installation of any sliding doorset. It must be ensured that they are well fitted, with a robust closing mechanism to avoid introducing acoustically weak transmission paths for noise to enter through the façade.



8. External Sound Insulation – General Advice

8.1. Road Traffic Noise

The extent of road traffic noise intrusion is dependent on the volume and proximity of traffic on nearby roads, the percentage of heavy vehicles, the type of road surface, the topography of the site, and the orientation and construction of the development.

8.2. Aircraft Noise

The proposed site location falls outside ANEF 20 zone of Perth Airport. In accordance with AS 2021-2015, this is “acceptable”; there is usually no need for the building construction to provide protection specifically against aircraft noise.

8.3. Rain Noise

Noise generated from rainfall is dependent on the intensity of rainfall which is given by the velocity and size of water drops. The ISO Standard for the measurement of rain noise in the laboratory is at the draft stage (current draft is ISO 140-18). Rainfall consists of drops of different sizes where the drop size depends on rainfall intensity as well as on temperature and humidity. In temperate climates, the upper size limit for rain drops is 5 to 6 mm (above this size the drops break up into smaller drops). In tropical climates, where the temperature and humidity are higher, larger drop sizes can occur. During a rain storm the rainfall rate is rarely constant, with the most intense rain falling for only a few minutes followed by more gentle rain. Even when the rainfall rate is approximately constant, the short-term intensity will vary because the larger drops will fall fastest.

The rainfall rate normally accepted in Australia for sensitive areas in subtropical regions is 30mm/hr, and this rate shall be used to determine appropriate roof and façade constructions to comply with the design criteria.

8.4. Roof

The construction of the roof shall ensure internal noise criteria are achieved with regard to incident airborne noise, impact noise from rainfall, and noise from thermal or wind induced loads. Airborne noise emissions include but are not limited to transportation (aircraft, traffic, etc.), as well as thermal plant. The interface of the roof with the façade shall be carefully detailed.

8.5. Façade

The construction of the facade shall ensure internal noise criteria are achieved with regard to incident airborne noise (including noise from adjoining mechanical plant floors), impact noise from rainfall, and noise from thermal or wind induced loads.

The interface of the façade with the adjoining structure and internal partitions and ceilings shall be carefully considered to ensure flanking noise is controlled.

8.6. External Elements

External elements such as sun shades, curtain wall framing and the like shall be designed to ensure that wind flow does not excite any acoustic resonances that will affect internal or external noise criteria.



9. Mechanical Services – General Advice

9.1. New Duct-work

New duct-work should be lined internally with 25-50mm acoustic insulation where necessary. Insulation will be faced to prevent the erosion of fibres. Any new flexible duct-work will provide acoustic attenuation (with or without an unperforated inner core) which will be considered when analysing noise transmitted down-duct from fans.

When duct-work penetrates internal partitions, it will be isolated from the partition, with standard penetration details as required. Duct-work layout must be considered to avoid introducing unexpected system effects on fans, and turbulence within ducts, which may increase sound power levels above manufacturer's claims.

Particular attention shall be given to potential flanking noise via duct-work between noise sensitive spaces, or between noise sensitive spaces and adjoining public spaces. Potential paths include return and relief air duct-work.

9.2. Fans, Air-Handling Units, Fan-Coil-Units, Variable-Air-Volume Units

Sound power levels for fan powered units (AHU, FCU, Fans, Fan assisted VAV's) or pressure break-down boxes (eg. VAV's) must be specified. Sound power levels from a range of manufacturers must be considered during the design process to ensure they are achievable. System resistance for powered units must be sized to allow for further resistance from sound attenuators if considered necessary.

9.3. Diffusers, Grilles and Dampers

Noise from diffusers and grilles is related to airflow across the louvres/grille and is subject to the air velocity across the face of the diffuser/grille. Manufacturer's test data (in the form of NC ratings based on air-flow) will be reviewed to ensure compliance with the Schematic Design.



10. Vibration Isolation – General Advice

This section’s objective is to provide guidance on how to prevent the transmission of unwanted vibration or structure-borne noise to the building. Mechanical services noise sources, including hot water pumps, fresh air intake fan and air exhaust fan, will be located internally on basement levels. External condenser units will be located in semi-enclosed plant rooms at each levels in both towers.

Unwanted vibration has the potential to transmit through the structure and re-radiate as noise - known as structure borne noise - causing disturbance in occupied spaces. Mitigation of vibration must be implemented where machinery connects to ducts, pipes and conduits and to isolate the slab/plinth on which it rests.

10.1. Partition penetrations

Any duct or pipe penetrations through a wall’s or a floor’s penetrations must be detailed carefully. The plant room wall or floor must not be rigidly connected to any duct or pipework. 25mm is the minimum size for any opening around pipes/ducts penetrating plant room walls.

10.2. Cabling, ducting and Piping

Flexible couplings must be incorporated in all pipework to mitigate the transmission of vibration. The “decoupled pipe” should have a minimum of two 90 degrees elbows in order to provide a threefold degree of freedom of movement. Successive elbows and bends should be separated by comparable distances.

Resilient supports must be incorporated to any pipe connected to rotating mechanical equipment. The size of the support must meet the same static deflections as the isolators designated for the associated item of plant. Pipe work shall be resiliently supported over distances as per the table below.

Table 10.2.1: Pipework minimum resilient support length vs. pipework distance to vibration source/plant room

Pipework length	Distance to plant room/vibration source
40mm or less	3 m
40mm to 65mm	4 m
65mm to 100mm	5 m
100mm to 150mm	6 m
150mm and over	8 m

Pipes passing in ceiling voids must be suspended from the slab. It must be ensured there is no contact with any lightweight ceiling support members, stud wall framing or other services.

Where rotating equipment connects to electrical wiring, it must be in a 360° looped form. Rigid conduits should not be used as they short-circuit vibration isolators.

10.3. Rotating machinery

Static and dynamic balancing is required of all equipment rotating parts. The balancing in accordance with *ISO 1940: 2003 Mechanical Vibration - Balance Quality Requirements for Rotors in a Constant (Rigid) State – Part 1: Specification and Verification of Balance Tolerances* is to proceed to G6.3 quality grade.

Any equipment containing rotating parts or capable of transmitting vibration shall be isolated from the building structure. Suitable vibration isolation devices are specified in Section 10.4: Vibration isolation.



Large machines may require inertia bases. Examples of large machines that may require inertia bases are: high-pressure fans, air compressors, internal combustion engines, reciprocating refrigeration compressors and pumps.

All floor mounted mechanical and electrical equipment with a considerable size must have reinforced concrete housekeeping pads with minimum 100mm thickness.

10.4. Vibration Isolation

In order to prevent structure borne noise, it is absolutely crucial that any equipment capable of producing objectionable vibration is isolated from the building structure. The size and location of mounts and isolators should be carefully chosen to achieve the specified deflection under the static load of the machine to be isolated. This includes any associated components such as, but not limited to, fan transitions or silencers. Levelling screws are to be used in conjunction with all mounts and isolators.

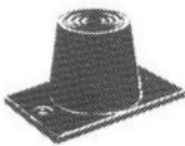
All isolators and isolation materials shall be of the same manufacturer and shall be certified by the manufacturer.

Any mounts or plant items must be fitted with seismic limit stops to limit any horizontal or vertical movement to 12mm before striking a limit stop. The contact surface of the limit stop should be fixed to 6mm of resilient material as a minimum. Under normal operation there should be a clear air gap of at least 4mm between limit surfaces of the machine to be isolated.

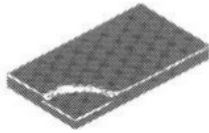
Manufacturer of vibration isolation and seismic control equipment shall have the following responsibilities:

1. Determine vibration isolation and seismic restraint sizes and locations.
2. Provide vibration isolation and seismic restraints as scheduled or specified.
3. Provide calculations and materials if required for restraint of non-isolated equipment.
4. Provide installation instructions, drawings and trained field supervision to insure proper installation and performance.

The isolator or base selected for a particular application depends on the required deflection, life cost and compatibility with associated structures and shall be nominated as follows:



Isolation types 1 and 2: Rubber isolators are available in pad (type 1) and molded (type 2) configurations. Pads are used in single or multiple layers. Molded isolators come in a range of 30 to 70 durometer (a measure of stiffness). Material in excess of 70 durometer is usually ineffective as an isolator. Isolators are designed for up to 13mm deflection but are used where 8mm or less deflection is required. Solid rubber and composite fabric and rubber pads are also available. They provide high load capacities and are used as noise barriers under columns and for pipe supports. These pad types work well only when they are properly loaded and the mass load is evenly distributed over the entire pad surface. Metal loading plates can be used for this purpose.



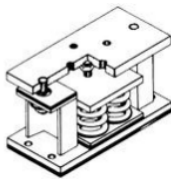
Isolator type 1: Glass fiber with elastic coating (type 1). This type of isolation is pre-compressed molded fiberglass pads individually coated with a flexible moisture impervious elastomeric membrane. Natural frequency of fiberglass vibration isolators should be essentially constant for the operating load range of the supported equipment. Mass load is evenly distributed over the entire pad surface. Metal loading plates can be used for this purpose.



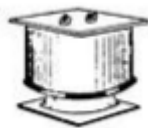
Isolators type 3 and 4: Steel springs are the most popular and versatile isolators for HVAC applications because they are available for almost any deflection and have a virtually unlimited life. Spring isolators may have a rubber acoustical barrier to reduce transmission of high-frequency vibration and noise that can migrate down the steel spring coil. They should be corrosion-protect if installed outdoors or in a corrosive environment. The basic types include the following:



Isolator type 3: Open spring isolators (type 3) consist of top and bottom load plates with adjustment bolts for leveling equipment. Springs should be designed with a horizontal stiffness of at least 80% of the vertical stiffness to ensure stability. Similarly, the springs should have a mini-spring height.



Isolator type 4: Restrained spring isolators (type 4) have hold-down bolts to limit vertical as well as horizontal movement. They are used with (a) equipment with large variations in mass (e.g., boilers, chillers, cooling towers) to restrict movement and prevent strain on piping when water is removed, and (b) outdoor equipment, such as condensing units and cooling towers, to prevent excessive movement due to wind loads. Spring criteria should be the same as open spring isolators, and restraints should have adequate clearance so that they are activated only when a temporary restraint is needed. Closed mounts or housed spring isolators consist of two telescoping housings separated by a resilient material. These provide lateral snubbing and some vertical damping of equipment movement, but do not limit the vertical movement. Care should be taken selection and installation to minimize binding and short-circuiting.

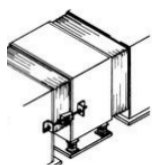


Isolators 2 and 6: Air springs can be designed for any frequency, but are economical only in applications with natural frequencies of 1.33 Hz or less (150 mm or greater installations). A constant air supply (an air compressor with an air dryer) and leveling valves are typically required.



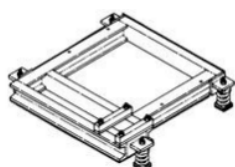
Isolator type 3: Isolation hangers (types 2 and 3) are used for suspended pipe and equipment and have rubber, springs, or a combination of spring and rubber elements. Criteria should be similar to open spring isolators, though lateral stability is less important. Where support rod angular misalignment is a concern use hangers that have sufficient clearance and/or incorporate rubber bushings to prevent the rod from touching the housing. Swivel or traveler means arrangements may be necessary for connections to piping systems subject to large thermal movements.

Pre-compressed spring hangers incorporate some means of pre-compression or preloading of the isolator spring to minimize movement of the isolated equipment or system. These are typically used on piping systems that can change mass substantially between installation and operation



Isolator type 5: Thrust restraints (type 5) are similar to spring hangers or isolators and are installed in pairs to resist the thrust caused by air pressure. These are typically sized to limit lateral movement to 106.4 mm or less.

Base type A: Direct isolation (type A) is used when equipment is unitary and rigid and does not require additional support. Direct isolation can be used with large chillers, some fans, packaged air-handling units, and air-cooled condensers. If there is any doubt that the equipment can be supported directly on isolators, use structural bases (type B) or inertia bases (type C), or consult the equipment manufacturer.

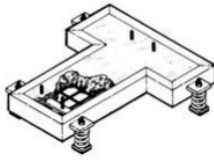


Base type B: Structural bases (type B) are used where equipment cannot be supported at individual locations and/or where some means is necessary to maintain alignment of component pans in equipment.

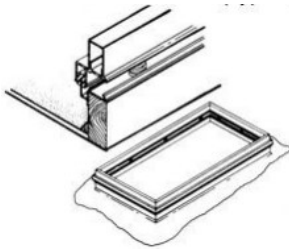
These bases can be used with spring or rubber isolators (types 2 and 3) and should have enough rigidity to resist all starting and operating forces without supplemental hold-down devices. Bases are made in rectangular configuration using structural members with a depth equal to one-tenth the longest span between isolators. Typical base depth is between 100 and 300 mm, except where structural or alignment considerations dictate otherwise.



Structural rails (type B) are used to support equipment that does not require a unitary base or where the isolators are outside the equipment and the rails act as a cradle. Structural rails can be used with spring or rubber isolators and should be rigid enough to support the equipment without flexing. Usual practice is to use structural members with a depth one-tenth of the longest span between isolators, typically between 100 and 300mm, except where structural considerations dictate otherwise.



Base type C: Concrete bases (type C) are used where the supported equipment requires a rigid support (e.g. flexible coupled pumps) or excess heaving motion may occur with spring isolators. They consist of a steel pouring form usually with welded-in reinforcing bars, provision for equipment hold-down, and isolator brackets. Like structural bases, concrete bases should be sized to support piping elbow supports, rectangular or T-shaped, and for rigidity, have a depth equal to one-tenth the longest span between isolators. Base depth is typically between 150 and 300mm unless additional depth is specifically required for mass, rigidity, or component alignment.



Base type D: Curb isolation systems (type D) are specifically designed for curb-supported roof top equipment and have spring isolation with a watertight, and sometimes airtight, assembly. Rooftop rails consist of upper and lower frames separated by nonadjustable springs and rest on top of architectural roof curbs.

Isolation curbs incorporate the roof curb into their design as well. Both kinds are designed with springs that have static deflections 25 to 75mm range to meet design criteria described in type 3. Flexible elastomeric seals are typically most effective for weatherproofing between the upper and lower frames. A continuous sponge gasket around the perimeter of the top frame is typically applied to further weatherproof the installation.



A. Glossary

Term	Description
A-weighting:	Refers to a standardised frequency response used in sound measuring instruments, specified in Australian Standard <i>AS 1259.1</i> . Historically it was developed to model human ear response at low-level sounds. However A-weighting is now frequently specified for measuring sounds irrespective of level, and studies have shown a relationship between the long term exposure to A-weighted sound pressure levels and hearing damage risk.
Airborne sound:	Sound waves propagate within a construction (structure-borne sound) and are radiated into the air where their propagation continues (airborne sound).
AS:2107	AS/NZS 2107:2016 Acoustics -Recommended design sound levels and reverberation times for building interiors
Impact noise	Noise resulting from the direct impact on a building element (e.g. footfall, furniture movement on a floor).
C_{tr} , C_i	Spectrum adaptation term
D:	This value, in decibels, is the difference in sound pressure level values between two rooms.
dB:	Means the abbreviation for decibel.
dBA :	A-weighted sound pressure level in decibels.
D_{nT} :	The 'normalized level difference', in decibels, compares the sound pressure level values between two rooms by referring the result to a standard reverberation time value, typical in most residential rooms and office spaces.
$D_{nT,w}$:	The 'weighted standardized level difference' is a single-number value which is determined by applying <i>ISO 717-1</i> to the D_{nT} results obtained in the field measurements. It is used to describe the ability to isolate noise. Higher values represent a better performance. This value is usually between 5 to 8 dB lower than the laboratory tests for a certain type of construction (R_w).
$D_{nT,w}$ (C; C_{tr}):	This is the complete expression that covers all values obtained from the test. If the result is 20 (-2; -3), it means the $D_{nT,w}$ is 20 dB, the $D_{nT,A}$ is 20-2=18, and the value of the equivalent D_{nT} related to traffic noise or other similar sources is 20-3=17.
$L_{Aeq,T}$:	The equivalent continuous A-weighted sound pressure level in dBA. It is often accompanied by an additional subscript suffix "T" such as $L_{Aeq,15min}$, which means it is evaluated over 15 minutes.
$L_{A10,T}$:	A-weighted sound pressure level in decibels which is not surpassed for more than 10% of the measurement time. This value is often similar to that of the L_{Aeq} for the same period of time.
$L_{A1,T}$:	A-weighted sound pressure level in decibels which is not surpassed for more than 1% of the measurement time. This value is often used to have a reference of the highest levels of the measured noise and is used to evaluate the presence of occasional impulsiveness in the noise.
$L_{A90,T}$:	A-weighted sound pressure level in decibels which is not surpassed for more than 90% of the measurement time. This value is often used to have a certain reference of the constant floor background noise level.
L_{Amax} :	Maximum A-weighted sound pressure level over a certain period of evaluation.
L_w	Impact sound level reduction L_w is an acoustic descriptor quantifying the improvement in impact noise isolation as a result of the installation of a floor covering or floating floor on a test floor in a laboratory (<i>ISO717.2:1997</i>)
$L_{n,w}$	The lower the $L_{n,w}$ rating the better the performance of a building element at insulating impact noise.
Perception of noise level differences:	Generally, a variation of 2-3 dB in a sound pressure level cannot be detected by most of the population; a 5 dB difference is perceived as a louder noise, and a 10 dB variation is perceived as a sound which is twice as loud.





Term	Description
Reverberation time:	RT, or T_{60} is the time that would be required for a sound to decrease by 60 dB after the source has stopped emitting sound. Rooms with high reverberation time values are reverberant or acoustically “live”. If a room has a low reverberation time value, it is considered to be a quiet or “dead” space.
R_w :	The insulation of walls and doors against airborne sound is described by way of the sound reduction index R. This index specifies the number of decibels by which the sound is weakened as it passes through the component. The sound reduction index is therefore a component-related variable. As the sound insulation of components depends on frequency, the sound reduction index is also specified depending on the frequency, at least in one-third octave bands between 100 and 3150 Hz. For simplicity, a single value, the weighted sound reduction index R_w , is derived from the frequency-related values. R_w values provided by manufacturers must comply with standard international test regulation <i>ISO 140-3</i> .

Building Areas	
1. Site Area	
LOT 5	216.48
LOT 1	188.03
CP	153.15
LOT 4	151.55
LOT 3	151.55
LOT 2	151.54
	1,012.30 m ²
2. Unit A	
(e) Upper floor living	110.48
(a) Ground floor living	66.43
(b) Double garage	30.80
(c) Alfresco	10.11
(d) Porch	1.37
PLOT Ratio: 49.88%	219.19 m ²
3. Unit B	
(e) Upper floor living	107.06
(a) Ground floor living	60.46
(b) Double garage	34.26
(c) Alfresco	13.95
(d) Porch	1.51
PLOT Ratio: 59.65%	217.24 m ²
4. Unit C	
(e) Upper floor living	107.06
(a) Ground floor living	60.69
(b) Double garage	34.26
(c) Alfresco	13.95
(d) Porch	1.60
PLOT Ratio: 59.65%	217.56 m ²
5. Unit D	
(e) Upper floor living	107.06
(a) Ground floor living	60.69
(b) Double garage	34.26
(c) Alfresco	13.95
(d) Porch	1.60
PLOT Ratio: 49.82%	234.85 m ²
6. Unit E	
(e) Upper floor living	108.36
(a) Ground floor living	77.90
(b) Double Garage	30.20
(c) Alfresco	15.01
(d) Porch	3.38

B. Acoustic Mark-up

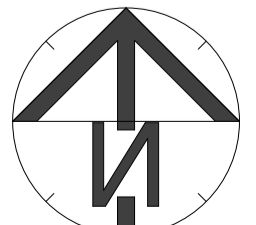
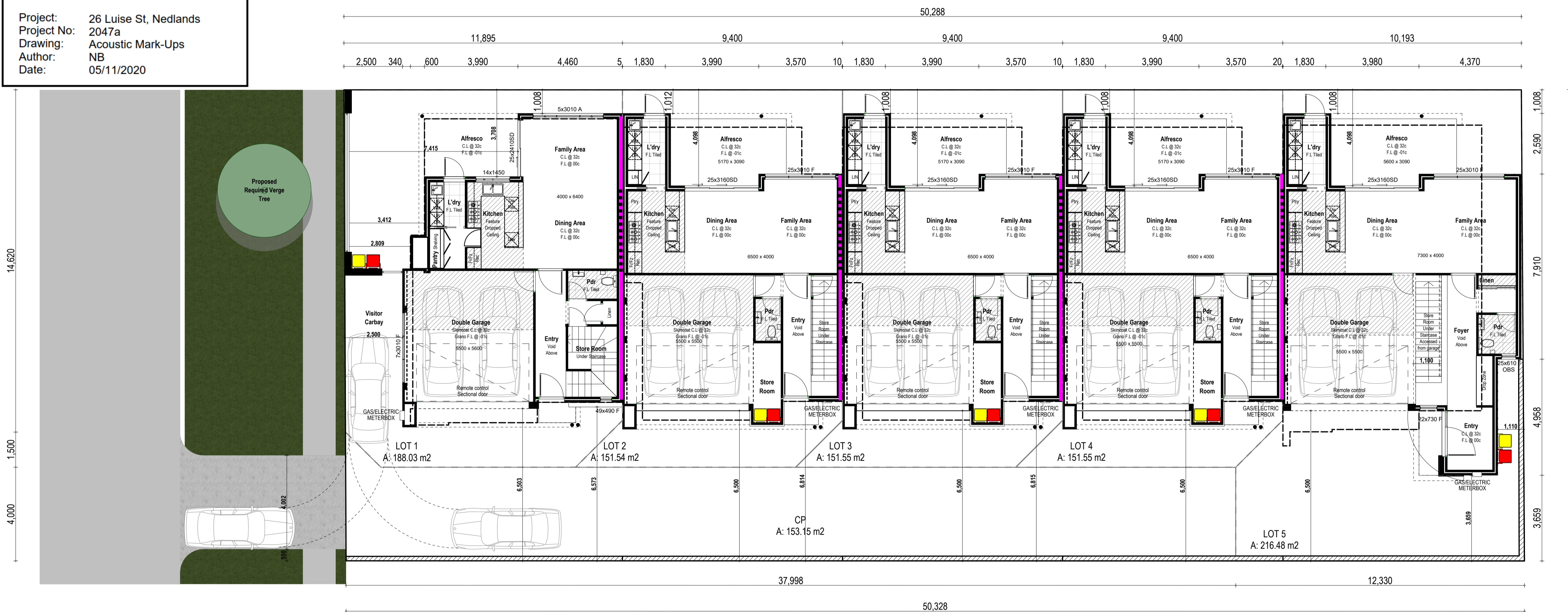
Legend

 Rw + Ctr ≥ 50

 Discontinuuous partition

Hewshott International


Project: 26 Luise St, Nedlands
 Project No: 2047a
 Drawing: Acoustic Mark-Ups
 Author: NB
 Date: 05/11/2020




Client Canute Global Investments PTY LTD Project Name Townhouse Development Project Address #26 Luise Street, Nedlands	Drawing Title: Ground Floor Plan Scale: as noted Project No: 00355 Drawing No.: SK06 of 09	Version Description Date 1.01 Concept Sketch 09.06.20	TRENDSETTER DESIGNERS BUILDERS INTERIOR ARCHITECTS Level 1, #28 Walters Dr, Osborne Park, W.A. 6017 (08) 9446 2822 www.trendsetterhomes.com.au	BC 10254 ©COPYRIGHT This plan shall remain the sole property of TRENDSETTER HOMES and must not be given, lent, used or otherwise disposed or copied without the permission in writing of the company.
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Building Areas	
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PLOT RATIO: 59.65%	217.56 m²
5. Unit D	
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(a) Ground floor living	60.69
(b) Double garage	34.26
(c) Alfresco	13.95
(d) Porch	1.60
PLOT RATIO: 59.65%	217.56 m²
6. Unit E	
(e) Upper floor living	108.36
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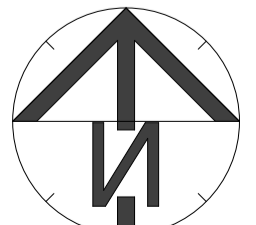
Legend

 **Rw + Ctr ≥ 50**

 **Discontinuous partition**


Hewshott International

Project: 26 Luise St, Nedlands
Project No: 2047a
Drawing: Acoustic Mark-Ups
Author: NB
Date: 05/11/2020



Client Canute Global Investments PTY LTD Project Name Townhouse Development Project Address #26 Luise Street, Nedlands	Drawing Title: Upper Floor Plan	Version	Description	Date
	Scale: as noted Sheet Size: A1	1.01	Concept Sketch	09.06.20
	Project No: 00355	Drawing No.:	SK07 of 09	

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urbii

Sustainable Transport. Safe Solutions

City of Nedlands
Received 28
October 2020

26 Louise Street, Nedlands
Proposed Residential Development
TRANSPORT IMPACT STATEMENT



Prepared for:
Westlake Corporation Pty Ltd

October 2020

26 Louise Street, Nedlands

Prepared for: Westlake Corporation Pty Ltd
Prepared by: Paul Ghantous
Date: 18 October 2020
Project number: U20.034

Version control

Version No.	Date	Prepared by	Revision description	Issued to
U20.034.r01	18/10/20	Paul Ghantous	DRAFT	Urbanista Town Planning



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1. Introduction

This Transport Impact Statement has been prepared by Urbii on behalf of Westlake Corporation Pty Ltd with regards to the proposed residential development, located at 26 Louise Street, Nedlands.

The subject site is situated on the eastern side of Louise Street, north of Jenkins Avenue, as shown in Figure 1. The site is bound by residential properties on three sides and Louise Street to the west.

The subject site presently accommodates one residential dwelling (Figure 2). The site is surrounded by mostly residential land use. Peace Memorial Rose Gardens is located to the north-west of the site. A variety of commercial sites including retail, food and beverage are available on Stirling Highway. UWA is located nearby to the east (Figure 3).

It is proposed to develop the site into a grouped dwelling development with five (5) residential dwellings.

The key issues that will be addressed in this report include the traffic generation and distribution of the proposed development, access and egress movement patterns, car parking and access to the site for alternative modes of transport.



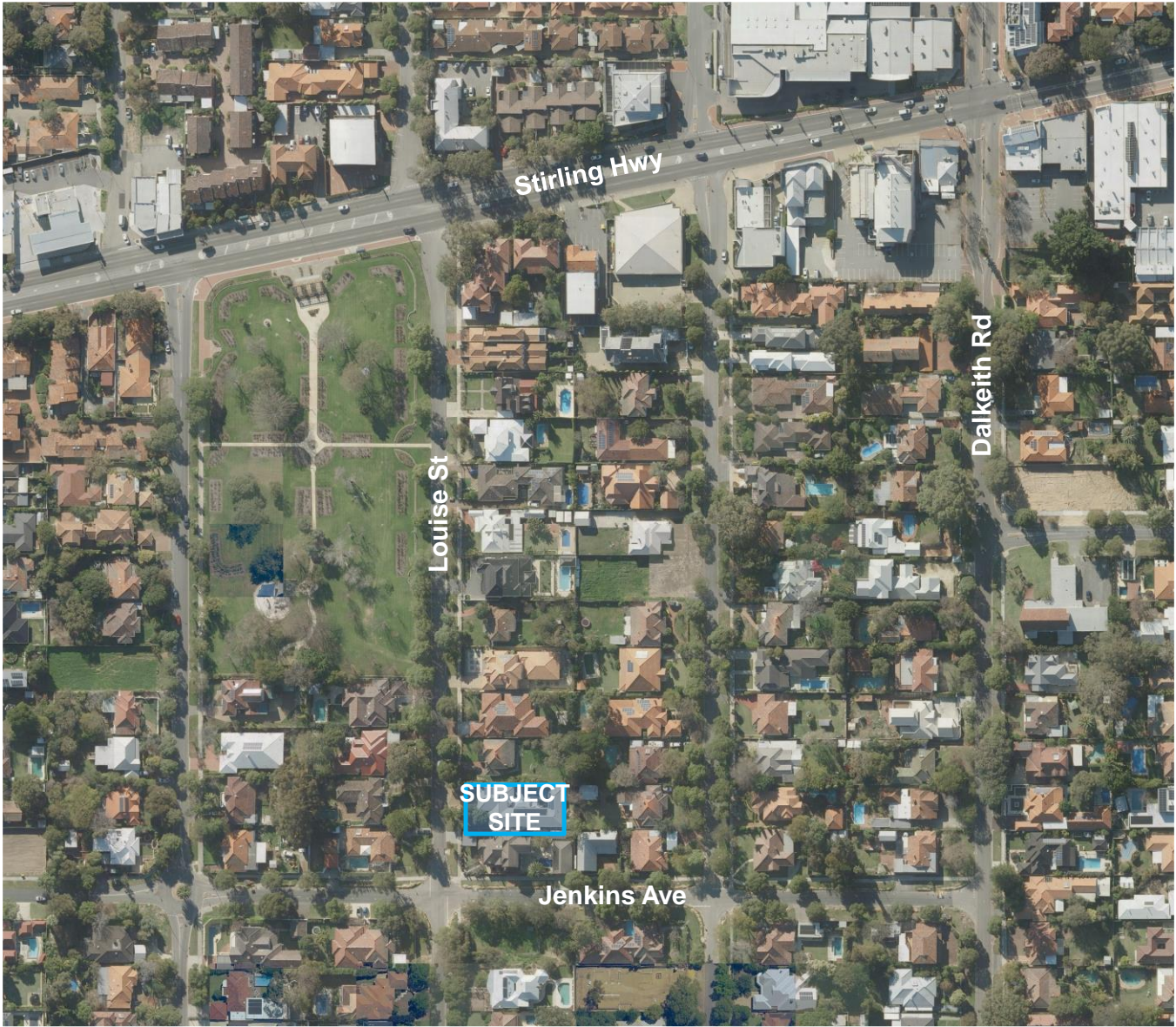


Figure 1: Subject site



Figure 2: Existing site

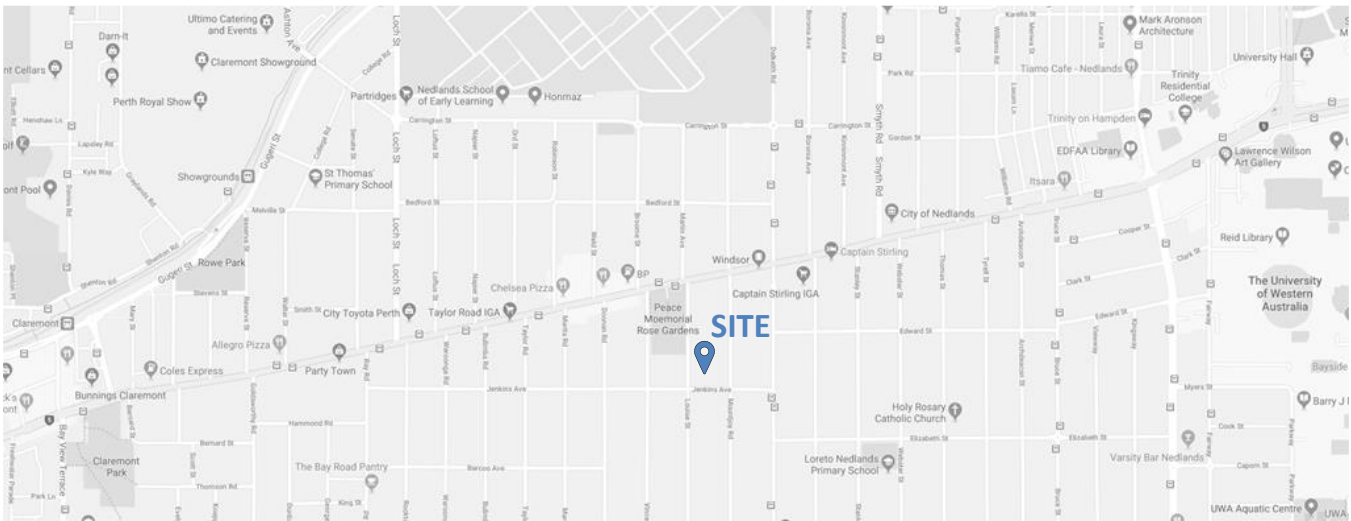


Figure 3: Surrounding context plan

2. Scope of work

The WAPC *Transport Assessment Guidelines 2016* identifies the proposed development as being “Low Impact”, with no Transport information normally required (Figure 4). However, a Transport Impact Statement (TIS) has been prepared to support a robust Development Application and to assist the City with demonstration of low traffic impact.

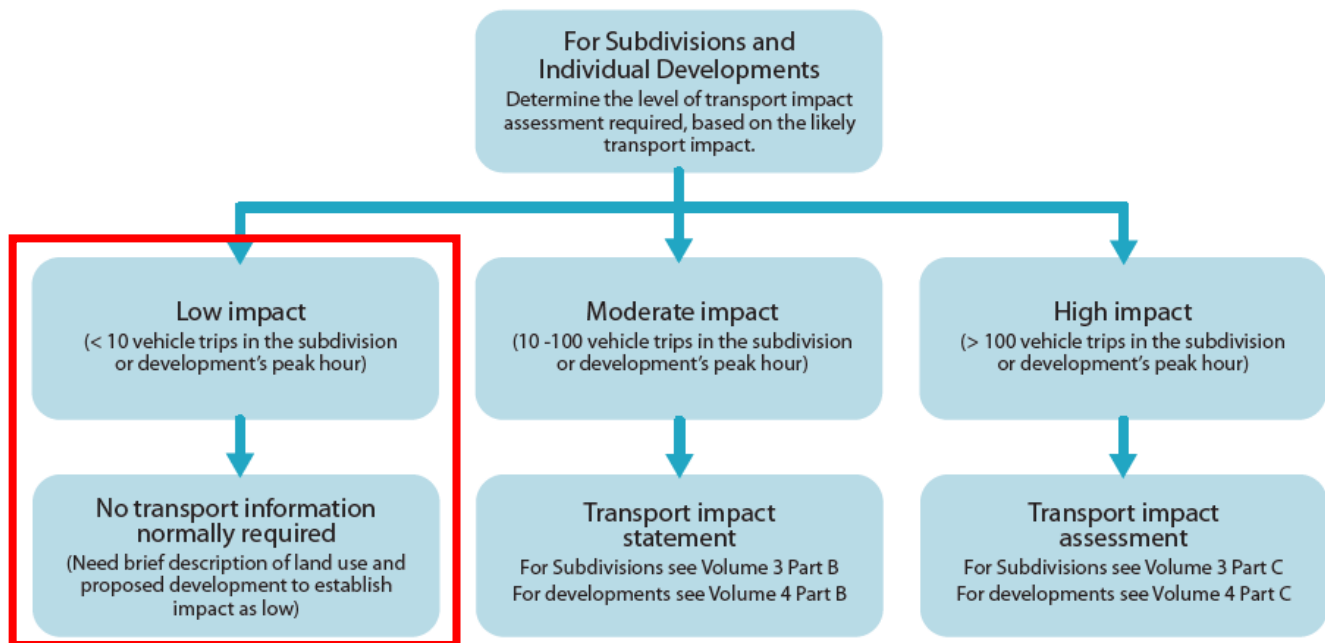


Figure 4: WAPC Transport Assessment Guidelines – reporting requirements

3. Proposed development

The proposal for the subject site is for a grouped-dwelling residential development, comprising:

- A total of 5 residential dwellings;
- ground level car parking with enclosed, double garages for each dwelling;
- one visitor parking bay at the front of the site; and,
- landscaping and other improvements.

Vehicle access to the site is proposed via a single crossover on Louise Street. **Bins will be wheeled out for kerbside waste collection from Louise Street.**

Pedestrians and cyclists will access the development from the external path network abutting the site.

The proposed development plans are included for reference in Appendix A.

4. Vehicle access and parking

Vehicle access

The proposed vehicular access arrangements have been reviewed for efficient and safe traffic circulation.

Existing vehicular access to the site is via a single crossover near the northern boundary which is pictured in Figure 5. The existing driveway is wide to serve a three-car garage, and therefore removes greenery from a significant area of the abutting verge on Louise Street.



Figure 5: Existing vehicle access

The existing access crossover cuts the footpath. Crossovers are defined to be 'Road-Related Areas' under the *Road Traffic Code 2000*. Pedestrians and cyclists in these areas have priority over vehicles. For this reason, it is generally recommended that pedestrian infrastructure be provided in a continuous manner across all residential crossovers / driveways, maintaining path crossfall and material in preference to the crossover construction (Figure 6).



Figure 6: Footpath continuation over residential crossovers

Source: WALGA *Guidelines and Specifications for Residential Crossovers* 2017

Note: 500mm is the minimum offset from kerb. This off-set can be greater

As detailed in the proposed development plans and in Figure 7, vehicle access to the site is proposed via one crossover at the southern end of the site.



Figure 7: Proposed vehicle access

The proposed development crossover is 3.0m in width within the verge and widens to over 6m in width within the site. 1.5m kerb 'wings' or turnouts are provided to assist with vehicle entry and exit via Louise Street. The proposed crossover is setback 0.5m from the adjacent property boundary.

Crossover width

The technical standards or guidelines referenced in assessing the crossover and driveway width include:

- AS2890.1-2004 - Off-street Car Parking Facilities;
- WALGA *Guidelines and Specifications for Residential Crossovers* 2017;
- State Planning Policy 7.3 Residential Design Codes (R-Codes) Volume 1; and,
- State Planning Policy 7.3 R-Codes Volume 2 – Apartments.

The R-Codes (Vol 1) provides the following guidance on the width and location of driveways:

C5.2 Driveways to primary or secondary street provided as follows:

- *driveways serving four dwellings or less not narrower than 3m at the street boundary;*
- *no driveway wider than 6m at the street boundary and driveways in aggregate no greater than 9m for any one property.*

C5.3 Driveways shall be:

- *no closer than 0.5m from a side lot boundary or street pole;*
- *no closer than 6m to a street corner as required under AS2890.1 Parking Facilities: Off street Parking (as amended);*
- *aligned at right angles to the street alignment;*
- *located so as to avoid street trees, or, where this is unavoidable, the street trees replaced at the applicant's expense or re-planting arrangements to be approved by the decision-maker; and*
- *adequately paved and drained.*

The R-Codes (Vol 2) provides the following guidance on the width and location of driveways:

- *O 3.8.1 Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles;*
- *O 3.8.2 Vehicle access points are designed and located to reduce visual impact on the streetscape;*
- *A 3.8.5 Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements; and,*
- *DG 3.8.1 – keeping the width to a minimum and avoiding vehicle standing areas within the street setback.*

In summary, the R-Codes generally encourage keeping the width of residential driveways to a minimum, to reduce visual impact and conflicts with pedestrians and cyclists. The absolute minimum driveway width permitted at the street boundary is 3m and the maximum is 6m.

AS2890.1 classifies the proposed development driveway as *Category 1*. A *Category 1* access driveway can be a minimum of 3m in width and a maximum of 5.5m in width, as demonstrated in Appendix B. Furthermore, Clause 3.2.2 of AS2890.1 provides the following advice regarding the width requirements at low volume (*Category 1*) access driveways and connecting roadways:

“Where the circulation roadway leading from a Category 1 access driveway is 30m or longer, or sight distance from one end to the other is restricted, and the frontage road is an arterial or sub-arterial road, both the access driveway and the circulation roadway for at least the first 6m from the property boundary shall be a minimum of 5.5m wide. In other cases, subject to consideration of traffic volumes on a case by case basis, lesser widths, down to a minimum of 3.0m at a domestic property, may be provided. As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision of two vehicles to pass on the driveway.... On long driveways, passing opportunities should be provided at least every 30m.”

The proposed development crossover and driveway is less than 10m in length before a passing opportunity is provided within the site. The proposed development will generate traffic which is well below the 30vph threshold quoted in AS2890.1 for two-way traffic flow.

Based on the above guidance from the R-Codes and AS2890.1, it is considered that the proposed development driveway width of 3m is satisfactory for five residential dwellings.



Parking supply and demand

Reference was made to *State Planning Policy 7.3 Residential Design Codes Volume 1* for appropriate rates of car parking provision. Based on the parking ratios in Table 1, the subject site is within 250m of a high-frequency bus stop and requires the following residential parking:

- 5 car bays for residents; and,
- 1 car bay for visitors.

The proposed development provides 10 garaged car bays for residents and one visitor bay at the front of the site. Sufficient car parking is provided for the development.

Table 1: SPP 7.3 R-Codes: Parking ratios

Deemed-to-comply		
<i>Development satisfies the following deemed-to-comply requirements (C)</i>		
C3.1 The following minimum number of on-site car parking spaces is to be provided for each single house, grouped dwelling and special purpose dwelling comprising the following number of bedrooms:		
Type of dwelling	Car parking spaces	
	Location A	Location B
1 bedroom dwelling	1	1
2 + bedroom dwelling	1	2
Aged persons' dwelling	1	1
Ancillary dwelling	nil	1
A = within: <ul style="list-style-type: none"> • 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or • 250m of a high frequency bus route, measured in a straight line from along any part of the bus route to any part of a lot. 		
B = not within the distances outlined in A above.		
C3.2 On-site visitors car parking spaces for grouped and multiple dwelling developments provided at a rate of one space for each four dwellings , or part thereof in excess of four dwellings, served by a common access.		

5. Provision for service vehicles

The proposed development is mainly residential in nature and will not generate significant delivery and other service vehicle traffic. Bins will be wheeled out to Louise Street for kerbside waste collection on designated days.

6. Hours of operation

For most residential developments, the peak traffic hours typically coincide with the weekday AM and PM peak hours on the surrounding road network.

As detailed in Figure 8, the weekday AM peak hour for the adjacent road network occurs between 8am to 9am and the weekday PM peak hour occurs between 3pm to 4pm. The peak hours for the proposed development are anticipated to coincide at around these times.

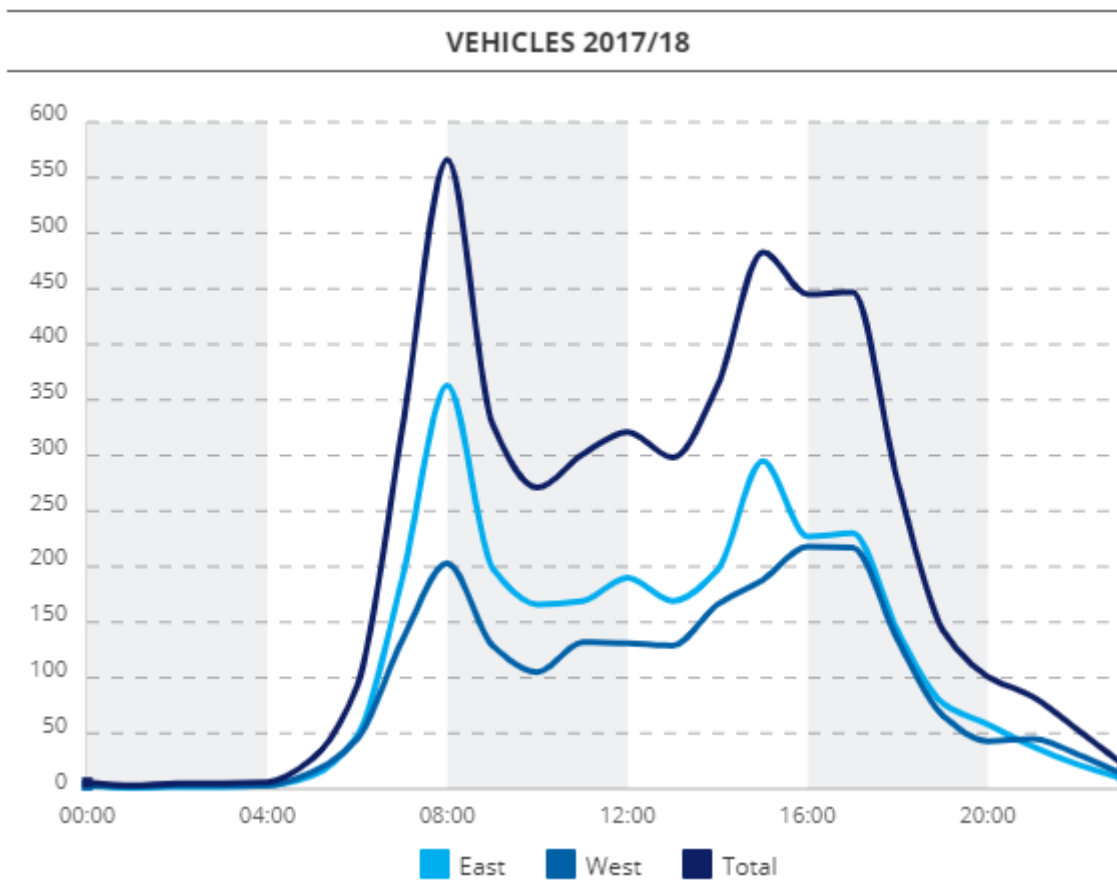


Figure 8: Hourly traffic flow profile on typical weekdays near the subject site¹

¹ Source: MRWA traffic profile for Princess Road – 2017/18

7. Daily traffic volumes and vehicle types

Existing traffic flows

A traffic turning count survey was undertaken at the intersection of Stirling Hwy and Louise Street on Thursday 15 October 2020, between the hours of 8am to 9am and 3pm to 4pm.

The existing traffic flows past the subject site are presented in Figure 9. These are conservative traffic flows as the distribution assumes that all traffic entering or exiting to and from Stirling Highway travels past the subject site. Additionally, no site traffic was assumed for the existing situation.

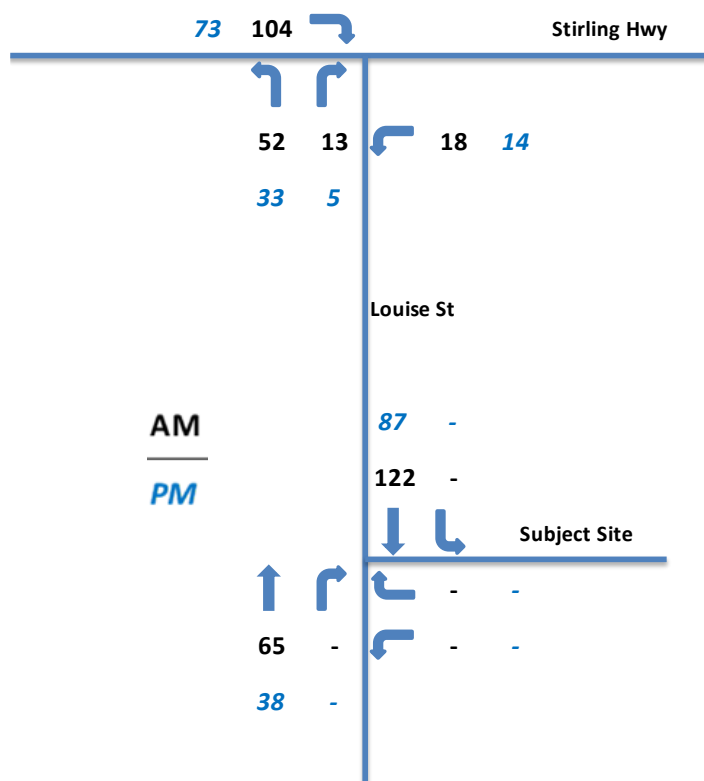


Figure 9: Estimated existing traffic flows – Weekday AM and PM peak hour

Traffic generation

The traffic volume that will be generated by the proposed development has been estimated using trip generation rates derived with reference to the following sources:

- Roads and Traffic Authority of New South Wales *Guide to Traffic Generating Developments (2002)*; and
- RTA TDT 2013/ 04a.

The trip generation rates adopted are detailed in Table 2.

Table 2: Adopted trip rates for traffic generation

Land use	Trip rate source	Daily rate	AM rate	PM rate	AM-in	AM-out	PM-in	PM-out
Residential	RTA NSW - Medium density residential building	5	0.5	0.5	25%	75%	65%	35%

The estimated traffic generation of the proposed development is detailed in Table 3. The proposed development is estimated to generate a total of 25 vehicles per day (vpd), with 3 vehicles per hour (vph) generated during the AM and PM peak hours respectively.

These trips include both inbound and outbound vehicle movements. It is anticipated that most of the vehicle types would be passenger cars and SUVs.

Table 3: Traffic generation – Weekday AM and PM peak hour

Land use	Quantity	Daily Trips	AM Trips	PM Trips	AM Peak Trips		PM Peak Trips	
					IN	OUT	IN	OUT
Residential	5	25	3	3	1	2	2	1

Trip distribution and assignment

The distribution of development traffic has been modelled in consideration of the existing peak hour directional traffic flows on adjacent roads, review of catchments and potential traffic routes. The total post-development traffic volumes are detailed in Figure 10.

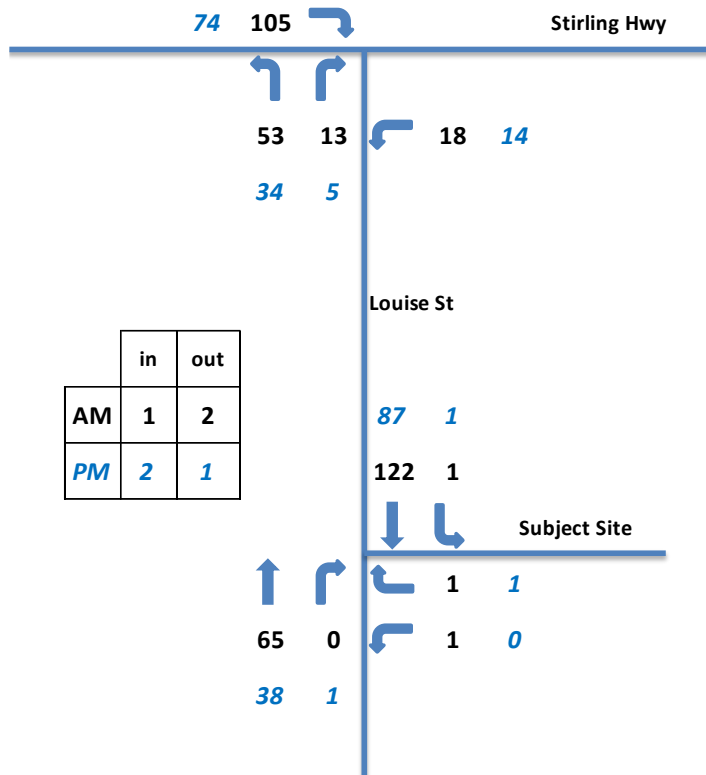


Figure 10: Post development traffic – Weekday AM and PM peak hour

Impact on surrounding roads

The WAPC Transport Impact Assessment Guidelines for Developments (2016) provides the following guidance on the assessment of traffic impacts:

“As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 percent may. All sections of road with an increase greater than 10 percent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity. Therefore, any section of road where development traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis.”

The proposed development will not increase traffic flows on any roads adjacent to the site by the quoted WAPC threshold of +100vph to warrant further analysis. Therefore, the impact on the surrounding road network is minor.

8. Traffic management on the frontage roads

Information from online mapping services, Main Roads WA, Local Government, and/or site visits was collected to assess the existing traffic management on frontage roads.

Louise Street

Louise Street near the subject site is an approximately 6m wide, two-lane undivided road. A footpath is provided on the eastern side of the road.

Louise Street is classified as an Access road in the Main Roads WA road hierarchy (Figure 13) and operates under a built up area speed limit of 50km/h (Figure 14). Access roads are the responsibility of Local Government and are typically for the provision of vehicle access to abutting properties. (Figure 15). Traffic surveys in October 2020 indicate that Louise Street carried 189 vph and 127 vph in the AM and PM peak hours, respectively. Assuming that peak hour traffic is 10% of daily traffic, it is estimated that Louise Street carries under 2,000 vehicles per day (vpd).

Louise Street forms a Give Way controlled T-intersection with Stirling Hwy to the north and forms a 4-way intersection with Jenkins Avenue to the south. Pedestrian crossings with kerb ramps are provided at these intersections.

Streetview imagery of Louise Street is shown in Figures 11 & 12.



Figure 11: Louise Street looking north



Figure 12: Louise Street looking south

A three-hour (3P) parking time restriction applies on the eastern side of Louise Street between 8am to 5pm, MON-FRI. No parking is permitted on the western side of the road during the same time periods. Yellow no standing line marking is employed near intersections.

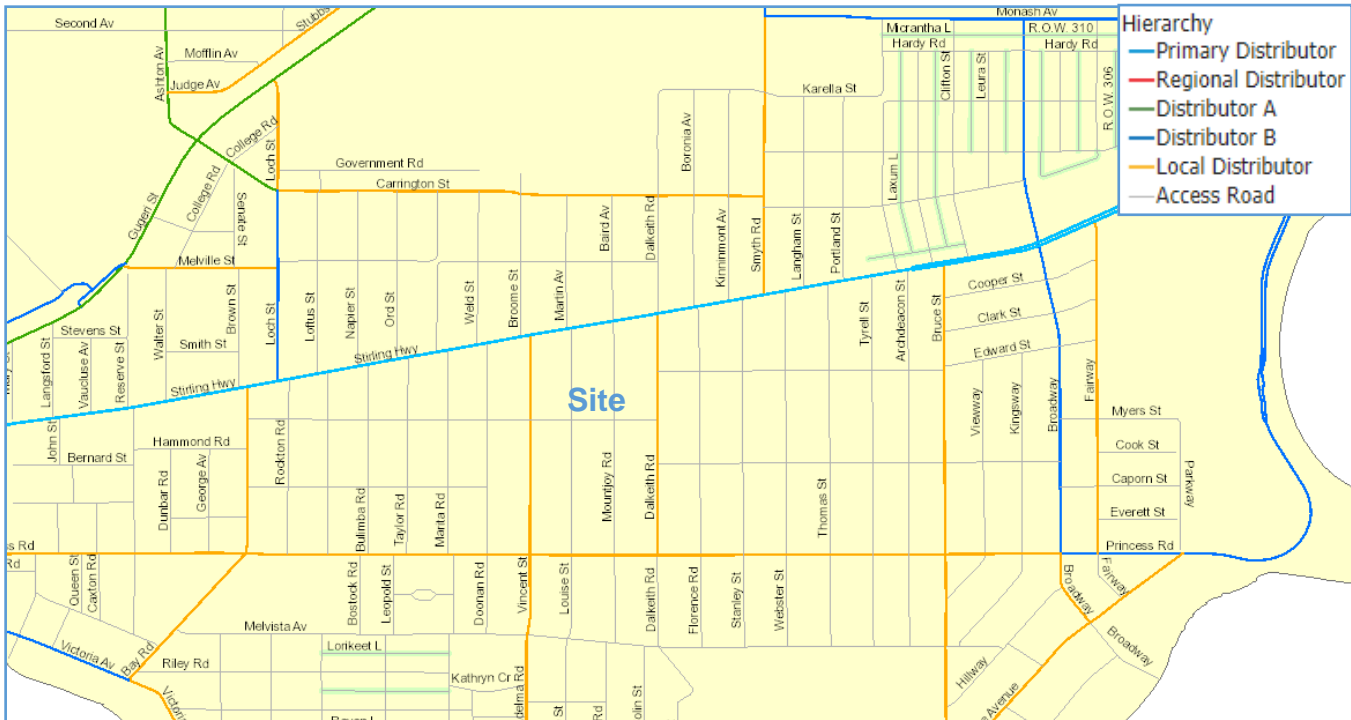


Figure 13: Main Roads WA road hierarchy plan

Source: Main Roads WA Road Information Mapping System (RIM)

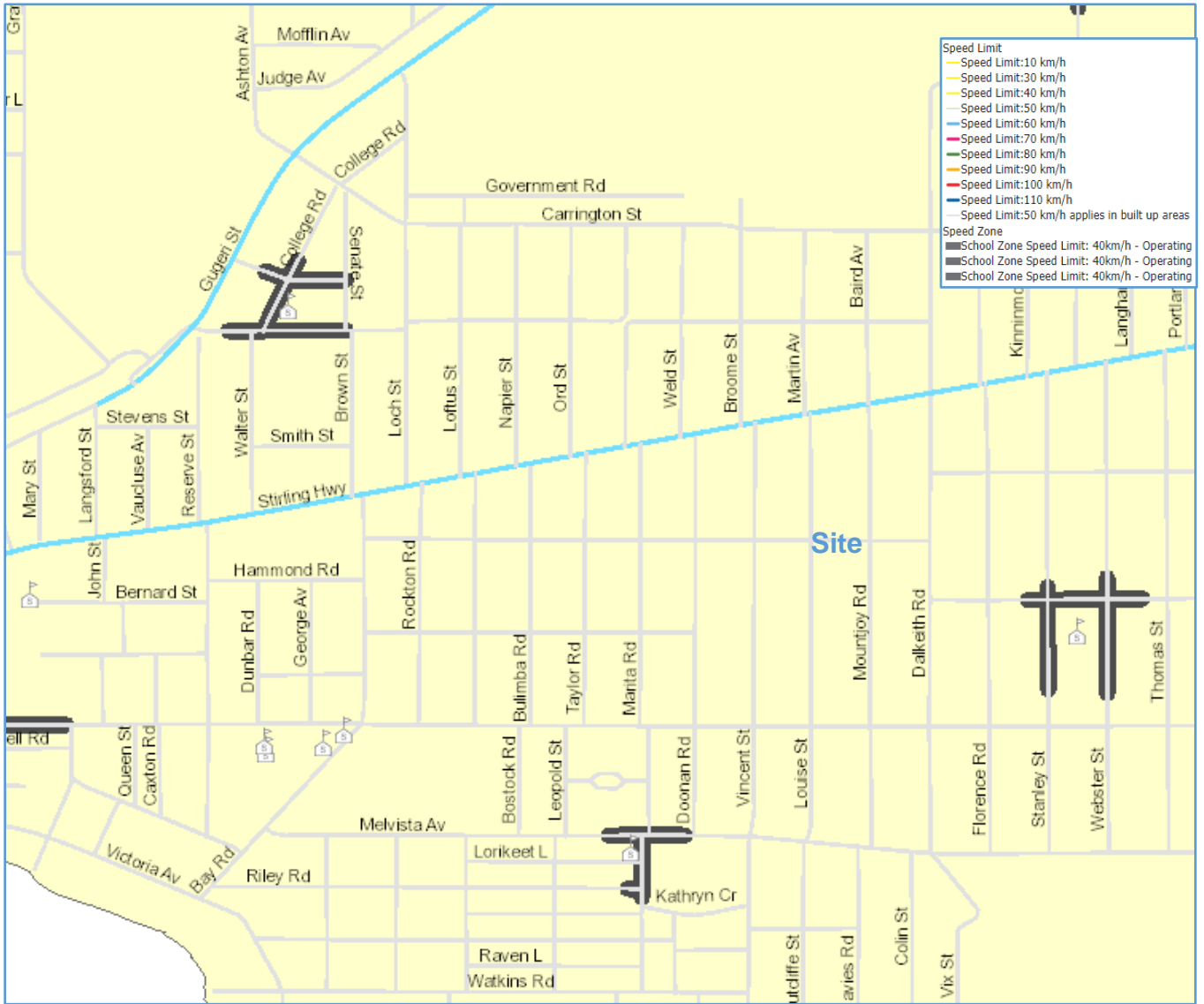


Figure 14: Main Roads WA road speed zoning plan

Source: Main Roads WA Road Information Mapping System (RIM)

ROAD HIERARCHY FOR WESTERN AUSTRALIA
ROAD TYPES AND CRITERIA (see Note 1)

CRITERIA	PRIMARY DISTRIBUTOR (PD) (see Note 2)	DISTRICT DISTRIBUTOR A (DA)	DISTRICT DISTRIBUTOR B (DB)	REGIONAL DISTRIBUTOR (RD)	LOCAL DISTRIBUTOR (LD)	ACCESS ROAD (A)
<i>Primary Criteria</i>						
1. Location (see Note 3)	All of WA incl. BUA	Only Built Up Area.	Only Built Up Area.	Only Non Built Up Area. (see Note 4)	All of WA incl. BUA	All of WA incl. BUA
2. Responsibility	Main Roads Western Australia.	Local Government.	Local Government.	Local Government.	Local Government.	Local Government.
3. Degree of Connectivity	High. Connects to other Primary and Distributor roads.	High. Connects to Primary and/or other Distributor roads.	High. Connects to Primary and/or other Distributor roads.	High. Connects to Primary and/or other Distributor roads.	Medium. Minor Network Role Connects to Distributors and Access Roads.	Low. Provides mainly for property access.
4. Predominant Purpose	Movement of inter regional and/or cross town/city traffic, e.g. freeways, highways and main roads.	High capacity traffic movements between industrial, commercial and residential areas.	Reduced capacity but high traffic volumes travelling between industrial, commercial and residential areas.	Roads linking significant destinations and designed for efficient movement of people and goods between and within regions.	Movement of traffic within local areas and connect access roads to higher order Distributors.	Provision of vehicle access to abutting properties
<i>Secondary Criteria</i>						
5. Indicative Traffic Volume (AADT)	In accordance with Classification Assessment Guidelines.	Above 8 000 vpd	Above 6 000 vpd.	Greater than 100 vpd	Built Up Area - Maximum desirable volume 6 000 vpd. Non Built Up Area - up to 100 vpd.	Built Up Area - Maximum desirable volume 3 000 vpd. Non Built Up Area - up to 75 vpd.
6. Recommended Operating Speed	60 – 110 km/h (depending on design characteristics).	60 – 80 km/h.	60 – 70 km/h.	50 – 110 km/h (depending on design characteristics).	Built Up Area 50 - 60 km/h (desired speed) Non Built Up Area 60 – 110 km/h (depending on design characteristics).	Built Up Area 50 km/h (desired speed). Non Built Up Area 50 – 110 km/h (depending on design characteristics).
7. Heavy Vehicles permitted	Yes.	Yes.	Yes.	Yes.	Yes, but preferably only to service properties.	Only to service properties.
8. Intersection treatments	Controlled with appropriate measures e.g. high speed traffic management, signing, line marking, grade separation.	Controlled with appropriate measures e.g. traffic signals.	Controlled with appropriate Local Area Traffic Management.	Controlled with measures such as signing and line marking of intersections.	Controlled with minor Local Area Traffic Management or measures such as signing.	Self controlling with minor measures.
9. Frontage Access	None on Controlled Access Roads. On other routes, preferably none, but limited access is acceptable to service individual properties.	Prefer not to have residential access. Limited commercial access, generally via service roads.	Residential and commercial access due to its historic status. Prefer to limit when and where possible.	Prefer not to have property access. Limited commercial access, generally via lesser roads.	Yes, for property and commercial access due to its historic status. Prefer to limit whenever possible. Side entry is preferred.	Yes.
10. Pedestrians	Preferably none. Crossing should be controlled where possible.	With positive measures for control and safety e.g. pedestrian signals.	With appropriate measures for control and safety e.g. median/islands refuges.	Measures for control and safety such as careful siting of school bus stops and rest areas.	Yes, with minor safety measures where necessary.	Yes.
11. Buses	Yes.	Yes.	Yes.	Yes.	Yes.	If necessary (see Note 5)
12. On-Road Parking	No (emergency parking on shoulders only).	Generally no. Clearways where necessary.	Not preferred. Clearways where necessary.	No – emergency parking on shoulders – encourage parking in off road rest areas where possible.	Built Up Area – yes, where sufficient width and sight distance allow safe passing. Non Built Up Area – no. Emergency parking on shoulders.	Yes, where sufficient width and sight distance allow safe passing.
13. Signs & Linemarking	Centrelines, speed signs, guide and service signs to highway standard.	Centrelines, speed signs, guide and service signs.	Centrelines, speed signs, guide and service signs.	Centrelines, speed signs and guide signs.	Speed and guide signs.	Urban areas – generally not applicable. Rural areas - Guide signs.
14. Rest Areas/Parking Bays	In accordance with Main Roads' Roadside Stopping Places Policy.	Not Applicable.	Not Applicable.	Parking Bays/Rest Areas. Desired at 60km spacing.	Not Applicable.	Not Applicable.

Figure 15: Road types and criteria for Western Australia

Source: Main Roads Western Australia D10#10992



Midblock road capacity

The post development midblock capacity of the frontage roads was assessed against the thresholds in Table 4.

Level of Service (LOS) (A) represents a free flow condition where drivers can choose their preferred speed and are not affected by other vehicles. LOS (F), on the other hand, represents a congested traffic situation where drivers have no choice of speed and are frequently forced to stop. Anything above the LOS (E) is LOS (F) which is the point of forced traffic flows where congestion occurs.

All frontage roads are expected to operate under conditions below their maximum midblock operating capacity at a good level of service A in the post development situation.

Table 4: Upper limits of daily traffic volumes per lane for each level of service

Road type	Upper limits of daily traffic volumes per lane for level of service				
	A	B	C	D	E
2-lane undivided road	5 100	5 950	6 800	7 650	8 500
2-lane divided road	5 700	6 650	7 600	8 550	9 500
4-lane undivided road	5 250	6 125	7 000	7 875	8 750
4-lane divided road	6 600	7 700	8 800	9 900	11 000
6-lane divided road	6 600	7 700	8 800	9 900	11 000
4-lane expressway	7 800	9 100	10 400	11 700	13 000
4-lane freeway	6 000	10 000	14 000	18 000	20 000
6-lane freeway	6 000	10 000	14 000	18 000	20 000
8-lane freeway ¹	6 000	10 000	14 000	18 000	20 000

Source: Review of Major Roads in the South West Metropolitan Corridor: Traffic congestion Technical Paper, Local Impacts Committee, December 2004

9. Public transport access

Information was collected from Transperth and the Public Transport Authority to assess the existing public transport access to and from the site.

The subject site has access to the following bus services within walking distance:

- Bus Route 102: Perth - Cottesloe Stn via Claremont;
- Bus Route 103: East Perth – Fremantle Stn via Thomas St & Stirling Hwy;
- Bus Route 107: Perth - Fremantle Stn via Claremont & Mosman Park;
- Bus Route 998: Circle Route – Clockwise; and,
- Bus Route 999: Circle Route – Anti-Clockwise.

Public transport services provide a viable alternative mode of transport for residents and visitors of the proposed development. There is a bus stop located on Stirling Highway near Louise Street (Figure 16), less than 400m walk or 5 minutes from the site. Bus services provide excellent coverage and connectivity to the rail network.

The public transport network plan is shown in Figure 17.



Figure 16: High-frequency bus stops on Stirling Hwy near the site



Figure 17: Transperth public transport plan

Source: Transperth

10. Pedestrian access

Information from online mapping services, Main Roads WA, Local Government, and site visits was collected to assess the pedestrian access for the proposed development.

Walk score

The Walk Score online service was checked to measure the walkability of the site based on the distance to nearby places and pedestrian friendliness. The site achieved a walk score of 80 which means it is very walkable, with most errands accomplished on foot. The score by category for different activities is detailed in Figure 18. It is noted that the site scores favourably for categories relevant to the proposed development, such as nearby access to parks, schools and shopping.

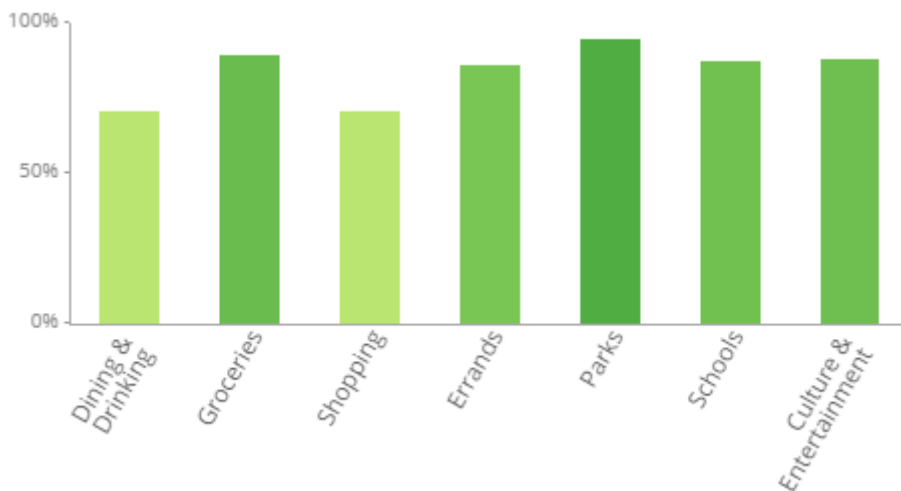


Figure 18: Subject site walk score by category

Source: www.walkscore.com – accessed 18 October 2020

Pedestrian facilities and level of service

Footpaths are provided along the eastern side of Louise Street. Pedestrian crossing facilities including kerb ramps are provided at intersections to the north and south of the site, which promotes improved access for bicycles, wheelchairs and prams.

The WAPC Transport Impact Assessment Guidelines for Developments (2016) provide warrants for installing pedestrian priority crossing facilities. This is based on the volume of traffic as the key factor determining if pedestrians can safely cross a road. The guidelines recommend pedestrian priority crossing facilities be considered once the peak hour traffic exceeds the volumes detailed in Table 5.

The traffic volumes in this table are based on a maximum delay of 45 seconds for pedestrians, equivalent to Level of Service E. Traffic volumes on the road network adjacent to the site are below the threshold for safe pedestrian crossing. Therefore, pedestrian crossing level of service is satisfactory on the adjacent road network.

Table 5: Traffic volume thresholds for pedestrian crossings

Road cross-section	Maximum traffic volumes providing safe pedestrian gap
2-lane undivided	1,100 vehicles per hour
2-lane divided (with refuge)	2,800 vehicles per hour
4-lane undivided*	700 vehicles per hour
4-lane divided (with refuge)*	1,600 vehicles per hour

It is recommended that the Louise Street footpath be continued along the site frontage and that the landscaping and other DA plans include provision of footpath infrastructure. The footpath should cut through the development driveway as shown in Figure 19.

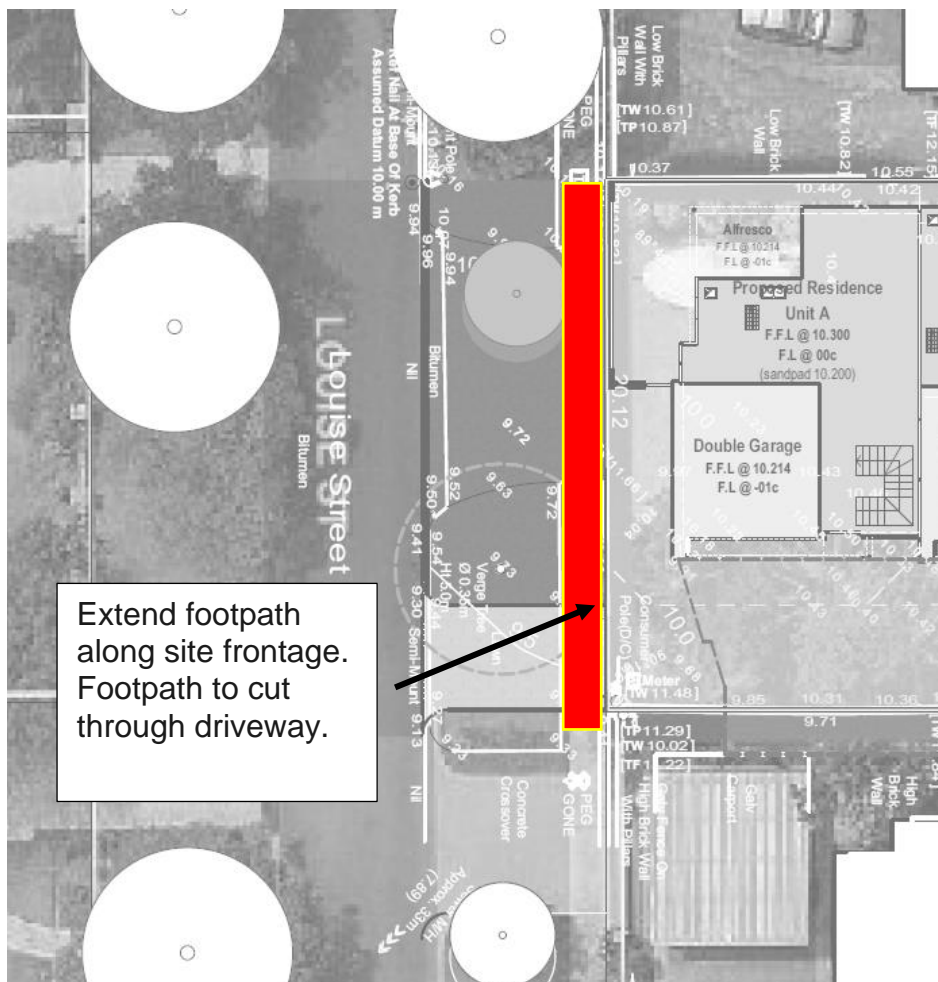


Figure 19: Recommended footpath provision

11. Bicycle access

Information from online mapping services, Department of Transport, Local Government, and/or site visits was collected to assess bicycle access for the proposed development.

Bicycle network

The Department of Transport Perth Bicycle Network Map (see Figure 20) shows the existing cyclist connectivity to the subject site. Nearby access to the railway PSP is available for cyclists travelling to and from the site. Louise Street is rated as a good road riding environment.

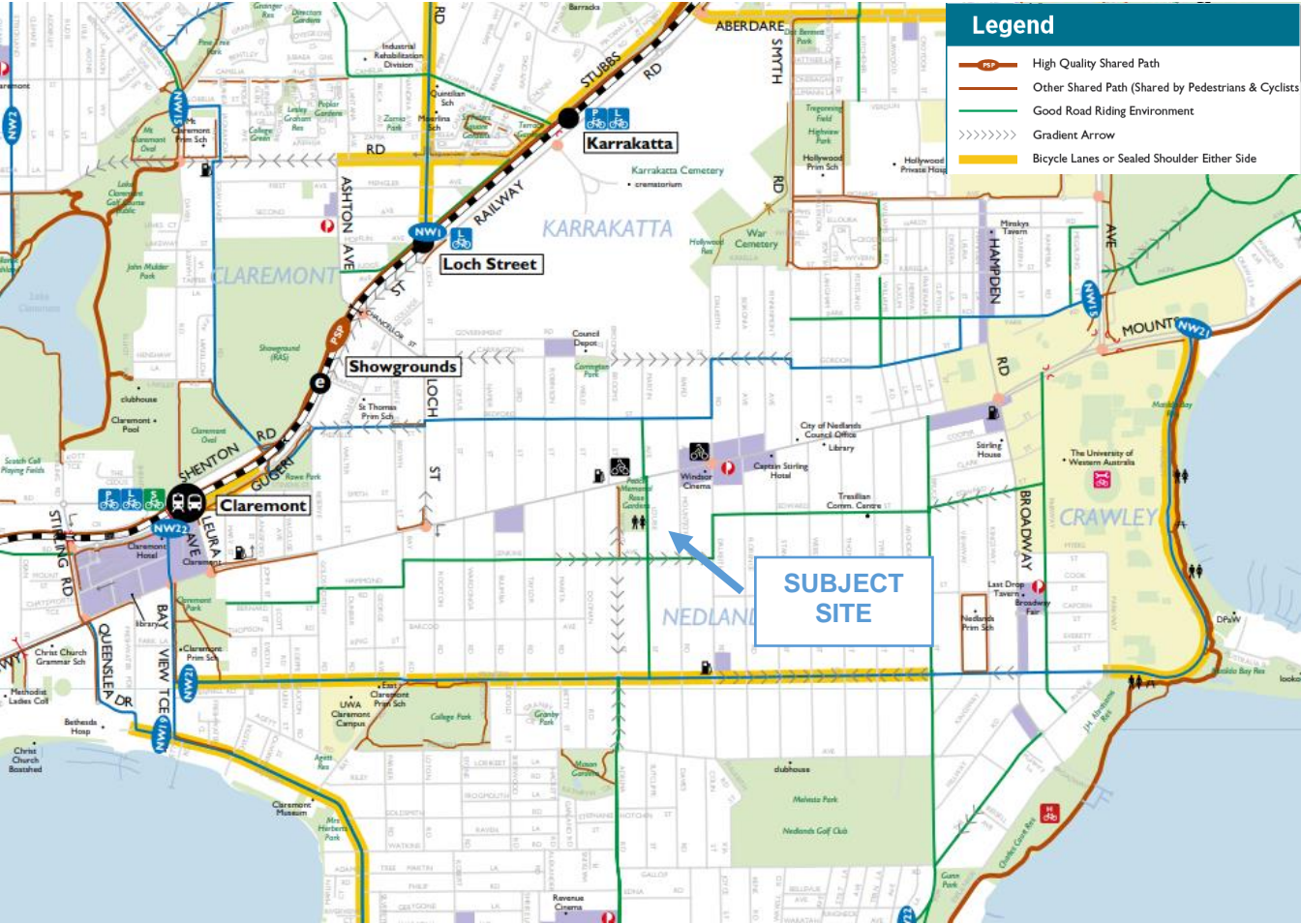


Figure 20: Perth bicycle network plan

12. Site specific issues

No additional site specific issues identified.

13. Safety issues

The five-year crash history at the intersection of Stirling Hwy / Louise St was obtained from Main Roads WA. As detailed in Figure 21, only two crashes were recorded at the intersection in the last five years. Both crashes resulted in property damage only. No safety issues are anticipated as a result of this proposed development.

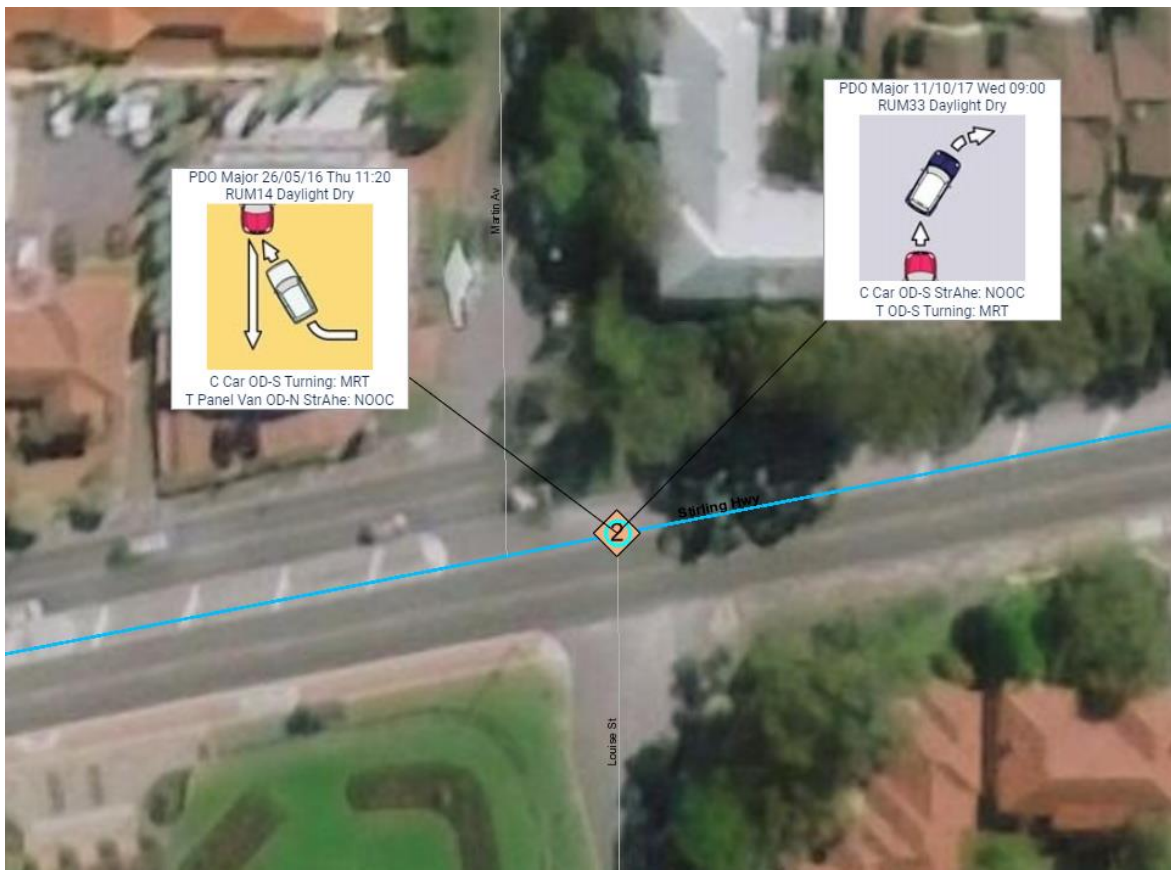


Figure 21: Intersection crash history – Stirling Hwy / Louise St

14. Conclusion

This Transport Impact Statement has been prepared by Urbii on behalf of Westlake Corporation Pty Ltd with regards to the proposed residential development, located at 26 Louise Street, Nedlands.

It is proposed to develop the site into a grouped dwelling development with five (5) residential dwellings.

The site features good connectivity with the existing road and pedestrian network. There is good public transport coverage through nearby bus services and access to the rail network.

The traffic analysis undertaken in this report shows that the traffic generation of the proposed development is minimal (less than 100vph on any lane) and as such would have insignificant impact on the surrounding road network.

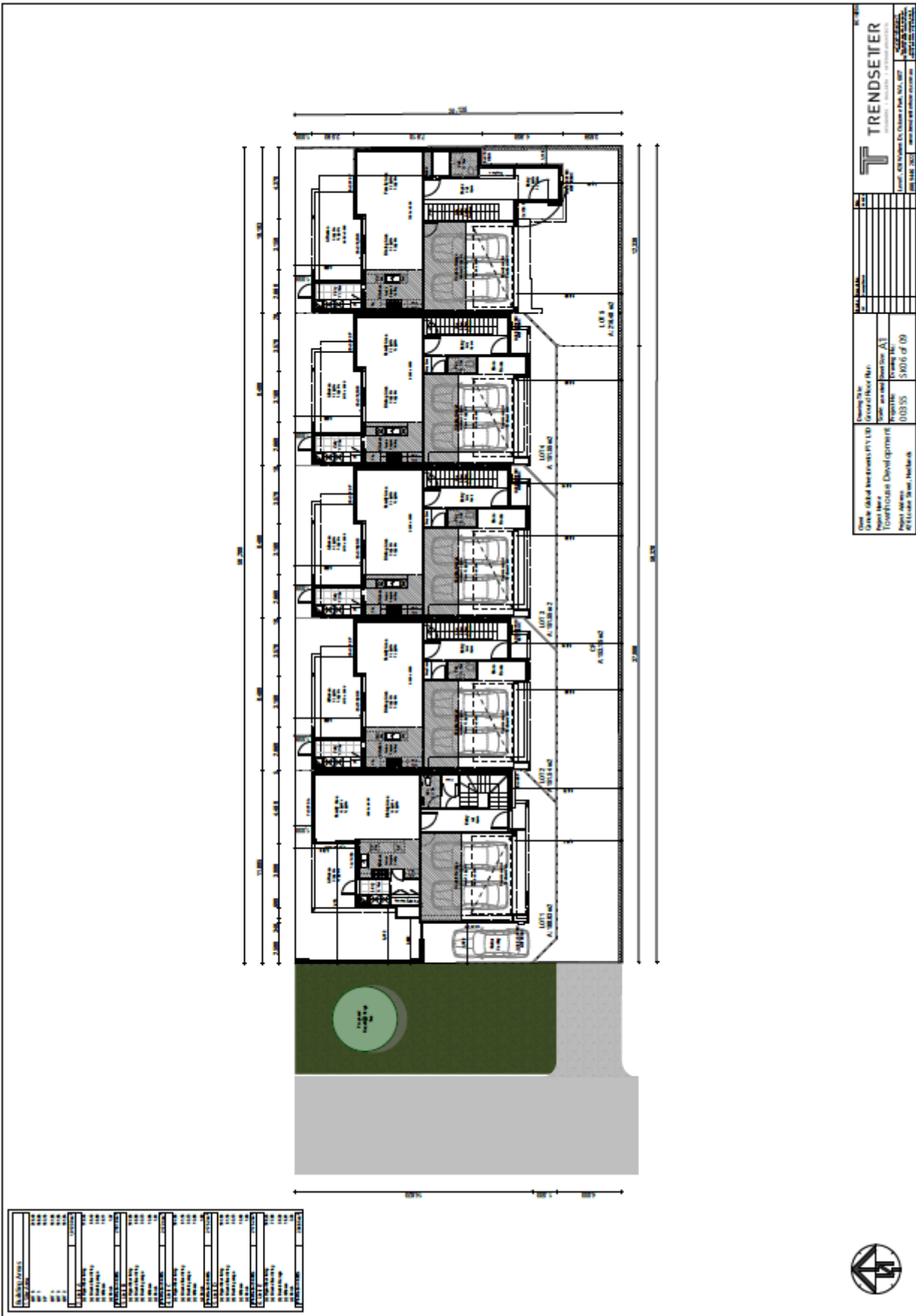
The car parking supply is satisfactory and can accommodate the car parking demand of the proposed development.

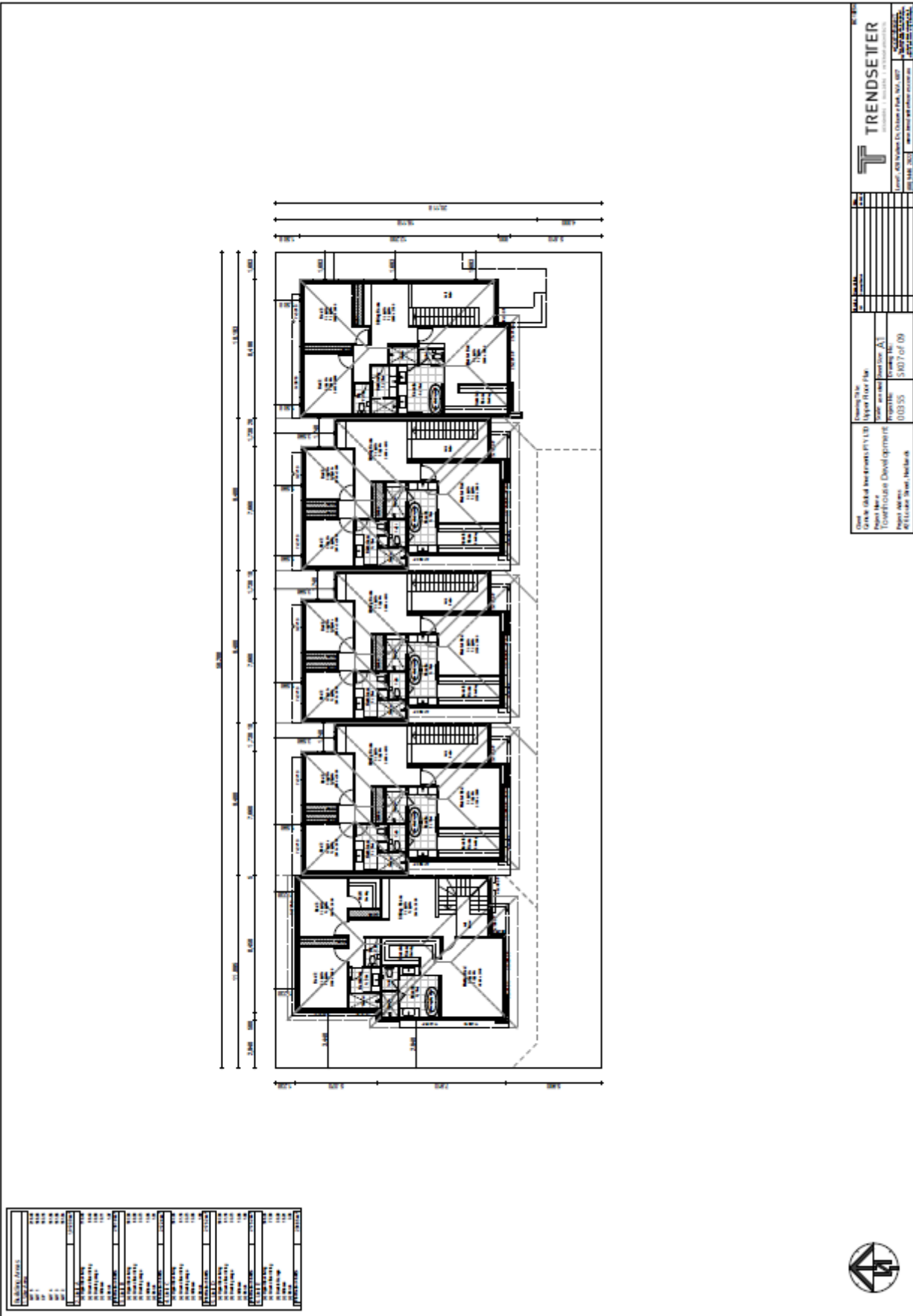
It is concluded that the findings of this Transport Impact Statement are supportive of the proposed development.

Appendices

Appendix A: Proposed development plans







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TRENDESEITER
ARCHITECTS & INTERIORS

Client: 4844 Development Pty Ltd
Project Name: Towerhouse Developments
Project Address: 47/1100 Westfield Road, Perth WA

Drawing Title: Upper floor plan
Drawing No: 1007-001
Scale: 1:100

DATE: 15/08/2020



Appendix B: Extract from AS2890.1 – Access driveway widths

TABLE 3.1
SELECTION OF ACCESS FACILITY CATEGORY

Class of parking facility (see Table 1.1)	Frontage road type	Access facility category				
		Number of parking spaces (Note 1)				
		<25	25 to 100	101 to 300	301 to 600	>600
1.1A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
2	Arterial	2	2	3	4	5
	Local	1	2	3	4	4
3.3A	Arterial	2	3	4	4	5
	Local	1	2	3	4	4

NOTES:

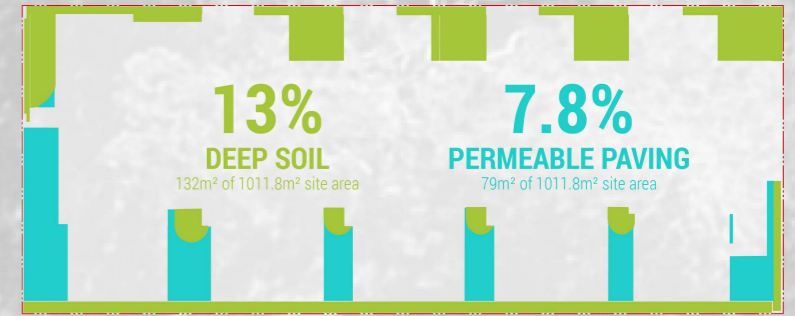
- 1 When a car park has multiple access points, each access should be designed for the number of parking spaces effectively served by that access.
- 2 This Table does not imply that certain types of development are necessarily suitable for location on any particular frontage road type. In particular, access to arterial roads should be limited as far as practicable, and in some circumstances it may be preferable to allow left-turn-only movements into and out of the access driveway.

TABLE 3.2
ACCESS DRIVEWAY WIDTHS

metres			
Category	Entry width	Exit width	Separation of driveways
1	3.0 to 5.5	(Combined) (see Note)	N/A
2	6.0 to 9.0	(Combined) (see Note)	N/A
3	6.0	4.0 to 6.0	1 to 3
4	6.0 to 8.0	6.0 to 8.0	1 to 3
5	To be provided as an intersection, not an access driveway, see Clause 3.1.1.		

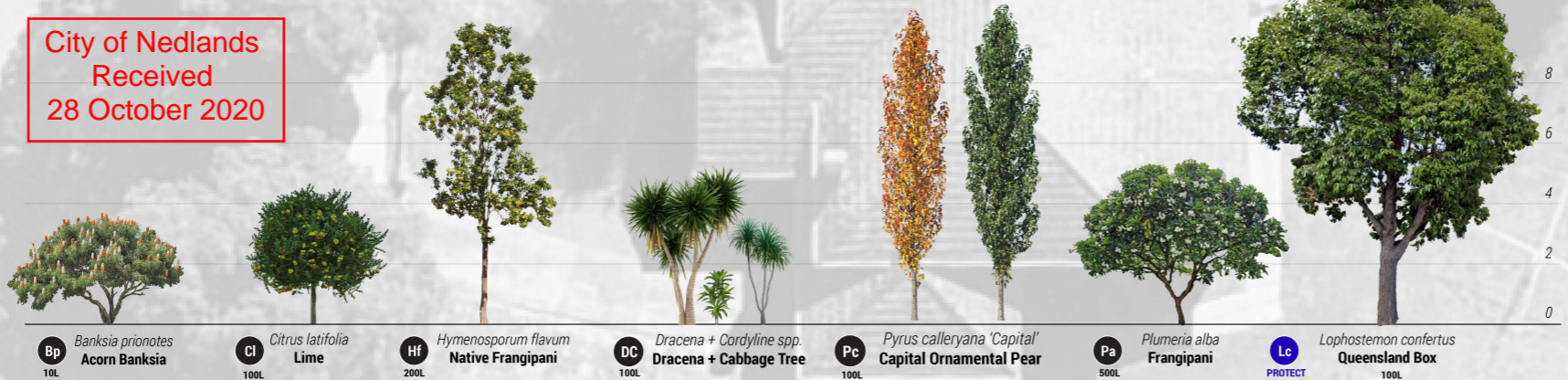
NOTE: Driveways are normally combined, but if separate, both entry and exit widths should be 3.0 m min.

DEEP SOIL COMPLIANCE | 1:500 @ A3
TARGET : 10% of 1011.8sqm site area (101sqm)



TYPICAL TREE PLANTING PALETTE

City of Nedlands
Received
28 October 2020



TYPICAL UNDERSTOREY PLANTING PALETTE

Pot Size: 130mm pots minimum
Density: 3 plants/sqm
Arrange: Groundcovers to front edge | Climbers to rear
Seeding: 7g / sqm (i.e. Dichondra seeding)



LEGEND

- TREES TO BE RETAINED**
TPZ to be fenced off during construction
- PROPOSED TREE**
refer schedule for selections & sizes
- TREE TO BE REMOVED**
stumps to be removed
- TRAFFICABLE PAVEMENT**
reinforced exposed aggregate concrete
- DECORATIVE CONCRETE PAVING**
exposed aggregate concrete
- CONSOLIDATED FINES GRAVEL**
5% cement stabilised | steel edge
- MASS PLANTING**
75mm mulch | 3 plants per sqm | 130mm pots
- GRANITE COBBLES (SAWN TOP FACE)**
dichondra seeding to joints | permeable
- PLANTING LABELS**
trees as shown at nominated pot sizes

IRRIGATION RATIONALE

- DRIP IRRIGATION THROUGHOUT**
in-line drip system | subsurface
- BUBBLERS TO TREES**
1 - 3 bubblers per tree dependent on size
- NO OVERHEAD SPRAY SPRINKLERS**
minimise water use, overspray & evaporation
- HYDROZONING**
designed with water demand calibrated stations
- SOIL MOISTURE SENSORS**
smart system to respond to soil moisture levels
- RAIN SENSORS**
smart system to respond to prevailing weather
- PASSIVE IRRIGATION**
direct storm water to gardens before drains

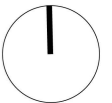
LANDSCAPE DESIGN RATIONALE

The landscape design for 26 Louise Street, Nedlands will consist of plants and materials sourced locally. The planting design makes reference to the suburban character of Nedlands augmented with hardy local vegetation selections and low-maintenance succulents to create a flowering and scented, native garden setting to the townhouse complex. In addition to various technical responses to access and sustainable irrigation, extensive tree planting is proposed to reinforce a verdant and gardensque streetscape presentation (see render above) to the benefit of visitors, neighbours and residents alike.

Initial site investigations reveal a simple post-war era garden predominated by turf and exotic trees with one Queensland Box (*Lophostemon confertus*) nominated for protection on the street verge. Existing tree canopy on the site is characterised by Golden Pencil Pines (*Cupressus romanzoffiana*) to the eastern boundary and multiple large Cocos Palms (*Syagrus romanzoffiana*) to the western boundary and rear garden. These species are not considered to possess shade, habitat or amenity value and as such no trees are being retained within site boundary, however the neighbouring Norfolk Pine (*Araucaria heterophylla*) to the North-east and

Coral Tree (*Erythrina indica*) to the south do provide a green backdrop and these will also be protected in accordance with AS4970 Protection of Trees on Development Sites. Additional tree planting to the frontage, sides and rear boundary will further reinforce vegetative shade and canopy around the new townhouses. Twenty four (25) new tree plantings consisting of elegant small flowering Australian and ornamental trees, strategically arranged to maximise outdoor comfort whilst minimising maintenance. Extensive semi-advanced, tree planting (in 200L pot sizes) to the frontage will help to soften the built-form and provide filtered views to the street to maintain positive passive surveillance and an amenable community interface that is in keeping with the character of the streetscape.

The understorey plantings around the new buildings will incorporate part-sun and shade tolerant native plants that reference the local natural landscape character. Planting mixes are combined to minimise irrigation demands and create verdant outlooks to and from the site. Deep soil targets are compliant with DesignWA targets and will support the establishment of canopy around this development.



Planning and Development (Local Planning Schemes) Regulations 2015 Assessment

Provision	Assessment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	Refer to Section 6.2.1 below for an assessment against of clause 9 of LPS 3 – Aims of Scheme.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The development proposal has achieved all deemed to comply and relevant design principles of the R-Codes and is consistent with the development expectations of Residential R60.
(c) any approved State planning policy;	The development proposal is assessed against State Planning Policy 7.0 – Design of the Built Environment, State Planning Policy 7.2 – Precinct Design and State Planning Policy 7.3 – Residential Design Codes (Volume 1), with a detailed assessment provided for each policy under Section 6.3 of this report. In summary, the development is considered to meet each principle.
(g) any local planning policy for the Scheme Area	The proposal is considered to meet the objectives of the City's policies including the City of Nedlands Residential Development and Waste Management.
(m) the compatibility of the development with its setting including- (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	<p>The Zoning Table in the City of Nedlands Local Planning Scheme No. 3 classifies all residential development as a 'P' use in the 'Residential' zone. The suitability of the land use is not therefore in question.</p> <p>The development itself is generally consistent with and meets either the deemed to comply or design principles for building height, street setback and side and rear setbacks of the R-Codes and is consistent with the expected built form of the medium density code of R60.</p>
(n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	<p>(i) The applicant has submitted a Landscaping Plan with the application, with a wide variety of small to medium trees, shrubs and other forms of landscaping which forms part of the determination of the application.</p> <p>(ii) The City considers that the proposed two storey grouped dwellings are consistent with the local character of this locality. There are a number of existing single or two storey grouped dwellings and</p>

	<p>multiple dwellings and several development approvals for larger, more intense residential developments within the Peace Memorial Rose Garden area. The character of this locality is changing, and the development is entirely consistent with that emerging character.</p> <p>(iii) The development is seen to contribute to a sense of place, with its location situated amongst various other single houses which are single storey and two storeys in appearance from the streetscape. The provision of an additional dwelling typology of a Grouped Dwelling and an increased density will contribute to increased vibrancy of the local area.</p>
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved.</p>	<p>The Landscaping Plan proposes a total of 28 trees, with 5 trees proposed within the verge. These trees include varieties such as Acorn Banksia, Lime, Native Frangipani, Dracena & Cabbage Trees, Ornamental Pear (Capital) Frangipani, and Queensland Box trees. The proposed landscaping plan is considered to enhance and maintain the established streetscape which recognises the significance of Nedlands' leafy-green character.</p>
<p>(s) the adequacy of (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading</p>	<p>The access and egress to the site is considered to be appropriate for scale and nature of development.</p> <p>The application proposes one consolidated communal driveway along the southern lot boundary to service each of the five lots and is designed to meet the Australian Standards.</p>
<p>(u) the availability and adequacy for the development of the following-</p> <ol style="list-style-type: none"> i. public transport services; ii. public utility services; iii. storage, management and collection of waste; iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); v. access by older people and people with disability; 	<p>The site has public transport connections via bus routes, including routes 25, 102, 103, 107, 998, and 999. The distance to these stops are located between 240m-280m from the site. The nearest train station is the Loch Street Station which is approximately 2km away from the subject site.</p> <p>There is a footpath which is located on the opposite side of the road verge to the subject site, and most roads in the area include high-quality pedestrian paths. The City has recently constructed a "bicycle boulevard" along Elizabeth Street and Jenkins Avenue (less than 50m south of the site).</p> <p>The storage, management and collection of waste is addressed by way of recommended Condition 4 for a Waste Management Plan to be submitted and approved to satisfaction of the City of Nedlands.</p>
<p>(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</p>	<p>The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.</p> <p>The proposed development contributes to the provision of additional dwellings and an</p>

	<p>increased density in a location that contains a variety of commercial and retail land uses on Stirling Highway, the Peace Memorial Rose Garden and Taylor Road IGA. The mix of these land uses with a residential use, will bring people together and strengthen local relationships.</p> <p>The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.</p>
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Aims of the Scheme Assessment

Requirement	Proposal	Satisfies
a) Protect and enhance local character and amenity	<p>The surrounding area is characterised by existing single houses along Louise Street. The Peace Memorial Rose Garden is located approximately 50m to the north west of the site.</p> <p>The proposed two storey grouped dwellings are consistent with the existing and emerging local character and amenity of this particular locality. The design incorporates cues from the existing locality, including a pitched roof design, the use of materials such as timber on the façade and proposing a variety of landscaping to contribute to the character of the area as a 'leafy green suburb.'</p> <p>The City acknowledges that over time, the existing built form character within the locality will change and a new built form will emerge, noting recent JDAP approvals for 37 multiple dwellings at 17-19 Louise Street and 6 multiple and 7 grouped dwellings at 21-23 Louise Street.</p>	Yes
b) Respect the community vision for the development of the district;	<p>The community vision is provided under Section 8.1.2 City of Nedlands Strategic Community Plan (2013) on page 49 of the Local Planning Strategy). It is as follows:</p> <p><i>“Our overall vision is of a harmonious community. We will have easy access to quality health and educational facilities and lively local hubs consisting of parks, community and sporting facilities and shops where a mix of activities will bring people together, strengthening local relationships. Our gardens, streets, parks will be well maintained, green and tree-lined and we will live sustainably within the natural environment. We will work with neighbouring Councils and provide leadership to achieve an active, safe, inclusive community enjoying a high standard of local services and facilities. We will live in a beautiful place.”</i></p> <p>The proposed development is consistent with the community vision outlined above as it does not adversely affect any of the objectives contained within the vision statement.</p>	Yes
c) Achieve quality residential built form outcomes for the growing population;	<p>The built form of the development has been assessed and is considered to achieve the relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding.</p>	Yes

d) To develop and support a hierarchy of activity centres;	With respect to the use and built form alone, the development adequately addresses this objective, by effectively transitioning from the higher density, mixed-use area to the north, to the lower density residential area to the south.	Yes
e) To integrate land use and transport systems;	The development will contribute to this aim by co-locating medium density development near high frequency public transport routes. Bus services are within 240m walking distance of the site, in addition to a footpath located west of Louise Street and a new cycling path on Elizabeth Street.	Yes
f) Facilitate improved multi-modal access into and around the district;	The subject site is located in close proximity to walking, cycling and public transport networks. A footpath is located on the opposite side of the road verge to the subject site.	Yes
g) Maintain and enhance the network of open space	The proposed development does not impact the City's network of open space.	Yes
h) Facilitate good public health outcomes;	The development is not considered to adversely affect the desired public health outcomes.	Yes
i) Facilitate a high-quality provision of community services and facilities;	The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability.	Yes
j) Encourage local economic development and employment opportunities;	The development is considered to positively contribute to the support of local businesses, during and post-construction. Following the construction of the grouped dwellings, the development will be able to positively contribute to the support of local business and the planned Town Centre.	Yes
k) To maintain and enhance natural resources;	The development retains an existing verge tree and proposes a variety of water wise plants and trees as contained within the Landscaping Plan.	Yes
l) Respond to the physical and climatic conditions;	The development maintains solar access to adjoining properties by having appropriate setbacks. The dwelling design encompasses cross ventilation and adequate ceiling heights to allow for effective air circulation.	Yes
m) Facilitate efficient supply and use of essential infrastructure;	The development does not negatively impact this objective.	Yes

Residential Zone Objectives Assessment

Requirement	Proposal	Satisfies
a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to positively contribute to the City's housing diversity.	Yes
b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	The development has achieved an acceptable design, with an appropriate built form and streetscape presentation. It is noted that a multiple dwelling outcome may have achieved a smaller footprint at the subject site.	Yes
c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;	This objective is not applicable as this application only proposes the use of the land for residential purposes.	N/A
d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	<p>The development is considered to achieve a balance between the existing streetscape character and the future character of this area.</p> <p>The City considers that the proposal complements the local character and amenity of the site, with the two-storey height provision which is consistent with the surrounding area.</p> <p>Where discretion is sought for lot boundary setbacks, open space and street walls, the proposal is considered to satisfy the relevant Design Principles as outlined in Section 6.3.3 of this report.</p>	Yes

State Planning Policy 7.0 – Design of the Built Environment Assessment

Design Principle	Officer Comment
<p>1. Context and Character</p>	<p>The grouped dwellings are seen to appropriately correspond to the future scale and character of the area which has recently been up-coded. The site is identified in the Local Planning Strategy as a transitional zone, with higher density land coded to the north along Stirling Highway (R-AC1). The density gradually steps down from Stirling Highway to the South to the subject site being coded R60.</p> <p>To the south of Jenkins Avenue, land is coded R12.5 and R10.</p> <p>Being proximate to the edge of the transitional area, it is entirely appropriate for a two storey grouped dwelling development to be located on this site. It successfully negotiates the need for infill and to transition the built form down from the intended heights on Stirling Highway to the lower density area south of Jenkins Avenue.</p> <p>The development integrates into its townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development with existing residential dwellings surrounding of the proposed development as previously outlined in this report.</p> <p>Unit 1, is oriented to the primary street, by virtue of the large, street-facing windows, an outdoor living area and ground and upper floor windows and the design features such as brick and timber cladding. The development is considered consistent with the prevailing residential character of Louise Street.</p> <p>The provision of a variety of landscaping vegetation in the front setback area and on the verge, help contribute to the existing leafy-green streetscape of Louise Street. It is noted that the development only has one driveway, allowing the retention of a street tree and maintaining verge space.</p> <p>This principle is considered to have been met as the design positively contributes to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood.</p>
<p>2. Landscape Quality</p>	<p>In making its recommendation to Council, Administration has considered the merit of the proposed Landscaping Plan with proposes approximately 28 trees within the site and additional landscaping such as shrubs.</p> <p>A large variety of trees such as Acorn Banksia, Lime, Native Frangipani, Dracena & Cabbage Trees, Ornamental Pear (Capital) Frangipani and Queensland Box trees are proposed. The City's Technical Services (Parks) reviewed the Landscaping Plan and supports the selected species and locations.</p>

	<p>The applicants are proposing to maintain the existing large, canopy tree. Grouped dwelling developments often result in the loss of street trees. The proposed consolidated access is seen to be a positive outcome for the City and streetscape.</p> <p>The combination of the retention of verge tree and the detailed Landscaping Plan which proposes a variety of native vegetation is considered to provide a positive outcome for the benefit of the environment, the climate, the future residents of the grouped dwellings, the streetscape and amenity of the City of Nedlands.</p> <p>This principle is considered to have been met as the design protects existing environmental features and considers environmental factors such as site conditions, tree canopy and urban heat island effect by employing hard and soft landscaping that interact in a considered manner with the built form, local identity and streetscape character.</p>
<p>3. Built form and scale</p>	<p>The proposal is seen to provide an appropriate built form and scale for an R60 density, with two-storey grouped dwellings which are consistent with the existing development in the locality.</p> <p>All dwellings are provided with compliant side setbacks and limited portions of parapet walls to the southern and eastern lot boundaries. The parapet walls are located behind the front setback areas and designed to maintain privacy and useability of the outdoor living areas of adjoining properties.</p> <p>The development is articulated along the side and rear boundaries. Although the grouped dwellings are built to boundary, there are small breaks in the massing to reduce the overall impact of bulk. The development also proposes a mix of materials and textures such as wooden cladding, stone and render which also help to reduce bulk.</p> <p>The design of the development carefully considers the importance of the northern aspect of the site. All outdoor living areas and principal living spaces are orientated to take advantage of the northern aspect of the site which will improve the living amenity of the future residents.</p> <p>This principle is considered to have been met as the new development positively responds to the built form and topography of the surrounding buildings. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity of the future development, the adjoining sites and the locality.</p>

<p>4. Functionality and build quality</p>	<p>The development is considered to be functional for the future residents. The site is accommodated with building utilities and services in an integrated manner so as not to negatively detriment the amenity of the site.</p> <p>All rooms are of an appropriately size and the layout is straight-forward so as to provide functional environments and spaces that are suited to their intended purpose and arranged to facilitate ease of use.</p> <p>The principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality and serviceability of the dwellings.</p>
<p>5. Sustainability</p>	<p>The design of the development has considered a variety of initiatives such as low maintenance materials, finishes and landscaping to reduce replacement and maintenance as much as possible.</p> <p>The site is orientated to allow for the primary living spaces and outdoor living areas to maximise solar access and natural ventilation for the grouped dwellings.</p> <p>The landscaping plan proposes a wide variety of natural trees, shrubs and vegetation so as increase tree canopy and reduce the urban heat island effect.</p> <p>This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation and natural ventilation.</p>
<p>6. Amenity</p>	<p>The proposed design provides a n appropriate amount of indoor and outdoor activity space, with reasonably sized bedrooms, living spaces and an outdoor living area which is orientated north.</p> <p>The site planning considers the impact of overshadowing and bulk by limiting boundary walls to the rear and locates the common property driveway along the southern lot boundary to minimise overshadowing.</p> <p>The development This principle is considered to have been met as the design delivers internal amenity with rooms and spaces that are adequately sized, comfortable and easy to use, with good levels of daylight, natural ventilation and outlook. This principle is considered to have been met as the site is afforded with good external amenities within close proximity.</p>
<p>7. Legibility</p>	<p>The design of the site is considered to be legible and intuitive for the residents and visitors of the site.</p> <p>There is a clear delineation between the private and public realm.</p> <p>The ground floor of the dwellings is step-free and provides a means of safe access to a range of users, therefore supporting the ability for ageing in place.</p>

	<p>The site uses permeable paving for traffic calming in the common property areas, to direct pedestrian and vehicles to the appropriate pedestrian and vehicle entries to the dwellings.</p> <p>Each dwelling provides a major opening from a habitable room of the dwelling facing the Louise Street and the pedestrian and vehicular driveway so as to maintain passive surveillance.</p> <p>The required visitor bay at the entrance of Unit 1 is also clearly defined and accessible for the use of visitors to the site.</p> <p>This principle is considered to have been met as the design makes the site easy to navigate, with recognisable entry and exit points and being well-connected to existing movement network to Louise Street. The sight lines are well-considered and the movement through the development is logical and intuitive.</p>
<p>8. Safety</p>	<p>Each dwelling has a major opening facing the driveway or street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.</p> <p>All public areas are to be provided with lighting to improve visibility. The lighting is operated by sensor where appropriate to reduce energy consumption and light spill.</p> <p>This principle is considered to have been met as safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm.</p>
<p>9. Community</p>	<p>The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.</p> <p>This principle is considered to have been met as the new development has the capacity to adapt to changing demographics, an ageing population where applicable, new uses and people with disability. The design provides a housing choice for different demographics and accommodating all ages and abilities.</p>
<p>10. Aesthetics</p>	<p>The proposed materials are considered high-quality and the development is consistent with the contemporary homes and buildings within the surrounding area.</p> <p>The design incorporates a mixture of materials and colours including contrasting textured render, face brick, timber panelling, metallic framing elements and glass.</p>

	<p>The variety of landscaping proposed on site will also soften the built form and create a more inviting space to engage the senses.</p> <p>The retention of the verge tree and additional verge trees proposed are seen to soften the appearance of the development and improve upon the streetscape aesthetics of the site.</p> <p>This principle is considered to have been met as the design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. The proposal is a well-conceived design which addresses scale, the articulation of building form with detailing of materials and building elements which enables an integrated response to the character of the locality.</p>
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State Planning Policy 7.2 – Precinct Design Assessment

Design Element 1: Urban Ecology	
O1.1 To protect, enhance and respond to the ecological systems of the precinct.	The site is a previously developed single residential dwelling site with no natural vegetation remaining. The site has recently been demolished and is currently vacant. The development is proposing an increase in landscaped areas, which will be beneficial to precinct ecology.
O1.2 To enhance sense of place by recognising and response to Aboriginal, cultural and built heritage.	There is no Aboriginal heritage on or near the site that is known to the City.
O1.3 To reduce the environmental and climate change impacts of the precinct development.	The development proposes a variety of landscaping with small to medium trees, shrubs and vegetation that will assist in reducing the urban heat island effect. The development is orientated to benefit from the northern exposure of the site. The landscaping design prioritises the use of native and WaterWise varieties throughout to respond to local site conditions, a changing climate, and the increasing need for vegetation.

Design Element 2: Urban Structure	
O2.1 To ensure the pattern of blocks, streets, buildings and open space responds and contributes to distinct, legible precinct character.	The development does not seek to create new street layouts.
O2.2 To promote an urban structure that supports accessibility and connectivity within and outside the precinct.	The development is designed to be accessible, with linkages integrated into the surrounding pedestrian network.
O2.3 To ensure the urban structure supports the built form, public realm and activity intended for the precinct.	No precinct plan has been developed at this time.
O2.4 To ensure an adaptable urban structure that can respond to and facilitate change within a precinct.	The development is unlikely to be adaptable in terms of the residential land use.

Design Element 3: Public Realm	
O3.1 To ensure the public realm is designed to promote community health and wellbeing.	The development does not incorporate a communal open space for recreation and social gatherings. The outdoor living areas in the private open space are designed to face north for winter sunlight exposure and are proposed to be landscaped in a variety of trees and vegetation.
O3.2 To enable local character and identity to be expressed in public realm to enhance a sense of place.	The development proposes an attractive streetscape, with 5 trees within the verge and additional trees in the front setback area, which contribute to the sense of place of Dalkeith being a leafy green suburb.

O3.3 To ensure than key environmental attributes are protected and enhanced within the public realm.	As the site is currently cleared from natural attributes, the development will be seeking to re-establish landscaping to the site.
O3.4 To ensure the public realm is designed to be inclusive, safe and accessible for different users and people of all ages and abilities.	The common property driveway is designed so as to be easily accessible and provides an ease of use between pedestrians and vehicles.
O3.5 To ensure public realm design is integrated with the built form, movement network and landscape of the precinct.	The communal driveway is well connected to the surrounding street network. The proposed landscaping is intended to provide a 'leafy green' character to an existing clear-fell site.

Design Element 4: Movement

O4.1 To ensure the movement network supports the function and ongoing development of the precinct.	The movement network proposed is limited to the site itself and the access points into the site. The proposed vehicle and pedestrian access points are considered appropriate.
O4.2 To ensure a resilient movement network that prioritises affordable, efficient, sustainable and healthy modes of transport.	The site is located adjacent to a number of bus routes, including high frequency routes along Stirling Highway to the north.
O4.3 To enable a range of transport choices that meet the needs of residents, workers and visitors.	The site is located in an area that provides transport choice from walking, cycling and public transport.
O4.4 To ensure the quantity, location, management and design of parking supports the vision of the precinct.	There is currently no precinct vision. Overall, the proposed parking provision is considered to be appropriate to support the development.

Design Element 5: Land Use

O5.1 To ensure current and planned land uses respond to the needs and expectations of the community.	The proposed residential land use in the development is permissible by the Scheme. This objective would be more appropriate when considering land uses over an entire precinct rather than a single site.
O5.2 To ensure the planned land use types contribute positively to the precinct character and amenity.	The precinct character and level of amenity has not been determined.
O5.3 To achieve a mix of land uses and activity that supports the precinct vision.	The precinct vision has not been identified at this time.

Design Element 6: Built Form

O6.1 To ensure that the built form is responsive to the purpose, context and intended character of the precinct.	The bulk and scale of the development is considered to be consistent with the intent of an R60 coded lot.
O6.2 To ensure building placement, scale and massing is appropriate for the intended precinct and streetscape character.	The scale of the development is considered to be appropriate as a transition from lots coded R160 to the north and lots coded R10 to the south. The development features a dwelling to Unit 1 that is oriented to the street, including the provision of a variety of landscaping in the front setback area and on the verge, which contributes to the existing streetscape of Louise Street.

<p>O6.3 To ensure that built form design reduces energy demand across the precinct by facilitating climate-responsive design.</p>	<p>The landscaping plan proposes a wide variety of natural trees, shrubs and vegetation so as to increase tree canopy and reduce the urban heat island effect. The design responds to site conditions by providing appropriate orientation and natural ventilation.</p>
<p>O6.4 To ensure that built form design is responsive to the streetscape and contributes to a safe and comfortable public realm.</p>	<p>The proposal is seen to provide an appropriate built form design for an R60 density which will contribute to a safe and comfortable public realm.</p> <p>The development proposes a mix of materials and textures such as wooden cladding, stone and render to create an aesthetic streetscape appeal. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity site.</p>

PD08.21	Establishment of a Design Review Panel, Final Adoption of the Design Review Panel Local Planning Policy and Appointment of Panel Members
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Committee	9 March 2021
Council	23 March 2021
Applicant	City of Nedlands
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.	Nil <i>“the author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia”.</i>
Previous Item	OCM – 23 April 2019 - PD14.19 OCM – 17 December 2019 - Item: 16.1 SCM – 30 January 2020 - Item: 7 OCM – 30 March 2020 - Item: 14.4 OCM – 28 July 2020 - Item: 14.1 OCM – 15 December 2020 - Item:13.9 OCM – 23 February 2021 - PD02.21
Attachments	1. Design Review Panel – Local Planning Policy 2. Summary of comments from Office of the Government Architect
Confidential Attachments	1. Scoring Sheets 2. Specifics of Scoring System 3. Interview Forms 4. Overview of Interviewed Applicants 5. Applicants with DRP Experience 6. Recorded Interviews (MP4 video format)

1.0 Executive Summary

The purpose of this report is for Council to:

1. Appoint the recommended members for the City of Nedlands inaugural Design Review Panel (DRP); and
2. Adopt the DRP Local Planning Policy.

The DRP will be appointed to provide independent expert design review advice for complex planning proposals received by the City.

This matter was considered by Council at its 22 September 2020 meeting, where it was resolved to adopt the draft DRP Terms of Reference, with modifications, and to advertise the draft DRP Local Planning Policy for a period of 21 days. Council also resolved to progress with a call for expressions of interest for membership on the DRP, with final appointment of members being made by Council upon its adoption of the draft DRP Local Planning Policy.

During October 2020, invitations for expressions of interest for membership on the DRP were advertised. A total of 25 expressions of interest were received. Using selection criteria drawn from the DRP Terms of Reference, 16 of these applicants were shortlisted and interviewed. The selection panel included the Manager Urban Planning, a Principal Planner and Senior Urban Planners. All interviews were recorded, with applicant consent. These recorded interviews have been made available to Council (**Confidential Attachment 6**).

Final selection of the recommended panel members for the DRP was made by collating scores given for meeting the selection criteria and performance in the interview. A total of eight panel members are recommended to Council for consideration and appointment. This includes six general members and two specialist members, as prescribed by the DRP Terms of Reference.

The Draft DRP Local Planning Policy was also advertised for 21 days, following Council's 22 September 2020 resolution. During this time, no submissions were received, and consequently no modifications have been made to the DRP Local Planning Policy post advertising.

At its 22 September meeting, Council resolved for the draft DRP Terms of Reference to be adopted, subject to a number of modifications. These modifications have now been made to the DRP Terms of Reference.

This Council report recommends adoption of the DRP Local Planning Policy and appointment of the recommended panel members to sit on the City of Nedlands inaugural DRP.

Recommendation to Council

Council:

- 1. Proceeds to adopt the Design Review Panel - Local Planning Policy, 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)(b)(i);**

- 2. In accordance with Clause 2 of the Design Review Panel - Terms of Reference, appoints, for a period of two years, the following Design Review Panel members:**
 - a) General members:**
 - **Tony Blackwell**
 - **Dominic Snellgrove**
 - **Samuel Klopper**
 - **Munira Mackay**
 - **Philip Gresley**
 - **Simon Venturi**

 - b) Specialist members:**
 - **Graham Agar**
 - **John Taylor**

3. **Instructs the Chief Executive Officer to review the Design Review Panel Local Planning Policy and funding model after six months of the operation of the Panel.**
4. **In the event that one of the preferred applicants listed in Resolution 2 above is not able to accept the role due to schedule conflicts, or a decision to not proceed with being a Design Review Panel member, delegates authority to the Chief Executive Officer to select from the remaining list of interviewed applicants, in order of highest total score to lowest total score.**

2.0 Discussion/Overview

2.1 Background

The City continues to experience a significant number of large-scale and complex development applications following the gazettal of Local Planning Scheme No.3, which saw the introduction of higher residential densities throughout the City. These applications have a higher impact on the City's urban form and character and are subject to the new State Planning Framework of Design WA. The input of expert design advice, such as architecture, heritage, landscape design and sustainability, supports the City to effectively assess development applications under this framework. A DRP comprising of experts in these design fields can assist with improving design outcomes and mitigating any potential impact on established neighbourhoods. Whilst the DRP will not have any decision-making power, the relevant decision maker will need to have due regard to its advice.

2.2 Key Relevant Previous Council Decisions:

This matter was first considered at the Ordinary Meeting held on 23 April 2019, at which Council resolved not to establish a DRP. This matter was re-tabled for consideration at the City's December 2019 Ordinary Council meeting (Item 16.1) where the following was resolved:

"That Council reconsider its decision PD14.19 dated 23 April 2019 'That Council does not establish a Design Review Panel' and resolves to:

- 1. Instructs the CEO to recommend to Council a Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals;*
- 2. Instructs the CEO to prepare a Local Planning Policy outlining the types of development, policies and projects that will be referred to the Panel, a set of Design Principles that the panel will use for a basis for review and relevant operations and procedures for the panel;*
- 3. The cost of the Design Review Panel be borne by the applicants;*
- 4. That the Design Review Panel be reviewed in 9 months from the date of establishment; and*
- 5. That the CEO investigates opportunities for a cooperative arrangement with other Western Suburbs Councils to share the use of a Design Review Panel if established. "*

A recommendation to Committee was subsequently prepared and put to Council on 30 January 2020 at a Special Council Meeting, where Council resolved to adopt the officer's recommendation, subject to amendments as outlined below:

“Regulation 11(da) - Council determined that the amendments better reflected the earlier intent.

That Council:

- 1. Adopts the City of Nedlands Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals as per attachment 2;*
- 2. Prepares and advertises Design Review Panel Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4 as per attachment 1;*
- 3. Instructs the Chief Executive Officer to call for expressions of interest for six (6) members for the City of Nedlands Design Review Panel, with appointment to the Panel to be made by Council upon its adoption of the Design Review Panel Local Planning Policy;*
- 4. Instructs the Chief Executive Officer to:*
 - a. refer the options for funding of a Design Review Panel to a Councillor Workshop to assess costs, benefits and risks, and report back to Council in March 2020 for a decision on funding; and*
 - b. make arrangements for complex planning proposals to be considered by another Western Suburbs Design Review Panel at the proponent's cost as an interim measure prior to the establishment of the City of Nedlands Design Review Panel.*
- 5. Notes that a budget amount of \$30,000 is to be set aside in the Mid-Year Review to allow for the operation of the Design Review Panel from February – June inclusive; and*
- 6. Instructs the Chief Executive Officer to make arrangements for complex planning proposals to be considered by another Western Suburbs Design Review Panel at the proponent's cost as an interim measure prior to the establishment of the City of Nedlands Design Review Panel”.*

At the 31 March 2020 Ordinary Council Meeting, the Design Review Panel process ceased, with Council resolving as follows:

- 1. “does not support the introduction a City of Nedlands Design Review Panel;*
- 2. instructs the CEO to cease new referrals to Design Review Panels of other Local Governments and the State Design Review Panel; and*
- 3. instructs the CEO to cease all work related to implementation of a Design Review Panel;*
 - a. for the City of Nedlands; and*
 - b. as a cooperative arrangement for the Western Suburbs Local Governments.”*

At the 28 July 2020 Ordinary Council Meeting, Council resolved to proceed with the DRP process. Council resolved as follows:

- 1. “resolves to establish a Design Review Panel; and*
- 2. instructs the CEO to; Review and revise the City of Nedlands Previously Draft Design Review Panel Terms of Reference in light of the Advice Notes below;*
- 3. review and revise the Previously Draft Design Review Panel Local Planning Policy in light of the Advice Notes below;*

4. *review and reschedule a call for expressions of interest members for the City of Nedlands Design Review Panel, with appointments to the Panel made by Council following its adoption of the Design Review Panel Local Planning Policy;*
5. *Council requires funding options (Clause 4) to include 100% cost recovery for development applications, from the applicant; and*
6. *refer Design Review modes and thresholds options to a Councillor Workshop, that is based on “Design Review Guide Chapter 7” where levels of escalation and the role of a City Architect are contemplated;*
7. *Make arrangements, where appropriate, for complex planning proposals to be considered by another Western Suburbs Design Review Panel or the State Design Review Panel at the proponent’s cost as an interim measure prior to the establishment of the City of Nedlands Design Review Panel; and*
8. *Give due regard to the following Advice Notes concerning the implementation and management of a Design Review Panel for the City of Nedlands.*

Advice Notes:

- a. *Council requires a Design Review Panel member to be connected to the City as either a ratepayer, resident or elector;*
- b. *Council expects the Design Review Panel presiding member to be highly regarded in their profession and respected by the community;*
- c. *Council requires final approval of panel members.*
- d. *Council requires modes and thresholds options (Clause 5) to include:*
 - i. *a tiered approach to Design Review Panel involvement diminishing with large, medium and small developments;*
 - ii. *consideration of a part-time City Architect role; and*
 - iii. *consideration of Community Reference Group role.*
- e. *present a re-scoped recommendation to the September 2020 Council meeting.”*

Based on the 28 July 2020 Council resolution, the revision of the Terms of Reference, Local Planning Policy, expressions of interest for Panel members and opportunity for an interim solution was progressed.

At the 22 September 2020 Ordinary Meeting of Council, Council resolved to proceed with the DRP process. Council resolved as follows:

1. *“adopts the City of Nedlands Draft Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals subject to the following amendments:*
 - a. *at the end of Clause 1 add the words “including in the TOR an additional paragraph ‘Code of Conduct - All panel members are required to abide by the local government’s Code of Conduct.”;*
 - b. *amend the TOR by adding an additional clause 2.11 to read “A chair and deputy chair will be appointed by the election of the panel.”;*
 - c. *amends clause 4.2 of the TOR to remove the words “as nominated by the Director of Planning & Development”;*
 - d. *in clause 2.7 of the TOR the word “preferably” be added to after the word “shall”; and*
2. *advertises the Draft Design Review Panel Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4 subject to the removal of headings under 4.0;*

3. *instructs the Chief Executive Officer to call for expressions of interest for the City of Nedlands Design Review Panel, with appointment to the Panel to be made by Council upon its adoption of the Design Review Panel Local Planning Policy; and*
4. *notes that a budget amount of \$20,500 is to be set aside in the mid-year Review to allow for the operation of the Design Review Panel, for strategic matters, for the remainder of the financial year up to June 2021 inclusive.”*

The DRP Local Planning Policy was presented to the 15 December 2020 Council Meeting for final adoption. The report to this meeting also included a recommendation to appoint eight DRP members, following a rigorous selection process. At this meeting, Council resolved to defer the item to the February Council Meeting.

A Council Briefing session was held on 2 February 2021, where Administration provided further information about the DRP member selection process. At this session, questions were raised by Councillors as to the suitability of the selection criteria used by Administration, primarily regarding the weight given to resident/ratepayers, and those with DRP experience.

Following a review of the scoring and outcomes from the evaluation and interview processes, an error was identified in the scoring applied. This error had direct implication on those candidates that should have qualified to progress to the interview stage. In response, Administration provided Council with a memorandum on 9 February 2021, with an Alternative Recommendation for the 23 February 2021 Council Meeting to defer the item to the 23 March 2021 Council Meeting.

The following key issues were raised at the 2 February 2021 Council Briefing session:

- Some Councillors were of the view that two points was not a sufficient score for applicants who are resident/ratepayers within the City of Nedlands;
- Some Councillors were of the view that five points was an excessive score for applicants with DRP experience.
- Further detail was requested on the breakdown of the scoring system used.

In response to the above, confidential attachments have been provided to Council with this report, which detail:

- The outcomes of applying different score values to resident/ratepayers and those with DRP experience; and
- The specifics of the scoring system used.

Three additional interviews have since been conducted. Council have been provided with the recordings of these interviews, along with interview sheets and scores, as confidential attachments.

2.3 Comments from the Office of the Government Architect

The Office of the Government Architect (OGA) provided comments to the City on the draft DRP Local Planning Policy and Terms of Reference on 17 September 2020. These comments were received too late to be included in the report to the 22 September 2020 Council meeting, and so are summarised below:

1. The draft DRP Local Planning Policy and Terms of Reference are generally well developed.
2. The focus on residents and ratepayers as DRP members is not supported.
3. The fully proponent-funded model is not supported.
4. Consideration should be given to reducing the threshold for grouped dwellings being presented to the DRP from ten to six to eight dwellings.

A more detailed summary of these comments, together with Administration's response, is included as **Attachment 2**.

2.4 Design Review Panel Selection and Appointment Process

In response to Council's 22 September 2020 resolution, the City advertised for expressions of interest for membership on the DRP. The advertising period ran for 21 days, ending 23 October 2020.

The City received 25 applications during the expression of interest period. A selection panel, comprising the Manager Urban Planning, Principal Planner and a Senior Urban Planner undertook a review of all applications received. It is noted that the OGA were invited to participate in the review of applications received, in line with the OGA's Design Review Guide, however they advised that they did not have sufficient capacity to be on the selection panel. The OGA did, however, assist in distributing the advertisement for expressions of interest for DRP members to their contact list, including members of the State Design Review Panel.

2.5 Selection Criteria

In assessing the applications received, the City's officers were guided by the DRP Terms of Reference, as well as the OGA's Design Review Guide which outlines the following considerations:

- Appropriate qualifications and demonstrated expertise in the relevant professional area;
- Ability to work in a multi-disciplinary team;
- Highly regarded among professional peers;
- Demonstrated expertise in design review, design critique or the provision of strategic advice on design quality issues;
- Knowledge or understanding of the State's Planning Framework, relevant local government policies, development controls and design issues in the local area;
- Ability to analyse, evaluate and offer objective and constructive feedback on complex design quality issues in design review, for evaluation of complex development applications and on strategic planning matters;
- Good written and verbal communication to ensure that advice provided to proponents is clear and concise; and
- Where relevant, it is desirable that the applicant is eligible for registration with an appropriate professional body or organisation in Western Australia and/or holds good standing with the relevant professional body.

Based on the above criteria, a scoring system was devised which considered expertise and general experience. Additional points were awarded for residents and/or ratepayers within the City of Nedlands, which was included as a preference in

Council's 22 September 2020 resolution (i.e., it is not a mandatory requirement for a DRP member to be a resident and/or ratepayer).

Additional points were also awarded for specific experience with design review panels. Providing design advice on large and complex planning proposals in a panel setting is a skillset in and of itself, and so selecting members with previous DRP experience will increase the likelihood of the City's DPR running efficiently and effectively. Noting that the participation in multiple DRPs may present a capacity issue for members, candidates were queried in the interviews as to their ability to contribute to the City's DRP in addition to other commitments. All recommended members indicated that they had capacity to take on the time commitment of the City's DRP. Council have been provided with a list of panels that each applicant sits on as a confidential attachment.

Based on the above considerations, the following point system was used in the selection process:

- Expertise = 10 points
- General experience = 10 points
- DRP experience = 5 points
- Resident/ratepayer = 2 points

Expertise and general experience were assigned the highest scores (10 points each), in recognition of the considerations outlined in the OGA's Design Review Guide. DRP-specific experience was awarded 5 points, noting that it is not as critical as general design experience and expertise. Being a resident/ratepayer attracted an additional 2 points, noting that this criterion is a preference only and is not a mandatory requirement. There is also potential risk for a panel being comprised of solely residents due to the higher potential of proximity conflicts of interest.

Using this scoring system, the top thirteen applicants were invited to participate in an interview. As detailed above, a further three interviews were also conducted, resulting in a total of 16 interviews being conducted. A synopsis of each candidate who was interviewed has been provided to Council as a confidential attachment.

In the interviews, each candidate was asked the following questions to enable them to demonstrate the value they would bring to the DRP.

- Q1. *Please tell us a bit about your design expertise – what type of projects have you worked on, your areas of expertise, and whether you have been involved in design review previously.*
- Q2. *Being a Design Review Panel member requires excellent communication skills and the ability to provide advice to many different people including industry colleagues and lesser experienced applicants who may not understand architectural and design language. Please tell us about your communication skills and whether you think you have the communication skills to provide design advice within a panel format.*
- Q3. *The City of Nedlands deals with a diverse range of development, including multi-residential, mixed use and commercial. These are the type of applications which may be referred to our DRP. Do you have suitable experience and knowledge to provide expert design advice to the City of*

Nedlands for these types of development? And as an additional question, can you please provide an overview of how you might deal with a conflict of interest – both perceived and real? (Please prompt to support their response with examples)

Q4. *Are you interested in acting as the Chair or Deputy Chair of the Design Review Panel? If yes, please provide examples of how you have operated in a Chair position previously.*

All interviews were conducted via MS Teams and were recorded, with the interviewees' consent. Council has been provided with the completed interview forms and recorded interviews as confidential attachments to this report.

2.6 Scoring

Following completion of the interviews, the selection panel reviewed and combined all scores for each candidate. These final interview scores were then added to the initial selection criteria score, resulting in a total overall score out of 57. A summary of the breakdown of scores and the overall scoring has been provided to Council as a confidential attachment to this report.

2.7 Recommended Members

From the 16 candidates interviewed, the following eight members are recommended based on their overall score:

a) General members:

- Tony Blackwell
- Dominic Snellgrove
- Samuel Klopper
- Munira Mackay
- Philip Gresley
- Simon Venturi

b) Specialist members:

- Graham Agar
- John Taylor

Graham Agar and John Taylor are recommended as Specialist Members because they have more specialised areas of design expertise, including services engineering for the former and heritage and local history for the latter. Their designation as Specialist Members would not restrict the number of DRP meetings they could be selected for, but instead recognises the unique skillset they would provide.

Of the recommended members, three meet the criteria of being a resident, ratepayer or elector. The other five are from outside the City of Nedlands, but still scored higher than the remaining interviewed candidates. Four resident/ratepayer DRP candidates who were interviewed are not included in the recommended list, as their overall scores from the selection criteria and interview scores were lower than those candidates that are recommended.

Consistent with the OGA's Design Review Guide, Administration acknowledges that *"while local knowledge is useful, a balance between local and subject expertise from*

outside the local government area should be sought in order to optimise the range and calibre of expertise available”.

All disciplines listed below are represented on the recommended DRP, except for Transport Planning and Civil and/or Structural Engineering:

- Architecture
- Landscape Architecture
- Urban Design
- Heritage
- Sustainability and Environmental Design
- Service Engineering
- Accessibility
- Transport Planning
- Planning
- Public Art
- Civil and/or Structural Engineering

Of the 25 applications received, one demonstrated experience in Transport Planning, and another demonstrated experience in Civil and/or Structural Engineering. These scored towards the bottom of the overall list of applicants however, and therefore, were not considered appropriate for consideration on the DRP.

A separate resolution is recommended to Council, allowing Administration to select from the remaining interviewee list, in the event that a preferred candidate is unavailable due to scheduling conflicts or if they are no longer interested.

2.8 Alternate Recommendation

Based on the selection process undertaken by Administration, the eight members listed above are a recommendation only. As per the DRP Terms of Reference, members are to be appointed by Council. This means that Council can make a different selection of eight DRP members from the applications received.

Council have been provided with an alternate recommendation within this report, which provides an alternative list of DRP members based on a greater score being awarded for resident/ratepayers (six points awarded instead of two). This modified scoring system results in a greater number of resident/ratepayers on the DRP (four instead of three) Council have been provided with a candidate scoring sheet based on increased weight being given to resident/ratepayers.

2.9 Managing Potential Conflicts of Interest

Council has previously raised concern with the potential for conflicts of interest amongst a DRP. The OGA's Design Review Guide contemplates such risks to the integrity of a DRP, and notes the following methods to manage the risk:

- All DRP members are to disclose any actual or perceived conflicts of interest in writing for the record. Where an interest exists, the member must:
 - Disclose the interest to the Chair as soon as possible, and before the meeting to ensure there is a quorum for all items;
 - If the interest is a pecuniary interest, the member must not take part in the consideration or discussion of the matter.

- DRP member induction should be used as an opportunity to confirm member responsibility to declare any conflicts of interests and other governance requirements including media protocols; and
- Meeting minutes are to record any conflicts of interest.

Reflective of this guidance, the DRP Terms of Reference clearly set out the responsibility of DRP members to declare any financial, proximity and/or impartiality interests in accordance with the City's Code of Conduct at the start of the DRP meeting. Where an interest exists, the member must disclose the interest to the DRP Chairperson as soon as possible, and before the meeting to ensure there is a quorum for all items. The DRP Terms of Reference also require the meeting minute taker to record any declarations of interest.

As noted in the Selection Criteria section of this report, handling of conflicts of interest also formed part of the interview questions for DRP membership candidates. During the induction of the DRP members appointed by Council, members will be required to formally agree to the DRP Terms of Reference.

Administration is of the view that these measures will sufficiently manage the risk of conflicts of interest amongst a DRP.

3.0 Consultation

3.1 Design Review Panel Local Planning Policy

The DRP Local Planning Policy was previously advertised for a period of 21 days, ending 7 March 2020. During this time, a total of 62 submissions were received. As Council resolved to cease establishment of a DRP following the advertising period, these submissions were not reported to Council.

The draft DRP Local Planning Policy was subsequently modified before being presented back to Council at the 22 September 2020 meeting. In accordance with the resolution from this meeting, the draft DRP Local Planning Policy was advertised for a period of 21 days. During this second advertising period, no submissions were received. No modifications have been made to the DRP Local Planning Policy post advertising.

4.0 Statutory Implications

The DRP Local Planning Policy has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Division 2.

When appointed, the advice of the DRP is to be given due regard in the consideration of applications for development approval, in accordance with Clause 67 (zc) of the *Planning and Development (Local Planning Schemes) Regulations 2015 which forms part of Schedule 1 – Supplemental provisions of LPS3, Matters to be considered by local government; (zc) any advice of the Design Review Panel.*

5.0 Strategic Implications

How well does it fit with our strategic direction?

The establishment of a DRP is considered to achieve the following Planning Principles outlined in the City's Local Planning Strategy:

- Protect and enhance local character and amenity;
- Respect the community vision for the development of the district;
- Achieve quality residential built form outcomes for the growing population; and
- Respond to the local physical and climatic conditions.

Who benefits?

As outlined below, the establishment of a DRP will benefit the community, decision makers, and Council/Administration.

Community

- Gaining assurance that new developments will make a positive contribution to the public realm, adjacent development, and the surrounding community.

Decision maker benefits

- Gaining expert, independent advice on the design quality of a proposal.
- Enabling the recognition of good design outcomes and, when exercising discretion, the appropriate weight that might be applied to outstanding or innovative solutions that benefit the area.
- Having confidence in resisting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Council/Administration

- Signals importance of good design to developers.
- Great learning experience for the Planners, who can attend and gain insight into design review which will help with future complex assessments.
- By encouraging design considerations pre-lodgement, time is saved on revision of plans post-lodgement.
- Applications that are lodged are more resolved and this reduces the number of times an item has to go to JDAP and often assists in resolving design Issues which may then end up in SAT.

Does it involve a tolerable risk?

The risks associated with not having a DRP include the following:

- Complex applications will not be reviewed by a panel of built form design experts relating to new assessment criteria as prescribed by State Planning Policy 7.0;
- There is no ability for Council or JDAP to refuse an application based on peer review comments. The only mechanism for a decision-maker to refuse an application based on design advice is through an appointed DRP in accordance with 67 (zc) of the City's Planning Scheme.

- Previous complex development applications were able to lodge without being subject to prior design review. This results in additional work as applicants make multiple changes during the application process to address design or planning issues. Each iteration of the plans must be reviewed by multiple internal departments and represents a significant cost to the City; and
- Without a DRP, expert advice in the areas of architecture, sustainability / energy efficiency, landscape architecture and arborists amongst others need to be engaged separately to adequately address the complex assessment items required to be vetted by the City as part of Design WA.

Do we have the information we need?

Administration's approach to establishing a DRP has been informed by the OGA's Design Review Guide.

6.0 Budget/Financial Implications

The Council resolved at the 28 July 2020 Ordinary Meeting of Council to pursue a proponent-funded model. The proponent is required to pay for the full costs associated with holding a DRP meeting, excluding the City's Administrative costs. This means that for a typical meeting, the total cost borne by the City would be approximately \$530 (Administrative costs), and the total cost borne by the proponents would be approximately \$4,200 (DRP member costs). Noting the comments received from the OGA regarding this funding model, discussed further in **Attachment 2**, Administration recommends that this approach be reviewed after six months of DRP operation.

A detailed breakdown of these costs is provided under the Budget/Financial Implications section of the 22 September 2020 report to Council (PD45.20).

There may be instances where Council wishes to refer projects of a strategic nature to the DRP. For example, DRP review of a local planning policy or precinct plan would assist in providing best practice knowledge and understanding of context, history and future desired character of the locality. As detailed in the Budget/Financial Implications section of the 22 September 2020 report to Council (PD45.20), the estimated financial implications of the assessment of strategic proposals by the DRP is \$41,000 excluding GST per annum. The Council resolved at the 22 September 2020 Ordinary Meeting of Council to allocate a half-yearly budget of \$20,500 for the purpose of funding the operation of the Design Review Panel for strategic matters.

7.0 Alternative Recommendation to Council

As discussed above, Council is provided with the following alternative recommendation, which is based on greater preference being given to resident/ratepayer members on the DRP:

Council:

1. Proceeds to adopt the Design Review Panel - Local Planning Policy, 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)(b)(i);

2. In accordance with Clause 2 of the Design Review Panel - Terms of Reference, appoints, for a period of two years, the following Design Review Panel members:
 - a) General members:
 - Dominic Snellgrove
 - Samuel Klopper
 - Craig Smith
 - Tony Blackwell
 - Munira Mackay
 - Simon Venturi
 - b) Specialist members:
 - John Taylor
 - Graham Agar
3. Instructs the Chief Executive Officer to review the Design Review Panel Local Planning Policy and funding model after six months of the operation of the Panel.
4. In the event that one of the preferred applicants listed in Resolution 2 above is not able to accept the role due to schedule conflicts, or a decision to not proceed with being a Design Review Panel member, delegates authority to the Chief Executive Officer to select from the remaining list of interviewed applicants, in order of highest total score to lowest total score.

8.0 Conclusion

Up-coded areas within the City are likely to experience high levels of redevelopment as a result of LPS 3. This is already being experienced with a large volume of applications lodged and a large 'pipeline' of proposals that are expected to be lodged in the coming months and years.

Establishing a DRP to provide independent expert architectural and design advice on large-scale and complex development that can impact the community is considered a vital step in the assessment of such proposals. As the City moves into an increasingly sophisticated planning assessment process including an increase in more intensive density and varied development typologies, the DRP becomes increasingly important. Therefore, it is imperative that the City and Administration are adequately equipped with professional expertise.

An alternative recommendation has been provided to Council, which is based on greater preference being given to resident/ratepayer members on the DRP, which results in a greater number of resident/ratepayers on the DRP.



LOCAL PLANNING POLICY – DESIGN REVIEW PANEL

1.0 PURPOSE

- 1.1 The purpose of this policy is to outline the operation of the City of Nedlands Design Review Panel.
- 1.2 This policy is to be read in conjunction with the Terms of Reference for the Design Review Panel, as adopted by Council.

2.0 ROLE OF DESIGN REVIEW PANEL

- 2.1 The Design Review Panel is advisory only and does not have a decision-making function.
- 2.2 The role of the Design Review Panel is to:
 - a) Provide independent and impartial recommendations to the City on the architectural and design aspects of any planning proposal or related matter;
 - b) Improve the design quality and functionality of new development within the City, and ensure new development is consistent with the objectives and intent of the City's policies and strategies; and
 - c) Provide expert advice to the City to assist in the formulation of recommendations to the Council or Joint Development Assessment Panel on particular applications for planning approval, or in determining proposals under delegated authority.

3.0 OBJECTIVE OF DESIGN REVIEW PANEL

- 3.1 The Design Review Panel is to provide technical advice and recommendations to the City on the design and site planning of complex planning proposals.

4.0 POLICY MEASURES

Referral to Design Review Panel Prior to Lodgement of Application

- 4.1 Development which meets one or more of the following criteria is required to be referred to the Design Review Panel for review *prior* to the lodgement of a development application:
 - a) Development of multiple dwellings;
 - b) Development of ten or more grouped dwellings;
 - c) Development that is three or more storeys in height, excluding single houses;



- d) Major extensions or amendments to those proposals referred to in a), b) or c) above, which in the opinion of the City would benefit from review by the Design Review Panel*;
- e) Mandatory Joint Development Assessment Panel (JDAP) proposals (excluding public or private schools and works by Government agencies and public authorities that do not involve a built form component);
- f) Optional 'opt-in' JDAP proposals, unless written confirmation is received from the City, prior to lodgement of a development application, that the proposal is not considered to require review by the Design Review Panel*; and
- g) Any amendment to a JDAP approval, which in the opinion of the City would benefit from a review by the Design Review Panel*.

* Proponents are encouraged to contact the City prior to lodgement to discuss whether the proposal should be referred to the Design Review Panel.

- 4.2** If development is of a type referred to in Clause 4.1 of this policy, and has not been referred to the Design Review Panel prior to the lodgement of a development application, the applicant may be requested to agree to a time extension in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for the processing of the development application, to enable a design review meeting to be undertaken.

Referral to Design Review Panel After Lodgement of Application

- 4.3** Development, not of the kind referred to in Clause 4.1 of this policy, but which, in the opinion of the City is:

- a) Of a complex or contentious nature;
- b) Likely to be of a significant interest to the community;
- c) Likely to have a significant impact on the existing or planned future streetscape, or as viewed from the public domain;
- d) Of strategic significance; or
- e) Likely to benefit from a referral to the Design Review Panel,

may be referred to the Design Review Panel either prior to or following the lodgement of a development application.

- 4.4** Planning proposals in the following categories may be referred to the Design Review Panel, where the City would likely benefit from a referral to the Panel:

- a) Proposed Structure Plans / Precinct Plans, or amendments to Structure Plans / Precinct Plans;
- b) Proposed Local Development Plans, or amendments to Local Development Plans; or



- c) Local Planning Policies which influence or affect built form controls.

Process Prior to Lodgement of Application

- 4.5** Information required to be submitted by the proponent to the City for assessment by the Design Review Panel must be submitted to the City a minimum of 10 clear working days prior to the date of the Design Review Panel meeting. Failure for this to occur may result in the proposal being rescheduled to the next available meeting.
- 4.6** Minutes summarising the agreed actions, and relevant comments and recommendations from the Design Review Panel are to be prepared by the City and provided to the applicant within 10 working days of the meeting occurring.
- 4.7** The proponent is responsible for funding Design Review Panel meetings for a proposal prior to its lodgement as a formal application.
- 4.8** Subsequent Design Review Panel meetings for a proposal referred to in Clause 4.1 of this policy prior to the lodgement of an application are at the proponent's cost.

Process After Lodgement of Application

- 4.9** Proposals that are formally submitted as a development application to the City following consideration by the Design Review Panel must be accompanied by a statement detailing how, and the extent to which, the comments made from the Design Review Panel have been addressed, in accordance with Clause 63(1)(d) of the Deemed Provisions of Local Planning Scheme No. 3.
- 4.10** Proposals will be considered by the Design Review Panel following the lodgement of a development application to make a recommendation to the City regarding the elements of the design that are supported and those elements that would benefit from further consideration.
- 4.11** The proponent is responsible for funding 100% of the cost of any Design Review Panel meeting post lodgement of the application.
- 4.12** Subsequent Design Review Panel meetings required for an application post lodgement are at the proponent's cost.

5.0 MATTERS TO BE CONSIDERED BY DESIGN REVIEW PANEL

- 5.1** In providing any advice and recommendations, the Design Review Panel shall take into account matters including, but not limited to:
 - a) The relevant planning framework; and
 - b) The ten design principles outlined in Schedule 1 of *State Planning Policy 7.0 Design of the Built Environment*.



6.0 INFORMATION REQUIRED FOR DESIGN REVIEW PANEL MEETINGS

6.1 Appendix 1 contains the information required to be submitted to the City by the applicant for assessment by the Design Review Panel.

6.2 Appendix 2 contains the schedule of fees for holding a Panel meeting.

7.0 DEFINITIONS

7.1 For this policy the following definitions apply:

Definition	Meaning
City	City of Nedlands
Council	Council of the City of Nedlands
JDAP	Joint Development Assessment Panel

Council Resolution Number	
Adoption Date	
Date Reviewed/Modified	



Appendix 1 - Information to be Provided by the Applicant

Prior to the formal lodgement of a development application defined in Clause 4.1 of this policy, the applicant is required to submit material to enable a design review, unless otherwise waived by the City. The material required for design review is to sufficiently illustrate site analysis, site design response and the intended design proposal. This includes, but is not limited to the following:

1. Site analysis

Understanding the site context is important for the Design Review Panel to assess how well a proposal responds to its site and context.

The key elements of a site analysis include:

- a) Site location / wider context plan;
- b) Aerial photograph;
- c) Local context plan (showing surrounding land uses);
- d) Site context and survey plan; and
- e) Elevations/pictures of the existing streetscape and other influencing factors.

2. Site design response

The proponent should provide sufficient information to clearly articulate the considerations that have informed the broader site design approach.

The key elements of a site design response include:

- a) Assessment of site opportunities;
- b) Building massing studies to consider the quantity and arrangement of built form within the three-dimensional boundary within which development can occur;
- c) Car parking strategy (for mixed use proposals or where departures from parking standards are proposed);
- d) Energy and resource reduction strategy (for multiple dwellings);
- e) Orientation study, including winter sun paths and overshadowing of site and adjoining properties;
- f) Prevailing breezes and ventilation strategies (for multiple dwellings);
- g) Relationship to public domain and surrounding properties;
- h) Investigation of amenity provided for occupants and neighbouring developments;
- i) Retention of existing trees and vegetation;
- j) Landscape design approach (deep soil zones, location and species of trees);
- k) Communal open spaces;
- l) Consideration of culturally relevant or heritage elements; and
- m) Any relevant specialist advice.



3. Design proposal

Sufficient drawing material should be presented to outline the intended design proposal.

The key elements of a pre-development application design proposal include:

- a) Development details;
- b) Design quality statement outlining how the proposal responds to the ten design principles contained in Schedule 1 of *State Planning Policy 7.0 Design of the Built Environment*;
- c) Precedents that have informed the design proposal;
- d) Site plan;
- e) Floor plans;
- f) Elevations of the proposal in context;
- g) Sections of the proposal in context; and
- h) 3D images or visualisations.

Appendix 2 – Schedule of Fees for Design Review Panel Meeting

The below fee schedule is based on a maximum of four (4) Panel members being paid at an hourly rate of \$205 per hour (excluding GST) and the Panel Chairperson being paid at an hourly rate of \$227 per hour (excluding GST).

The actual meeting cost may be lower if less than the maximum 5 members, including the Chairperson, attend.

Schedule of Fees			
Role	Hourly Rate (excl. GST)	Panel Meeting Cost Per Hour (excl. GST)	Preparation Cost (excl. GST)
Panel Member (x4)	\$205	\$820	\$820
Panel Chairperson (x1)	\$227	\$227	\$227
Sub-total		\$1,047	\$1,047
Total (1 hour meeting)			\$2,094
Total (2 hour meeting)			\$3,141
Total (3 hour meeting)			\$4,188

Summary of contents from the Office of the Government Architect

Office of the Government Architect Comment	Administration Response
<p>Generally, the City's draft LPP and TOR are well developed. Strengths include;</p> <ul style="list-style-type: none"> • A proposed pool of 8 members (6 core panel members and 2 specialists) • The Panel is advisory only • The Panel is independent; chaired by a Panel member. • The process refers to the Design Review Guide criteria for evaluating EOI. 	<p>Noted.</p>
<p>The documents indicate that EOIs will be sought only from interested parties who are <u>residents and ratepayers only</u>. The Design Review Guide encourages some local members; however, this restriction will greatly reduce the pool of appropriately skilled design review expertise while presenting potential for perceived and actual conflicts of interest. During stakeholder engagement for Design WA, many developers and designers voiced concern regarding this approach (used by only a few LGs at the time) due to risks of subjectivity and conservatism. The OGA is concerned this will reduce the ability of the City to attract the best available expertise.</p>	<p>When the DRP Terms of Reference were considered at the 22 September 2020 Council meeting, Council resolved the modify the document to make this a preferable criterion, rather than a mandatory one.</p> <p>The City received applications from both resident/ratepayers and non-resident/ratepayers for membership on the DRP. Similarly, the recommended members for the DRP comprise a mix of resident/ratepayers and non-resident/ratepayers.</p>
<p>The LPP indicates a <u>fully proponent funded model</u>. The majority of Local Governments have found a centrally funded model to be the most successful, as it encourages proponents to seek feedback early, before too many project variables are set, and consultant hours spent. Early engagement in design review more often results in a positive, proactive process that is well-received as the early feedback is appreciated. Where a fee is charged, there is the tendency to seek design review post-lodgement, or once the design is well progressed. At this point, recommendations for change are more costly to implement and proponents' teams take a more defensive stance which can take time and effort for the local government to resolve. Presently there are a few local governments that charge a fee; however it is generally nominal and has a sliding scale depending on project size. The fees proposed in the Nedlands LPP would far exceed any other local</p>	<p>Noted. The Council resolved at the 28 July 2020 Ordinary Meeting of Council to pursue a fully proponent funded model. Therefore, the proponent is required to pay for the full costs associated with holding a DRP meeting, excluding the City's Administrative costs. Noting the comments received from the Office of the Government Architect regarding this funding model, Administration recommends that this approach be reviewed after six months of DRP operation.</p>

<p>government fee charged, does not encourage repeat reviews (cost is per review) and is an hourly rate regardless of project scale or complexity.</p> <p>Note also that it is advantageous to the City for proposals to return to the DRP to evaluation the responses to prior recommendations. A total of three reviews is recommended, and if a proponent has engaged collaboratively in design review, the third review should simply be confirmation and endorsement by the Panel, with reporting included in the RAR report. If a proponent is reluctant to incur the cost of a final design review, then this responsibility may fall to a planning officer.</p>	
<p>Integrate criteria from the Design Review Guide to declare up-front the importance of suitably experienced design review expertise.</p>	<p>The DRP Terms of Reference note that all expressions of interest shall include a professional profile addressing the selection criteria detailed in part 5.6 of the <i>Design Review Guide</i> published by the Office of the Government Architect. These criteria were subsequently used through the application review and interview stages to select the recommended DRP members.</p>
<p>The LPP uses some unusual terminology such as “impartial” and suggests a design review panel offers “technical” advice. Refer to the DRG or model TOR for well accepted descriptions of the role of design review panels.</p>	<p>Noted.</p>
<p>Consider setting a recurring regular review placeholder timeslot, that can be used or relinquished if not required.</p>	<p>Noted. Scheduling of meetings will be organised following appointment of the DRP members.</p>
<p>Consider reducing the project threshold for design review to 6-8 grouped dwellings. The Design WA medium density policy aims to encourage a diversity of medium density typologies so we may see more activity in that market.</p>	<p>The Design WA medium density policy has now been released for public comment, which closes 16 April 2021. Noting these comments from the Office of the Government Architect, Administration recommends that this threshold for grouped dwellings be reviewed after six months of DRP operation.</p>

PD09.21	RFT 2020-21.09 Natural Area Weed Control 2021-2025
Committee	9 March 2021
Council	23 March 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.	Nil.
Director	Tony Free – Director Planning & Development
Attachments	Nil.
Confidential Attachments	1. RFT 2020-21.09 Final Evaluation Score Sheet

1.0 Executive Summary

Part of the Environmental Conservation program requires the City to undertake control and management of environmental weeds. The purpose of this report is to request Council award the panel for natural area weed control services within the City's bushland areas.

Recommendation to Committee

Council:

1. **Accept the recommendation to award the contract for tender number RFT 2020-21.09 Natural Area Weed Control 2021-2025 to the South East Regional Centre for Urban Landcare (SERCUL) as the first preference panel member;**
2. **Accept the recommendation to award the contract for tender number RFT 2020-21.09 Natural Area Weed Control 2021-2025 to UGC Holdings PTY LTD as the second preference panel member;**
3. **Instruct the CEO to issue contracts to South East Regional Centre for Urban Landcare (SERCUL) and UGC Holdings PTY LTD; and**
4. **Instruct the CEO to advise all other tenderers as to the outcome of Tender number RFT 2020-21.09.**

2.0 Discussion/Overview

2.1 Background

The City has an annual program to undertake large scale perennial grass weed, broadleaf weed and bulbous weed control through its bushland areas. These works are undertaken in accordance with recommendations contained within the City's natural area management plans.

This tender will replace the existing panel contract that is due to expire in June 2021. The existing panel contract was awarded by Council for a period of three years at the Council meeting on Tuesday, 24 April 2018 (RFP 2017-18.01 Natural Areas and Greenways Weed Control).

Weeds to be controlled under this contract are primarily Perennial Veldt Grass and annual grasses using grass selective herbicides and geophytic weeds using a combination of Metsulfuron Methyl or Metsulfuron Methyl and Glyphosate. Other annual and perennial grass weeds and broad leaf weeds may also be controlled in an infrequent or ad hoc manner as required using a combination of hand weeding and spraying with Glyphosate or Fusilade Forte. Woody weeds may also be controlled in an infrequent or ad hoc manner as required using Triclopyr.

Under this contract weed control is to be undertaken primarily in the natural areas listed:

- Shenton Bushland;
- Allen Park Bushland;
- Hollywood Reserve;
- Mt Claremont Oval Bushland Reserve;
- Point Resolution Bushland Reserve;
- Birdwood Parade Bushland Reserve; and
- Swanbourne Estate Bushland.

Due to the limited timeframe required to undertake the contract work the City has determined that a panel contract is the most appropriate contract for the delivery of these services.

2.2 Request for Tender Information

To comply with legislative requirements outlined in the Local Government Act 1995 and to ensure the best value for money for the City RFT 2020-21.09 was advertised on 20 January 2021 in the West Australian Newspaper and on www.tenderlink.com/nedlands. The tender request period ended on 4 February 2021 with five (5) submissions received by the City.

Compliant submissions were received from the following companies:

1. Environmental Industries PTY LTD
2. LD Total
3. South East Regional Center for Urban Landcare (SERCUL)
4. UGC Holdings PTY LTD
5. Website Weed and Pest PTY LTD

No non-compliant submissions were received.

2.3 Key Relevant Previous Council Decisions:

PD15.18 Tuesday, 24 April 2018:

Council:

1. *Agrees to appoint panel no. 2017-18.01, as per the schedule of rates submitted, with the following priority:*
 - a) *South East Regional Centre for Urban Landcare (SERCUL);*
 - b) *Wake's Contracting PL; and*
 - c) *Natural Area Holdings Pty Ltd.*
2. *Authorises the Chief Executive Officer to confirm members of this panel.*

3.0 Consultation

N/A

4.0 Strategic Implications

The community will benefit from this project as it will result in the City's implementation of the Strategic Community Plan 2018-2028. The management of environmental weeds fits well with the City's vision and strategic priorities as the Strategic Community Plan refers to "Great Natural and Built Environment" and includes:

- A vision that "Our city will be environmentally sensitive, beautiful and inclusive place";
- Values that "We protect our enhanced, engaging community spaces, heritage, the natural environment"; and
- Priorities that comprise of "Retaining Remnant Bushland and Cultural Heritage".

Furthermore, key actions were identified in the Strategic Community Plan to contribute to retaining remnant bushland as a strategic priority. Some of these are listed below:

- Restore coastal and estuarine areas; and
- Maintain parks and other green spaces.

Management and control of environmental weeds is required by the City to manage fire risk and also to protect and restore bushland within the City. Therefore, there are potential reputational and safety risks if the City does not manage environmental weeds in our bushland areas including:

- Increased fire risk due to accelerated fuel loads as a result of not being able to undertake broad leaf and grass weed management;
- Further degradation of remnant bushland as a result of ongoing environmental weed invasion;
- Reduction in the quality of ecological communities within the City;

- Financial loss, as the success of previous weed management programs will decline; and
- Decline in the condition of Bush Forever Sites 218, 221 and 315.

5.0 Budget/Financial Implications

These contract services are provided for through the annual operational budget which will have no impact on rates.

6.0 Conclusion

The City of Nedlands Administration requests that Council accept the recommendation for award of contracts to the South East Regional Centre for Urban Landcare (SERCUL) and UGC Holdings PTY LTD.

PD10.21	Response to Proposed Policy Framework – Cumulative Traffic Impact Assessment
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Committee	9 March 2021
Council	23 March 2021
Applicant	City of Nedlands
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia</p>
Previous Item	Nil
Attachments	1. Special Meeting of Electors Minutes – 3 December 2020
Confidential Attachments	1. Legal Review of Policy Proposed at Special Meeting of Electors – 3 December 2020

1.0 Executive Summary

The purpose of this report is to provide Council with an update on the Council resolution of 15 December 2020 following the Special Meeting of Electors held on 3 December 2020.

Council resolved that a full independent review of the elector's resolution be undertaken. The elector's resolution proposed a policy relating to cumulative traffic impact assessments.

Andrew Roberts, Special Counsel from Castledine Gregory Solicitors, was commissioned to undertake a detailed assessment and provide a legal opinion on the recommendations proposed from the Special Meeting of Electors.

The intent of the proposed policy and the concern of the electors is acknowledged. The future traffic impacts of development on the local road network is a significant concern to residents and is a matter which needs to be addressed in a holistic and strategic manner.

To ensure that the matter is appropriately considered it is recommended that an information briefing session with Councilors be held to allow for a potential path forward to be discussed.

Recommendation to Committee

Council:

1. **Acknowledges the legal advice obtained from Castledine Gregory dated 12 February 2021; and**
2. **Request that an information briefing session of Councillors be held to allow for discussion on the legal advice received and for City officers to outline a path forward.**

2.0 Discussion/Overview

2.1 Background

The City called a Special Meeting of Electors on 3 December 2020. The meeting sought Council's support for a policy to address the cumulative impacts on traffic as a result of recent development approvals with Nedlands. The Special Meeting of Electors passed a motion that a Proposed Policy Framework – Cumulative Traffic Impact Assessment, be presented to Council for approval. **Attachment: 1 - Special Meeting of Electors Minutes**

Council resolved at its Ordinary Meeting of Council dated 15 December 2020 to instruct the CEO to undertake full independent review of the proposed policy framework.

In accordance with the Council resolution a full and thorough assessment of the Proposed Policy Framework – Cumulative Traffic Impact Assessment has been undertaken. This involved obtaining a legal opinion regarding the potential head of power and legality that could enable these recommendations to be supported either partially or in their entirety. **Confidential Attachment: 1 – Legal Review of Policy proposed at Special Meeting of Electors**

2.2 Administration Comment

There is an acknowledgement that the view expressed by the electors at the Special Meeting of Electors in December 2020 are a reflection of the concerns of some residents of the impact that development is having on the local road network. This concern is valid and needs to be addressed in a strategic manner.

It is important to acknowledge that the Perth and Peel @3.5 million as adopted by the Western Australian Planning Commission *“has been developed to deliver a more consolidated urban form and achieve a more efficient and cost-effective urban structure that minimises environmental impacts”*.

The Central Sub-regional Planning Framework identifies UWA – QEII as an activity centre which has impacts on the City, particularly within the Broadway precinct, in addition to Stirling Highway being identified as an urban corridor. With respect to activity centres the Central Sub-regional Planning Framework states the activities centres *“aim to allow more people to live closer to where they work with the aim of reducing the overall distance travelled to work. Some will build on existing infrastructure such as universities and hospitals to leverage community assets into*

innovative job creating activity centres”. The Central sub-regional Framework projects an additional 6,500 jobs at the UWA-QEII activity centre by 2050, building on the existing 17,680 in 2011. These additional jobs are important to the State, particularly given the nature of the work occurring within the activity centre. These additional jobs are likely to have an impact on the Nedlands community.

The Central Sub-regional Framework projects that the City’s population will increase by 9,500 from 2011 to 2050, with an additional 12,390 dwellings projected. This will change the shape of parts of Nedlands. It will impact on the built form of the City and it will increase the housing diversity within Nedlands. Some local roads will be impacted by this increase. Council does need to put in place strategies which help to inform future decisions and help to shape this future development.

An Integrated Transport Strategy will provide Council with modelling on future traffic implications of the development possibilities as provided for within the local town planning scheme. It is very rare for every landowner to maximise the development potential of their land. This is factored into the assumptions which are fed into the modelling. When considering the future transport needs of the community and of those that move through Nedlands, particularly on Stirling Highway, all transport modes need to be considered. An Integrated Transport Strategy does this, it considers the motor vehicle as a form a transport, as well as public transport current and future options, cycling and walking, are also considered. Clearly Stirling Highway is very important in terms of moving people within Nedlands. It is also important that people can safely move north – south across Stirling Highway.

The modelling used in the Integrated Transport Strategy will form the basis on which individual traffic impact assessment for developments are based. These individual assessments will be critically reviewed by City officers, with external traffic engineers also being used to assess the traffic impact assessments submitted with development applications.

The Integrated Transport Strategy may result in a need to increase pedestrian and cycling infrastructure, it may result in a recommendation to advocate the State Government to increase public transport options for our community. It is important to consider that the strategy has a focus beyond motor vehicles and ideally it will tie all forms as transport into one transport strategy.

The Special Meeting of Electors of December 2020 reflected the challenges which Council and the Nedlands community face given the role that Nedlands is being required to play within the greater Perth metropolitan area. There are challenges associated with the changes in the permitted land uses and associated intensity of the that development. This gives raise to the need for the City of Nedlands to have appropriate strategies in place to manage that development. One of these is an Integrated Transport Strategy.

Its considered appropriate that before giving further consideration to the Proposed Policy Framework – Cumulative Traffic Impact Assessment that Councillor’s workshop with officers, the challenges with the view of formulating a path forward to allow Council to deal with these challenges in a strategic manner.

2.3 Risk

In the absence of an Integrated Transport Strategy which factors in Nedlands role within the greater Perth metropolitan area, a holistic response to development is less likely.

3.0 Consultation

Consultation with the key stakeholders including the Department of Transport, Main Roads WA and Public Transport Authority, in addition to as community consultation will be undertaken as part of the development of the Integrated Transport Strategy.

4.0 Strategic Implications

How well does it fit with our strategic direction?

The Strategic Community Plan includes the following objectives:

- Promote a movement network that foremost enables mobility, and particularly encourages non-car modes.
- Locate land uses (particularly higher density residences) and transport networks in a way that maximises efficiency.

The development of the Integrated Transport Strategy and Transport Impact Assessments will provide a framework for State and local governments, key stakeholders, and the community to work collaboratively together, guiding investment into the future and outlining further investigative tasks required to support development of the transport network.

Who benefits?

A successful Integrated Transport Strategy will outline a series of initiatives and investments that will help residents, workers, and visitors to the City.

Does it involve a tolerable risk?

The Integrated Transport Strategy and Transport Impact Assessments will result in better informed decision making.

Do we have the information we need?

Council has agreed to a budget allocation to engage a consultant to develop the Integrated Transport Strategy and the priority Transport Impact Assessments.

5.0 Budget/Financial Implications

An estimated of \$145,000 in 2020/21 and \$50,000 in the 2021/22 financial year, to engage a consultant to develop both the Integrated Transport Strategy and three Transport Impact Assessments in support of the priority Precinct Plans. This was approved at the February Council meeting.

Can we afford it?

The Integrated Transport Plan is not specifically provided for in the Long-Term Financial Plan. However, the Integrated Transport Plans and Traffic Impact

Assessments for the Precinct Plans are considered essential by the Administration to satisfy the transport objectives outlined in the Strategic Community Plan and LPS3.

How does the option impact upon rates?

Cost savings will be identified in the 2020/21 budget. Funding \$50,000 will be required in the 2021/22 financial year will be subject to Council's consideration as part of the 2021/22 budget process to minimize potential impact on rates.

6.0 Conclusion

The concerns of the residents as expressed at the Special Meeting of Electors are valid and should be addressed in a strategic manner, which officers consider is best handled via an information briefing of Councillors in order to allow a path forward to be established.



Minutes

Special Meeting of Electors

3 December 2020

The Special Meeting of Electors of the City of Nedlands held on Thursday 3 December 2019 at Adam Armstrong Pavilion, Beatrice Road, Dalkeith (David Cruickshank Reserve) commencing at 7 pm.

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City of Nedlands

Minutes of City of Nedlands Special Electors Meeting held at Adam Armstrong Pavilion, Beatrice Road on Thursday, 3 December 2020 at 7 pm.

Declaration of Opening

Mayor de Lacy declared the meeting open at 7 pm and drew attention to the disclaimer below.

Disclaimer

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It is noted that the advertisement calling the meeting was published in the POST Newspaper on 14 November 2020 together with notices displayed at the Administration Centre and Libraries, and on the City's Website.

1. Present and Apologies

Councillors	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor N Youngman	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor P Poliwka	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Vacant	Melvista Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Mr J Duff	Director Technical Services
	Mrs S C Gibson	PA to Director Corporate & Strategy
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public 98 members of the public were present, however only 92 members of the public signed the register. 2 members of the public attended online.

Press There were no members of the press.

Apologies

Councillor N B J Horley
Mr David & Mrs Jan Lord

Coastal Districts Ward
Alexander Road, Dalkeith

2. Procedural Matters

Mayor de Lacy outlined the procedures of the meeting.

3. With or without amendment, as approved by the special electors meeting – a local planning policy which requires at least the following:

1. Immediate deferral of all development applications for more than 4 or more residences on one lot or site, pending the implementation of the following actions and the outcome of the City of Nedlands comprehensive traffic management policies and studies.

City of Nedlands Administration Comment

The City has received previous legal advice that precludes it from placing a moratorium on development applications on the basis that there is no legal mechanism to allow this. All development applications must be assessed in accordance with the Planning and Development Act 2005 and provisions of the Local Planning Scheme, State Planning Policies and in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

2. A mandatory requirement for development applications in the City of Nedlands for 4 or more residences at a site to bond funds with the City of Nedlands, for the City to commission an independent cumulative traffic assessment for the locality.

City of Nedlands Administration Comment

The City does not have any statutory ability (need / nexus) to require mandatory bonds for such traffic assessment. An applicant is required to provide Transport Impact Assessment for development applications in accordance with the WAPC Guidelines. There is no statutory nexus between what is being asked for and what can be applied in accordance with the current statutory planning framework.

The City is however developing a contributions policy which has the potential to deal with elements of congestion and parking in the built up areas. A contributions policy requires developers to pay for future infrastructure needs which arise through the impacts of increased density. Refer to the following link for further details on Contributions Policies (<https://www.dplh.wa.gov.au/getmedia/77de8ae0-031a-4871-bc59->

[2279ec666dc9/draft-SPP-3-6-July-2019](#)). Local Planning Scheme 3 provides for cash-in-lieu of parking, and where this is linked to a contributions policy, the City then has the ability to take contributions and build facilities. A similar approach can be made for traffic increases. Where modelling shows a road upgrade projection from local to minor distributor for example, capital costs can be determined and included in a contributions policy.

- For the proposed developments which would be put to a Joint Development Assessment Panel, the City would require the independent cumulative traffic assessment be undertaken, with the independent assessment then made available to the ratepayers in advance of the Council’s consideration of the proposed development application.

City of Nedlands Administration Comment

As per Answer 2, there are not statutory requirements for applicants to provide cumulative traffic assessments, unless required in accordance with the WAPC Guidelines for transport impact assessment. Please be reminded that the Local Government is not the determining authority for JDAP items.

Traffic impact assessments are required for developments and depending on the scale of the development different levels of assessment are required by the Department of Planning, Lands and Heritage (<https://www.dplh.wa.gov.au/policy-and-legislation/state-planning-framework/fact-sheets,-manuals-and-guidelines/transport-impact-assessment-guidelines>). A summary of the traffic assessment requirement for various development types is shown below (Volume 1).

Table 1: Level of TIA required by land use and size

LAND USE	MODERATE IMPACT	HIGH IMPACT
	Transport Impact Statement required	Transport Impact Assessment required
	10 – 100 vehicle trips in the peak hour	> 100 vehicle trips in the peak hour
Residential	10–100 dwellings	>100 dwellings
Schools	10–100 students	>100 students
Entertainment venues, restaurants, etc.	100–1000 persons (seats) OR 200–2000 m ² gross floor area	>1000 persons (seats) OR >2000 m ² gross floor area
Fast food restaurants	50–500 m ² gross floor area	>500 m ² gross floor area
Food retail/Shopping centres with a significant food retail content	100–1000 m ² gross floor area	>1000 m ² gross floor area
Non-food retail	250–2500 m ² gross floor area	>2500 m ² gross floor area
Offices	500–5000 m ² gross floor area	>5000 m ² gross floor area
Service Station*	1–7 refuelling positions	>7 refuelling positions
Industrial/Warehouse	1000–10,000 m ² gross floor area	>10,000 m ² gross floor area
Other Uses	Discuss with approving authority	Discuss with approving authority

Volume 4 details the requirements for Transport Impact Statements and Transport Impact Assessments for developments.

- Proposed development;
- Vehicle access and parking;
- Provision for service vehicles;
- Hours of operation (if applicable);
- Daily traffic volumes and vehicle types;
- Traffic management on frontage streets;
- Public transport access;
- Pedestrian access;
- Cycle access and end of trip facilities;
- Site specific issues; and
- Safety issues

The Transport impact assessment (TIA) does provide a technical assessment of the traffic impacts. The TIA should cover all parts of the transport network that would be likely to be materially affected by the proposed land uses. The TIA also deals with non-car modes.

- Existing situation
- Development proposal
- Committed developments and other transport proposals
- Changes to surrounding transport networks
- Integration with surrounding area
- Assessment years and time periods
- Development generation and distribution
- Design traffic flows
- Analysis of development accesses
- Impact on surrounding roads
- Impact on intersections
- Impact on neighbouring areas
- Road safety
- Public transport access
- Pedestrian access/amenity
- Cycle access/amenity
- Analysis of pedestrian/cycle networks
- Safe routes to school (where appropriate)
- Parking and parking management
- Traffic management plan (where appropriate)

In summary the future looking component of Transport Impact Statements are not well captured, although the more complex Traffic Impact Assessment does look to the future and considers the impact on the future traffic loading. The work the City is doing currently in terms of a comprehensive traffic study will need to supplement the requirements for the TIS in particular so that cumulative impacts can be assessed and the developer made responsible for their fair share of impacts.

4. Annually, The City of Nedlands would review and report on to the Council:
 - a. The overall stat of larger developments – what has been built in the past year, what is a pending application and what is foreseeable or prosed (announced publicly or mentioned);
 - b. The likely “macro” traffic impact within the roads and main arterial roads and highways of the City of Nedlands; and
 - c. Desirability of any necessary measures that can be put in place to reduce traffic increase in any localities (such as footpath or bike-path, car-free development conditions, street parking limitations, annual levies on the high-rise residences which funs are specifically put to private shuttle services to key areas).

City of Nedlands Administration Comment

- a) The City can produce a report to Council which would stipulate what applications have been approved for “Complex” development, and of those developments which ones have received building permit / occupancy permits.
- b) The City is finalising a comprehensive traffic model for Stirling Highway and Broadway. Following its completion Administration will be able to present a report for Council that outlines City’s current network capacity and future demand projections using LPS3 land use data.
- c) The development of a Development Contributions Plan will seek to capture developer contributions which will be programmed for the contribution towards community infrastructure, this may include road and public realm upgrades and can consider transport linkages for modes other than vehicles. These will then form part of the Long-Term Capital Works program. A report was presented to Council 27 October 2020 proposing Local Planning Scheme No.3 – Infrastructure Contributions. Council resolved as follows:

Council Resolution / Recommendation to Council

Council:

- 1. instructs the CEO to commence preparation of an Infrastructure Contributions Framework under Local Planning Scheme 3;**
- 2. allocates funds of \$40,000 to enable work to commence on the Infrastructure Contributions Framework under Local Planning Scheme 3, with a budget adjustment to be made in the 2020-21 midyear budget review;**

3. **considers allocating \$50,000 in the 2021-22 budget for the completion of the Infrastructure Contributions Framework under Local Planning Scheme 3; and**
4. **instructs the CEO to arrange a Councillor workshop prior to Council's consideration of the report to formally initiate the Local Planning Scheme Amendment to introduce the Infrastructure Contributions Frameworks**

Motion 1

Moved – Anthony Papamatheos – 52 Louise Street, Nedlands

Seconded – Ian Love - 70 Kingsway, Nedlands

A motion will be moved at this special electors' meeting that:

That the Council should at its next meeting:

1. **for the purpose of section 2.7 of the Local Government Act 1995 (WA), determine to adopt and approve the Proposed Policy Framework – Cumulative Traffic Impact Assessment (below, as paras 1 to 18) but excluding 9 c. and 11; and**
2. **instruct and direct the CEO to implement this approved Framework as a policy of the City.**

Background

1. On 16 April 2019, the City of Nedlands' *Local Planning Scheme No. 3* (LPS 3) was gazetted, with a focus upon substantially increased density on Stirling Highway.
2. In 2020, the City faced an unprecedented number of development applications for heavy density and high-rise developments on and around Stirling Highway in Nedlands. The City had no traffic modelling or advanced technical capability to analyse the applications.
3. Efforts of the City's officers between May 2020 and December 2020 to attempt to secure traffic modelling have not delivered a model in a timely fashion, or at all.
4. There is insufficient technical or practical assessment of cumulative impacts of traffic from successive development applications for higher density residential and commercial/retail developments in the City's policies.
5. If presently proposed developments proceed, significant additional traffic will be added to Stirling Highway and feeding roads (including Broadway, Bruce St, Smyth Rd, Stanley St, Florence Rd, Dalkeith Rd and Vincent St/Adelma Rd).

6. As to this additional traffic:
 - a. congestion on Stirling Highway and on and around points in the City is to the detriment of all users of such roads, including from elsewhere in the City and State;
 - b. the feeding roads will be further congested, with additional issues of unsafe busy roads, vehicle noise, increase in trucks and cars parked on verges;
 - c. as Stirling Highway and feeder roads near capacity, or peak use, forcing traffic jams, there is no ability to reverse those problems once created by any works or changes, as there is no physical space for expansion or modification (and, as to which, any regime for developer contributions would appear of no utility); and
 - d. it is necessary and desirable, for proper planning, to avoid creation of an unfixable problem for current and future residents of the City and government instrumentalities.
7. The principal, cost-effective means to seek to address these issues is to properly consider how proposed developments will contribute substantially to the traffic issues, without making any contribution to their avoidance or fixing.
8. By a special electors' meeting of 3 December 2020, the great majority of ratepayers of have spoken overwhelmingly in favour of the need for an immediate policy, even if the City continues to progress development of some other traffic model.

Proper cumulative traffic assessment

9. The City's officers and staff (for planning, engineering and otherwise) must, on any proposed or current development application as concerns 4 or more residences or lots on a site or sites, or any larger commercial/retail development, to the maximum extent possible:
 - a. take residents views into account, work collaboratively with residents, and make complete representations as to these concerns for cumulative traffic impact, including from other current approved or pending developments, for any RAR, council meeting or any Development Assessment Panel;
 - b. require for clauses 63(c) and (d) of the deemed provisions applicable by reason of clause 7(1)(a) of LPS 3, a wholly independent cumulative traffic impact assessment taking all current or proposed developments into account, to accompany any development application (with such independent engineer or expert to be chosen by and instructed by the City);

- c. encourage proponents or applicants to submit development applications which are carfree or involve substantially reduced numbers of car bays, with preference given to other transport means (bus, shuttle, ride-share, bicycle or pedestrian);
 - d. convey to each and any Development Assessment Panel, considering any development application, a full list of developments approved on Stirling Highway, and in Broadway, Hampden Road and the surrounding zones, and number of car bays for each, in 2019 and 2020 (and following), setting out the need for deferral of consideration until such time as complete cumulative traffic impact assessment is complete;
 - e. require cumulative assessment beyond minimum threshold WAPC Traffic Impact Assessment Guidelines, to fully account for all current and proposed or foreshadowed developments around a locality;
 - f. consider genuinely all conceivable means of reducing future congestion on Stirling Highway and surrounds within the City on any such developments, including whether any development contribution plan will likely prove futile; and
 - g. question, review and critique any modelling provided for cumulative traffic impact assessment for or by the City, including with the ratepayers and their advisors, so that practical and genuine approaches to issues are taken and that any model adopted or modelling provided, if inadequate or erroneous, is not stubbornly maintained.
10. The above requirement is in addition to, and not to derogate from, any other protocols of the City's planners and traffic engineers as concerns clause 67(t) of the deemed provisions applicable by reason of clause 7(1)(a) of LPS 3, or otherwise.

No traffic measures

11. To the maximum extent possible, and notwithstanding any other provision of this Policy, the City will, for any proposed or current development application as concerns 4 or more residences or lots on a site or sites on Stirling Highway, Broadway, Hampden Road and the surrounding transitions zones, impose conditions for car free developments or no car bays for all or a majority of lots.

Public involvement and consultation

12. To the maximum extent possible, the City, its officers and staff, will provide detailed information promptly on written request, made or signed by at least 4 ratepayers, as concerns traffic assessment of any proposed

or current development application or approval, or any traffic model or study the City possesses or seeks to rely upon.

13. The City officers and staff are to actively assist transparency and provision of such information as requested, such that ratepayers are not stymied or prevented from public consultation rights for development applications.

Transparency

14. All officers and staff of the City are to facilitate the prompt provision of accurate information about the City's traffic process, assessments, and any current or proposed development in relation to traffic issues.

Anti-avoidance and conflicts of interest

15. All officers and staff of the City are required to promptly and genuinely:
 - a. assist in the application of and compliance with this Policy, to the fullest extent and according to its true spirit, intention and purpose, and by looking beyond the form to the substance; and
 - b. inform and support ratepayers for their enquiries and activities in respect of this Policy.
16. All officers and staff of the City must actively avoid and promptly disclose (in a public register or notification) any potential or actual conflict of interest as to any traffic issue matter.
17. For the avoidance of any doubt, by the adoption of this Policy, the Council hereby withdraws any permission as concerns officers and staff of the City and any planning or traffic work or activity, for the purpose of section 102 of the Public Sector Management Act 1994 (WA).

Full Independent Review – May 2021

18. By 30 May 2021, the CEO (or acting CEO) with a committee of the Council, is to receive any recommendation or review to update this interim policy, as jointly prepared by an independent law firm with sufficient expertise and an independent town planning firm, which firms the City has not otherwise retained or used in 2019 or 2020.

CARRIED 85/-

Motion 2

Moved – Anthony Papamatheos - 52 Louise Street, Nedlands
Seconded – Marcey Spilsbur - 41 Portland Street, Nedlands

Include the below, in the proposed policy;

No traffic measures

- 11. That the council by 30 May 2021 invite views and prepare a summary of views on no car development limitations on proposed developments on Stirling Highway, Broadway, Hampden Road and other surrounding transition zones.**

CARRIED 53/12

Electors Resolution

That the Council should at its next meeting:

- 1. for the purpose of section 2.7 of the Local Government Act 1995 (WA), determine to adopt and approve the Proposed Policy Framework – Cumulative Traffic Impact Assessment (below, as paras 1 to 18); and**
- 2. instruct and direct the CEO to implement this approved Framework as a policy of the City.**

Background

1. On 16 April 2019, the City of Nedlands' *Local Planning Scheme No. 3* (LPS 3) was gazetted, with a focus upon substantially increased density on Stirling Highway.
2. In 2020, the City faced an unprecedented number of development applications for heavy density and high-rise developments on and around Stirling Highway in Nedlands. The City had no traffic modelling or advanced technical capability to analyse the applications.
3. Efforts of the City's officers between May 2020 and December 2020 to attempt to secure traffic modelling have not delivered a model in a timely fashion, or at all.
4. There is insufficient technical or practical assessment of cumulative impacts of traffic from successive development applications for higher density residential and commercial/retail developments in the City's policies.

5. If presently proposed developments proceed, significant additional traffic will be added to Stirling Highway and feeding roads (including Broadway, Bruce St, Smyth Rd, Stanley St, Florence Rd, Dalkeith Rd and Vincent St/Adelma Rd).
6. As to this additional traffic:
 - a. congestion on Stirling Highway and on and around points in the City is to the detriment of all users of such roads, including from elsewhere in the City and State;
 - b. the feeding roads will be further congested, with additional issues of unsafe busy roads, vehicle noise, increase in trucks and cars parked on verges;
 - c. as Stirling Highway and feeder roads near capacity, or peak use, forcing traffic jams, there is no ability to reverse those problems once created by any works or changes, as there is no physical space for expansion or modification (and, as to which, any regime for developer contributions would appear of no utility); and
 - d. it is necessary and desirable, for proper planning, to avoid creation of an unfixable problem for current and future residents of the City and government instrumentalities.
7. The principal, cost-effective means to seek to address these issues is to properly consider how proposed developments will contribute substantially to the traffic issues, without making any contribution to their avoidance or fixing.
8. By a special electors' meeting of 3 December 2020, the great majority of ratepayers of have spoken overwhelmingly in favour of the need for an immediate policy, even if the City continues to progress development of some other traffic model.

Proper cumulative traffic assessment

9. The City's officers and staff (for planning, engineering and otherwise) must, on any proposed or current development application as concerns 4 or more residences or lots on a site or sites, or any larger commercial/retail development, to the maximum extent possible:
 - a. take residents views into account, work collaboratively with residents, and make complete representations as to these concerns for cumulative traffic impact, including from other current approved or pending developments, for any RAR, council meeting or any Development Assessment Panel;

- b. require for clauses 63(c) and (d) of the deemed provisions applicable by reason of clause 7(1)(a) of LPS 3, a wholly independent cumulative traffic impact assessment taking all current or proposed developments into account, to accompany any development application (with such independent engineer or expert to be chosen by and instructed by the City);
 - c. convey to each and any Development Assessment Panel, considering any development application, a full list of developments approved on Stirling Highway, and in Broadway, Hampden Road and the surrounding zones, and number of car bays for each, in 2019 and 2020 (and following), setting out the need for deferral of consideration until such time as complete cumulative traffic impact assessment is complete;
 - d. require cumulative assessment beyond minimum threshold WAPC Traffic Impact Assessment Guidelines, to fully account for all current and proposed or foreshadowed developments around a locality;
 - e. consider genuinely all conceivable means of reducing future congestion on Stirling Highway and surrounds within the City on any such developments, including whether any development contribution plan will likely prove futile; and
 - f. question, review and critique any modelling provided for cumulative traffic impact assessment for or by the City, including with the ratepayers and their advisors, so that practical and genuine approaches to issues are taken and that any model adopted or modelling provided, if inadequate or erroneous, is not stubbornly maintained.
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No traffic measures

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 - b. inform and support ratepayers for their enquiries and activities in respect of this Policy.
16. All officers and staff of the City must actively avoid and promptly disclose (in a public register or notification) any potential or actual conflict of interest as to any traffic issue matter.
17. For the avoidance of any doubt, by the adoption of this Policy, the Council hereby withdraws any permission as concerns officers and staff of the City and any planning or traffic work or activity, for the purpose of section 102 of the Public Sector Management Act 1994 (WA).

Full Independent Review – May 2021

18. By 30 May 2021, the CEO (or acting CEO) with a committee of the Council, is to receive any recommendation or review to update this interim policy, as jointly prepared by an independent law firm with sufficient expertise and an independent town planning firm, which firms the City has not otherwise retained or used in 2019 or 2020.