



City of Nedlands

Planning and Development Reports

Committee Consideration – 9 November 2021
Council Resolution – 23 November 2021

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PD34.21	Consideration of Development Application (Single House) at No. 20B Vincent Street, Nedlands
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Committee	9 November 2021
Council	23 November 2021
Applicant	Zuideveld Marchant Hur
Landowner	J Ng and F Wijaya
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/66646
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image and Zoning Map 2. Plans
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received on 29 March 2021 for a two storey single house at 20B Vincent Street, Nedlands.

The application was advertised to adjoining neighbours in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals due to the need to consider lot boundary setbacks, open space, garage width and site works against the relevant design principles. At the close of the advertising period, one submission was received objecting to the development proposal. As an objection has been received, this application is presented to Council for determination.

If a proposal does not meet the deemed to-comply provisions of the R-Codes, Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider

the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes). Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 21 July 2021 in accordance with amended plans date stamped 5 October 2021 for a Single House at 20B Vincent Street, Nedlands, subject to the following conditions:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.**
- 3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
- 4. 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 or in:**
 - a. Face brick;**
 - b. Painted render;**
 - c. Painted brickwork; or**
 - d. Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.**
- 5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
- 6. Prior to occupation of the development, privacy screens to the side of Bedroomroom 2 located on the east elevation and Bedroomroom 3 located on the north elevation as shown on the approved plans shall be provided to prevent oblique overlooking in accordance with the Residential Design Codes by either:**
 - a. Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or**
 - b. Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
 - c. A minimum sill height of 1.60 metres as determined from the internal floor level; or**
 - d. An alternative method of screening approved by the City of Nedlands.**

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

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	174m ²
Land Use	Existing – Vacant Land Proposed – Single House
Use Class	'P' Permitted Use

2.2 Locality Plan

The subject lot is located at 20B Vincent Street, Nedlands and is approximately 200m south of Stirling Highway. The property is currently vacant and has a slope of approximately 1.2m upwards from the street (west) to the rear (east).

The parent lot of 20 Vincent Street has been granted conditional subdivision approval by the WAPC, and a two-storey house was recently approved by Council on the lot immediately to the north (20A Vincent Street).

3.0 Application Details

The application seeks development approval for the construction of a two-storey single house with a direct frontage to Vincent Street.

On 5 October 2021, amended plans were submitted reducing the upper floor footprint and reducing the size of several windows to habitable rooms. This had the effect of mitigating any visual privacy impacts, and reducing the minimum deemed-to-comply setbacks.

4.0 Consultation

The applicant is seeking assessment in accordance with the Design Principles of the R-Codes for the following:

- Lot Boundary Setback
- Open Space
- Garage Width
- Site Works

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 11 adjoining landowners.

The application was advertised for a period of 14 days from 13 July to 27 July 2021. At the close of the advertising period one objection was received.

The objection asks for the development to be made to comply with the deemed-to-comply provisions of the R-Codes in relation to:

- Lot boundary setbacks;
- Open space;
- Visual privacy to east from Bedroomroom 2; and
- Site works.

In relation to the concerns about visual privacy, it is noted that the east facing window of Bedroomroom 2 window is less than 1 sqm in area. Therefore, it is not considered a major opening under the R-Codes and meets the deemed-to-comply criteria for visual privacy.

Bedroomroom 2 and 3 also include screening adjacent to each window to prevent oblique overlooking to the adjoining sites. This screening is included as a condition of planning approval.

In relation to the other areas of concern raised in the submission, an assessment against the design principles of the R-Codes has been conducted. This is outlined below.

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

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

5.2 State Planning Policy

5.2.1 State Planning Policy 7.3 Residential Design Codes – Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An assessment under the R-Codes can be undertaken in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway. The proposed development is seeking a design principle assessment pathway for a part of this proposal.

An assessment is sought under the design principles for lot boundary setback, open space, garage width and site works. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. All other areas meet the deemed-to-comply provisions.

Clause 5.1.3 – Lot Boundary Setback

The northern upper floor wall comprising the 4.0m wide linen-to-robe section (see Figure 1 below) proposes a 1.9m setback.

The setback is considered to meet the design principles as:

- A house on the adjoining northern lot (20A Vincent Street) was recently approved with a garage boundary wall and a driveway adjoining the subject site. The adjoining accessway will be used for the purposes of bin storage and air conditioning equipment. The proposed wall of the subject development will be located 1.9m from the future driveway and will have minimal impact on the amenity of the adjoining lot due to the obscured glazed window set in the accessway wall, as the narrow accessway functions as a service corridor and does not comprise active outdoor living space.
- The proposed wall is not adjacent to major openings or outdoor living areas and will not detrimentally impact ventilation to the northern lot.
- The wall is located to the north and will not impact overshadowing to adjoining lots.
- The wall forms part of solely non-habitable spaces that do not present any visual privacy impacts to the adjoining lot.
- The upper floor wall is articulated with varying setbacks, and with the other portions of wall meeting the deemed-to-comply criteria.

Clause 5.1.4 - Open Space

The development proposes 30% open space. Open space is considered to meet the design principles as:

- The development reflects the existing and potential future streetscape character of the area, in that it is located within a block having a density code of R60. The corner property directly to the south, as well as the property on the opposite corner, have been subdivided into five blocks of dimensions roughly equal to the subject site. The scale and form of those future developments will therefore be consistent with that proposed in the subject application.
- A two-storey house immediately north of the subject site at No. 20A Vincent Street has recently been approved and presents a similar built form as that proposed within the subject application.
- The house includes an outdoor living area and landscaping in the north-eastern corner of the site, which will allow sufficient solar access into the rear yard and the internal primary living area.
- On the upper storey, there are north-facing windows to Bedroomrooms 2 and 3, and a west-facing window and balcony to Bedroomroom 1 for indoor natural light.
- The development includes landscaped areas in the front and rear areas of the site to soften the appearance of the building mass as viewed from the street and adjoining properties. A detailed landscaping plan has been provided, which will be required to be implemented as a condition of approval. This includes a new tree to be planted in the northeast corner.

Clause 5.2.2 - Garage Width

The garage width and supporting structures comprise 69% (5.9m) of the lot frontage. The garage width is considered to meet the design principles as:

- The lift shaft is located forward of the garage and provides articulation of the front wall to break up the massing of the house.
- Landscaping is provided forward of the house adjoining the driveway and pedestrian entrance, which will soften the appearance of the garage doors.
- The upper floor balcony extends forward of the garage, which serves to reduce the dominance of the garage doors on the streetscape.

Clause 5.3.7 - Site Works

The site works propose an excavation and retaining walls of up to 1.4m. The site works and retaining walls meet the Design Principles as:

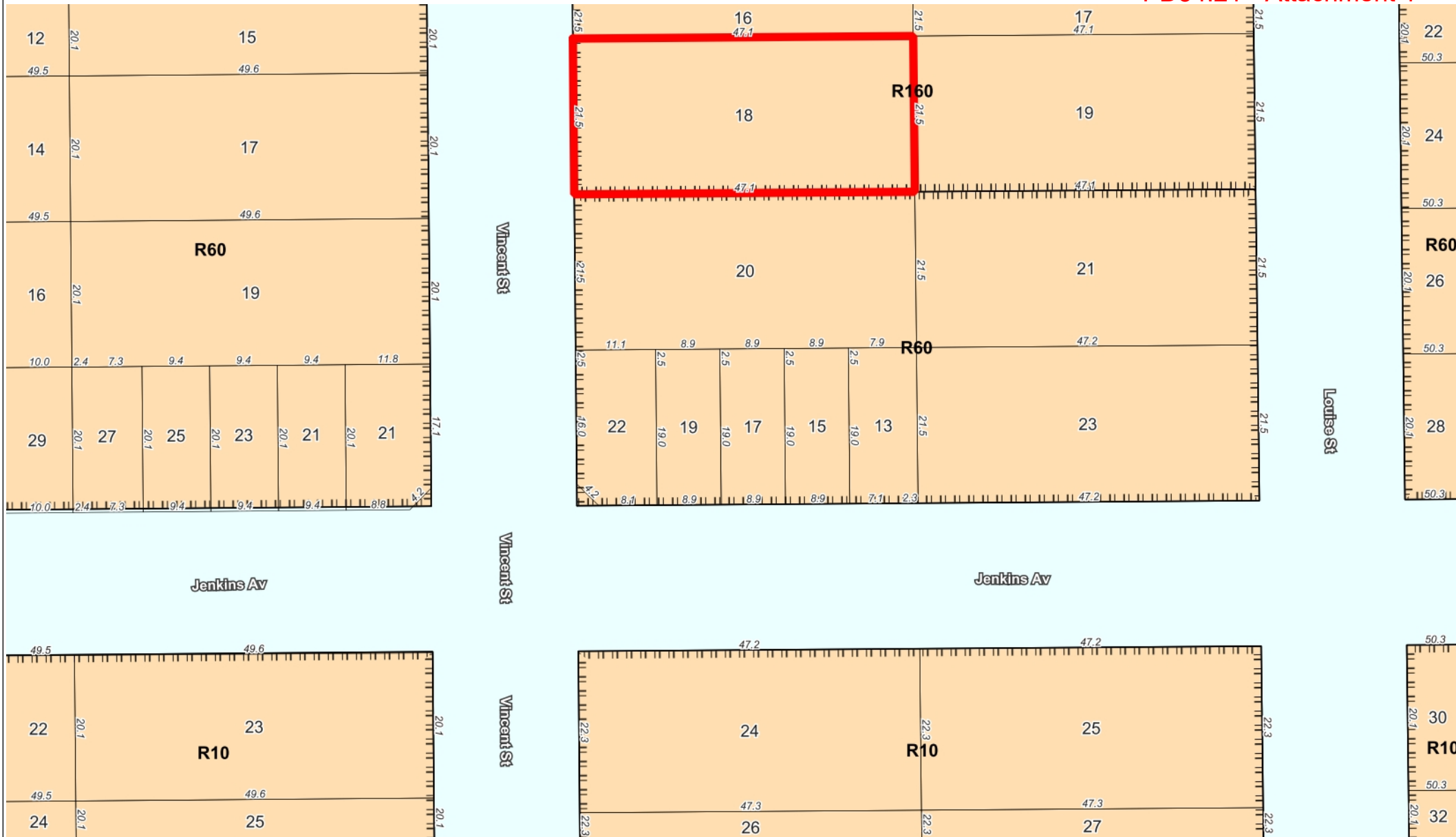
- The site works respond to the topography of the lot and are located to the rear of the site so as to make the house consistent in floor level and height with adjoining houses when viewed from the street.
- The excavation reduces the perceived height and scale of the building as viewed from adjoining properties.
- The excavation reduces natural ground level and therefore does not introduce any visual privacy concerns.

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 single house has been presented for Council consideration due to objections having been received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the Design Principles of the Residential Design Codes.

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



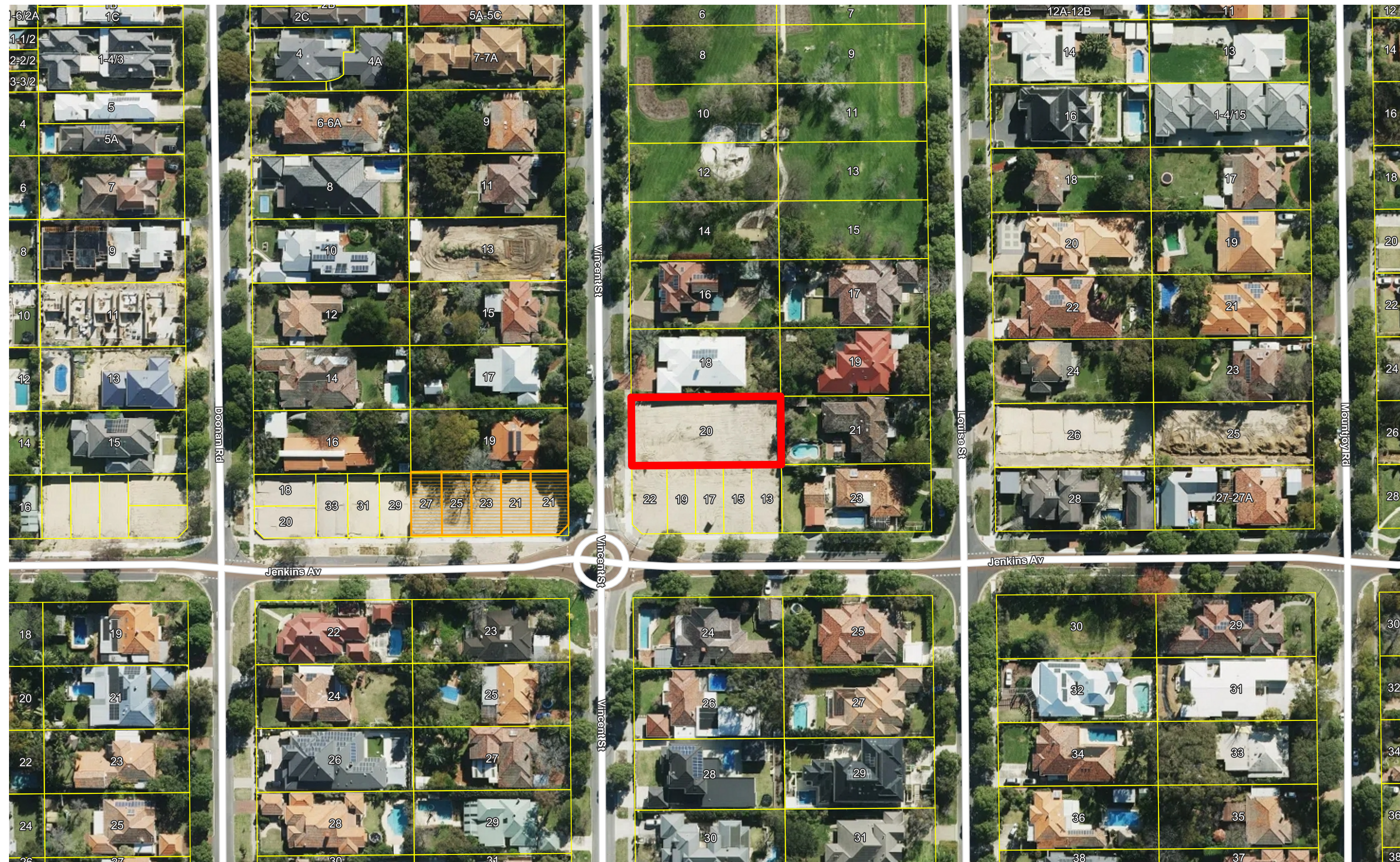
City of Nedlands

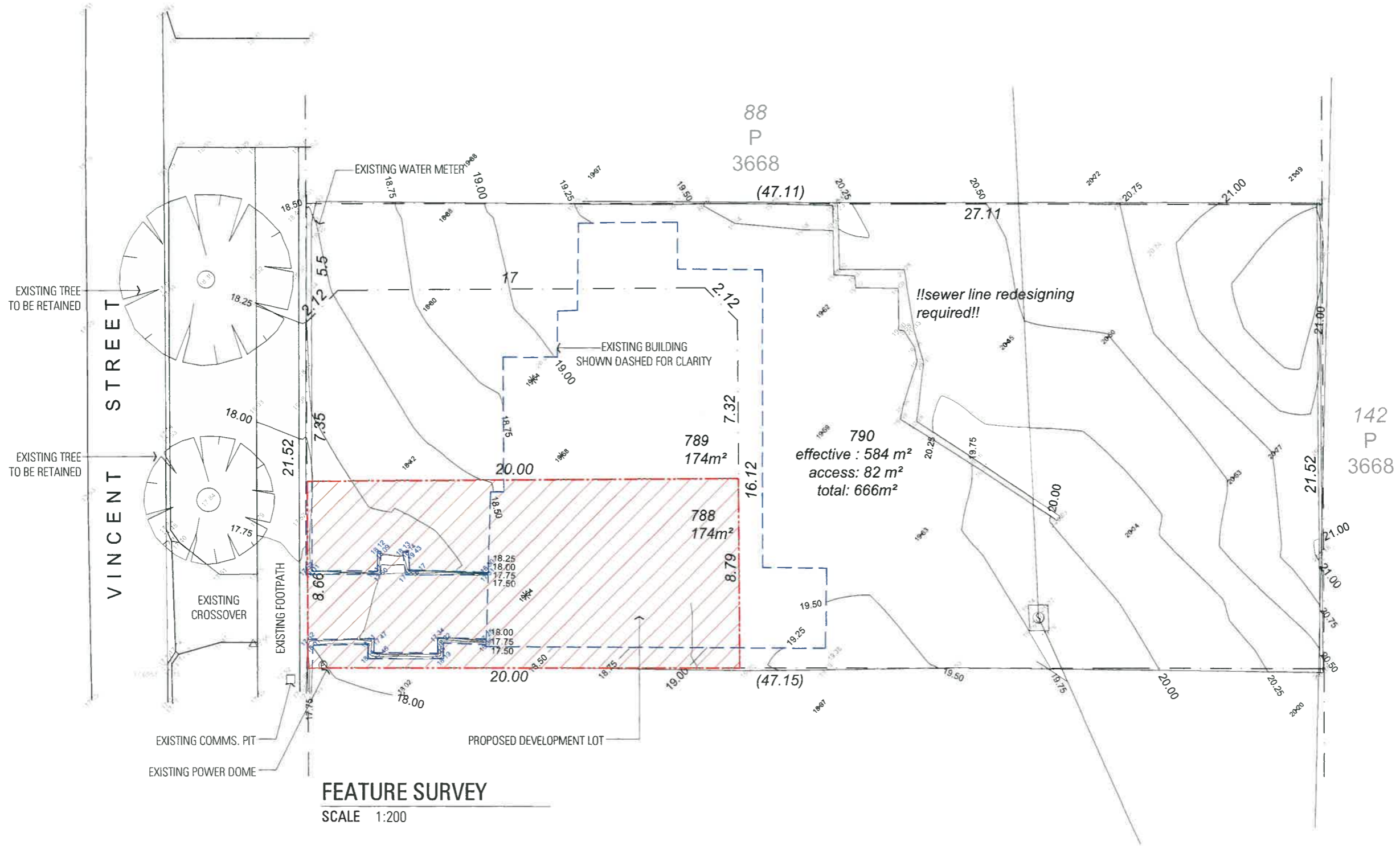
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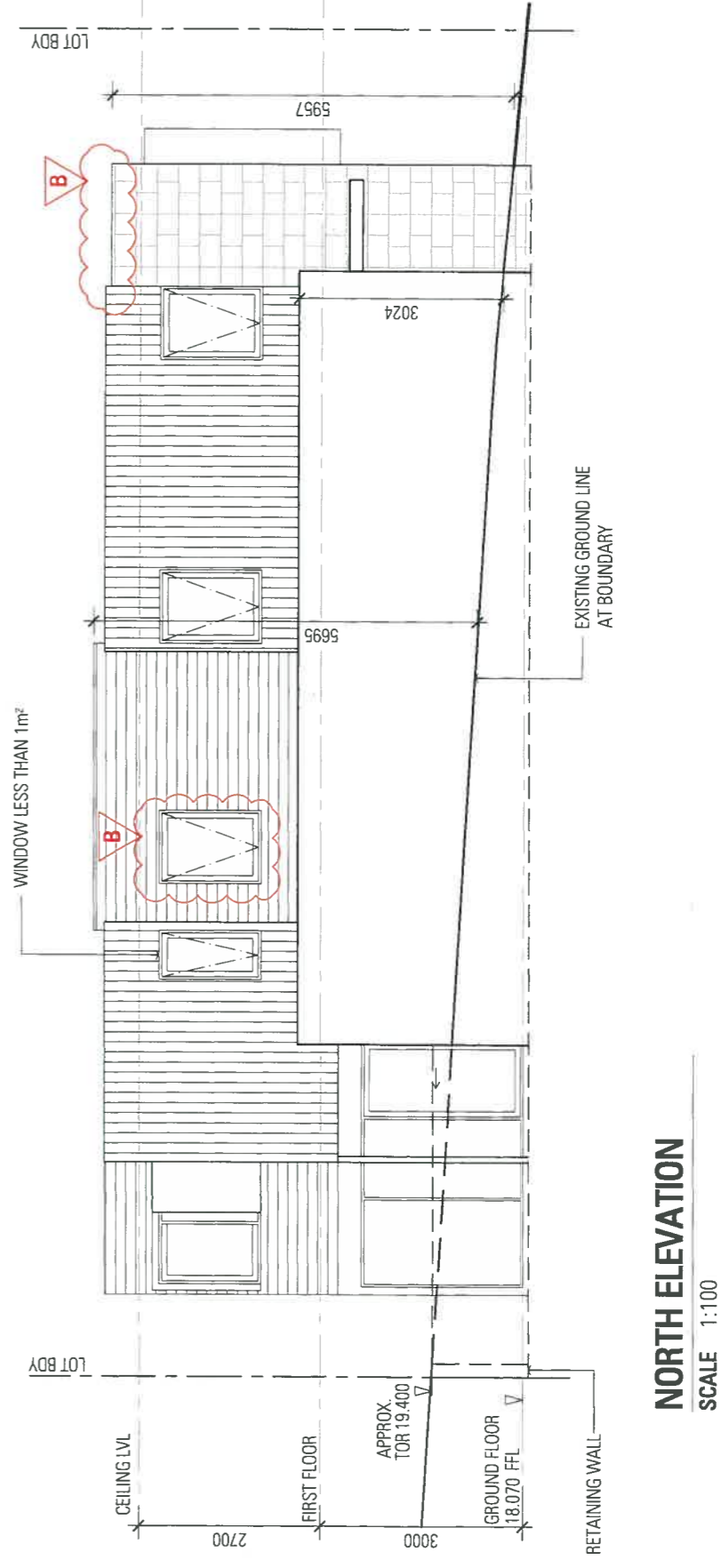
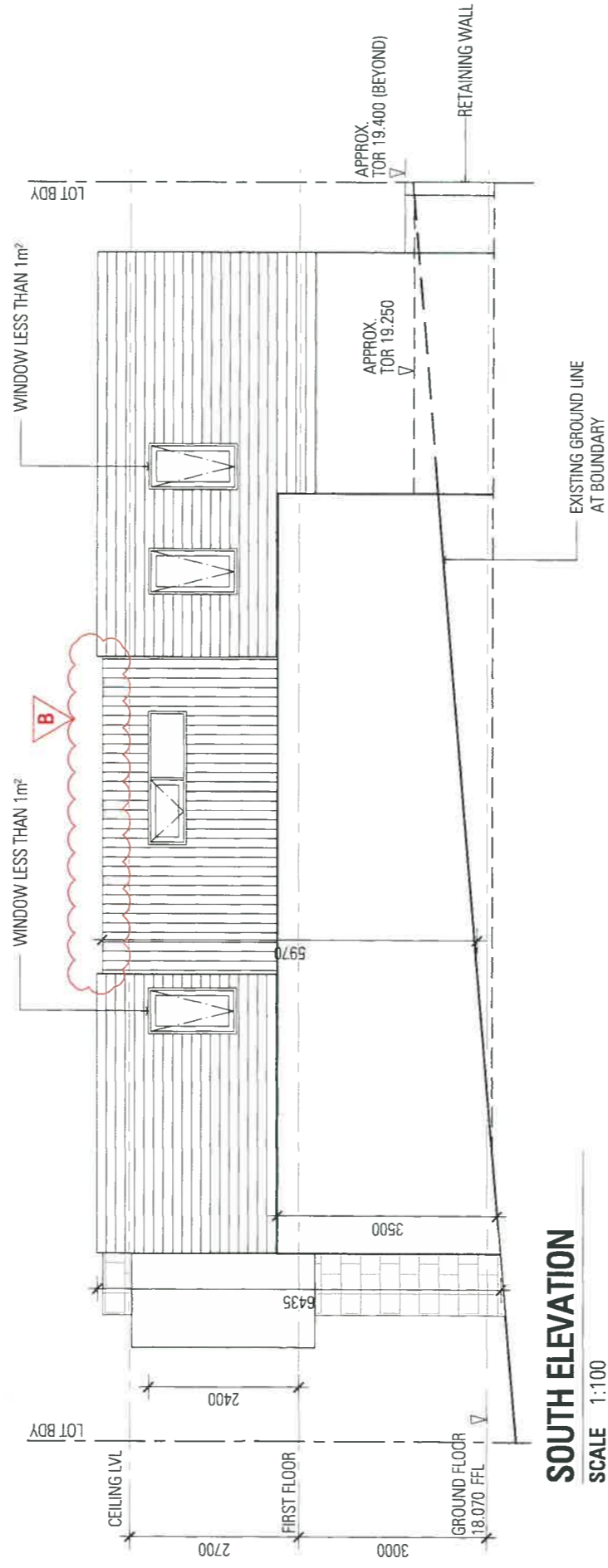
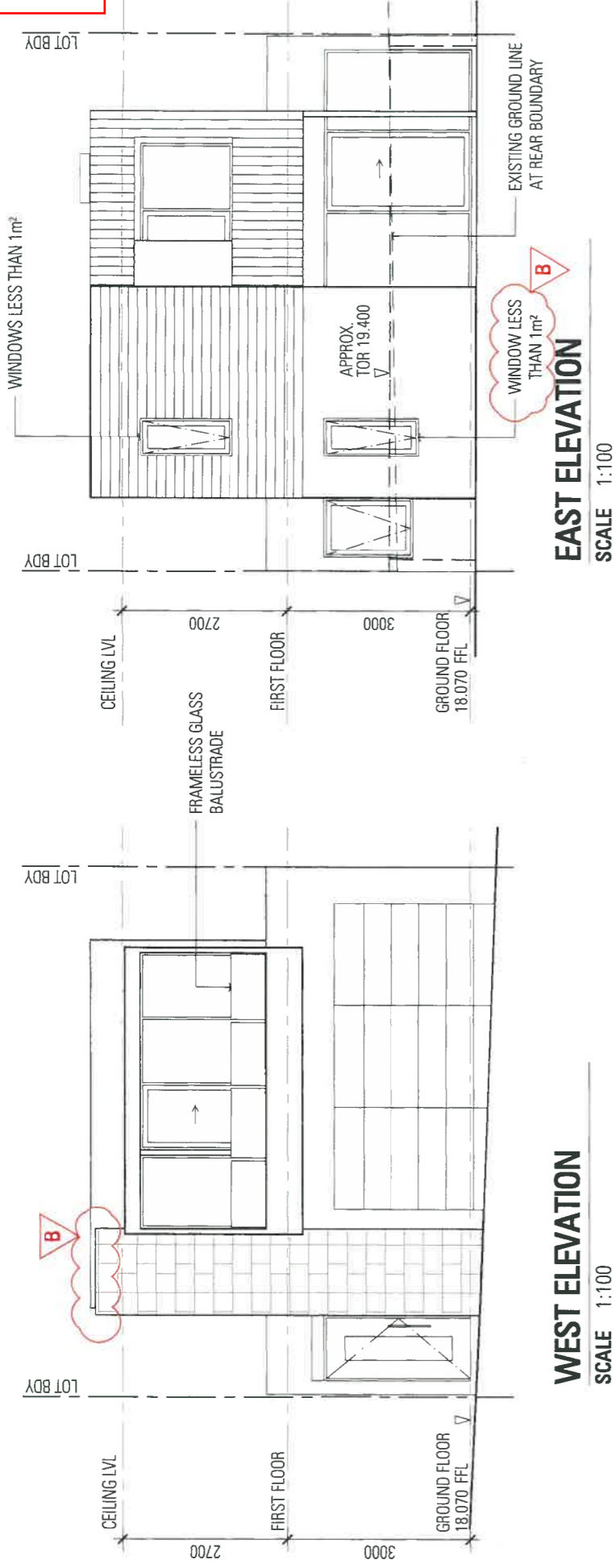
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ARCHITECTURE PLANNING INTERIOR DESIGN

DA SUBMISSION

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PROJECT NO. P2232
DATE 12.07.2021
DRAWING NO. SK1.01
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PD35.21	Consideration of Development Application – Additions to a Single House (Covered walkway, Retaining and Front Fence) at 30 Watkins Rd, Dalkeith
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Committee	9 November 2021
Council	23 November 2021
Applicant	Hatch Roberts Day
Landowner	A & C Alder
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/66766
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	<ol style="list-style-type: none"> 1. Aerial image and zoning map 2. Streetscape Images 3. Plans 4. Architectural Renders
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine a development application for additions to a single house (Covered Walkway, Site Works and Front Fence) at No.30 Watkins Rd, Dalkeith.

The application was advertised to adjoining neighbours in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals due to the need to consider lot boundary setbacks, site works and primary street fencing. At the close of the advertising period, two submissions were received objecting to the development proposal. As an objection has been received, this application is presented to Council for determination.

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

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 26 July 2021 in accordance with the plans date stamped 26 July 2021 for a single house at Lot 142 (No.30) Watkins Rd, Dalkeith:

- 1. This development approval only pertains to additions to a single house including the construction of a covered walkway, site works and front fence as indicated on the plans attached.**
- 2. Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.**
- 3. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.**
- 4. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
- 5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
- 6. 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.**

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R10
Land area	1315m ²
Land Use	Residential – Single House

Use Class	'P' Permitted Use
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2.2 Locality Plan

The subject lot is located at No.30 Watkins Rd, Dalkeith and is approximately 250m north-west of the Waratah village shopping precinct.

The site has a lot area of 1,315m², with a north-south orientation. Vehicle access is obtained from the southern laneway, Tree Martin Lane. A single house is currently being constructed. The area is surrounded by predominantly two-storey single houses. The properties in this area are coded R10 (Attachment 1).

3.0 Application Details

The application seeks development approval for additions to the previously approved single house including:

- A covered walkway;
- Site works; and
- Primary street fencing

4.0 Consultation

The applicant is seeking assessment under the design principles of the R-Codes for the following:

- Lot boundary setback
- Site works
- Primary street fence

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 8 adjoining landowners. The application was advertised for a period of 14 days from 8 September 2021 to 22 September 2021. At the close of the advertising period, 2 objections were received.

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

- i. *The proposed works should be completed within the confines of the subject lot.*
Condition 4 of Administration's recommendation requires works to be wholly located within the confines of the subject site.
- ii. *Lot boundary setbacks should be complied with.*
The development proposal is seeking discretion for setbacks. Administration has completed a 'design principle' assessment of the areas seeking discretion. This can be found under point 5.2.1 of this report (below).
- iii. *The front fence should be reduced in height*
The development proposal is seeking discretion for primary street fencing. Administration has completed a 'design principle' assessment of the areas seeking discretion. This can be found under point 5.2.1 of this report (below).
- iv. *The site works should be reduced*

The development proposal is seeking discretion for site works. Administration has completed a 'design principle' assessment of the areas seeking discretion. This can be found under point 5.2.1 of this report (below).

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

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

5.2 State Planning Policy

5.2.1 State Planning Policy 7.3 - Residential Design Codes – Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway.

The proposed development is seeking a design principle assessment pathway for a part of this proposal. An assessment is sought under the design principles for the R-Codes for lot boundary setback, site works and primary street fencing. As required by the R-Codes, Council in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions. All other areas meet the deemed-to-comply provisions.

Clause 5.1.3 – Lot Boundary Setback

The development proposes a covered walkway abutting the western lot boundary. The covered walkway has proposed a minimum 1.0m setback to the western lot boundary.

The setback of the covered walkway is considered to meet the design principles as:

- The covered walkway is considered to be setback far enough from the western lot boundary to provide satisfactory areas of open space and landscaping which help to reduce the overall impact of building bulk. A detailed landscaping plan is conditioned to be provided prior to the lodgement of a building permit to the satisfaction of the City.
- The western lot boundary setback is considered to maintain the adjoining property's access to natural light and ventilation. Shadow created by the covered walkway wall is contained wholly within the confines of the subject site. Overall, the development meets the deemed-to-comply provisions of element 5.4.2 – Solar access to adjoining properties.

Clause 5.3.7 – Site Works

The proposed development is located upon a site with an approximate 3.0m fall located towards the front of the lot. The proposed site works are considered to meet the design principles as:

Western Fill

- The modification of natural ground level is proposed to provide a covered walkway surrounding a future tennis court, facilitating pedestrian access throughout the site and a more effective use of the site.
- The modification of natural ground level is considered to provide a more effective use of the subject site, through facilitating pedestrian access throughout the site.
- The proposed earthworks do not modify natural ground level at the street boundary.
- The proposed modification of natural ground level does not result in any overlooking of neighbouring properties or contribute to a loss of visual privacy, access to natural light and ventilation or impose additional building bulk on adjoining lots.

Eastern Cut

- The modification of natural ground level is considered to provide a more effective use of the subject site, appropriately integrating with the site's outdoor living area and future tennis court.
- The proposed earthworks do not modify natural ground level addressing the street. Natural ground level at the street boundaries has been respected.
- The proposed modification of natural ground level does not result in any overlooking of neighbouring properties or contribute to a loss of visual privacy, access to natural light and ventilation or impose additional building bulk on adjoining lots.
- The proposed modification of natural ground level is confined to cut only.
- All associated retaining is required to be accommodated wholly within the confines of the subject site.

Clause 5.2.4 Street Walls and Fences

The development proposes a fence addressing Watkins Rd. The proposed primary street fence has a solid height of 1.8m and visually permeable infill panels above, to a maximum height of 2.6m.

The proposed primary street fence is considered to meet the design principles as:

- The approved single house features a first floor which contains multiple major openings to Bedroomrooms, living areas and a study which overlook the primary street (Watkins Rd) providing passive surveillance of the public realm. This passive surveillance of the street from the dwelling is not compromised by the proposed primary street fence. The proposed front fencing is designed to act and integrate with a retaining wall, allowing maximum usable space for landscaping and outdoor living areas within the front setback area, namely a proposed tennis court.

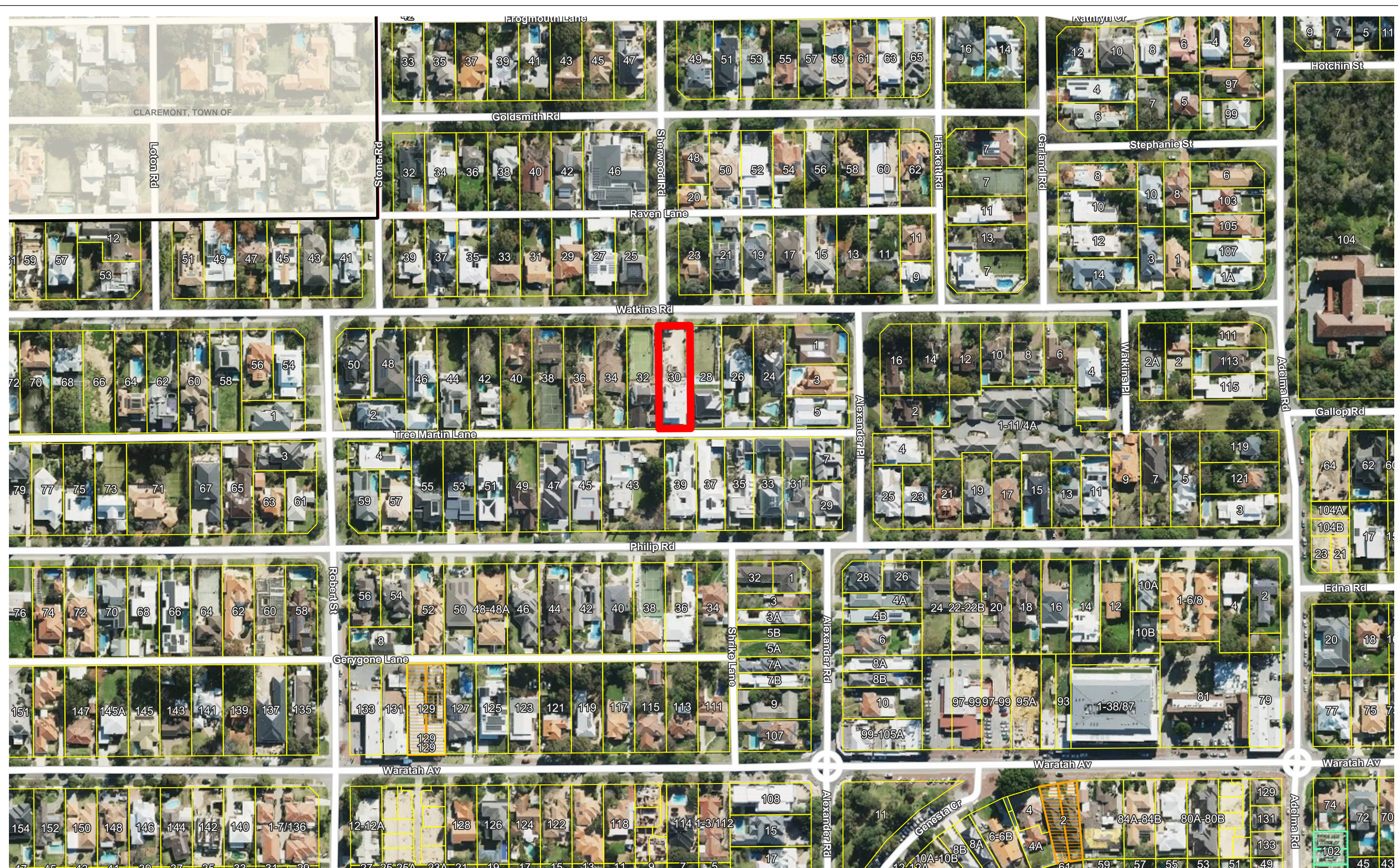
- The proposed primary street fence is considered to respond to the established and existing primary street interface of adjoining properties. Namely existing solid fencing located at the immediate neighbouring properties, 28 Watkins Rd and 32 Watkins Rd. These immediate neighbouring properties feature solid primary street fencing to a maximum height of 2.2m and visually permeable fencing to a maximum height of 3.6m. (see attachment 2 – Existing Streetscape Images).
- The development proposes a significant landscaping component be installed within the verge at the front of the subject site, to provide a soft interface of the fence to the street. This is consistent with the immediate neighbouring properties. Administration have recommended Condition 4, requiring a detailed landscaping plan be prepared and lodged with the City prior to the lodgement of a Building Permit.

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 additions to a single house has been presented for Council consideration due to objections being received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the Residential Design Codes and being consistent with the immediate locality and streetscape character.

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





City of Nedlands

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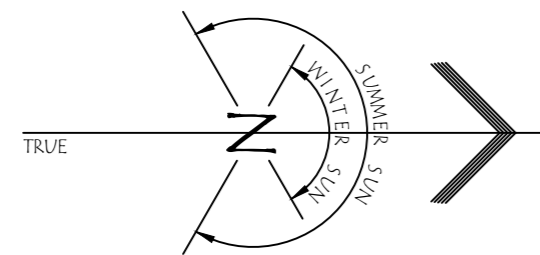
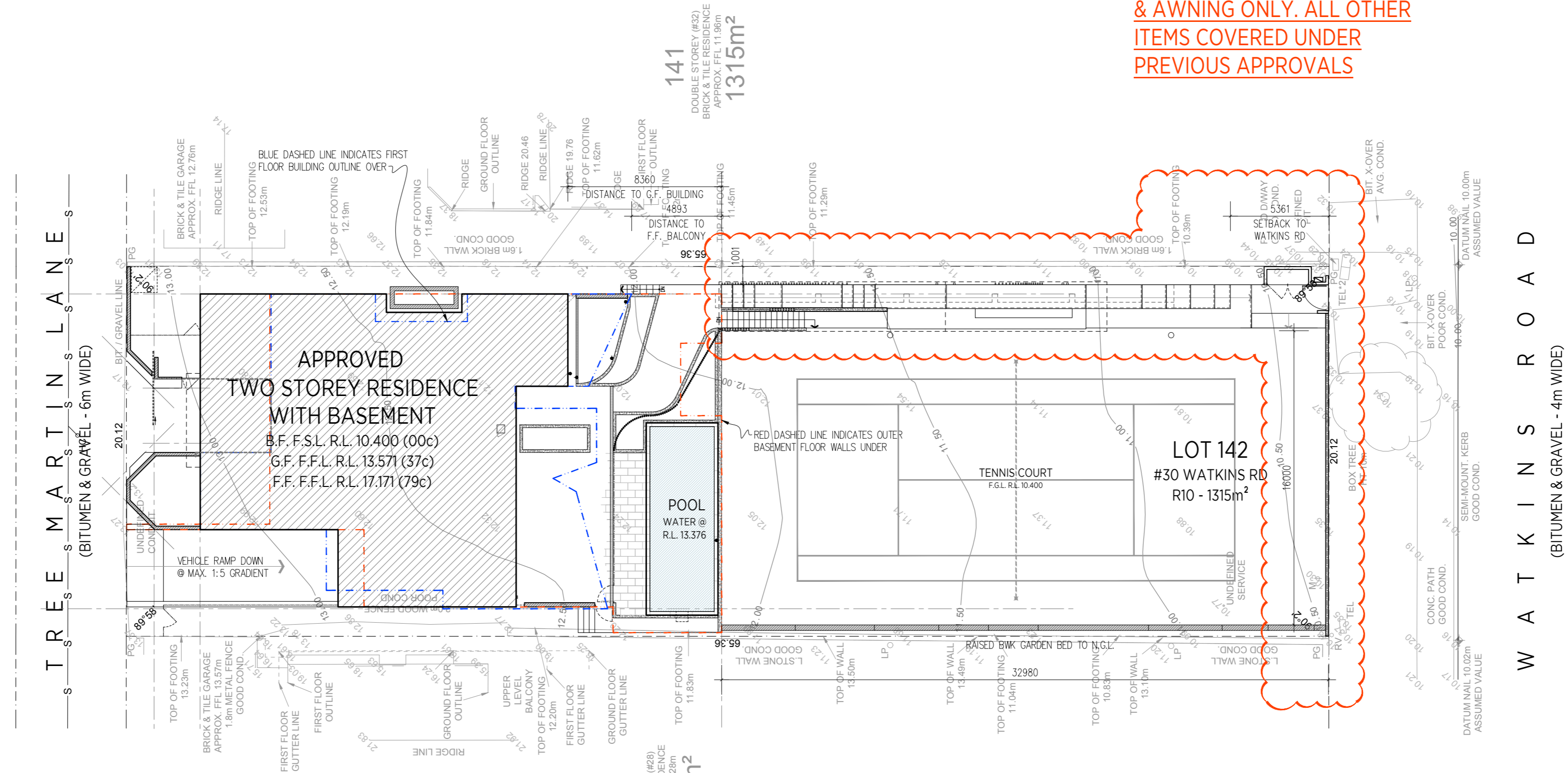








NOTE: PROPOSAL RELATIVE TO FRONT FENCE, WALKWAY & AWNING ONLY. ALL OTHER ITEMS COVERED UNDER PREVIOUS APPROVALS



PROPOSED SITE PLAN
SCALE 1:200

AREAS	
LOT AREA	1315 m ²
BASEMENT FLOOR	
GARAGE (*)	125.74 m ²
HOUSE (*)	198.82 m ²
TENNIS DECK	8.76 m ²
GARAGE RAMP	63.44 m ²
TENNIS COURT	527.75 m ²
TENNIS COURT SEATING AREA	27.06 m ²
GROUND FLOOR	
HOUSE (*)	255.16 m ²
DRYING COURT	10.41 m ²
PART OPEN CAR BAY (COVERED) (*)	19.54 m ²
PORCH/OUTDOOR LIVING	93.98 m ²
PORCH/OUTDOOR LIVING PLANTERS	25.29 m ²
POOL & GRASS AREA	61.12 m ²
PATH TO FRONT GATE	40.53 m ²
FIRST FLOOR	
HOUSE (*)	248.76 m ²
CANTILEVERING SUSPENDED SLABS	38.03 m ²
TOTAL (BASEMENT, GROUND & FIRST) (*)	848.02 m²

143
DOUBLE STOREY (#28)
BRICK & TILE RESIDENCE
APPROX. FFL 13.28m
1315m²

141
DOUBLE STOREY (#29)
BRICK & TILE RESIDENCE
APPROX. FFL 11.96m
1315m²

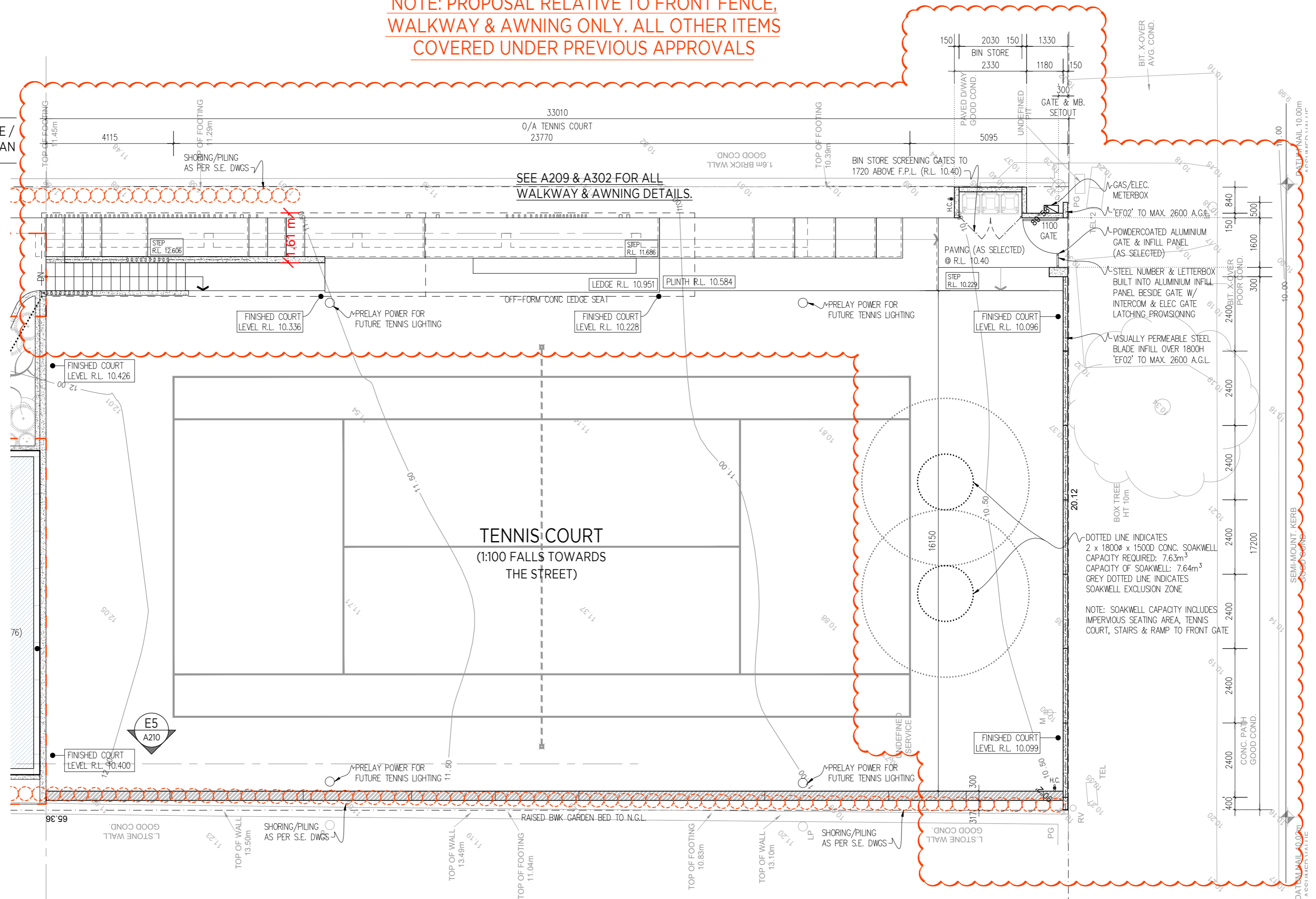
NOTE: ALL DRAWINGS TO BE READ IN CONJUNCTION WITH NOTES ON DRAWING A000

PROJECT : PROPOSED FRONT FENCE, WALKWAY & AWNING
AT : LOT 142 / #30 WATKINS ROAD
DALKEITH W.A. 6009
TITLE : PROPOSED SITE PLAN

REV	DATE	DESCRIPTION	DATE :
15	14/07/21	FRONT FENCE, WALKWAY & AWNING ISSUED FOR DA	14/07/21
14	29/04/21	WALKWAY & AWNING ISSUED FOR PLANNING APPROVAL	
13	31/03/21	REVISED & RE-ISSUED FOR CONSTRUCTION	CLIENT:
12	22/02/21	REVISED & RE-ISSUED FOR CONSTRUCTION	MAEK PTY LTD
			JN : 18.018 MAEK - 30 WATKINS RD

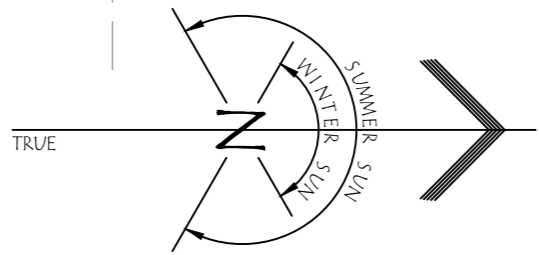
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1:200	A2	A101	15

NOTE: PROPOSAL RELATIVE TO FRONT FENCE, WALKWAY & AWNING ONLY. ALL OTHER ITEMS COVERED UNDER PREVIOUS APPROVALS



DRAINAGE CALCULATIONS

TREE MARTIN LANE SOAKWELL CATCHMENT AREA	57.54m ²
BASEMENT CARPARK SOAKWELL CATCHMENT AREA	439.48m ²
TENNIS COURT SOAKWELL CATCHMENT AREA	610.13m ²
COMBINED CATCHMENT AREA FOR DRAINAGE	1107.15m ²
SOAKWELL VOLUME CAPACITY REQUIRED	13.84m ³
SOAKWELLS PROVIDED:	
FOUR OFF. 1800Ø x 1500D SOAKWELL	(15.28m ³)
SOAKWELL VOLUME CAPACITY PROVIDED	15.28m ³



LANDSCAPING PLAN & STORMWATER DRAINAGE (WATKINS ROAD / NORTH HALF)
SCALE 1:100



NOTE: ALL DRAWINGS TO BE READ IN CONJUNCTION WITH NOTES ON DRAWING A000

REV	DATE	DESCRIPTION
15	14/07/21	FRONT FENCE, WALKWAY & AWNING ISSUED FOR DA
14	29/04/21	WALKWAY & AWNING ISSUED FOR PLANNING APPROVAL
13	31/03/21	REVISED & RE-ISSUED FOR CONSTRUCTION
12	22/02/21	REVISED & RE-ISSUED FOR CONSTRUCTION

PROJECT : PROPOSED FRONT FENCE, WALKWAY & AWNING
AT : LOT 142 / #30 WATKINS ROAD
DALKEITH W.A. 6009
TITLE : LANDSCAPING PLAN & STORMWATER DRAINAGE
(WATKINS ROAD / NORTH HALF)

DATE :	14/07/21	SCALE:	1:100	PAGE SIZE:	A2	DRAWING No.:	A103	REV.:	15
CLIENT:	MAEK PTY LTD								
	JN: 18.018 MAEK - 30 WATKINS RD								

ROOF PLAN LEGEND

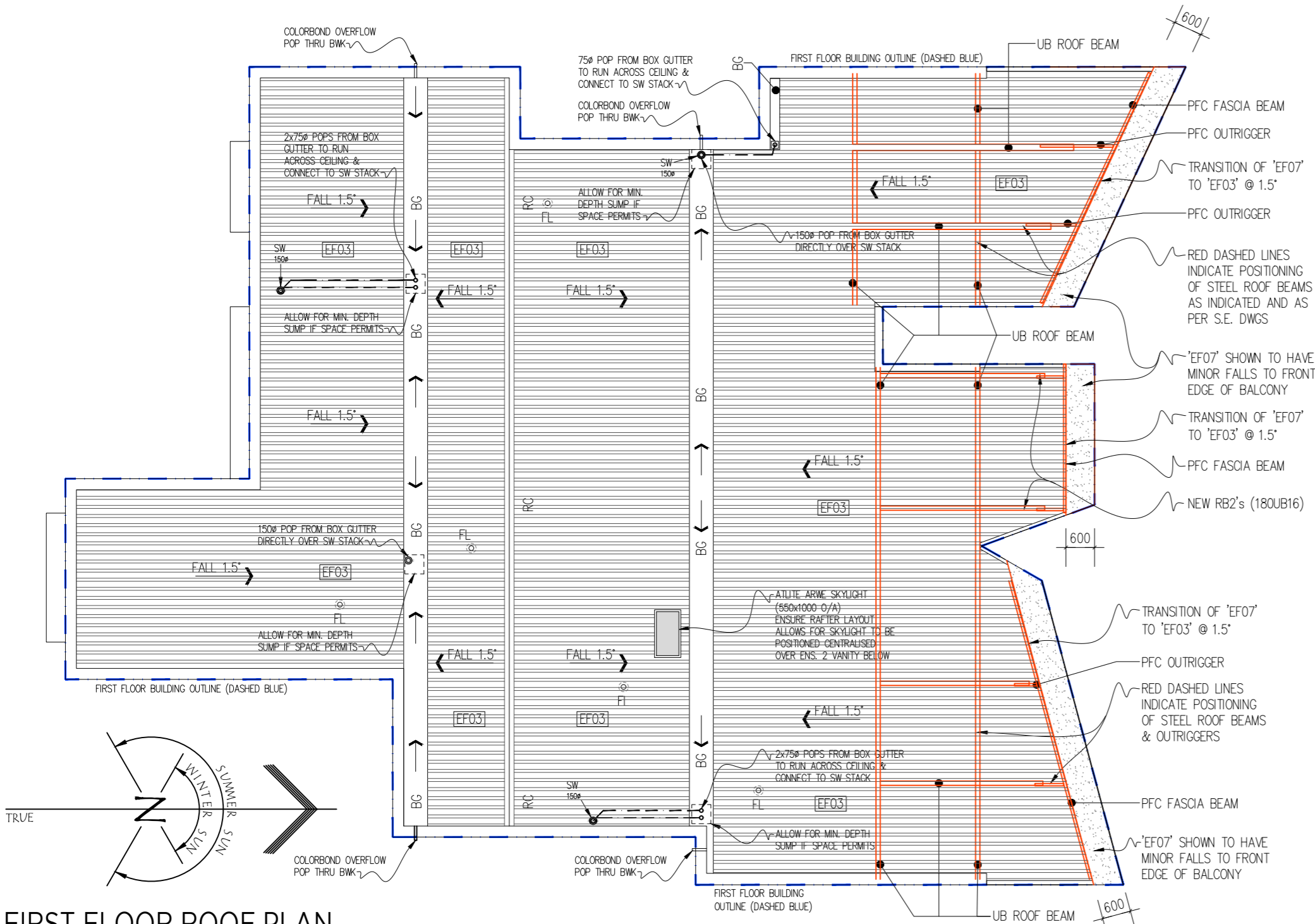
- BG ZINCALUME BOX GUTTER OVER 20mm MARINE PLY GUTTER BOARD & ADJUSTABLE GUTTER STRAPS W/ FALLS TO SUMPS & DOWNPIPES AS SHOWN.
- SUMP ZINCALUME SUMP
- CEG CONCEALED EAVES GUTTER
- RC RIDGE CAPPING
- CF COLORBOND CAPPING FLASHING
- OF COLORBOND OVERFLOW POP
- FOF COLORBOND FASCIA CAPPING FLASHING
- FL COLORBOND EXHAUST FLUME

NOTE: ALL STORMWATER RELATED ITEMS TO BE INSTALLED IN ACCORDANCE W/ BCA & A.S. 3500 REQ'S

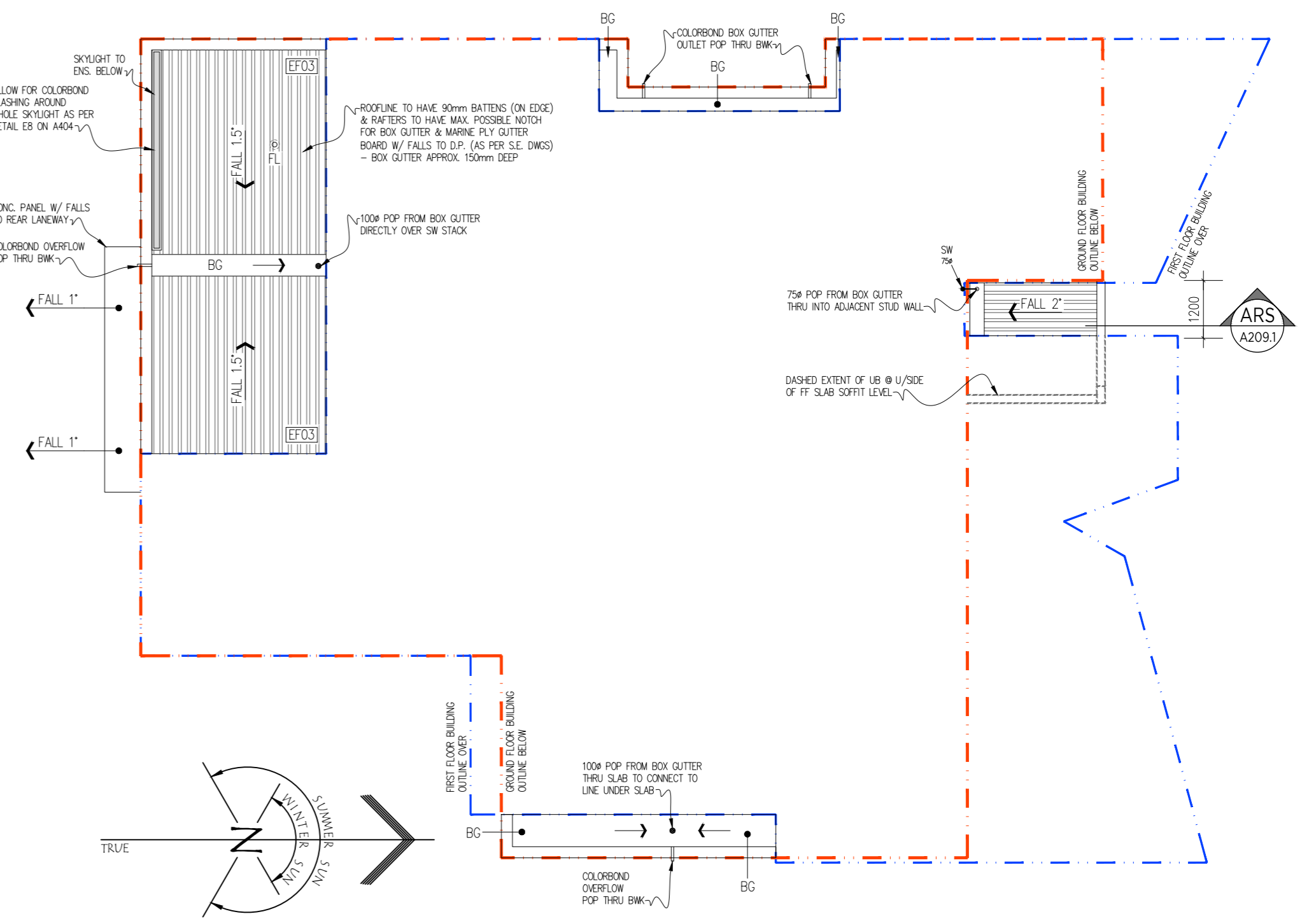
NOTE: ROOF PLUMBER TO CONFIRM AND ENSURE BOX GUTTERS MEET COMPLIANCE W/ BCA & A.S. 3500 REQ'S

NOTE: IN GENERAL WHERE FLASHINGS WILL BE VISIBLE, MUST BE COLORBOND, OTHERWISE ZINCALUME MAY BE USED.

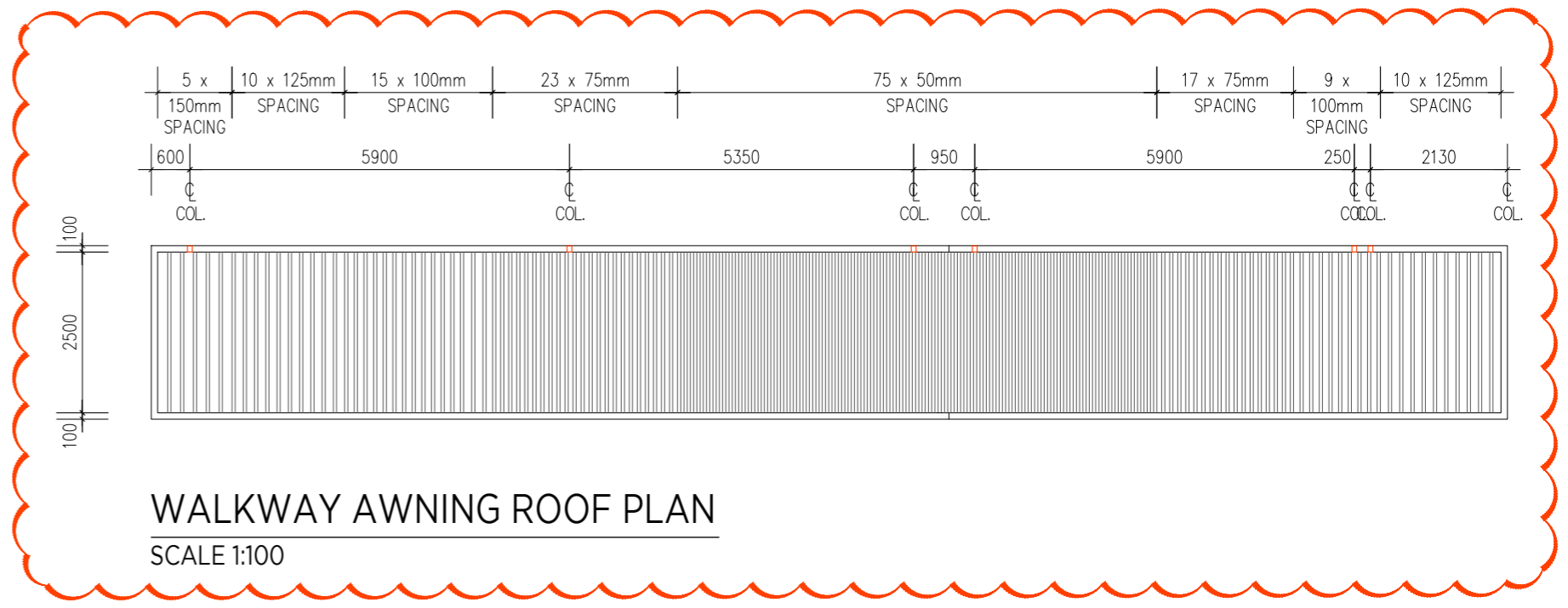
NOTE: PROPOSAL RELATIVE TO FRONT FENCE, WALKWAY & AWNING ONLY. ALL OTHER ITEMS COVERED UNDER PREVIOUS APPROVALS



FIRST FLOOR ROOF PLAN
SCALE 1:100



GROUND FLOOR ROOF PLAN
SCALE 1:100



WALKWAY AWNING ROOF PLAN
SCALE 1:100

NOTE: ALL DRAWINGS TO BE READ IN CONJUNCTION WITH NOTES ON DRAWING A000

PROJECT : PROPOSED FRONT FENCE, WALKWAY & AWNING
 AT : LOT 142 / #30 WATKINS ROAD
 DALKEITH W.A. 6009
 TITLE : GROUND, FIRST FLOOR & WALKWAY AWNING ROOF PLAN

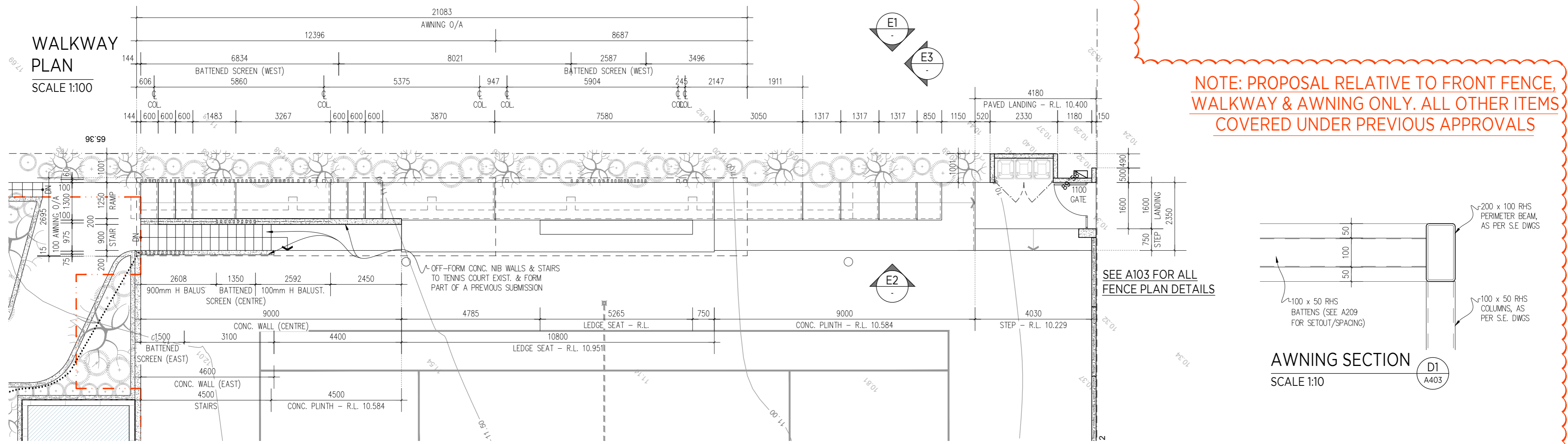
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14	29/04/21	WALKWAY & AWNING ISSUED FOR PLANNING APPROVAL	14/07/21
13	31/03/21	REVISED & RE-ISSUED FOR CONSTRUCTION	
12	22/02/21	REVISED & RE-ISSUED FOR CONSTRUCTION	

CLIENT:	DRAWING No.:	REV.:
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JN: 18.018 MAEK - 30 WATKINS RD	SCALE:	PAGE SIZE:
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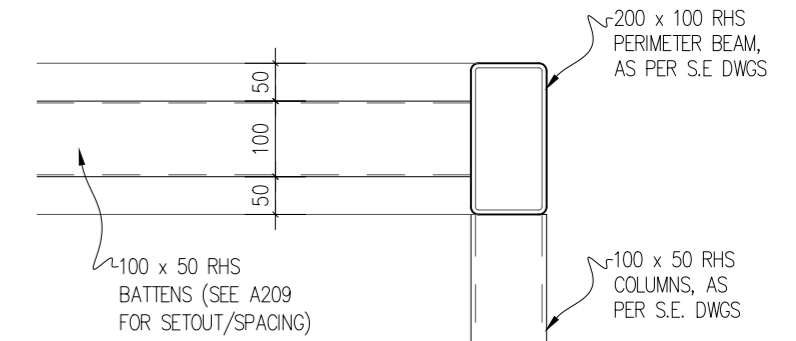


WALKWAY
PLAN

SCALE 1:100



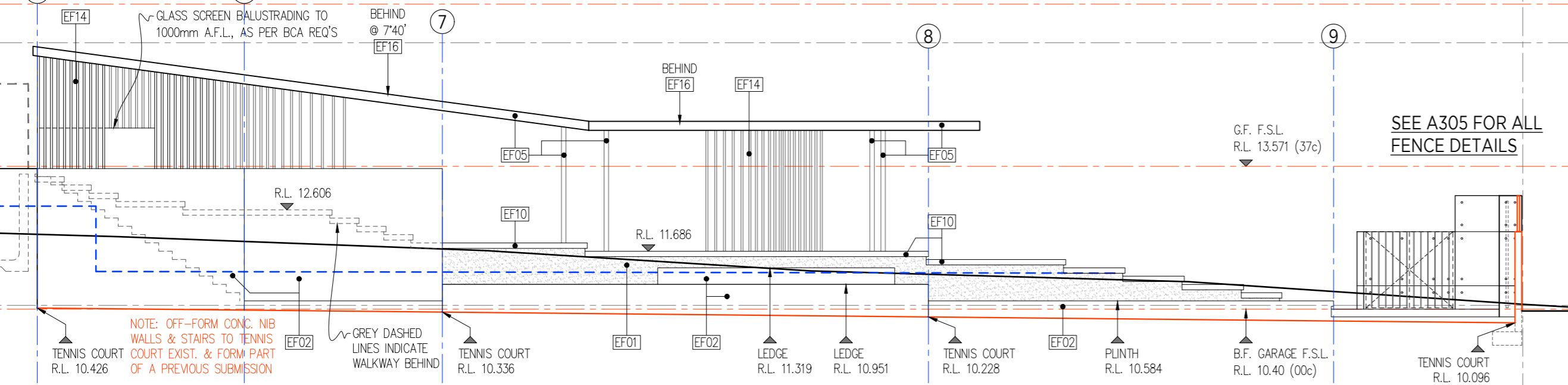
NOTE: PROPOSAL RELATIVE TO FRONT FENCE, WALKWAY & AWNING ONLY. ALL OTHER ITEMS COVERED UNDER PREVIOUS APPROVALS



AWNING SECTION

SCALE 1:10

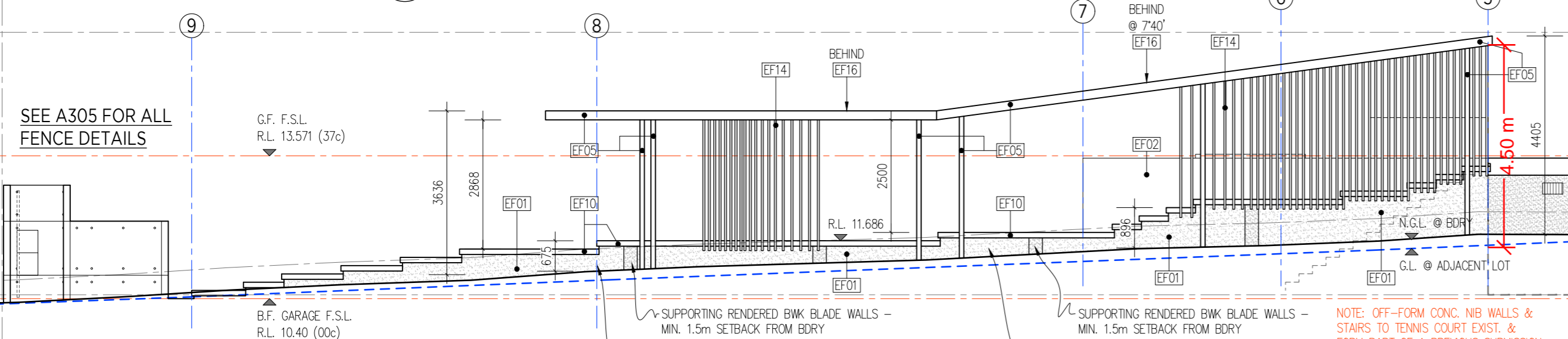
D1
A403



WALKWAY ELEVATION (EAST)

SCALE 1:100

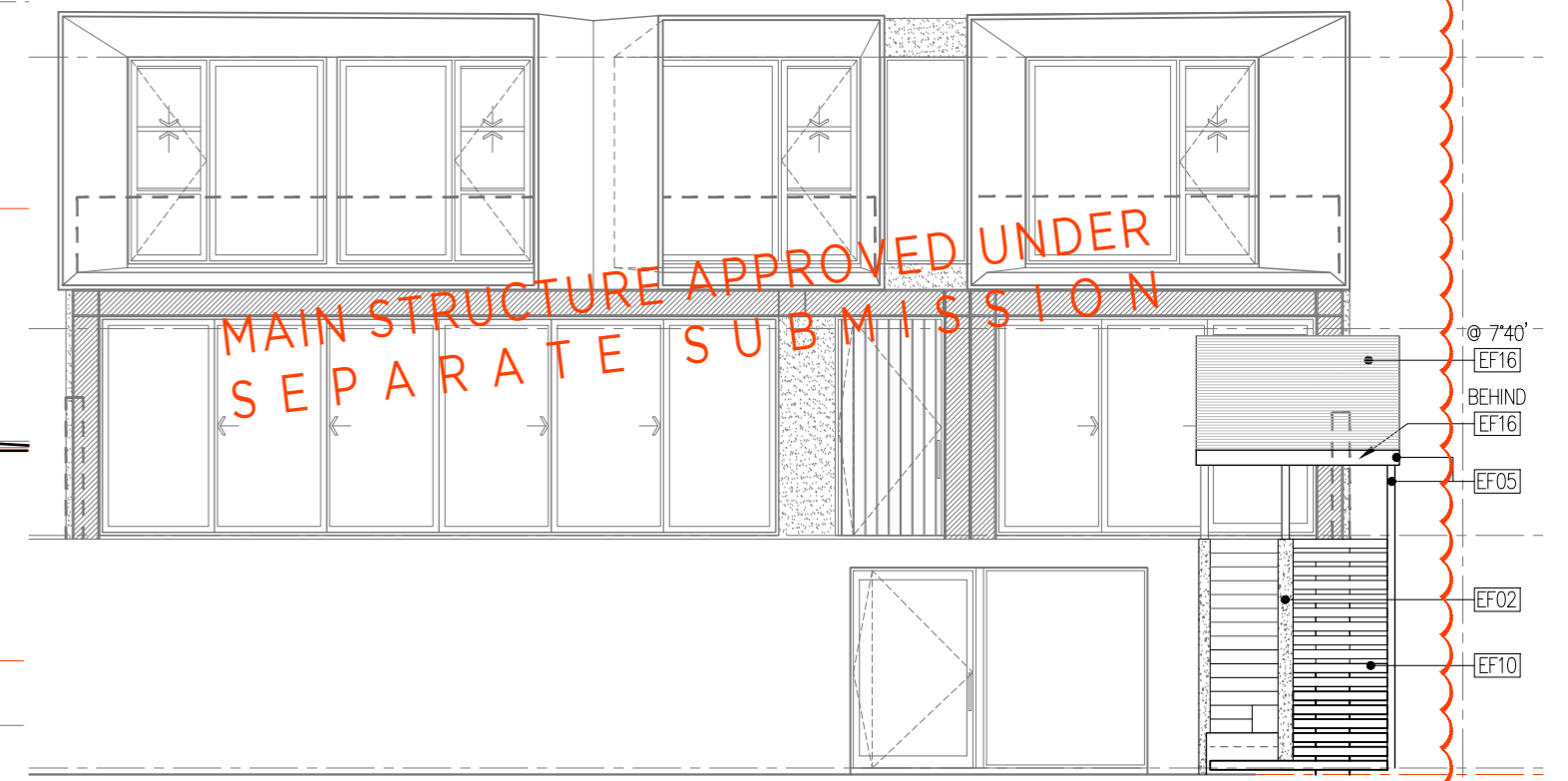
E2



WALKWAY ELEVATION (WEST)

SCALE 1:100

E1



WALKWAY ELEVATION (NORTH)

SCALE 1:100

E3

PROJECT : PROPOSED FRONT FENCE, WALKWAY & AWNING
AT : LOT 142 / #30 WATKINS ROAD
DALKEITH W.A. 6009
TITLE : WALKWAY & AWNING ELEVATIONS & PLAN VIEW

NOTE: ALL DRAWINGS TO BE READ IN CONJUNCTION WITH NOTES ON DRAWING A000

REV	DATE	DESCRIPTION
15	14/07/21	FRONT FENCE, WALKWAY & AWNING ISSUED FOR DA
14	29/04/21	WALKWAY & AWNING ISSUED FOR PLANNING APPROVAL
13	31/03/21	REVISED & RE-ISSUED FOR CONSTRUCTION
12	22/02/21	REVISED & RE-ISSUED FOR CONSTRUCTION

DATE : 14/07/21

CLIENT : MAEK PTY LTD

JN : 18.018 MAEK - 30 WATKINS RD

SCALE : 1:100

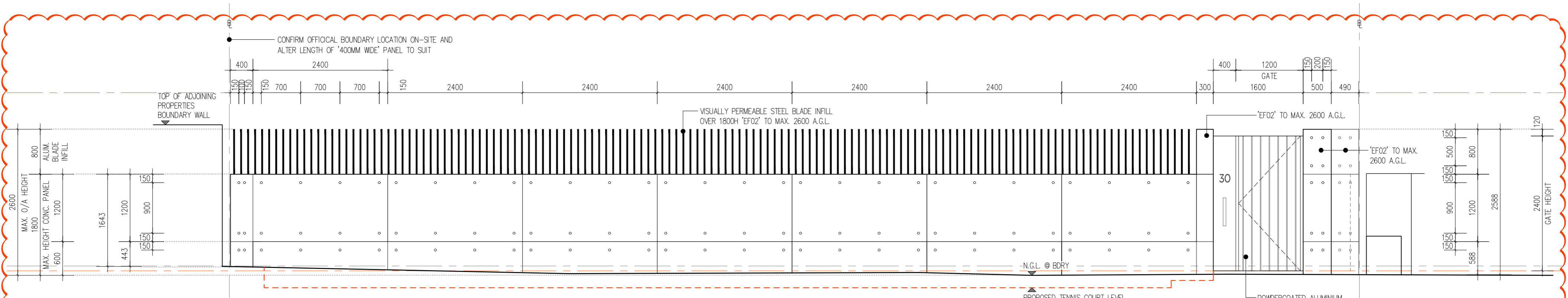
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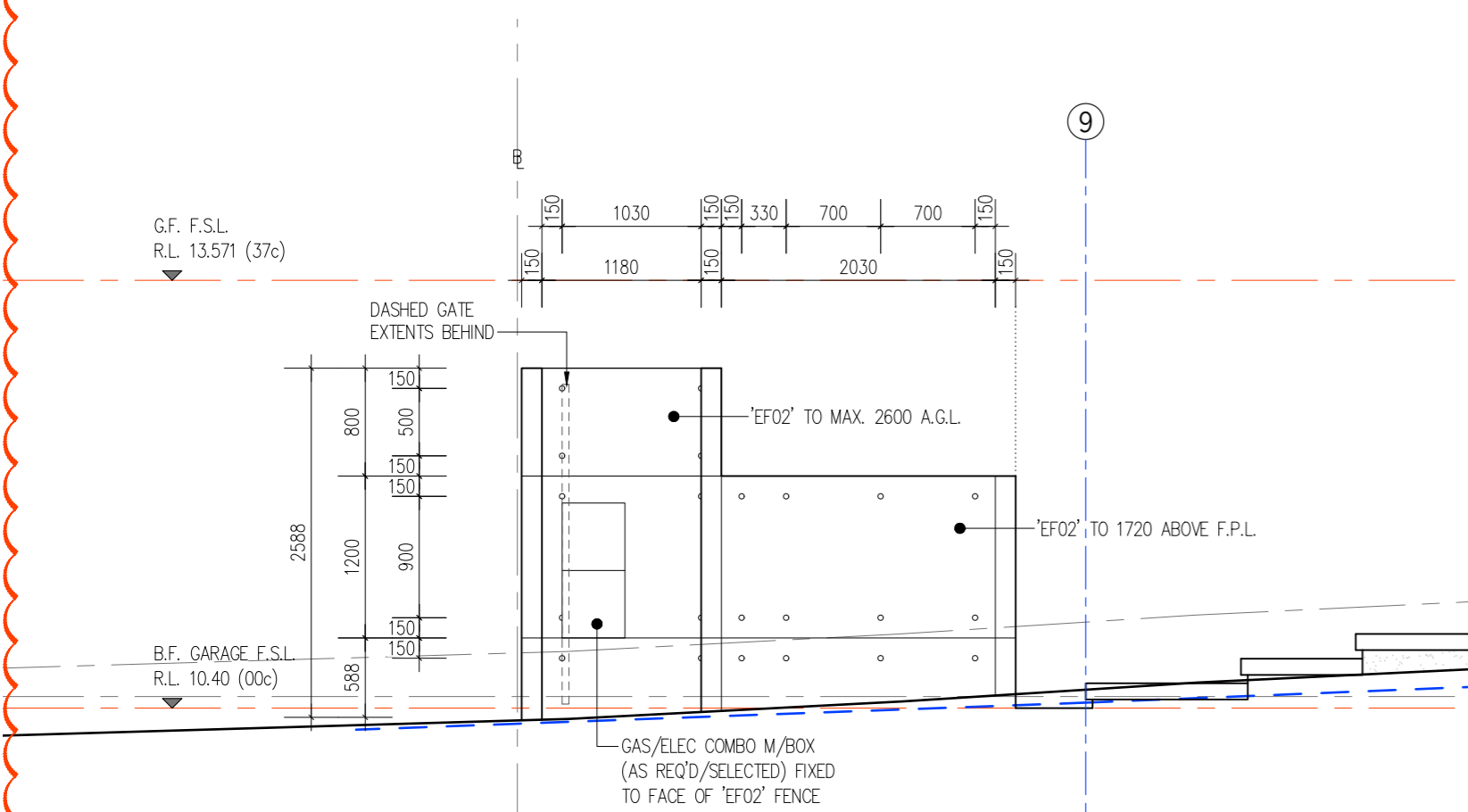
REV. :

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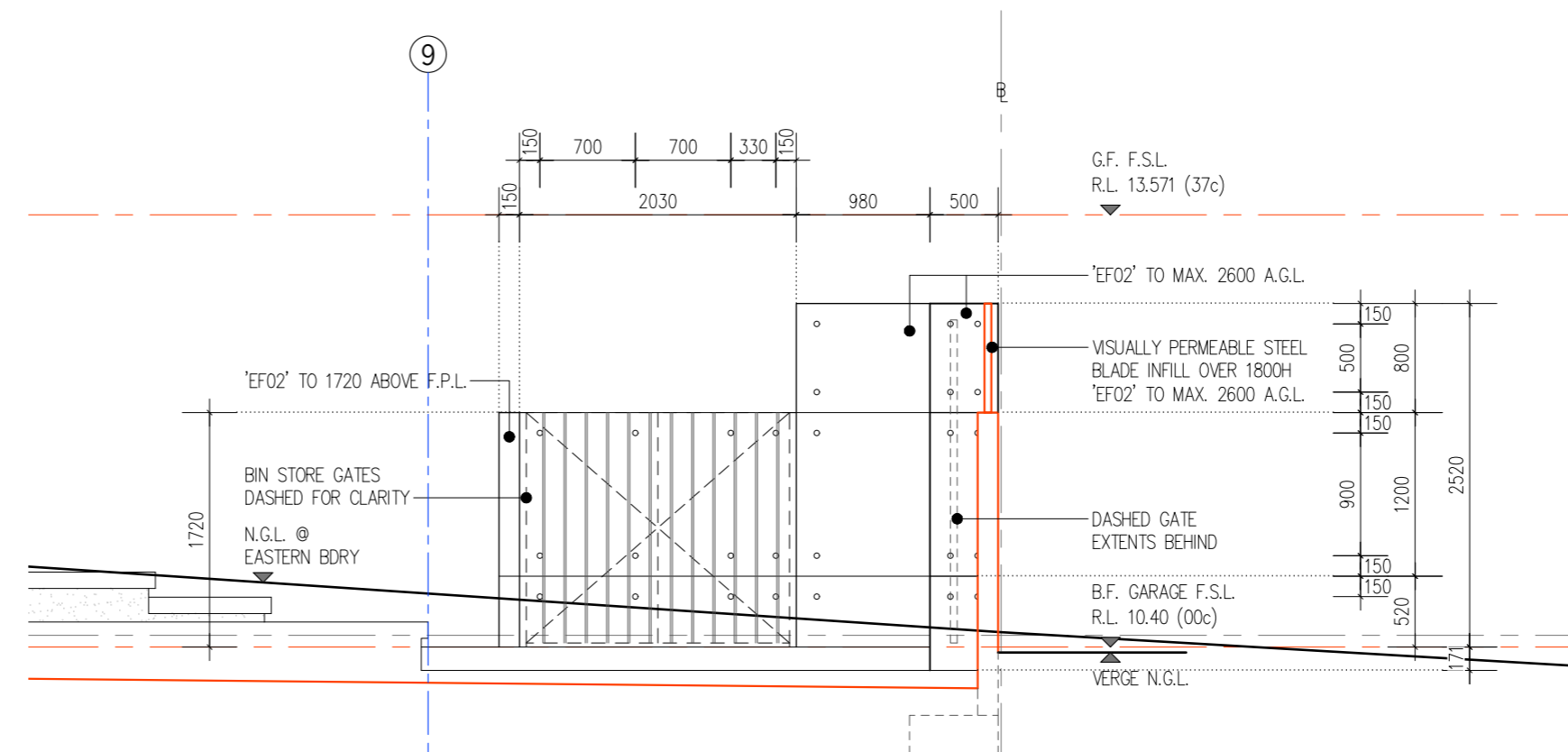


WATKINS ROAD FENCE ELEVATION (NORTH)
SCALE 1:50 E1
A201

NOTE: PROPOSAL RELATIVE TO FRONT FENCE, WALKWAY & AWNING ONLY. ALL OTHER ITEMS COVERED UNDER PREVIOUS APPROVALS



FRONT FENCE SIDE ELEVATION (WEST)
SCALE 1:50 E4



FRONT FENCE SIDE ELEVATION (EAST)
SCALE 1:50 E2

PROJECT : PROPOSED FRONT FENCE, WALKWAY & AWNING
AT : LOT 142 / #30 WATKINS ROAD
DALKEITH W.A. 6009
TITLE : CONC. PANEL ELEVATIONS



NOTE: ALL DRAWINGS TO BE READ IN CONJUNCTION WITH NOTES ON DRAWING A000

			DATE :	14/07/21		
			CLIENT:	MAEK PTY LTD	SCALE:	PAGE SIZE:
15	14/07/21	FRONT FENCE, WALKWAY & AWNING ISSUED FOR DA	JN : 18.018	MAEK - 30 WATKINS RD	1:50/1:20/1:5	A2
REV	DATE	DESCRIPTION			DRAWING No.:	REV.:
					A305	15

MΛEK



PD36.21	Consideration of Development Application (Temporary Lighting) at St Johns Wood Playing Fields No. 68 Stephenson Avenue, Mt Claremont
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Committee	9 November 2021
Council	23 November 2021
Applicant	Perth Glory Football Club
Landowner	Christ Church Grammar School
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21-63805
Previous Item	Nil
Delegation	In accordance with the Instrument of Delegation the application is determined by Council due to objections being received
Attachments	<ol style="list-style-type: none"> 1. Location Plan & Zoning Plan 2. Development plans 3. Site visit photos
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine the development application, for temporary lighting on St Johns Wood playing fields, located at 68 Stephenson Avenue, Mount Claremont.

The application was advertised to adjoining neighbours in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals. At the close of the advertising period six submissions were received. Objections were raised relating to impacts from the light spill, noise, amenity and use of the site.

As objections have been received and refusal is recommended, this application is presented to Council for determination. It is recommended that Council refuse the application on the basis of impacts on amenity.

No technical reports have been received to support the application.

Recommendation to Committee

1. That in accordance with Clause 68(2)(c) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council refuse the development application received on 4 May 2021 for Temporary Lighting at Lot 816 (No. 68) Stephenson Avenue, Mt Claremont for the following reasons:
 - a. The proposed development is inconsistent with the objectives of the “Private Community Purposes” zone in accordance with City of Nedlands Local Planning Scheme No. 3, as the proposal will result in a detrimental impact on the amenity of the surrounding residential development in relation to noise and light spill, thereby being incompatible with surrounding development.
 - b. The proposed development is inconsistent with Clause 67(2)(d) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the application has not demonstrated that it is capable of compliance with the *Environmental Protection (Noise) Regulations 1997*.
 - c. The proposed development is inconsistent with Clause 67(2)(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal is not considered compatible with its setting in considering the relationship to the abutting adjoining residential development.
 - d. The proposed development is inconsistent with Clause 67(2)(n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal is considered to result in undue adverse impact to the amenity of the locality in relation to noise and light spill.
2. In accordance with Section 214(3) of the *Planning and Development Act 2005*, Council directs the applicant to remove the Temporary Lighting from No. Lot 816 (No. 68) Stephenson Avenue, Mt Claremont within 60 days of the date of this direction. The site is to be restored as nearly as practicable to its condition immediately before the temporary lighting was placed on site, to the satisfaction of the City of Nedlands.

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Private Community Purposes
R-Code	N/A

Land area	8.6 ha
Use Class	Current – Recreation Private Proposed – Recreation Private

2.2 Locality Plan

The subject site is located at 68 (Lot 816) Stephenson Avenue, Mt Claremont and is zoned 'Urban' by the Metropolitan Region Scheme and 'Private Community Purposes' by the City of Nedlands Local Planning Scheme No.3 (LPS3).

There are 21 residential dwellings which directly abut the site to the south and south-west, which are zoned 'Residential' R20. To the north is HBF stadium and to the west is Bold Park. Refer to Attachment 1 – Aerial & Zoning Plan.

2.3 Background

The site was previously a landfill site and was developed in 2016 by Christ Church Grammar School as playing fields known as the St Johns Wood playing fields.

The general area was covered by an Outline Development Plan (ODP), adopted in February 2014, and later modified in June 2014. The ODP included provision for playing fields, car parking, change room and storage facilities, and a future pavilion. The proposed lighting is located in the portion of the ODP designated for playing fields.

Administration was made aware that the St Johns Wood playing fields was being used as a training ground for Perth Glory Youth Academy for ages between 10 to 16 years. This area has been leased by Perth Glory Football Club from Christ Church Grammar School on a periodic one-year lease.

Perth Glory have four training groups (from 13–16-year-old division) each with 16 footballers and a coach assigned to each group. Training is currently scheduled on Monday – Wednesday and Friday, and alternate Thursdays from 7am to 8:15am and 5:30pm – 7pm. Due to the age bracket, parents are generally in attendance.

Given that the lighting is required for a period of eight months, this does not constitute 'temporary works' and requires development approval in accordance with Schedule 2, Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

3.0 Application Details

The application seeks development approval for ten temporary lighting towers on the St Johns Wood Christ playing fields at 68 Stephenson Avenue, Mount Claremont. It is noted that the application documents indicate nine lighting towers.

Each lighting tower measures 2.5m in height, 4.7m in length and 2.1m in width. The specifications state that the lights are powered by a diesel generator. The lighting towers are proposed to be installed between March and October, and in use from Monday to Friday 4:45pm to 7pm. This application seeks approval for the 2022 season onwards.

4.0 Consultation

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals, to 70 adjoining landowners and occupiers. The application was advertised for a period of 14 days from 4 June 2021 to 18 June 2021. Six submissions were received, five submissions were objections, and one provided provisional support. A summary of the concerns raised and Administration responses is provided below.

Zoning/Land use

Objectors raised concerns regarding the manner in which the fields are being used, and that this may be inconsistent with the approved land use and/or zoning. The site is zoned "Private Community Purposes", and the approved land use is "Recreation – Private", which is defined in LPS3 as:

"means premises that are –
(a) Used for indoor or outdoor leisure, recreation or sport; and
(b) Not usually open to the public without charge"

The proposed lighting is to facilitate the use of the oval as a training ground for the Perth Glory Youth Academy. This is consistent with the definition of the "Recreation – Private" land use, and there are no planning concerns with the land use of the site.

Light spill

Objectors raised concerns relating to glare and light spill into the adjoining residences, affecting their amenity. This concern is upheld and is one of the reasons refusal of the application is recommended.

Noise

Objectors raised concerns relating to noise from both users of the playing fields, and from the lighting generators, affecting their amenity. In relation to noise from the lighting generators, this concern is upheld and is one of the reasons refusal of the application is recommended.

In relation to noise concerns from players, this is reasonably expected to occur as part of the approved land use. In addition, noise from community sports is generally exempt from the requirements of the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*.

Anti-social behaviour

Objectors raised concerns relating to anti-social behaviour of the players, including music and bad language. This is not a matter which can be addressed through the planning framework. Objectors will be advised that Police should be contacted should anti-social concerns arise.

Leasing

Objectors raised concerns whether Christ Church Grammar School have the power to lease the playing fields and that Perth Glory is a commercial operation. The management of private leases cannot be addressed through the planning framework. The use of the land under the lease is consistent with the approved "Recreation – Private" land use, and thereby is not of any planning consequence.

Parking/Traffic

One objector raised concerns regarding parking and traffic issues associated with the night-time use of the site. Parking and traffic management requirements are based on the land use. As this application does not seek to change or intensify the approved land use, parking and traffic management does not require assessment.

Visual Impact

Objectors raised concerns regarding the visual impact of the lighting towers. The lighting towers in isolation are not considered to impact on any views of significance. However, the cumulative impact of the height of the towers and light spill from that height, is considered to result in a loss of amenity to adjoining residential properties.

Compliance with ODP

Objectors raise concerns whether the proposal for lighting and associated night-time use of the site was consistent with the adopted ODP. The ODP was initially prepared to guide development of the entire site and playing fields. The land has developed in accordance with the ODP. The associated development approval did not include any constraints to the operating hours of the facility.

LPS3 no longer requires an ODP to guide development in the area and instead a “Private Community Purposes” zone was put in place. The proposal has been assessed against the objectives of the “Private Community Purposes” zone as detailed in this report.

5. Assessment of Statutory Provisions

5.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Clause 67(2) of the Regulations identifies matters which the Local Government must give consideration in assessing an application for development approval. The proposal is not considered to meet a number of matters for consideration as detailed below.

d) any environmental protection policy approved under the Environmental Protection Act 1983 section 31(d).

The proposal is subject to compliance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The applicant has not provided sufficient information to demonstrate that the noise generated from the ten diesel generated lighting towers will achieve compliance with the Noise Regulations. Administration considered that the proposed location and use of the ten lighting towers cumulatively would unlikely achieve compliance with the Noise Regulations without amendments. In this regard the proposal is considered inconsistent with this clause as it has not demonstrated that it is capable of compliance with the Noise Regulations.

Should Council be of a mind to approve the application, it is recommended that a condition of approval be imposed to require the applicant provide an acoustic report demonstrating that the proposal will comply with the Noise Regulations.

- (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.*

The proposal is not considered to be compatible with its setting, nor present an appropriate relationship to the abutting adjoining residential properties. The impact from the resultant noise and light spill from the lighting installed in the 2021 season has demonstrated significant detrimental impact on the amenity of the adjoining residential properties. The applicant has not provided any information to demonstrate that the proposed lighting for the 2022 season will be installed in a different manner to minimise the impacts to adjoining development.

- (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.*

The proposal is considered to result in undue adverse impact to the amenity of the locality in relation to noise and light spill. The applicant has provided generic details on light spill for the subject lighting towers. No specific information has been provided for the proposed positioning on St Johns Wood playing fields and the proximity to residential land uses. As demonstrated by public submissions and site visit observations, the light spill from the 2021 season has significantly impacted on the amenity of the adjoining residential properties.

Should Council be of a mind to approve the application, it is recommended that a condition of approval be imposed to require the applicant to seek independent expert advice from a suitably qualified consultant detailing the specifications of the type of lighting proposed and certifying that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with Australian Standard AS.4282 *Control of the Obtrusive Effects of Outdoor Lighting*.

5.2 State Planning Policies

There are no relevant State Planning Policies and the primary control is LPS3.

5.3 Local Planning Policies

There are no relevant Local Planning Policies and the primary control is LPS3.

5.4 Local Planning Scheme No. 3

The site is zoned “Private Community Purposes” by LPS3. Clause 16 of LPS3 identifies the objectives of the objectives for this zone as follows:

- *“To provide sites for privately owned and operated recreation, institutions and places of worship.*

- *To provide for a range of privately-owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*
- *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.”*

The proposal is inconsistent with the objectives of the “Private Community Purposes”, as the lighting is considered to result in a detrimental impact on the amenity of the surrounding residential development in relation to noise and light spill. The proposal cannot be considered to protect the amenity of the area and is thereby incompatible with surrounding development.

The applicant has been given the opportunity to provide further information to demonstrate how the lighting will be designed to minimise the impact on the surrounding development, and no further information has been forthcoming. Whilst it may be possible to condition the requirement for an acoustic report and light spill certification, it is considered that without significant amendments to the design of the lighting, it would be highly unlikely to achieve compliance with the Noise Regulations and Australian Standard AS.4282.

6. 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 ten temporary lighting towers on the St Johns Wood playing fields at 68 Stephenson Avenue, Mount Claremont, has been presented for Council consideration due to objections being received and refusal recommended.

The proposal is considered to result in an undue impact on the amenity of the adjoining residential development in relation to noise and light spill and is not considered to achieve the objectives of the “Private Community Purposes” zone.

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



CAMBRIDGE, TOWN OF

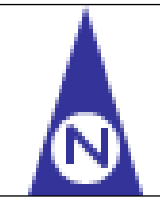


The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

Aerial Image: 68 Stephenson Avenue, Mt Claremont

22/10/2021

1:2500





City of Nedlands

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

Zoning Plan: 68 Stephenson Avenue, Mt Claremont

22/10/2021

1:2000



Should the east-west access road (proposed under the 'Mount Claremont Regional Sport Centre Structure Plan') be constructed, the access to the playing fields shown shall become redundant and the verge then reinstated. Access to the playing fields shall then be taken via the new east-west road to the specification of the City of Nedlands to the satisfaction of the Western Australian Planning Commission.



City of Nedlands
Received
04 MAY 2021

Efficient Light

Out Front. Pulling Away.



MINESPEC LED 168K-9

ECONOMIC LIGHT

50,000 hours of
life for every light.

BUILT TOUGH

Built to the highest
standards.

SUPER SAFE

Designed with
the latest safety
innovations.



Construction
& Civil



Mining &
Quarries



Rental



Industrial



Agriculture

ALLIGHT

THE SCIENCE OF LED LIGHTING

IN TODAY'S LED LIGHTING TOWER GAME THERE ARE THREE KINDS OF PLAYERS.

Those who make things happen, those who watch things happen, and those who wonder what happened.

WE KNOW WHERE WE STAND:

- No loss of light output after stabilisation.
Each LED flood light provides 28,000 effective lumens after stabilisation (IES standard - LM 79-08). Photometric Light Plots based on NATA approved testing parameters confidently state that the light output will match field testing.
- Perkins 2cyl water-cooled engine
- Extra low voltage (DC). OH&S risk elimination
- Stabilised power consumption of the LED is 300W nominal
- 6 x 300W low-glare, RFComSafe lamps producing 168,000 lumens
- Refuel every 4 weeks
– on basis of 12hr operation each night
- 18t annual carbon footprint reduction per tower compared with metal halide equivalent
- Total Control System (start/stop and performance monitoring (optional))
- Complete plug and play system with no hard wired componentry makes for easy part and loom servicing or replacement
- 50,000 hours of life per light
- 500-hour service intervals
- Light instant-on (no warm-up/cool down)
- Made in Australia

MSLED 168K-9 STANDARD EQUIPMENT

Height	2.49m (8' 2")
Length	4.71m (15' 5")
Width	2.08m (6' 10")
Weight (Wet)	1,630kg (3,594lb)
Fuel	Diesel
Fuel Capacity	300L (79 US Gallons)
Fuel Tank	LLPDE
Fuel Consumption	0.85 L/hr (0.22 US Gallons)
Engine	Perkins 402D-05
No. Engine Cylinders	2
Engine Aspiration	Naturally aspirated
Alternator	FB4-48/100
Power Generation	Extra low voltage (DC)
Electrical System	48
Number of Lights	6
Type of Lights	300W LEDs
Total Light Output	168,000 lumens
Light Tilt	Hydraulic
Mast Rotation	144° Manual
Mast Raise/Extension	9m (29' 6") Hydraulic
Trailer	Single axle
Tire and Rim Size	205 R16
Stabiliser Supports	4 x wind down
Tow Hitch	50mm ball (1.9") 2000kg (4409lb)
Also Includes	Battery isolation, emergency stop, timer shutdown

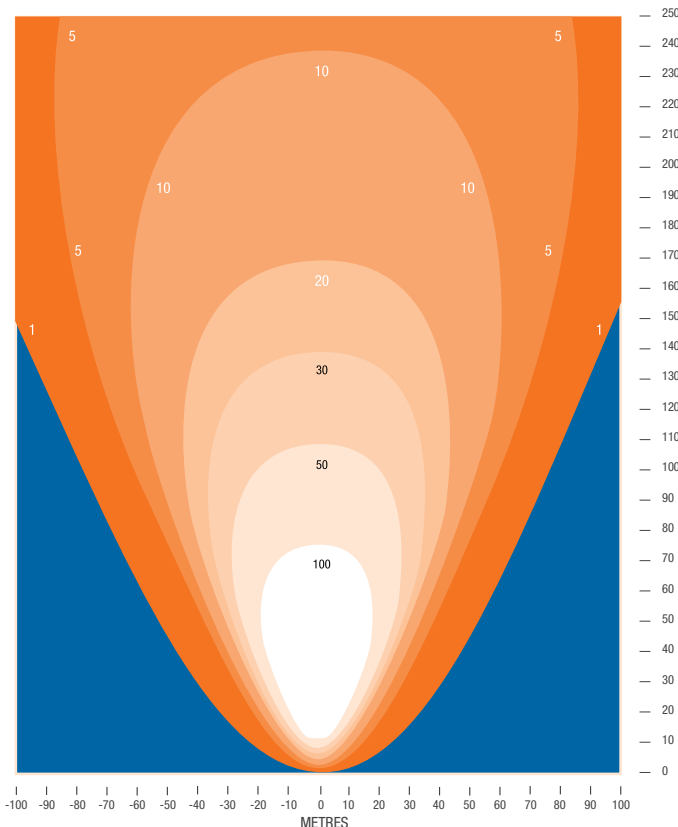
OPTIONS

Hydraulic light bar rotation	Wheel chocks
Hydraulic post rotation	Heavy duty drag skid
Hydraulic stabiliser legs	Twin axle trailer
CAT jumpstart	Coal mining wiring specs
Wiggins Fast Fill	Fire extinguisher
Additional 90L fuel tank	

LAMPS
POWERED
BY HELLA



City of Nedlands
Received
04 MAY 2021



Development Application DA21-63805 - 68 Stephenson Avenue, Mt Claremont
Site Visit Photos – 18 August 2021, 6pm









PD37.21	Consideration of Development application – 5 Grouped Dwellings at 18 Tyrell St, Nedlands
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Committee	9 November 2021
Council	23 November 2021
Applicant	Big Sky Homes Pty Ltd
Landowner	Joydem Pty Ltd
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA21/65367
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image and Zoning Map 2. Plans 3. Design Review Panel Assessment Minutes 4. Architectural Perspective Drawings
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine a development application for 5 grouped dwellings at 18 Tyrell Street, Nedlands.

The application was advertised to adjoining neighbours in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals due to the need to consider design principles for street setbacks, lot boundary setbacks, building height, site works, visual privacy and visitor parking. At the close of the advertising period, 14 submissions were received, one (1) in support but with additional comments, two (2) requesting an extension to the advertising period and/or radius but with no further comments, and the remaining 11 objecting to the development proposal. Amended plans have been submitted that reduce or eliminate several of the advertised variations. As objections have been received, this application is presented to Council for determination.

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

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 23 June 2021 in accordance with amended plans date stamped 5 October 2021 for five grouped dwellings at 18 Tyrell Road, Nedlands, subject to the following conditions:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
- 3. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:**
 - a. Face brick;**
 - b. Painted render;**
 - c. Painted brickwork; or**
 - d. Other clean material as specified on the approved plans;**
and maintained thereafter to the satisfaction of the City of Nedlands.
- 4. Prior to occupation of the development the kitchen windows of Lot 1 located on the south elevation, and the Bedroomroom 3 window of Unit 5 on the south elevation, shall be screened in accordance with the Residential Design Codes by either;**
 - a. fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or**
 - b. Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
 - c. a minimum sill height of 1.60 metres as determined from the internal floor level; or**
 - d. an alternative method of screening approved by the City of Nedlands.**

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

5. Prior to occupation of the development, the approved landscaping plan is to be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands.
6. Prior to the lodgement of Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.
7. The development shall comply with the approved Waste Management Plan to the satisfaction of the City of Nedlands. Any modification to the approved waste management plan will require further approval by the City.
8. Prior to the lodgement of a Building Permit, a Landscape Management Plan, shall be submitted and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants.
9. Prior to occupation the development is to incorporate at least one energy efficiency initiative that exceeds the minimum practice, or all dwellings are to exceed the minimum NATHERS requirement by 0.5 stars.

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

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

2.2 Locality Plan

The subject lot is located at 18 Tyrell Street, Nedlands and is 240m south of Stirling Highway. The site is located on the east side of Tyrell Street, two lots north of Edward Street.

The site has a lot area of 809m² and has an existing Single House. The site is relatively flat with a slight crossfall of around 0.7m from southwest (front) to northeast (rear).

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

3.0 Application Details

The application seeks development approval for the construction of five grouped dwellings, with the front and rear units being two storeys and the three middle units being three storeys. The development proposes a single common property access leg off of Tyrell Street.

4.0 Consultation

Public Consultation

The applicant is seeking assessment in accordance with the design principles of the R-Codes for the following:

- Lot boundary setbacks;
- Visitor parking; and
- Site works.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. The development application was advertised twice, the first time to five adjoining landowners for a period of 14 days from 28 August 2021 to 10 September 2021. The application was advertised for a further 14 days from 9 September 2021 to 23 September 2021 to 26 adjoining landowners/occupiers.

At the close of the advertising period, a total of 14 submissions were received; 11 objections, one (1) submission of support (with comments), and two (2) requests to extend the advertising radius. The main concerns raised within the submissions were:

- 1. The development does not respond to the established character of Nedlands, is too bulky, too tall, and sets an unpleasant precedent.*
The block has been coded R60 and the area is currently undergoing a transition to higher density development and away from the single houses that currently predominate. The R-Codes permit future development to occur in a scale and form similar to the subject proposal, and the development is considered to reflect the future character of the area.
- 2. Air conditioning units should be positioned on the roof or ground floor.*
Air conditioning units are not shown on the plans but are required by the R-Codes to be affixed so as to not be visible from the street.
- 3. Retaining walls should be designed by an engineer, and the City should inspect the development once built to ensure compliance.*
A building permit will be required for the development, with any necessary retaining walls being appropriately designed and engineered in accordance with the Building Codes of Australia.

4. *The buildings should be made compliant.*

There are two pathways for development approval: deemed-to-comply or design principle assessment. Should a proposal not meet the deemed-to-comply criteria it is to be assessed against the design principles.

5. *The proposal is an overdevelopment of the lot.*

The development meets the minimum and average lot sizes required and meets the design principles for the discretion sought, as outlined in this report.

6. *The proposal presents visual privacy issues to adjoining lots.*

A condition is imposed requiring screening or modification to the kitchen windows for privacy, with the remaining major openings shown on the amended plans as being screened. All major openings meet the deemed-to-comply criteria for visual privacy.

7. *Insufficient landscaping has been provided.*

The development meets the landscaping criteria, incorporating a 2m x 2m tree planting area in each lot, and is supported by the City's Design Review Panel.

8. *The lack of onsite parking will cause traffic and street parking problems.*

Administration has provided an assessment against the design principles for visitor car parking below.

9. *The proposal will overshadow its neighbours.*

The development is considered to satisfy the deemed-to-comply provisions of the R-Codes in relation to overshadowing and solar access. (See administration's assessment below 5.3.3 Car Parking)

In response to submissions received, the applicant amended the plans and included the following changes:

- Visitor parking bay introduced between the building and Tyrell Street (and consequent reduction of landscaping);
- Approximate 0.15m decrease in maximum wall and roof height;
- Screening provided to southern elevation to the kitchen of Unit 5; and
- Reduction in window size of Unit 5 kitchen to the eastern elevation.

The amendments result in:

- a reduction in the number of variations to lot boundary setbacks;
- visual privacy variations now deemed-to-comply (subject to the Unit 1 south kitchen windows being screened as a condition of approval because, in aggregate, they exceed 1 m²); and
- the building height being deemed-to-comply.

Design Review Panel

This application was referred to the City's Design Review Panel on 21 June 2021. Amended plans were received on 5 October 2021 in order to address the advice and recommendations by the Design Review Panel. The amended plans were referred to the Chair of the Design Review Panel for a second review on 26 August 2021. A copy of the Design Review Panel comments are contained in Attachment 3.

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

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

5.2 State Planning Policy

5.2.1 State Planning Policy 7.0

The application was reviewed by the full DRP on 21 June 2021, with amendments further reviewed by the DRP Chair on 26 August 2021.

The following is a summary of the advice provided by the DRP.

1	Supported	
2	Supported with conditions	
3	Not supported	
0	Additional information required	
	Original Plans – 12 June 2021	Amended Plans – 5 October 2021
Principle 1 – Context & Character	2	1
Principle 2 – Landscape Quality	1	1
Principle 3 – Built Form & Scale	3	1
Principle 4 – Functionality & Built Quality	2	1
Principle 5 - Sustainability	1	1
Principle 6 – Amenity	1	1
Principle 7 - Legibility	1	1
Principle 8 – Safety	2	1
Principle 9 – Community	3	1
Principle 10 – Aesthetics	2	1

The final comments on the proposal are as follows:

“The proponent has responded very positively, thoroughly and effectively to the comments and Recommendations of the DRP. In particular they have:

- *Improved the amenity of the houses, especially the central houses, in terms of room sizes and relationships.*
- *Addressed the visual privacy for the northern neighbours*
- *Improved the legibility of the entries to the houses.*
- *Improved the landscaping both on ground and on structure.*
- *Provided well researched, comprehensive and satisfactory justifications in response to DRP suggestions.*

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

5.2.2 State Planning Policy 7.3

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An assessment under the R-Codes can be undertaken in one of two ways. This is by either meeting the deemed-to-comply provisions or via a Design principle assessment pathway. The proposed development is seeking a Design principle assessment pathway for a part of this proposal. An assessment is sought under the Design principles for the R-Codes for lot boundary setback, visitor parking, and site works. All other areas meet the deemed-to-comply provisions.

Clause 5.1.3 – Lot Boundary Setback

The following lot boundary setbacks are required to be assessed under the design principles of the R-Codes:

- Unit 1 – Ground floor Master Bedroomroom (south): 1.2m setback
- Unit 5 – First floor Balcony (east): 1.3m setback
- Unit 5 – First floor Bedroom 3 (east): 1.3m setback
- Unit 5 – First floor Kitchen (east): 1.8m setback

The lot boundary setbacks are considered to meet the design principles as:

Southern lot boundary setback (Ground Floor Master Bedroomroom)

- The southern wall is articulated to provide outdoor living areas and open space, with the walls of the middle three units being set back 3.1m from the boundary. This ensures the majority of the development will be set back so as to reduce the impact of bulk and scale to adjoining properties.
- Trees and landscaping are provided to the southern boundary to obscure views to the building and soften the overall appearance as viewed from adjoining properties.
- The overall development meets the deemed-to-comply criteria for overshadowing.

Eastern Lot Boundary Setback (Bedroomroom 3 to Balcony)

- Landscaping has been provided on the first floor through the use of planter boxes. The proposed on-structure planting softens the impact of the building bulk to the east as does the increased setback to Bedroomroom 2.
- As the setback addresses the eastern lot boundary solar access is not impacted.
- As highlight windows and screening has been proposed, visual privacy meets the deemed-to-comply criteria.



Clause 5.3.3 – Car parking

The development proposes one visitor bay. The visitor parking is considered to meet the design principles as:

- The site is located less than 250m from a high frequency bus route serving multiple destinations located near the intersection of Stirling Highway and Tyrell Street. This allows ample opportunities for use of public transport.
- Each unit has room for two vehicles in the garage, whereas the proximity of the bus stop means the onsite parking criteria of the R-Codes state only a single bay is necessary. The development has an excess of five parking bays in total, as each unit has one additional bay beyond the deemed-to-comply provisions.
- Parking is available to the west of Tyrell Street and is unrestricted outside of business hours and on weekends. This enables on-street parking for short and long-term visitors to the site.

Clause 5.3.7 - Site works

The development proposes 1.0m excavation. The site works are considered to meet the design principles as:

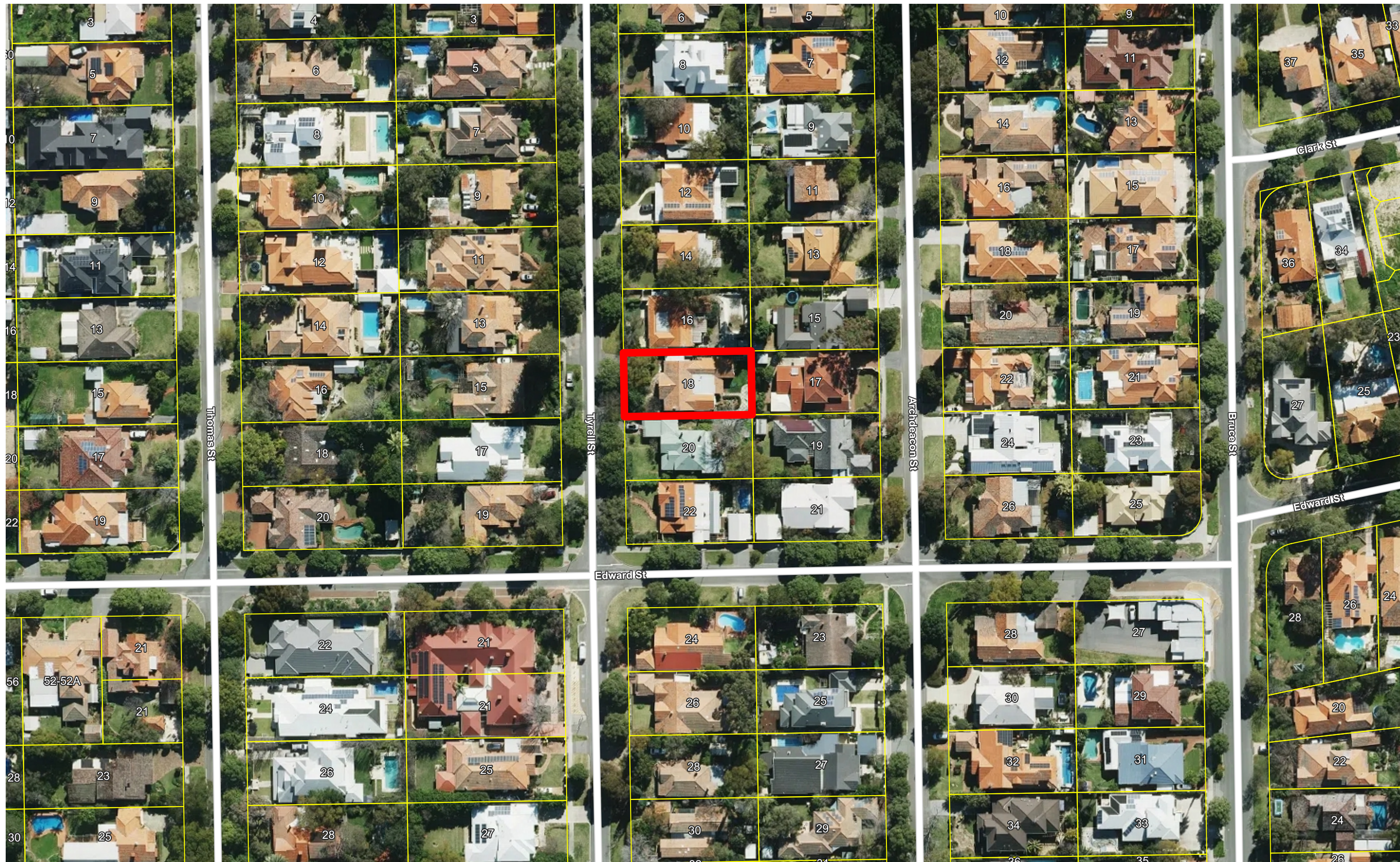
- The site works include only excavation, which reduces the building height and consequently reduces the impact of bulk and scale to adjoining lots.
- The excavation allows the development to remain consistent with the floor levels and streetscape appearance of adjoining houses.
- The retaining walls are below natural ground level and can therefore be located up to a boundary under the deemed-to-comply provisions, without any visual privacy impacts.

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 single house has been presented for Council consideration due to objections being received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

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



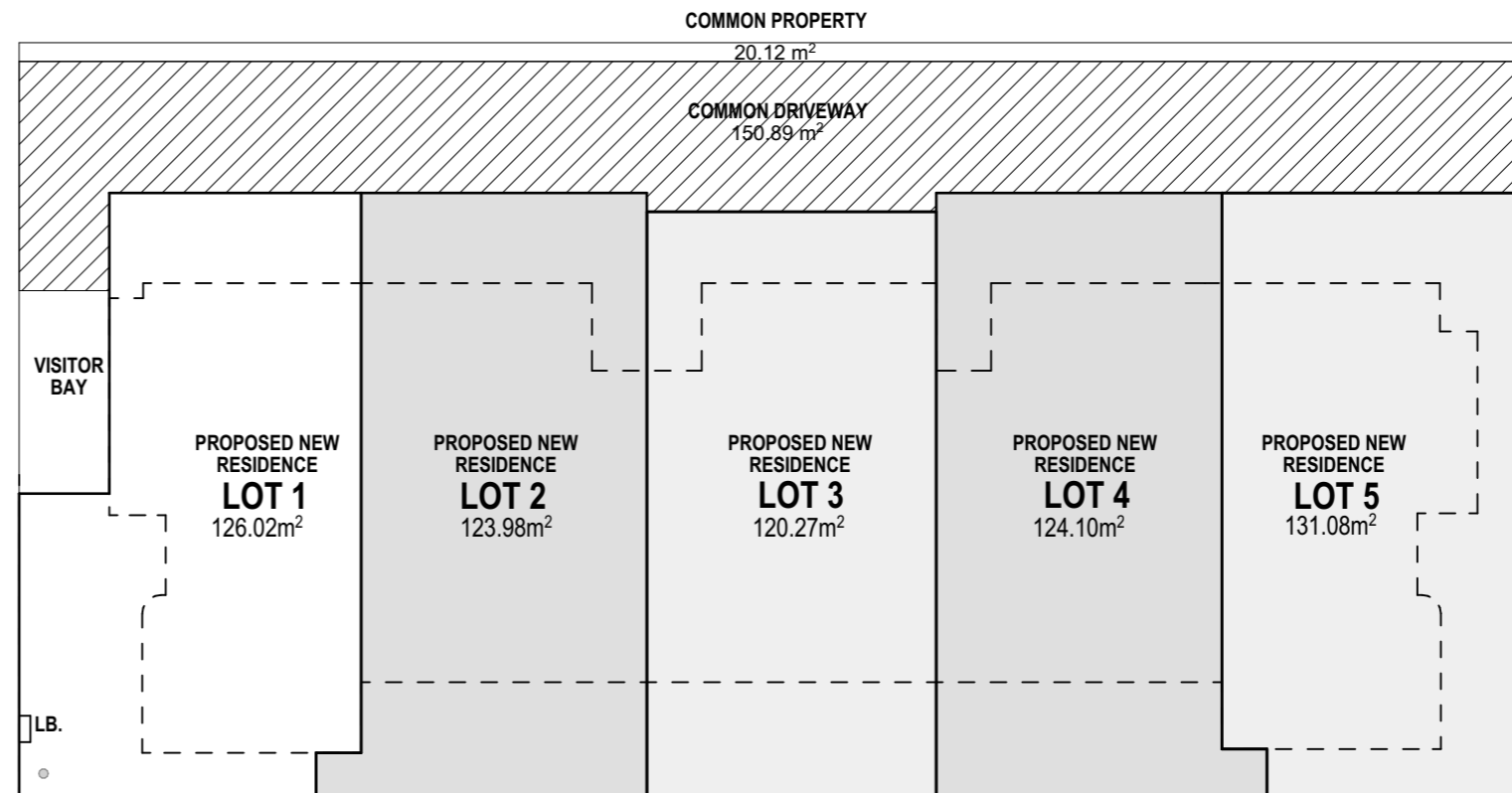


The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

19/10/2021
1:1411



COMMON PROPERTY	20.12m ²
COMMON DRIVEWAY	150.89m ²
VISITOR BAY	12.96m ²
LOT 1	126.02m ²
LOT 2	123.98m ²
LOT 3	120.27m ²
LOT 4	124.10m ²
LOT 5	131.08m ²
TOTAL	809.44m²



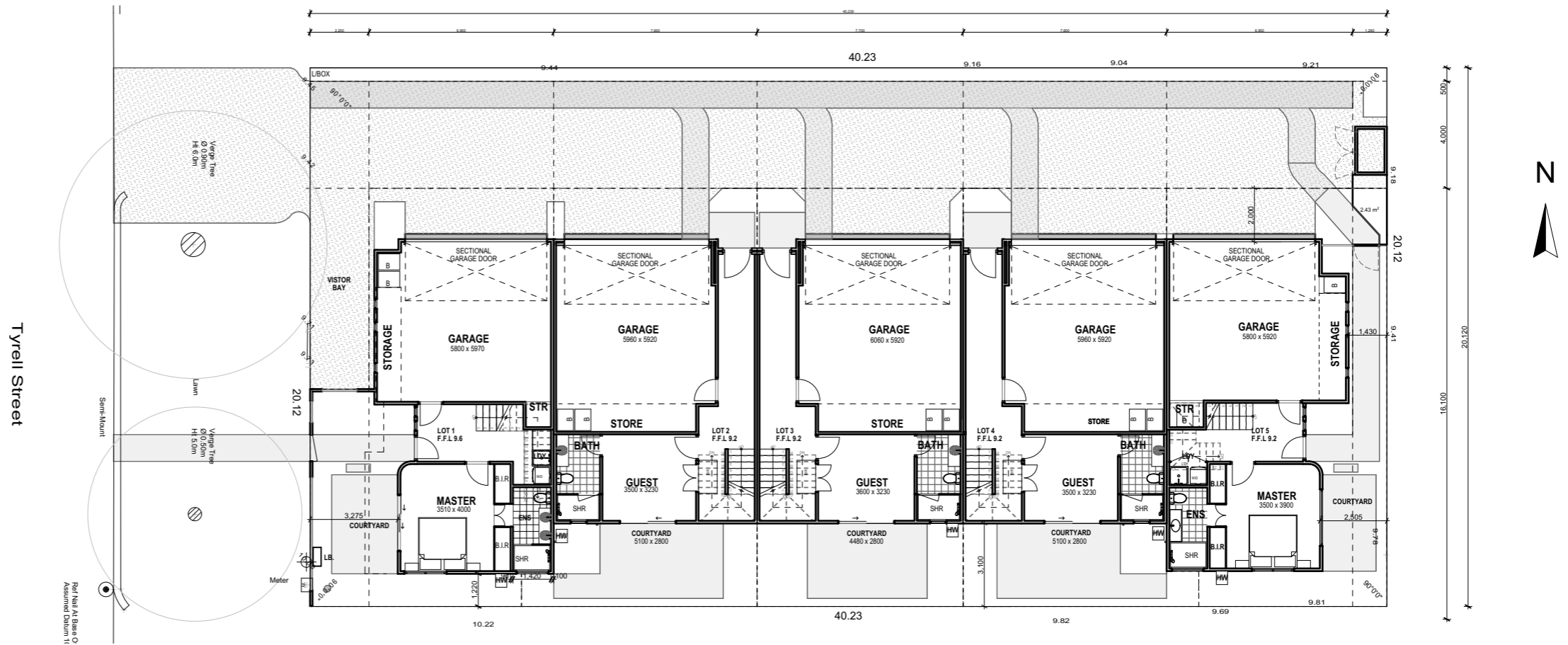
LOT 1 - 126.02m²	
GROUND	35.00m ²
GARAGE	41.48m ²
COURTYARD	9.12m ²
FIRST FLOOR	75.69m ²
BALCONY	10.47m ²
TOTAL	171.76m²

LOT 2 - 123.98m²	
GROUND	39.57m ²
GARAGE	42.82m ²
COURTYARD	15.42m ²
FIRST FLOOR	69.25m ²
BALCONY	20.97m ²
SECOND FLOOR	74.53m ²
TOTAL	262.56m²

LOT 3 - 120.27m²	
GROUND	39.91m ²
GARAGE	43.54m ²
COURTYARD	12.54m ²
FIRST FLOOR	72.69m ²
BALCONY	16.07m ²
SECOND FLOOR	74.54m ²
TOTAL	259.29m²

LOT 4 - 124.10m²	
GROUND	39.69m ²
GARAGE	42.82m ²
COURTYARD	15.42m ²
FIRST FLOOR	69.25m ²
BALCONY	20.97m ²
SECOND FLOOR	74.34m ²
TOTAL	262.49m²

LOT 5 - 131.08m²	
GROUND	34.27m ²
GARAGE	41.23m ²
COURTYARD	7.20m ²
FIRST FLOOR	76.03m ²
ALFRESCO	14.55m ²
TOTAL	173.28m²



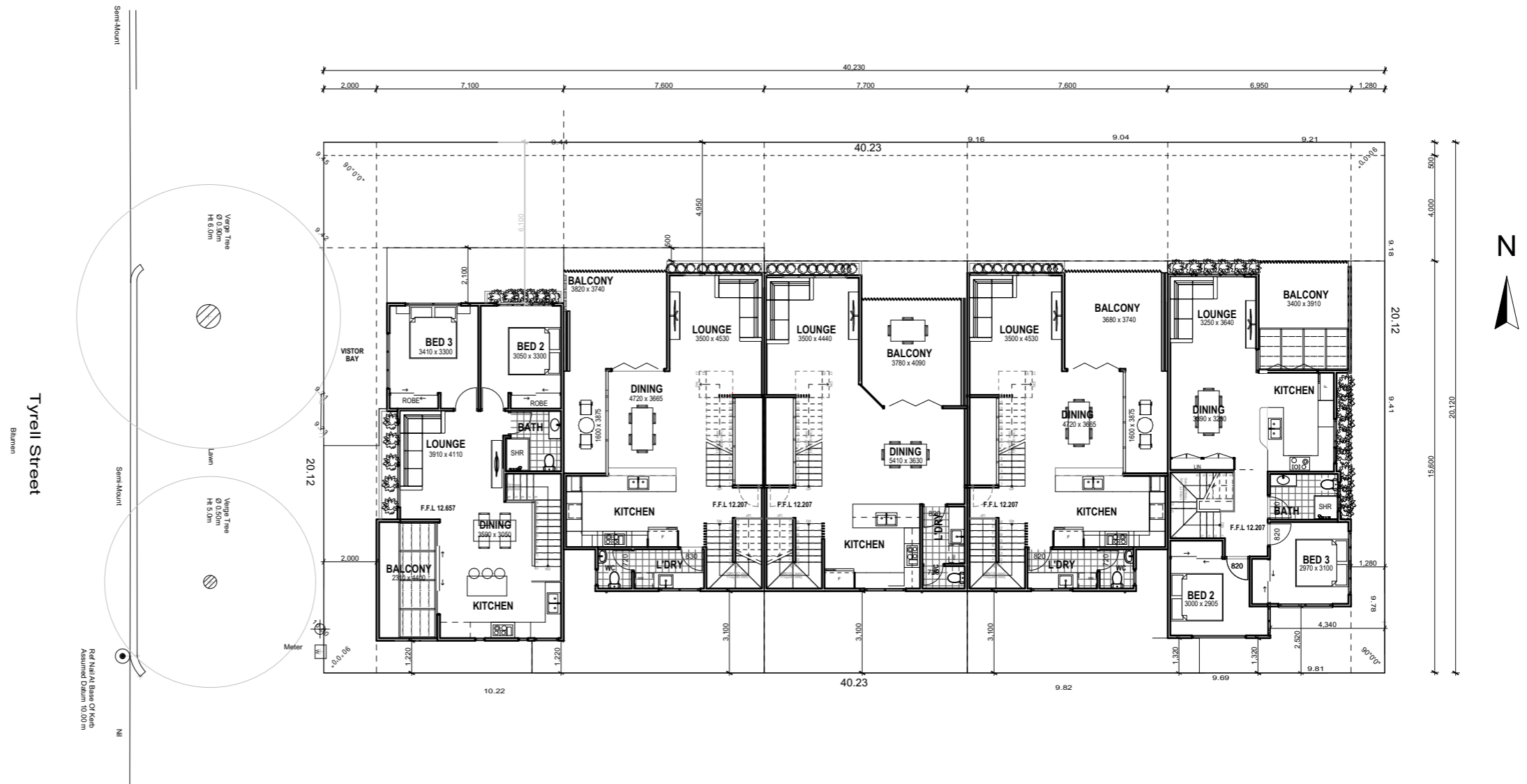
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COURTYARD	12.54m ²
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SECOND FLOOR	74.54m ²
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FIRST FLOOR	69.25m ²
BALCONY	20.97m ²
SECOND FLOOR	74.34m ²
TOTAL	262.49m²

LOT 5 - 131.08m²	
GROUND	34.27m ²
GARAGE	41.23m ²
COURTYARD	7.20m ²
FIRST FLOOR	76.03m ²
ALFRESCO	14.55m ²
TOTAL	173.28m²



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COURTYARD	9.12m ²
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BALCONY	10.47m ²

TOTAL 171.76m²

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TOTAL 262.56m²

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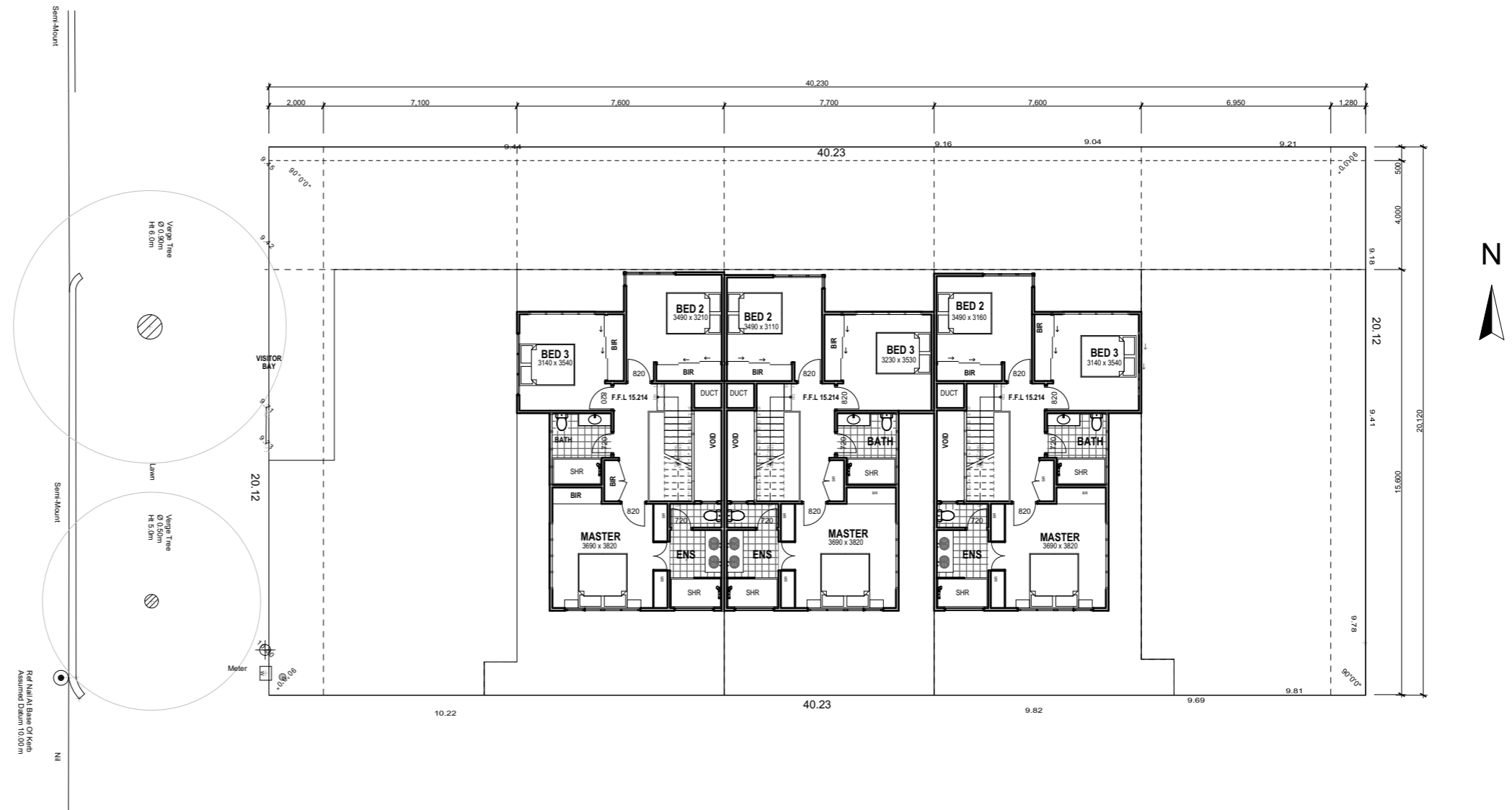
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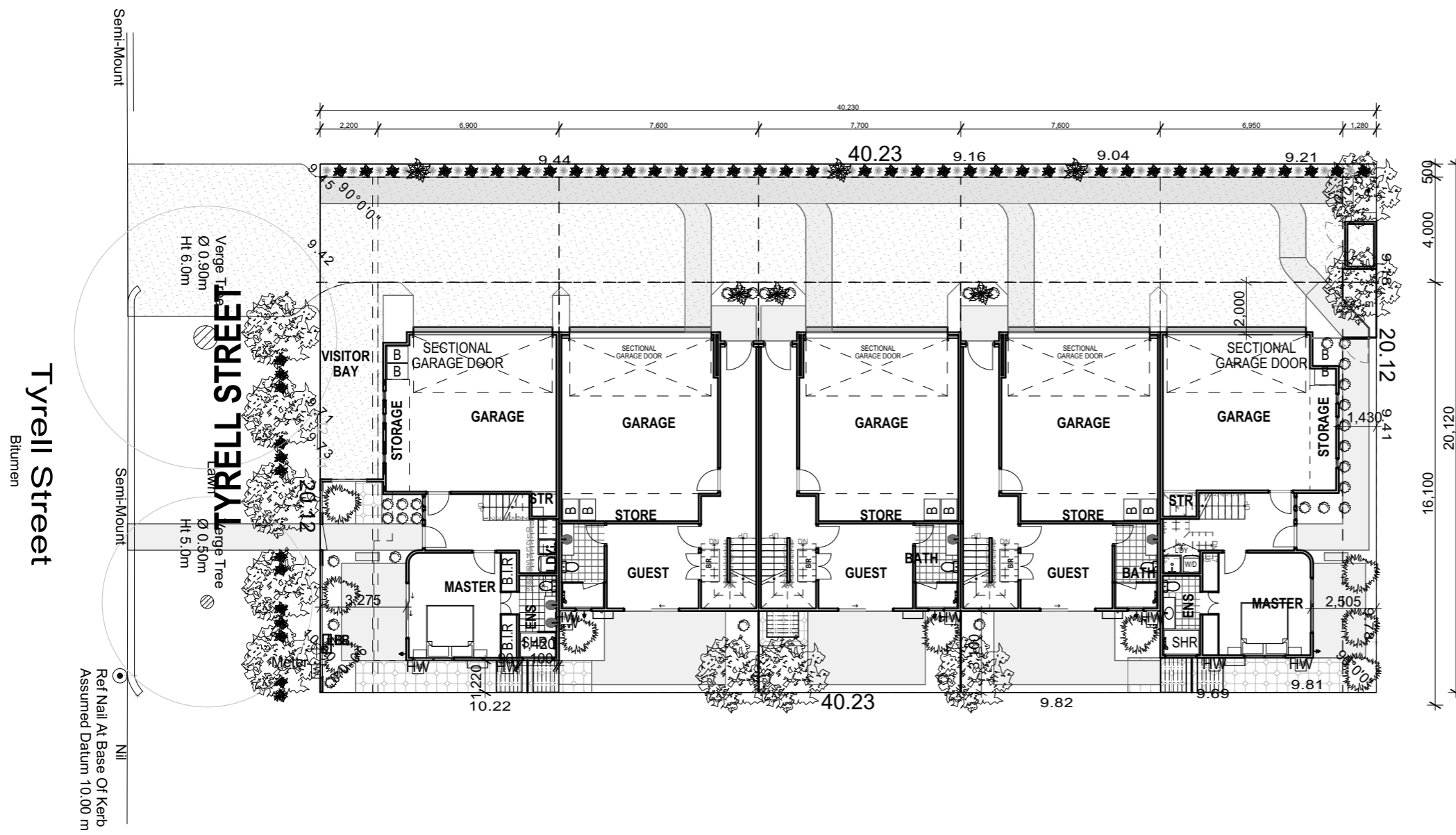
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TOTAL 173.28m²





LEGEND


- CLIVIA
- DIANELLA GODDESS
- MOTHER-IN-LAWS TONGUE
- PEAR TREE
- EVERLASTING LOVE FRANGIPANI TREE
- CHERRY BLOSSOM
- AGAPANTHUS
- FRANGIPANI TREE
- CREAM WASHED CONCRETE
- PAVING
- BRICK PAVING
- GRASS AREA



ELEVATION NORTH
SCALE 1:100



ELEVATION SOUTH
SCALE 1:100

	Drawn Checked #Drawn By Plot Date: 1/10/2021 Project NO. #Project ID Project Status #Project Status	DRAWING TITLE : ELEVATIONS ELEVATION 1	REVISION NO.
	Client #Client Full Name Climate Zone #Climate Zone Wind Region #Wind Region Site: #Site Full Address	PROJECT NAME : LOT 117 18 Tyrell St	DRAWING NO. A201

Design quality evaluation

Lot 117 (No.18) Tyrell St, Nedlands – 5 Grouped Dwellings (Two (2) to Three (3) Storey)

Design Review – 21 June 2021

Panel:

- **Simon Anderson – Chair**
- Simon Venturi – Deputy Chair
- Tony Casella
- Dominic Snellgrove

Panel Members:

Apply the applicable rating to each Design Principle	3	<i>Supported</i>
	2	<i>Further information required</i>
	1	<i>Not supported</i>
	0	<i>Yet to be addressed</i>

Summary

This application is for a proposed five (5) grouped dwelling development at No. 18 Tyrell St, Nedlands. Lots 1 and 5 (front and rear) are proposed to be two storeys with the middle lots (2-4) being three storeys.

The lot has an area of 809m² and is predominantly level, with an approximate 1.0m fall running south to north. The site is located approximately 250m south of Stirling Highway. The current land use of the subject site is a single storey single house. The site is located within a street block that is coded R60, with a similar code for the street blocks to the east and west. South of Edward Street is coded R10 / R12.5.

Tyrell St is characterized by mainly single-story single houses with a small volume of two-story dwellings. At this time, the City has received no applications for grouped or multiple dwellings along Tyrell St, with the exception of this application.

Comments Regarding the Development Proposal

Development Proposal Strengths	<ul style="list-style-type: none"> • The internal lightwell from the staircase provides ample light within each unit. • Ground floor bedroom and bathroom allows for possible future aging in place and diversifies the use of the proposed dwellings. • The greater setback of unit 1 from the primary street is considered a positive streetscape outcome, provided adequate landscaping can be installed within the front setback area. • Unit 1 provides pedestrian access to the primary street and appropriately interfaces with Tyrell St. • The dwelling typology of 'townhouses' is considered appropriate for the Nedlands context and streetscape. • Building height considered appropriate with two storey houses at the ends of the central three storey houses.
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<p>Development Proposal Weaknesses</p>	<ul style="list-style-type: none"> • Lack of appropriate response to the character of locality, specifically in relation to the immediate adjoining streetscape character of the subject site and Nedlands roofscape. • Landscaping outcome within common property areas and addressing the street. • The proposed room sizes are considered small. Internal living areas (excluding bedrooms) could be consolidated, providing larger, more open and usable spaces. • A clear and defined pedestrian access is required. The distinction should clearly separate vehicle access and pedestrian access within the site. The setback of pedestrian access points behind vehicle access points (garages) approx. 2.5m is not appropriate. • The proposed driveway is considered 'harsh', being dominated by double garages. • No visitor parking bay proposed or landscaping in lieu of a visitor bay. • Screening of balconies and habitable rooms is required where the minimum visual privacy setback distance is not met. However screening of balconies and outdoor living areas in lieu of setbacks is considered less than ideal. • The alfresco/outdoor living areas of units 1-5 are considered small and could be increased in area. • Overlooking of southern lot by unit 5 considered unacceptable. • The proposed skillion roof design is considered inappropriate in responding to the established character. Re-design of the roof layout should be considered. 				
<p>Development Proposal General Comments</p>	<ul style="list-style-type: none"> • Consideration is to be given to AC unit locations and their interaction with neighbouring lots. • Defined and distinct definition should be considered between each dwelling through material choice and interface addressing the common property driveway. (Defined separation of dwellings to promote legibility of each dwelling) • Provision for a possible future lift should be considered to allow for aging in place and modification of the building typology in the future. • A landscape professional should be consulted as part of the lodgement of a development application. • An ESD professional should be consulted as part of the lodgement of a development application. • Adjoining properties should be shown on the site plans and the elevations, to allow for the interface of the dwelling to be considered. • No meaningful landscape choice or landscaping plan provided. • Unit 1 is required to appropriately address the primary street (Tyrell St). • All habitable rooms are not to rely solely on highlight windows. 				
<p>Principle 1 - Context and character</p>	<table border="1"> <tr> <td data-bbox="448 1787 486 1899" style="background-color: #f4a460; text-align: center; vertical-align: middle;">2</td> <td data-bbox="486 1787 1481 1899"> <p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> </td> </tr> <tr> <td data-bbox="448 1899 486 2029" style="background-color: #d3d3d3;"></td> <td data-bbox="486 1899 1481 2029"> <p><u>1a. Comments</u></p> <ul style="list-style-type: none"> • Material and texture diversity are key considerations of the proposal. </td> </tr> </table>	2	<p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>		<p><u>1a. Comments</u></p> <ul style="list-style-type: none"> • Material and texture diversity are key considerations of the proposal.
2	<p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>				
	<p><u>1a. Comments</u></p> <ul style="list-style-type: none"> • Material and texture diversity are key considerations of the proposal. 				

		<ul style="list-style-type: none"> Street setbacks to both the primary street and common property access leg are required to be considered. Noted that Nedlands is generally characterised by generous setbacks and landscaping. Generally, support the context and character pending further justification and context/character review of immediate streetscape. <p><u>1b. Recommendations</u></p> <ul style="list-style-type: none"> Streetscape sections and annotation on the site plan of the current neighbouring properties should be provided across all elevations and site plans for the development proposal. This will allow for the development to demonstrate how it responds to the immediate adjoining properties. Material selection should be reviewed with attention being paid to the established material schedule along Tyrell St.
<p>Principle 2 - Landscape quality</p>	<p>0</p>	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 4.12 and 4.16 as relevant.</i></p> <p><u>2a. Comments</u></p> <ul style="list-style-type: none"> An assessment of the proposed landscaping within the development could not be completed due to information not being provided to the Panel. Deep soil areas should be considered wherever possible. Landscaping is a key consideration within the Nedlands locality with a large emphasis being placed on the provision of deep soil and medium/large trees where possible. <p><u>2b. Recommendations</u></p> <ul style="list-style-type: none"> A landscape professional should be appointed to facilitate preparation of an appropriate landscaping plan for the development. All proposed planting species are required to be identified and size at time of planting. Landscaping should be designed to respond to the Nedlands' character.
<p>Principle 3 - Built form and scale</p>	<p>3</p>	<p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 4.10 and 4.11 as relevant.</i></p> <p><u>3a. Comments</u></p> <ul style="list-style-type: none"> The roof form of the middle units (2-4) is considered out of character and 'contrived' for the locality and streetscape. <p><u>3b. Recommendations</u></p> <ul style="list-style-type: none"> The roof layout/design of units 2-4 is reconsidered with a response

		to the established streetscape character.
Principle 4 - Functionality and build quality	2	<p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</i></p> <p><i>As informed by SPP7.3 Element Objectives 4.3, 4.4, 4.6, 4.7, 4.12, 4.15, 4.17, 4.18 as relevant.</i></p> <p><u>4a. Comments</u></p> <ul style="list-style-type: none"> • The pedestrian entrance to all units is considered narrow. <p><u>4b. Recommendations</u></p> <ul style="list-style-type: none"> • Plans submitted with the DA should include all room dimensions. • Provision for robes should be included for all bedrooms. Robes should be shown on the floorplan at the time of lodgement. • The dimensional characteristics of each dwelling should be reconsidered, with an emphasis on consolidating living areas. • The widths/depth of outdoor living areas should be increased as the current proposed dimensions are considered small. • Balcony locations and sizes should be reconsidered as overlooking/full screening is not considered appropriate. • The balcony of unit 1 is considered undersized and area should be increased.
Principle 5 - Sustainability	0	<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.9, 4.1, 4.2, 4.3, 4.11, 4.12, 4.15, 4.16, 4.17 as relevant.</i></p>
		<p><u>5a. Comments</u></p> <ul style="list-style-type: none"> • Minimal demonstration of sustainability considerations presented to the Panel. <p><u>5b. Recommendations</u></p> <ul style="list-style-type: none"> • Unshaded north windows and living areas should be reconsidered. • An ESD consultant should be appointed to consider the sustainability impacts of development prior to lodgement of a DA. • Passive surveillance strategies of development should be considered addressing the internal access leg and external elements (Tyrell St). • The proposed living area of Unit 1 is not considered to take advantage of a northern aspect. This should be reconsidered.
Principle 6 - Amenity	1	<p><i>Good design optimises internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.5, 4.1, 4.2,</i></p>

	<p>4.3,4.4, 4.5, ,4.7, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17,4.18 as relevant.</p>
	<p><u>6a. Comments</u></p> <ul style="list-style-type: none"> • Amenity should be considered at both an external level (streetscape) an internally, both to the development and within each unit. <p><u>6b. Recommendations</u></p> <ul style="list-style-type: none"> • Visual privacy intrusions addressing northern and southern lots should be redesigned to facilitate compliance and minimise the impact on neighbouring lot’s visual privacy. • Balconies should be modified to not overlook neighbouring lots. Screening in lieu of setbacks is not considered acceptable. For example, in the central houses by rotating the dining room and including balcony planters that limit overlooking to 6 metres to the north. • The balconies as proposed are considered under sized limiting usability. Balcony floor areas should be increased, and locations reconsidered. • The size of the living areas as proposed are considered small providing a lack of amenity for residents. Redesign recommended. • The proposed pedestrian entry with regard to the streetscape interface to the common property is considered inappropriate being dominated by double garages. Redesign of the pedestrian access points is recommended to provide better distinction of each unit and reduce vehicle dominance. • Should a visitor bay not be proposed, a high-quality landscaping outcome should be provided addressing the primary street. • Highlight windows should be limited wherever possible.
<p>Principle 7 - Legibility</p>	<p>1 <i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4,3.6, 3.7, 3.8, 3.9, 4.5 as relevant.</i></p>
	<p><u>7a. Comments</u></p> <ul style="list-style-type: none"> • Legibility of the development was generally considered poor. <p><u>7b. Recommendations</u></p> <ul style="list-style-type: none"> • Greater consideration between the relationship between landscaping (soft-scaping) and hardscaping should be considered. The development currently proposes an excess of hardscaping and use of concrete. • The proposed pedestrian access/front doors interface with the common property is shadowed by the double garages of each dwelling. Greater emphasis/distinction of pedestrian access points is required per dwelling. • Pedestrian access points should be highly visible from the street

		<p>and definable for each dwelling.</p>
<p>Principle 8 - Safety</p>	<p>2</p>	<p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1,3.4, 3.6, 3.7, 3.8,3.9, 4.5 as relevant.</i></p>
		<p><u>8a. Comments</u></p> <ul style="list-style-type: none"> • Safely was generally supported subject to the below changes. <p><u>8b. Recommendations</u></p> <ul style="list-style-type: none"> • Clearly defined pedestrian access should be investigated within the common property driveway and denoted by material/colour changes. • The depth of the entry doors interfacing with the common property driveway is considered too high, especially in relation to unit 5. • The front doors should be brought forward of the proposed garages. • Passive surveillance of pedestrian access points from the street is required. • Passive surveillance of unit 5 requires review, especially in relation to pedestrian access points.
<p>Principle 9 - Community</p>	<p>3</p>	<p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.5, 4.9,4.18 as relevant.</i></p>
		<p><u>9a. Comments</u></p> <ul style="list-style-type: none"> • The pedestrian access of unit 1 being obtained from the primary street (Tyrell St) is considered a positive community outcome. <p><u>9b. Recommendations</u></p> <ul style="list-style-type: none"> • Greater articulation of the built form, especially the rear elevation (south) should be considered.
<p>Principle 10 Aesthetics</p>	<p>2</p>	<p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4, 4.8 as relevant.</i></p>
		<p>10a. Comments</p> <ul style="list-style-type: none"> • Aesthetics is generally supported subject to the recommendations below. <p><u>10b. Recommendations</u></p>

- The built form should respond to the established streetscape character and development context. The dwellings should respond sympathetically to this established context.
- The roof form/roofscape should be simplified and respond to the existing context and character of the streetscape.
- Greater material choice addressing southern elevation should be considered.
- Landscaping outcomes should reflect the site's context and soften the built form where possible.









PD38.21	Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands
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Committee	9 November 2021
Council	23 November 2021
Applicant	Oswald Homes
Landowner	A & A Beamish
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
Report Type	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	DA21/66409
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. Zoning Plan and Aerial Image 2. Plans 3. Architectural Perspective Drawings
Confidential Attachments	<ol style="list-style-type: none"> 1. Submissions 2. Applicant's Justification Report

1.0 Executive Summary

The purpose of this report is for Council to determine a development application for a Single House at 37C Kinninmont Avenue, Nedlands.

The application was advertised to adjoining neighbours in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals due to the need to consider design principles for lot boundary setbacks, garage width and visual privacy. At the close of the advertising period, three submissions were received. As objections have been received, this application is presented to Council for determination.

It is recommended that the application be approved by Council as it has been assessed as satisfying the design principles of the Residential Design Codes (R-

Codes) Volume 1. Where a proposal does not meet the deemed-to-comply provisions of the R-Codes, Council is required to exercise judgement to determine the proposal against the design principles of the R-Codes. The R-Codes require assessment against the design principles with the corresponding deemed-to-comply provisions not applied. It is considered that the development is unlikely to have a significant adverse impact on the local amenity and character of the streetscape and neighbouring properties.

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 15 July 2021 in accordance with amended plans date stamped 6 October 2021 for a Single House at 37c Kinninmont Avenue, Nedlands, subject to the following conditions:

- 1. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
- 2. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
- 3. Prior or 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.
- 4. Prior to occupation of the development, the balcony on the southern elevation facing south shall be screened to satisfy the deemed to comply criteria of clause 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;**
 - 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

- 5. Landscaping shall be installed and maintained in accordance with the approved plans, including the planting of one (1) tree with a minimum**

planting area of 2m x 2m. All landscaping shall be maintained for the lifetime of the development thereafter, to the satisfaction of the City.

6. 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.

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	337m ²
Land Use	Existing – Residential (Vacant Land) Proposed – Residential (Single House)
Use Class	'P' Permitted Use

2.2 Locality Plan

The subject lot is located at 37C Kinninmont Avenue, Nedlands and is approximately 170m north of Stirling Highway. The site is currently vacant and is relatively flat.

The parent lot of 37 Kinninmont Avenue has been granted conditional subdivision approval by the Western Australian Planning Commission (WAPC) for three side-by-side lots. All lots have direct frontage to Kinninmont Avenue, with the subject site located on the southernmost lot. The site is bound by the primary street – Kinninmont Avenue to the east and by residential properties to the north, west and south. All directly adjoining sites are also coded R60.

The immediate streetscape is surrounded by existing single houses, ranging between one and two storeys in height.

3.0 Application Details

The application seeks development approval for the construction of a two-storey single house with direct frontage to Kinninmont Avenue.

4.0 Consultation

The applicant is seeking assessment under the design principles of the R-Codes for the following elements:

- Lot Boundary Setbacks
- Garage Width
- Visual Privacy

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 41 adjoining landowners and occupiers, for a period of 14 days from 15 September 2021 to 29 September 2021. At the close of the advertising period three objections were received.

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

1. Garage width

Administration has completed an assessment of the proposal against the design principles where discretion has been sought by the development proposal in relation to garage width (Clause 5.3.3). Please see section 5.2.1 of this report.

2. Size of dwelling on the site

The development is considered to satisfy all deemed-to-comply provisions of the R-Codes in relation to site area and open space.

3. Lot boundary setbacks

Administration has completed an assessment of the proposal against the design principles where discretion has been sought by the development proposal in relation to lot boundary setbacks (Clause 5.1.2). Please see section 5.2.1 of this report.

4. Visual privacy

Administration has completed an assessment of the proposal against the design principles where discretion has been sought by the development proposal in relation to visual privacy (Clause 5.4.1). Please see section 5.2.1 of this report.

5. Landscaping

The development is considered to satisfy all deemed-to-comply provisions of the R-Codes in relation to landscaping.

6. Overshadowing

The development is considered to satisfy all deemed-to-comply provisions of the R-Codes in relation to overshadowing.

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

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

5.2 State Planning Policy

5.2.1 State Planning Policy 7.3 Residential Design Codes – Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway.

The proposed development is seeking a design principle assessment pathway for a part of this proposal. An assessment is sought under the design principles for the R-Codes for lot boundary setbacks, garage width and visual privacy. As required by the R-Codes, Council in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions. All other areas meet the deemed-to-comply provisions.

Clause 5.1.3 – Lot Boundary Setbacks

The dwelling is seeking an assessment against the design principles for setbacks proposed to the northern and southern lot boundaries from the upper floor.

Northern elevation:

The wall from the office to the ensuite of the upper floor is setback 1.8m to the northern lot boundary. The setback has been considered against the design principles and is assessed as appropriate as follows:

- The upper floor of the dwelling facing north incorporates four wall articulations between the balcony at the front and Bedroomroom 3 at the rear. The provided setbacks varying from 1.2m to 1.8m will allow the perception of building bulk to be broken up through the articulated walls.
- The northern elevation of the upper floor proposes highlight windows to Bedroomroom 2, Bedroomroom 3 and the office to protect the visual privacy of the future dwelling at No. 37B Kinninmont Avenue. The remainder of the windows facing north are minor openings and, therefore, the visual privacy provisions of the R-Codes are not applicable to these windows.
- The northern lot is currently vacant. In the design stage, the future landowners of the northern lot can consider the layout, design and proposed setbacks of this application in their proposal.
- In the context of ventilation, the proposed development meets the provisions of Clause 5.1.4 – Open Space. This allows airflow around the dwelling and neighbouring properties.
- In relation to the balcony, an assessment is provided against the design principles for visual privacy under Clause 5.4.1 below.

Southern elevation:

The wall from the staircase to the balcony of the upper floor is set back 1.3m to the southern lot boundary and the hallway is setback 2.4m from the southern lot boundary. The setbacks have been considered against the design principles and is assessed as appropriate as follows:

- The upper floor of the dwelling facing south incorporates five wall articulations between the balcony at the front and Bedroomroom 3 at the rear. The provided

setbacks varying from 1.3m to 2.4m will allow the perception of building bulk to be broken up through the articulated walls.

- The development proposes a primary living area of the kitchen, dining and family room that opens onto an outdoor living area which has access to northern light. This allows for the effective passive solar design given the major openings facing north in conjunction with an outdoor living area.
- On the upper floor facing south, the master Bedroomroom proposes highlight windows to protect visual privacy to the south. The windows to the stairs, hallway and void facing south are minor openings. Therefore, the visual privacy provisions of the R-Codes are not applicable to these windows.
- The proposed development meets the deemed-to-comply provisions of Clause 5.4.2 – Solar Access for Adjoining Sites. Although the overshadowing from the development will fall over the open space of the southern lot, the application cannot be assessed against the design principles as the deemed-to-comply provisions have been met.
- The setbacks provided will allow access to natural sunlight and ventilation to the subject site and adjoining properties.
- In relation to the balcony, an assessment is provided against the design principles for visual privacy under Clause 5.4.1 below.

Clause 5.2.2 Garage Width

The subject site has a is 8.5m wide frontage. The development proposes a garage width of 74% of the frontage (6.3m). The garage width has been assessed against the design principles of visual connectivity between the dwelling and the streetscape being maintained and the effect of the garage door on the streetscape being minimised so that the streetscape is not dominated by garage doors.

In order to reduce the visual impact of the garage door on the streetscape, the development proposes:

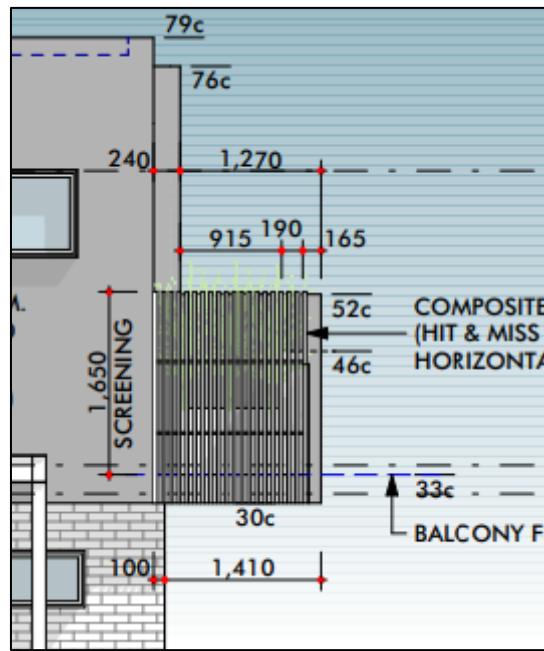
- An arbour along the southern elevation to lead pedestrians to the entry of the dwelling;
- Soft landscaping on both sides of the driveway;
- Reduced driveway width;
- A tree in the south-western corner in the front setback area; and
- The upper floor balcony above the garage which cantilevers over the garage door line to provide articulation and reduce the visual dominance of the garage door.

Clause 5.4.1 Visual Privacy

The front portion of the balcony (eastern elevation) facing Kinninmont Avenue is seeking an assessment against the design principles.

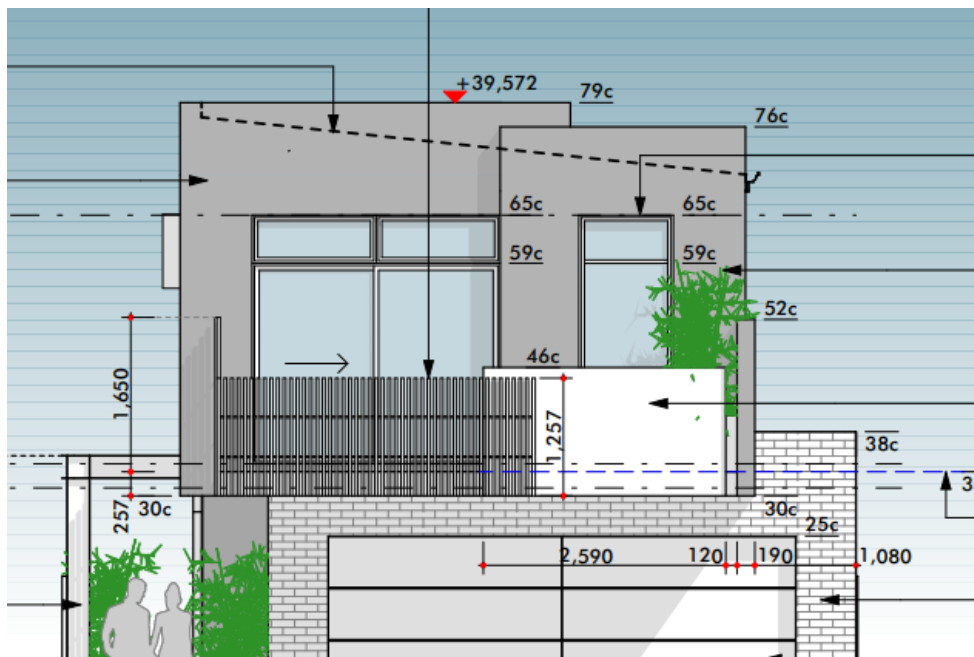
- The indirect overlooking from the eastern elevation (front) of the balcony facing south falls in the front garden area of the southern adjoining lot. The indirect overlooking does not fall over an active habitable space or outdoor living area. The indirect overlooking is over the front garden.
- The southern elevation of the balcony (facing south) and the northern elevation (facing north) are screened appropriately to meet the deemed-to-comply provisions of the R-Codes. Condition 4 is also recommended for the composite screening on the southern elevation. The screening ensures there

is no direct overlooking and that visual privacy is maintained behind the front setback area. The screening facing south is shown in the image below:



Southern elevation of Balcony

- The indirect overlooking from the balcony facing north is likely to fall over the front garden of the future development at 37B Kinninmont Avenue.
- The design of the building, the internal layouts and the major openings ensure that all other raised major openings protect the visual privacy of the adjoining sites in accordance with the deemed-to-comply provisions of the R-Codes.
- The eastern elevation of the balcony faces Kinninmont Ave. This allows for passive surveillance of the street. The eastern elevation is shown in the image below:

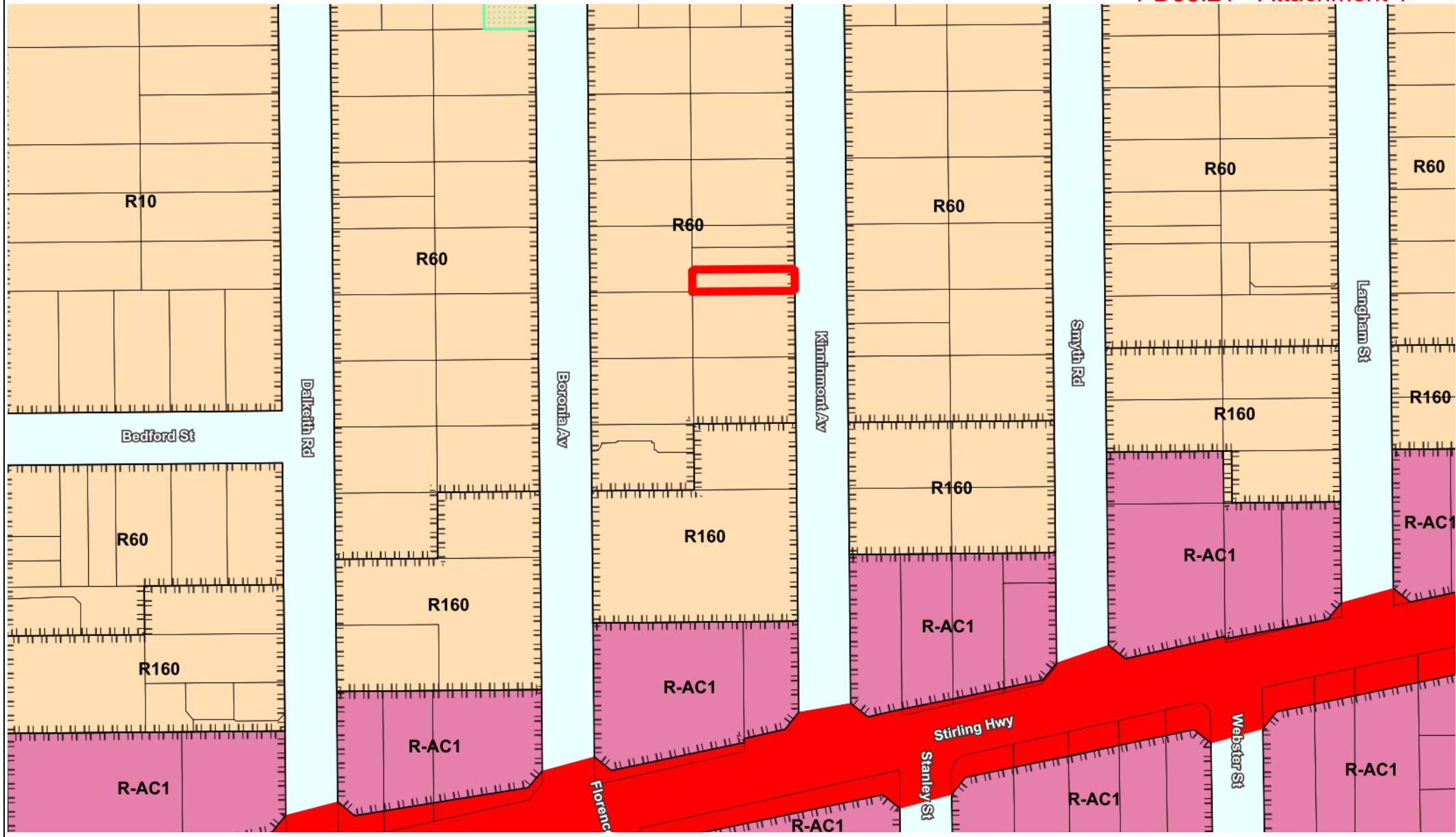


7.0 Conclusion

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 the two-storey single house has been presented for Council consideration due to objections having been received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

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



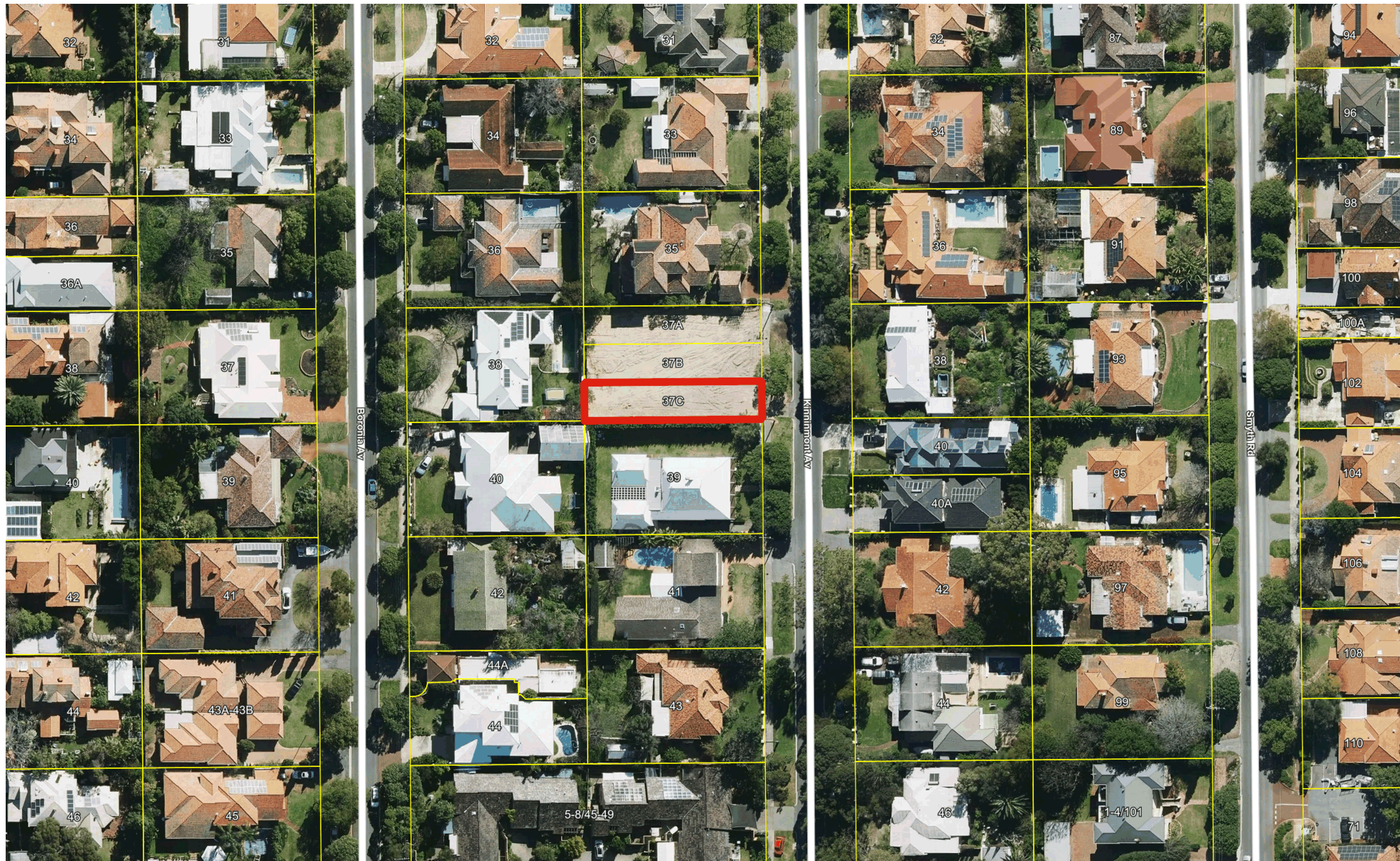
The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

Zoning Plan: 37c Kinninmont Avenue,
Nedlands

19/10/2021

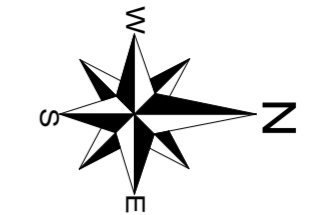
1:2000





LEGEND table with symbols for SEC Dome, Power Pole, Phone Pits, Water Conn., Top Pillar/Post, Top Wall, Top Retaining, Top Fence

City of Nedlands
Amended Plans
Received
06 October 2021

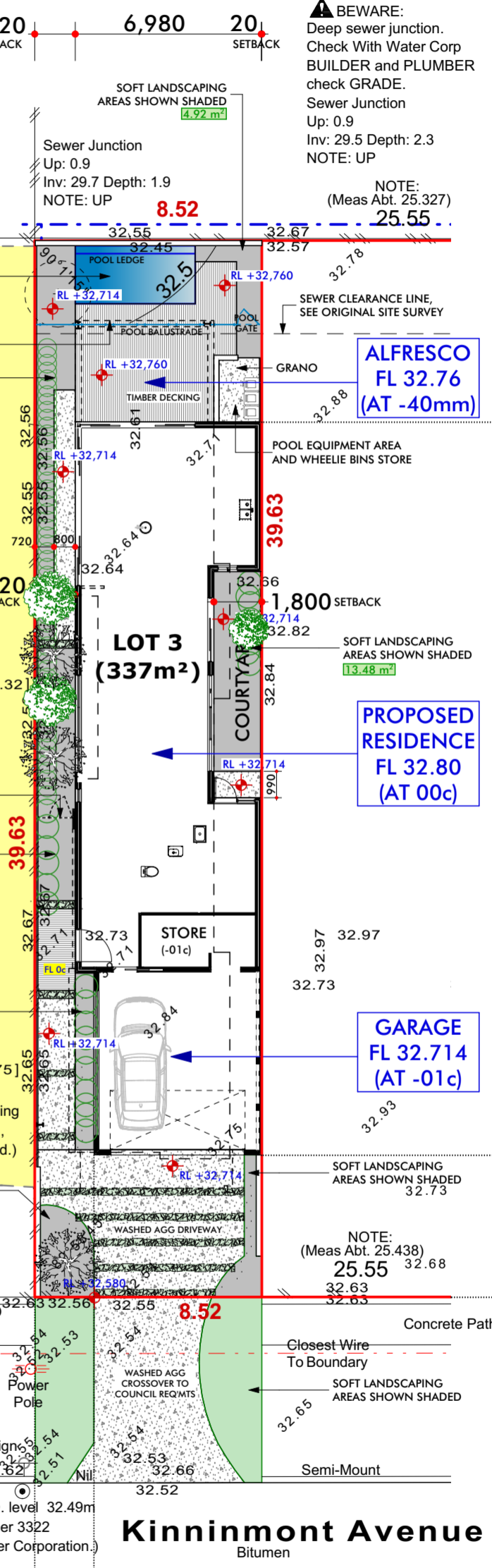


SITE COVERAGE
SITE AREA = 337.00 m²
FLOOR AREA = 171.00 m²
SITE COVERAGE = 50.74 %

SITE COVERAGE CALC'S:
- R60 SITE ZONING
FLOOR AREA:
GROUND + GARAGE (& STORE)
118.8 + 52.20m²
171.0m²

- LANDSCAPING LEGEND:
SOFT LANDSCAPING (MULCH) AREAS = 55.15m²
LAWN / GRASS = 23.18m²
POOL = 9.81m²
TIMBER DECKING = 34.75m²
WASHED AGG = 89.51m²

OVERSHADOWING AREA SHOWN SHADED @ 21st JUNE 12PM (PER R-CODES) NOTE: COMPLIANT TO R60 ZONING.



PROPOSED SITE PLAN
1:200

DISCLAIMER: Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan.

DISCLAIMER: Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment.

DISCLAIMER: Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services.

DISCLAIMER: Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing pegs/fences and walls which may not be on the correct alignment.

NOTE: (Meas Aht. 25.327) 25.55 (TF34.94)

NOTE: (Meas Aht. 25.438) 25.55 (TF33.78)

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NOTE: (Meas Aht. 25.438) 25.55 (TF33.78)

Ref Nail At Base Of Kerb A.H.D. level 32.49m (Established from S.M.H. number 3322 using data supplied by the Water Corporation.)

LOT MISCLOSE 0.000 m
SOIL DESCRIPTION Sand Refer to Survey



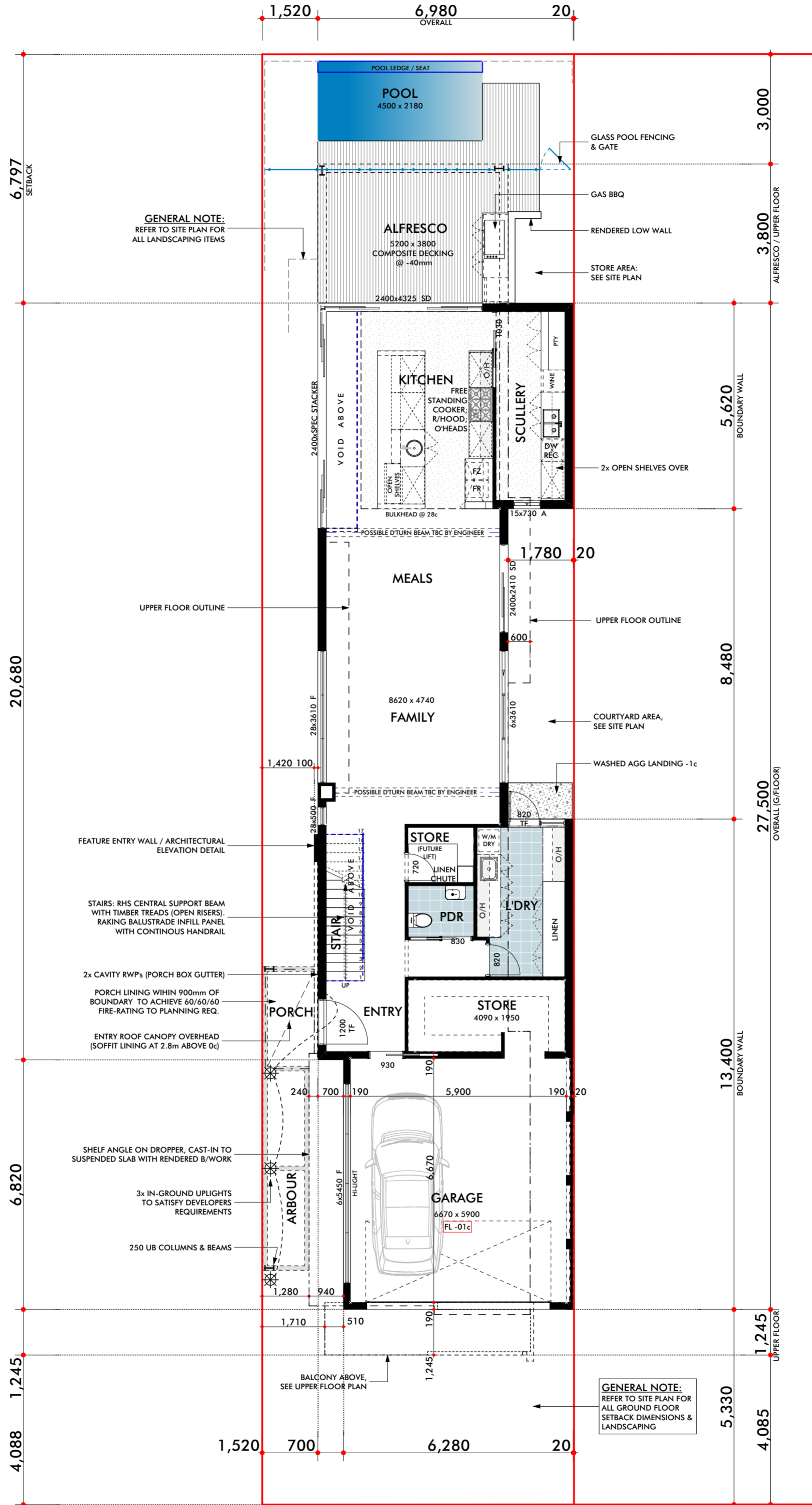
THE PURSER RESIDENCE

OSWALD HOMES EST 1972

LOT 3 (PROPOSED) #37 KINNINMONT AVE NEDLANDS
Consultant: Marek Designer: Franco Date: 6/10/2021

Roof Area Calculation - All Floors			
Floor	Pitch	Area (flat)	Area (pitched)
GROUND FLOOR			
	3° 0' 0"	25.96	25.99
		25.96 m ²	25.99 m ²
UPPER FLOOR			
	6° 0' 0"	168.85	169.78
		168.85 m ²	169.78 m ²
		194.81 m ²	195.77 m ²

GROUND FLOOR	
PORCH	5.44
GROUND LIVING	118.81
GARAGE & STORE	52.20
ALFRESCO	19.76
196.21 m²	
UPPER FLOOR	
UPPER LIVING	166.23
BALCONY	6.81
173.04 m²	
369.25 m²	

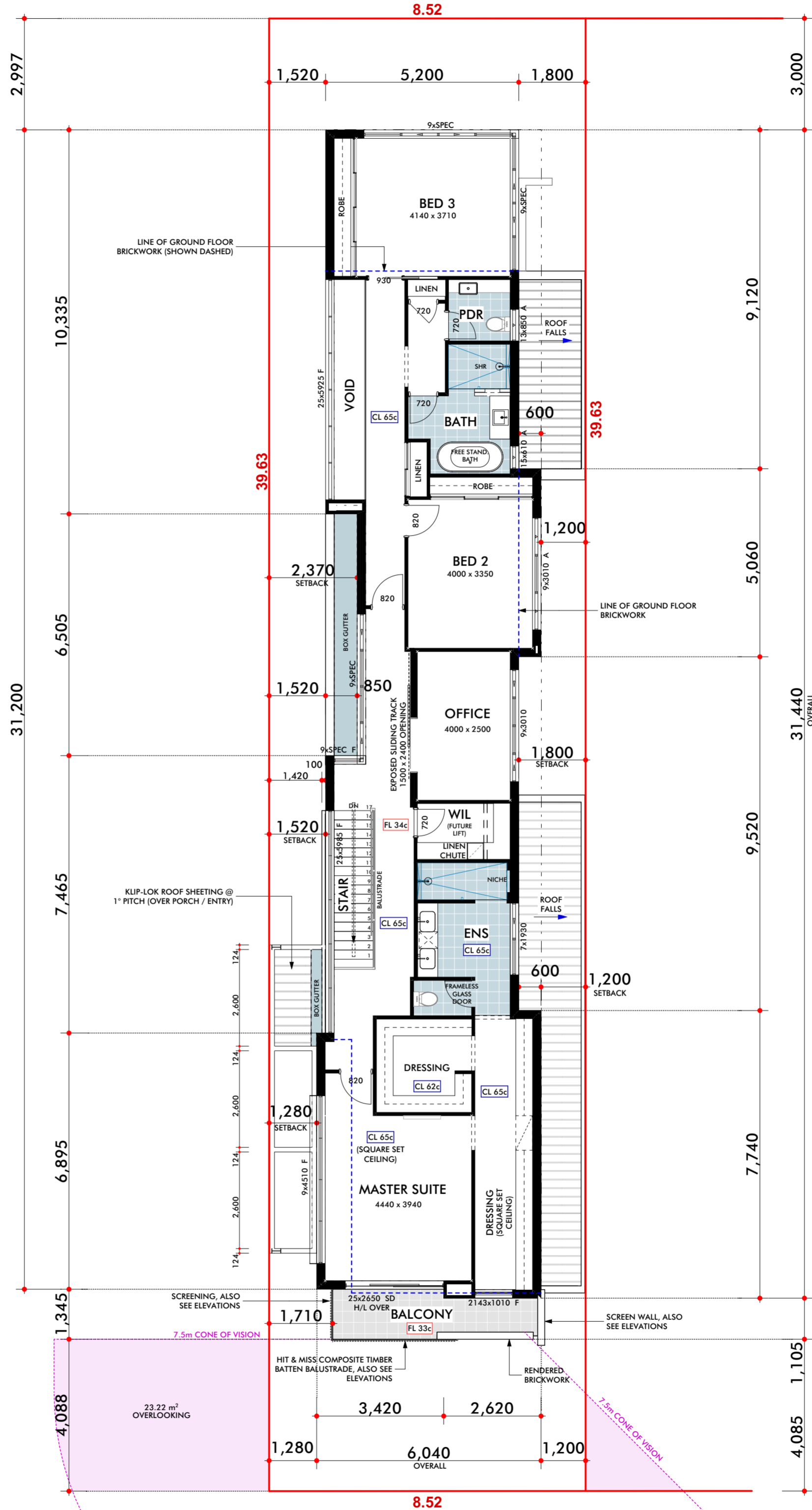
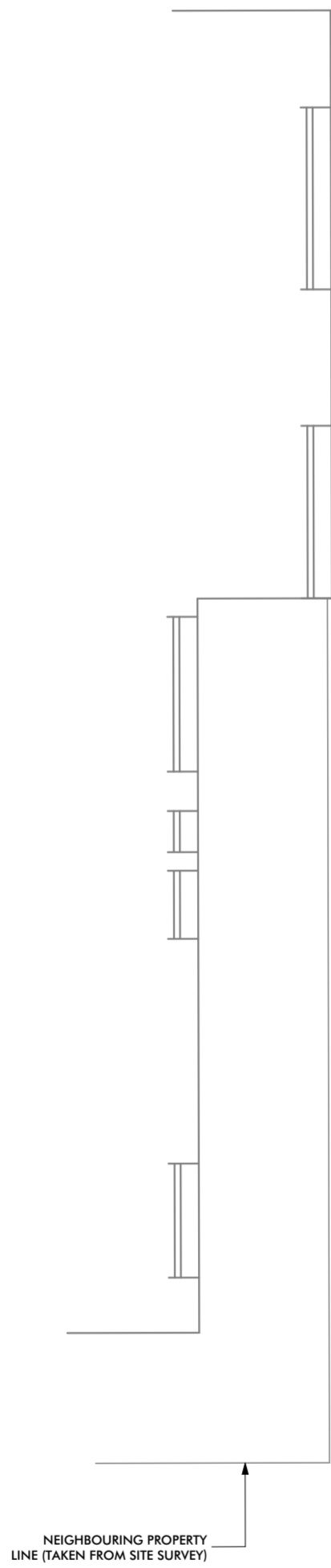


GROUND FLOOR PLAN
1:100

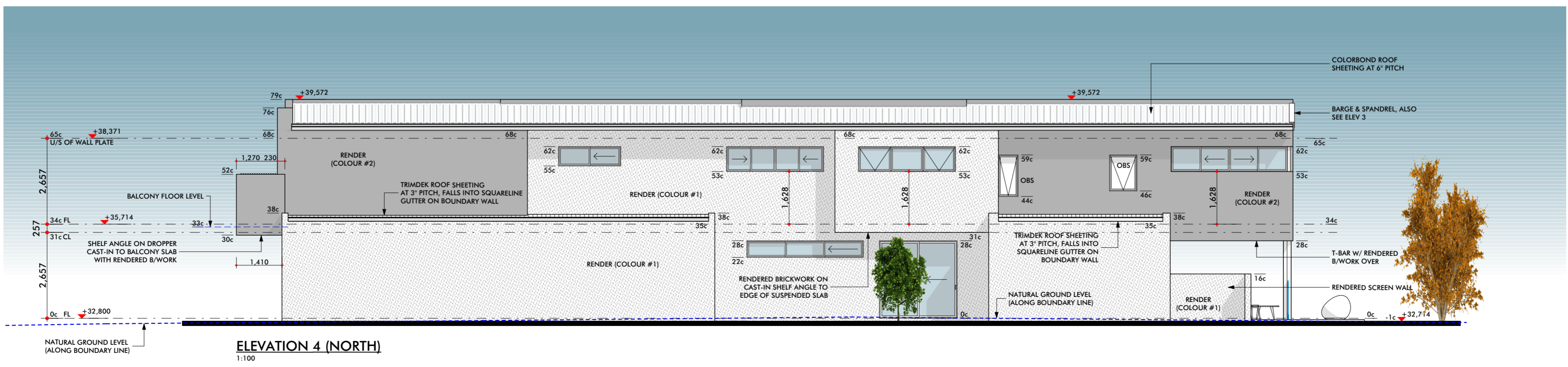
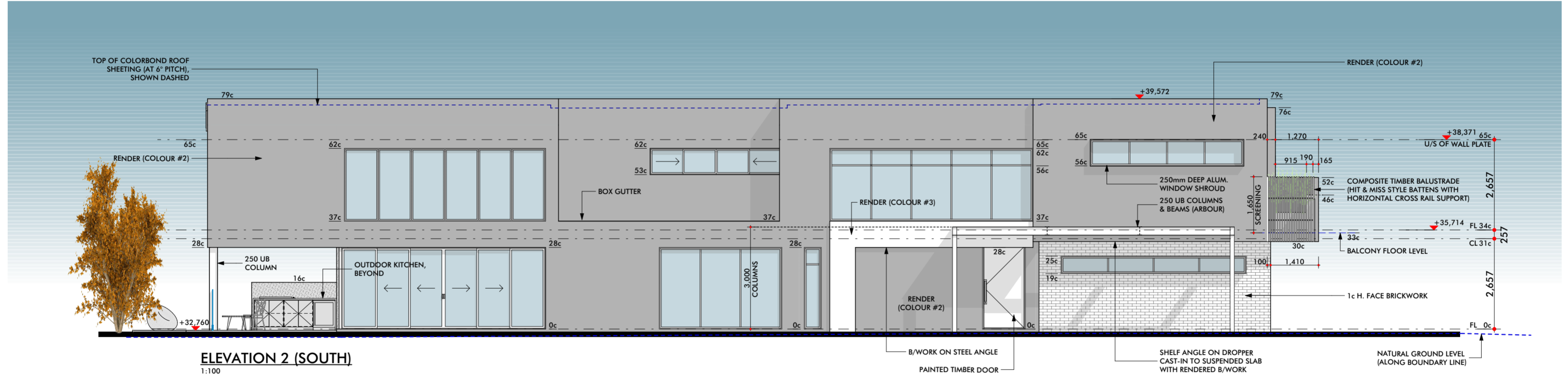
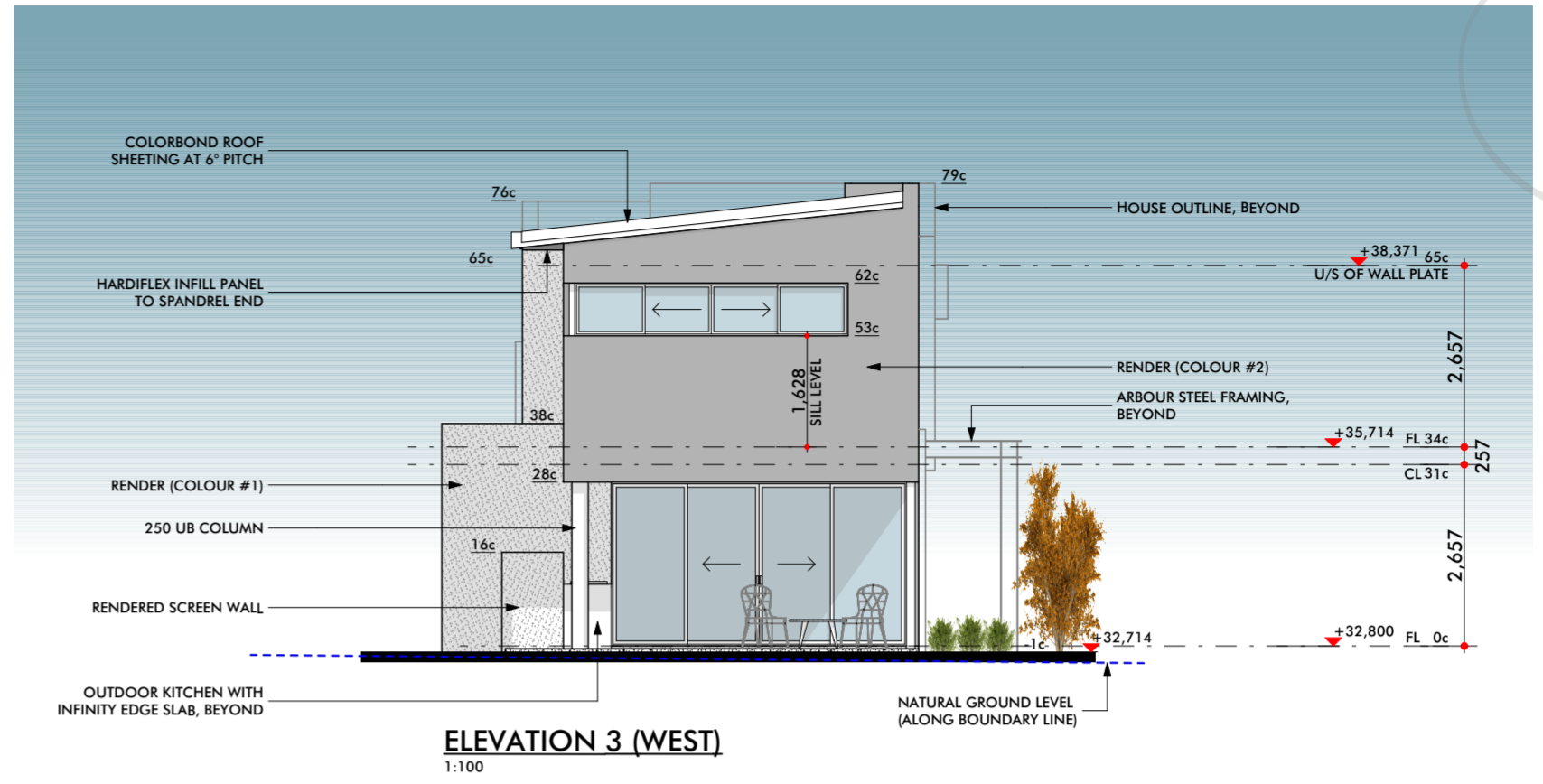
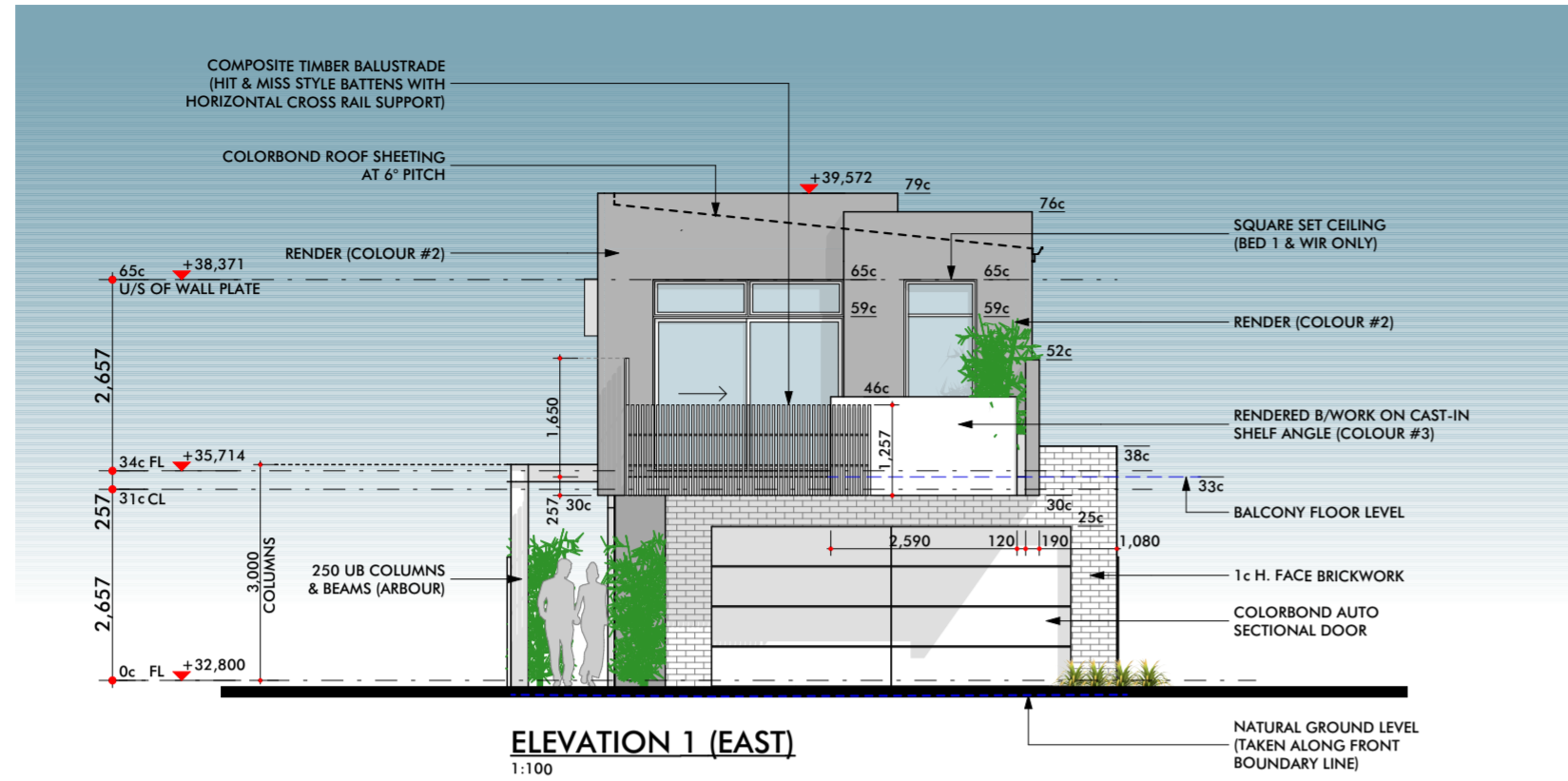
Roof Area Calculation - All Floors			
Floor	Pitch	Area (flat)	Area (pitched)
GROUND FLOOR	3° 0' 0"	25.96	25.99
		25.96 m ²	25.99 m ²
UPPER FLOOR	6° 0' 0"	168.85	169.78
		168.85 m ²	169.78 m ²
		194.81 m ²	195.77 m ²

GROUND FLOOR	
PORCH	5.44
GROUND LIVING	118.81
GARAGE & STORE	52.20
ALFRESCO	19.76
196.21 m²	
UPPER FLOOR	
UPPER LIVING	166.23
BALCONY	6.81
173.04 m²	
369.25 m²	

OVERSHADOWING NOTE:
REFER TO SITE PLAN FOR EXTENT / OVERSHADOWING DIAGRAM



UPPER FLOOR PLAN
1:100



5 OF 5
CLIENT NOTE: ITEMS SHOWN ON DESIGN SKETCH ARE REPRESENTATION ONLY. CONSULTING ARCHITECT'S DESIGN DOCUMENTS ARE TO SUPERSEDE DETAILS. PRELIMINARY DESIGN ONLY. THE INTENT OF THE PRELIMINARY DESIGN DOCUMENTS IS TO OBTAIN LOCAL GOVERNMENT APPROVAL. LOCAL GOVERNMENT APPROVAL, COMPLIANT DESIGN DETAILS MAY BE REQUIRED. PROJECT PRICING IS TO BE DETERMINED BY CLIENT REQUESTED DESIGN DETAIL.

THE PURSER RESIDENCE

LOT 3 (PROPOSED) #37 KINNINMONT AVE NEDLANDS
Consultant: Mark Designer: Franco Date: 6/10/2021
File: W:\JOBS\MASTER\30000 - 30999 (Frames)\31018 Purser Residence Design\Plan V14 - PLANNING Rev 3.dwg

OSWALD HOMES
EST 1972



THE PURSER RESIDENCE

LOT 3 (PROPOSED) #37 KINNIMONT AVE NEDLANDS
Consultant : Marek Designer : Franco Date : 6 / 10 / 2021
File : W:\JOBS MASTER\30000 - 399999 (Framework)\301618 Purser\Working Drawings\Design\Purser V3.4 - PLANNING Rev 3.pln



OSWALD HOMES

EST 1972

PD39.21 Scheme Amendment No. 16 – Fast Food Outlets Use Permissibility	
Committee	9 November 2021
Council	23 November 2021
Applicant	City of Nedlands
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 of the Local Government Act 1995	Nil. “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”.
Attachments	1. Scheme Amendment No. 16 – Justification Report 2. Summary of Submissions
Confidential Attachments	1. Full copy of Submissions

1.0 Executive Summary

The purpose of this report is for Council to consider (post-advertising) proposed Amendment No.16 to the City of Nedlands Local Planning Scheme No. 3. It is Administration’s recommendation that Amendment No. 16 is not supported.

Recommendation to Committee

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with Regulation 41(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to NOT support Amendment No. 16 to the City of Nedlands Local Planning Scheme No. 3 for the following reasons:
 - a) The Amendment is inconsistent with the City’s Local Planning Strategy that was endorsed by the Western Australian Planning Commission in 2017, and therefore does not align with the City’s strategic planning framework or direction.
 - b) The Amendment could unfairly prejudice the development of takeaway food businesses that fall within the land use definition of Fast Food Outlet, and prevent services being located in suitable locations (such as the Mixed Used zone or Specialised Activity Centres).
 - c) The Urban Development zone is not considered to be the most appropriate zone for the development of Fast Food Outlets, given it comprises only a small portion of the Scheme area.

2. **Resolves to provide a summary of the reasons why the City does not support Amendment No.16 to the City of Nedlands Local Planning Scheme No.3, and a schedule of submissions made on the Amendment, to the Western Australian Planning Commission within twenty-one (21) days of the Resolution, in accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

2.0 Discussion/Overview

2.1 Key Relevant Previous Council Decisions

Initiation of Amendment No.16

Council was presented with Amendment No. 16 to the City of Nedlands Local Planning Scheme No.3 (the Scheme) at the 23 February 2021 Ordinary Council Meeting (OCM).

Council resolved to initiate Amendment No.16, that seeks to prohibit the 'Fast Food Outlet' land use within the 'Mixed Use' and 'Neighbourhood Centre' zones, therefore making Fast Food Outlets prohibited in all zones, except for the Urban Development zone.

Amendment No. 16 has undergone public advertising in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and is now presented to Council for its consideration.

Local Planning Scheme No. 3 definition

It is important to note that the Scheme definition of Fast Food Outlet not only applies to fast food companies with drive through components, but also includes those takeaway food facilities without a drive through. The Scheme provides the following definition for a Fast Food Outlet:

means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –

- (a) without further preparation; and*
- (b) primarily off the premises.*

Council must consider that seeking to prohibit the Fast Food Outlet land use from everywhere but the Urban Development zone may have unintended consequences for smaller take away style businesses, including (but not limited to) common uses such as fish and chips, kebab, pizza or sushi establishments, and other take away style food outlets that would predominantly fall within this land use classification.

If the Fast Food Outlet land use becomes prohibited within the majority of the Scheme area, future local takeaway food businesses would be unable to apply to operate. Existing and lawfully approved takeaway food businesses would become classified as 'non-conforming uses', requiring development approval for any alteration or extension. This creates difficulty for businesses seeking to expand or make minor modifications to their existing operations. If the lawfully approved land use is discontinued and has been discontinued for a period of 6 months, the business and/or

lot loses its non-conforming use rights and would no longer legally be permitted to operate.

This could impact upon the provision of amenity and services for residents and the potential for small businesses to flourish. Some of these businesses have operated for many years and form part of the existing character of local centres and services offered to residents. Furthermore, and of relevance, takeaway food options were one of the only land uses permitted to operate during full Covid-19 lockdowns, highlighting their critical role in providing convenient food options for residents.

Banning the Fast Food Outlet land use contradicts the aims and objectives of the City's strategic planning framework by limiting the potential diversity of commercial uses within the Mixed Use area. Proceeding with Amendment No.16 is therefore not recommended by Administration.

Urban Development zone

If Council proceeds with Amendment No.16, a Fast Food Outlet would only be capable of approval within the Urban Development zone. The zoning table within the Scheme does not specify the permissibility of land uses within the Urban Development zone. Instead, the Scheme requires the preparation of a Structure Plan (as a statutory mechanism) to guide subdivision, land use permissibility and development within the Urban Development zone.

The Structure Planning process generally precedes the development application process, allowing Administration and Council to consider future land uses within the Urban Development zone, before being assessed and determined by the WAPC.

3.0 Strategic Documents

Local Planning Strategy

The City's Local Planning Strategy outlines that the City seeks to increase its Mixed Use and Commercial centres, and the diversity of commercial uses on offer within these areas. Prohibiting a land use such as Fast Food Outlets does not align with the vision of the endorsed Local Planning Strategy, as it intends to decrease the potential diversity of commercial uses within the Mixed Use area and Neighbourhood Centres.

4.0 Consultation

In accordance with Regulation 38(3)(a) of the Regulations and the City's Local Planning Policy – Consultation of Planning Proposals, Amendment No.16 (a 'Complex' Amendment) was publicly advertised on the City's YourVoice web page and in the Post Newspaper for a minimum period of 60 days. Advertising commenced on 3 April 2021 and concluded on 9 June 2021.

A total of 22 submissions were received (19 in support, 3 objecting). Key themes raised in the submissions were:

- Fast Food Outlets are not aligned with the City's values and result in anti-social behaviour, obesity, noise, odour, traffic congestion, excessive signage and litter.
- There are already enough Fast Food Outlets in neighbouring areas.

- There is a large proportion of students in the area, who would benefit from the availability of fast food.

Refer to Attachment 2 for a copy of the Summary of Submissions, identifying the key themes raised.

5.0 Strategic Implications

How well does it fit with our strategic direction?

The intention of Amendment No. 16 is to prohibit Fast Food Outlets within the majority of the City of Nedlands, by making the Fast Food Outlet land use classification a prohibited ('X') use within the Mixed Use and Neighbourhood Centre zones.

There are currently only three zones within the Scheme area where a Fast Food Outlet is legally capable of approval, being the Mixed Use, Neighbourhood Centre and Urban Development zones. The Mixed Use and Neighbourhood Centre zones encompass the majority of the Local and Neighbourhood Activity Centres within the Scheme area, where small-scale Fast Food Outlets could be considered as an appropriate land use or development.

Prohibiting Fast Food Outlets in all zones (except for the Urban Development zone) is not in keeping with the City's Local Planning Strategy, which encourages diversity in commercial outlets on busy thoroughfares, such as Stirling Highway. Given Amendment No.16 is not aligned with the intent of the Local Planning Strategy, it does not fit within the City's formal strategic direction and is not recommended for support. Furthermore, Amendment No.16 may undermine the function of the UWA-QEIIIMC Specialised Activity Centre, which is identified within the State Government's *Perth and Peel @3.5 million* strategic framework as a key location for future growth. Takeaway food businesses play a role in servicing such Activity Centres.

Who benefits?

Given it is not in line with the City's Local Planning Strategy (which has been endorsed by the WAPC), and it proposes to prohibit a specific land use from the vast majority of the Scheme area, it is Administration's view that the Amendment is unlikely to be supported by the WAPC.

The investment of new businesses in appropriate locations could provide employment opportunities for the City's residents. The provision of diverse commercial businesses (including Fast Food Outlets) provides opportunities for the City to increase its employment self-sufficiency and self-containment, which is a key consideration of the Local Planning Strategy. Fast Food Outlets contribute to the provision of a variety of workplaces, which then provides opportunities for employment for residents.

Does it involve a tolerable risk?

Considering the inconsistencies with the City's strategic direction, Amendment No.16 has a risk of being refused by the Minister for Planning (upon assessment and the recommendation of the WAPC).

Do we have the information we need?

The Amendment No.16 justification report and this Council report provide an appropriate amount of information.

6.0 Budget/Financial Implications

Can we afford it?

There are no immediate costs associated with Amendment No. 16, except for staff time to liaise with the WAPC. If the WAPC and the Minister approve the Scheme Amendment, there will be a small fee associated with the publishing of the Amendment.

How does the option impact upon rates?

There is no current impact upon rates.

7.0 Officer / Administration comment

This proposal is not considered to provide an optimal outcome for the City in terms of development control or in the interests of orderly and proper planning. The WAPC and Minister for Planning are unlikely to support an Amendment that seeks to ban a specific land use from what is the vast majority of the Scheme area.

Administration advises Council that Amendment No. 16 should not be supported, given its inconsistencies with the City's endorsed Local Planning Strategy. The Amendment is also likely to unfairly impact upon future local takeaway food businesses within the City. It is considered that Amendment No 16 is unlikely to be supported by the WAPC or Minister for Planning.

For these reasons, this course of action is not supported by Administration.

8.0 Conclusion

In accordance with the Regulations, Council is required to pass a Resolution to either:

- (a) Support Amendment No.16 without modification; or
- (b) Support Amendment No.16 with proposed modifications to address issues raised in the submissions (the City may re-advertise the modified Amendment No.16 for a period of 42 days); or
- (c) Not support Amendment No.16 (Administration's recommended Resolution).

Once a Resolution is made, Administration is required to provide all necessary documentation to the WAPC within 21 days of the Resolution. Within 90 days of receiving the documents, the WAPC must consider the documents and make a recommendation to the Minister for Planning.

Before a decision is made by the Minister, the City may be directed to advertise any requested modifications to Amendment No.16 (if deemed as significant modifications).

8.1 Alternate Recommendation

In the event Council wishes to support the proposed Amendment No.16, it should resolve the following alternate recommendation:

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with Regulation 41(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to support Amendment No. 16 to the City of Nedlands Local Planning Scheme No. 3 as follows:
 - a) As detailed in Attachment 1 – Amendment No. 16 Justification Report.
2. Resolves to provide a summary of the reasons why the City supports Amendment No.16 to the City of Nedlands Local Planning Scheme No.3, and a schedule of submissions made on the Amendment, to the Western Australian Planning Commission within twenty-one (21) days of the Resolution, in accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



City of Nedlands
Local Planning Scheme No. 3

Amendment No. 16

Scheme Amendment altering land use permissibility within Table 3 – Zoning table of the City of Nedlands Local Planning Scheme No.3, for a Fast Food Outlet to be an 'X' use in the Mixed Use and Neighbourhood Centre zones.

Planning and Development Act 2005**RESOLUTION TO PREPARE LOCAL PLANNING SCHEME AMENDMENT***City of Nedlands***Local Planning Scheme No. 3 - Amendment No. 16**

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

Altering use permissibility in Table 3 – Zoning table for Fast Food Outlet to an 'X' use in the Mixed Use and Neighbourhood Centre zones.

The amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) an amendment that is not addressed by any local planning strategy;
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;

Dated this _____ day of _____ 20_____

(Chief Executive Officer)

City of Nedlands

Local Planning Scheme No. 3 – Scheme Amendment No. 16

Scheme Amendment Report

1.0 INTRODUCTION

The City proposes to amend Local Planning Scheme No.3 (the Scheme) by modifying Table 3 – Zoning table as follows:

Altering land use permissibility within Table 3 – Zoning table of Local Planning Scheme No.3, for a Fast Food Outlet to be an 'X' use in the Mixed Use and Neighbourhood Centre zones.

This Scheme Amendment would see Fast Food Outlets become an 'X' use in all zones within the Scheme area, except for the Urban Development zone.

2.0 BACKGROUND

The Scheme was gazetted on 16 April 2019, changing the definition of Fast Food Outlet from that within former Town Planning Scheme No. 2 (TPS2):

“means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises,”

To the following definition:

“means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –

(a) Without further preparation; and

(b) Primarily off the premises.”

Modifications also changed the land use permissibility of Fast Food Outlets from a non-permissible (X use) in all zones (except for the Urban Development zone) where it was previously an 'AA' (discretionary with mandatory advertising) use under TPS2.

In the current Scheme, Fast Food Outlet became a non-permissible use (X use) in the Residential, Local Centre, Service Commercial and Private Community Purposes zones, and a discretionary use requiring advertising (A use) in the Mixed Use and

Neighbourhood Centre zones. In the Urban Development Zone, the permissibility of a Fast Food Outlet is subject to the approval of a structure plan, activity centre plan or local development plan, as per Clause 18(7) of the Scheme.

The City now proposes to make Fast Food Outlets a non-permissible use (X use) in all Zones, except for the Urban Development zone.

3.0 LOCAL PLANNING CONTEXT

Local Planning Scheme No 3 – Zone Objectives

The objectives of the Mixed Use zone within the Scheme are:

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

The objectives of the Neighbourhood Centre zone within the Scheme are:

- *To provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas.*
- *To provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services.*
- *To encourage diversity of land uses within the Centre to provide a broad range of employment opportunities.*
- *To facilitate a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links. To provide for a range of quality medium and high-density residential development, to meet the diverse needs of the community.*
- *To ensure non-residential uses are located at street level and are compatible with adjoining residential uses.*

The objectives of both of the Mixed Use zone and the Neighbourhood Centre zone encourage the diversification of commercial land uses. However, it is stated that these uses should be compatible with residential land uses, and not generate nuisances detrimental to the amenity of the area. The built form and busy nature of Fast Food Outlets is considered to be incompatible with the Residential zoning abutting the City's Mixed Use zones, Neighbourhood Centre zones and the single residential component required in new mixed use developments.

4.0 PROPOSAL

4.1 Planning Justification

4.1.1 Local Planning Strategy

The City's Local Planning Strategy (the Strategy) was endorsed by the Western Australian Planning Commission (WAPC) on 26 September 2017 and includes guiding planning principles that represent best practice urban planning for the Scheme area. These planning principles include the facilitation of good public health outcomes and to protect and enhance the City's local character and amenity.

- **Facilitate good public health outcomes**

The *Western Australian Local Government Act 1995* (the Act) states that Local Government is required to be actively concerned with the social, economic and environmental needs of their communities.

Considering these guiding principles and the requirements of the Act, the City is committed to planning for good public health outcomes for its residents. Under the former TPS2, the City pursued good public health outcomes through Fast Food Outlets being a non permitted use in the majority of zones within the Scheme area. In 2019, the Mitchell Institute at Victoria University released statistics which highlighted that Nedlands has the lowest obesity rate in Australia. There may be a correlation between the absence of drive through fast food businesses and the low rates of obesity within the City. The proposed Scheme Amendment No 16 relates to the City's capacity to advocate and legislate for better health and environmental outcomes for the community, as per the requirements of the Local Government Act 1995. It is also aligned with the guiding planning principles laid out in the City's Local Planning Strategy. For these reasons, the City considers that the proposed Scheme Amendment No 16 will result in positive public health outcomes for the Nedlands community.

- **Protect and enhance local character and amenity**

The built form outcomes associated with Fast Food Outlets do not satisfy the planning principal to protect and enhance the local character and amenity of the area. The built form associated with a drive through fast food outlet is incompatible with the existing and desired character of the Mixed-Use areas of the City. A stand alone, 'box' style outlet with drive through facilities will not be complementary to the proposed mix of

commercial and residential land uses that will define these areas. The potential for the intensification of land use that is associated with fast food outlets, including increased noise and traffic, will have a negative impact on the amenity of the Mixed Use zone. Administration’s recent experience with development applications for box style commercial developments on major thoroughfares is that the proponent is not seeking to provide a significant residential component (if any) as part of the development. This inhibits the City from meeting its dwelling targets along major corridors that are zoned for Mixed Use, such as Stirling Highway, Broadway and on a smaller scale, Waratah Avenue. This potential built form outcome does not align with the objectives of the zone, or the desired future character of the area.

4.2 Complex Amendment Justification

<p><i>(a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;</i></p>	<p>The City of Nedlands Local Planning Strategy was endorsed by the Western Australian Planning Commission in September 2017.</p> <p>The proposed Amendment is not consistent with the Strategy’s intent to increase the retail and commercial floorspace within appropriate areas of the City. The Strategy seeks to increase the diversity of commercial offerings within key precincts through transparent and considered planning:</p> <p><i>“The City should be willing to consider any development or change of use proposal that would improve the condition and/or performance of an existing local activity centre.”</i></p> <p>The Strategy also encourages the application of <i>State Planning Policy 4.2 Activity Centres</i> and its ‘mix of land use’ provisions, in neighbourhood and local activity centres where practicable, even though they are not specifically required for these classes of centre by SPP 4.2.</p> <p>The City’s Local Planning Strategy outlines that the City seeks to increase its Mixed Use and Commercial centres, and the diversity of commercial uses on offer within these areas.</p> <p>Prohibiting a specific commercial land use does not align with the vision of the endorsed Strategy as it intends to decrease the potential diversity of commercial uses within the Mixed Use and Neighbourhood Centre zones.</p>
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	The proposed Amendment is therefore not consistent with the City's Local Planning Strategy.
<i>(b) an amendment that is not addressed by any local planning strategy;</i>	The Local Planning Strategy does not propose to prohibit Fast Food Outlets from the Scheme Area, and therefore the Scheme Amendment is not addressed by the Strategy.
<i>(c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;</i>	The proposed Amendment relates to a style of development/land use that may have a significant impact on the surrounding development in the Scheme Area. The prohibition or approval of a Fast-Food Outlet in Nedlands is a style of development that can be considered significant within the context of the City, and therefore aligns with the classification of Complex.

5.0 CONCLUSION

The information and justification provided in this report is submitted to support the amendment of the Scheme, to make Fast Food Outlet an 'X' use in the Mixed Use and Neighbourhood Centre zones. This will require modification of the permissibility for the Mixed Use and Neighbourhood Centre zones within Table 3 – Zoning table of the Scheme.

The proposed amendment aligns with the requirements of the *WA Local Government Act 1995*, requiring a Local Government to be actively concerned with the needs of the community, and provides an avenue to care for their wellbeing through planning legislation. It is also intended to provide development controls that will result in take away food outlets that are in keeping with the desired future character of the area and the objectives of the relevant zones.

The City requests that the WAPC support the changes to Table 3 – Zoning table specified within this report and support the changes to the landscape of the Mixed-Use zones that it proposes.

FORM 6A

COUNCIL ADOPTION

This Complex Amendment was adopted by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the Twenty-third day of February, 2021.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the Twenty-third day of February, 2021, proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the City of Nedlands at the Ordinary Meeting of the Council held on the Twenty-third day of November, 2021 and the Common Seal of the City of Nedlands was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....
FORM 6A - CONTINUED

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	1
Submitter Name:	Tim Tucak
Submitter Address:	18a Dalkeith Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Does not want to see fast food outlets within the City because they attract anti-social behaviour, noise and litter.	
Response to Submission	
1. Noted.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	2
Submitter Name:	Wade Spanswick
Submitter Address:	37 Louise Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
1. There is a large proportion of students in the area, who would benefit from the availability of fast food. 2. Younger people frequenting fast food outlets are more aware of what they eat and proper litter disposal compared to the older generations. 3. The presence of fast food outlets will not damage the impact of the neighbourhood.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	3
Submitter Name:	David Cornell
Submitter Address:	37 Broome Street, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Drive-through outlets result in noise, traffic congestion, rubbish and inappropriate signage. 2. Food offerings are not in line with healthy living.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	4
Submitter Name:	Eric Tapping
Submitter Address:	3 Boronia Avenue, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
1. No comment provided.	
Response to Submission	
1. -	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	5
Submitter Name:	Nadya Yusaf
Submitter Address:	10 Marita Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. No comment provided.	
Response to Submission	
1. -	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	6
Submitter Name:	Bridget Beesley
Submitter Address:	18 Marita Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. There is clear evidence that proximity to fast food outlets increases consumption and obesity.	
2. With the advent of food delivery services, there is no need to physically locate fast food outlets within the City.	
3. Fast food outlets should not be located near sporting or school venues.	
4. The presence of fast food outlets in the City would send the wrong message to visitors about what the City supports and values.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	7
Submitter Name:	Maria Nathania
Submitter Address:	10 Marita Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. No comment provided.	
Response to Submission	
1. -	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	8
Submitter Name:	Katie Weir
Submitter Address:	59 Strickland Street, Mount Claremont
Support/Object/Comment:	Support
Summary of Submission:	
1. Fast food outlets result in noise, traffic congestion, parking issues, rubbish and inappropriate signage.	
2. Stirling Highway is increasingly busy as it is.	
3. Local businesses should be supported instead of multinationals.	
4. There is clear evidence that proximity to fast food outlets increases consumption and obesity.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	9
Submitter Name:	Max Hipkins
Submitter Address:	36 Minora Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Fast food outlets in the City are not needed, as there are already enough in neighbouring Council areas, such as Claremont and Subiaco.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	10
Submitter Name:	Humphrey Wine
Submitter Address:	PO Box 3107 Broadway, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Fast food outlets are not suitable for the Broadway Mixed Use zone.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	11
Submitter Name:	Susan Hayes
Submitter Address:	3a Clement Street, Swanbourne
Support/Object/Comment:	Support
Summary of Submission:	
1. There is clear evidence that proximity to fast food outlets increases consumption and obesity.	
2. The environmental impact of takeaway packaging is also a serious concern.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	12
Submitter Name:	Julie Clark
Submitter Address:	36 Louise Street, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Fast food consumption contributes to obesity.	
2. Fast food outlets result in littering, noise and antisocial behaviour.	
Response to Submission	
1.	

Submissions Received	
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Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	13
Submitter Name:	Ana Bromfield
Submitter Address:	70 Louise Street, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Concerned with traffic and obesity associated with fast food outlets.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received.	
Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.	
Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	14
Submitter Name:	Peter Adams
Submitter Address:	41 Stanley Street, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. No further takeaway outlets are required in the City.	
Response to Submission	
1.	

Submissions Received	
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Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.	
Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	15
Submitter Name:	Cecile Leach
Submitter Address:	39 Florence Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Concerned with traffic and obesity associated with fast food outlets.	
Response to Submission	
1.	

Submissions Received	
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Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.	
Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	16
Submitter Name:	Nicole Cassey
Submitter Address:	39 Mountjoy Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	

1. No takeaway outlets are required or wanted in the City.
Response to Submission
1.

Submissions Received	
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Submitter Number:	17
Submitter Name:	Miriam Stanborough
Submitter Address:	98 Dalkeith Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. No takeaway outlets are required or wanted in the City. 2. Concerned with traffic, smell and litter associated with fast food outlets.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	18
Submitter Name:	Nicky Giovkos
Submitter Address:	52 Louise Street, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. No takeaway outlets are required or wanted in the City. 2. Concerned with traffic associated with fast food outlets.	
Response to Submission	
1.	

Submissions Received	
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Submitter Number:	19
Submitter Name:	Ann Lynette Mitchell
Submitter Address:	19 Clark Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
1. No comment provided.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	20
Submitter Name:	Ken Perry
Submitter Address:	52 Dalkeith Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. Concerned with late night noise and disruption associated with fast food outlets. 2. Fast food outlets are best clustered together.	
Response to Submission	
1.	

Submissions Received	
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Submitter Number:	21
Submitter Name:	E.Gibson
Submitter Address:	Louise Street, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. The scheme amendment will result in positive public health outcomes. 2. The built form and busy nature of fast food outlets is incompatible with the Residential zoning abutting the City's Mixed Use and potential Neighbourhood Centre zones.	
Response to Submission	
1.	

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	22
Submitter Name:	Margaret Brophy
Submitter Address:	14 Stanley Street, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
1. No takeaway outlets are required or wanted in the City. 2. Concerned with traffic associated with fast food outlets.	
Response to Submission	
1.	