

Planning and Development Reports

Committee Consideration – 11 August 2020

Council Resolution – 25 August 2020

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| **PD37.20** | **No. 78 Waratah Avenue, Dalkeith – x 5 Grouped Dwellings** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | Urbanista Town Planning |
| **Landowner** | Emerald Development Alliance Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA19-42171 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings. |
| **Attachments** | 1. Applicant’s Justification Report 2. Applicant’s Assessment Against State Planning Policy 7.0 3. Acoustic Report 4. Waste Management Report 5. Summary of Submissions |
| **Confidential Attachments** | 1. Plans 2. Submissions 3. Assessment 4. WAPC Approved Subdivision Plan |

1. **Executive Summary**

The purpose of this report is for Council to determine a Development Application received by the City of Nedlands on 20 November 2019, for five two-storey grouped dwellings at No. 78 Waratah Avenue, Dalkeith (the subject site). Each grouped dwelling within the subject site comprises three-bedroom dwellings with two bathrooms and the provision of two car parking bays in a garage provided at grade.

The application was advertised to neighbours in accordance with the City of Nedlands Local Planning Policy – Consultation of Planning Proposals. During the consultation period, a total of ten objections were received.

It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) Volume 1 and is unlikely to have a significant adverse impact on the local amenity and character.

1. **Recommendation to Committee**

**Council approves the development application dated 20 November 2019, with amended plans received on 22 May 2020 for five (5) Grouped Dwellings at Strata Lots 1, 2 and 3 on Strata Plan 24132 (No. 78) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:**

1. **This approval is for a ‘Residential’ (grouped dwellings) and the subject land may not be used for any other use without prior approval of the City.**
2. **Prior to the issue of a Building Permit, a detailed landscaping plan and management plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
3. **Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.**
4. **The acoustic report (Attachment 3) prepared by Sealhurst dated 22 January 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the Environmental Protection (Noise) Regulations 1997 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
5. **The location of any bin stores shall be located behind the street alignment, screened so as not to be highly visible from the street or public place and constructed to the City’s satisfaction.**
6. **All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
7. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
8. **Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level located behind the street setback area shall be set back in accordance with element 5.4.1 of the Residential Design Codes Volume 1, in direct line of sight within the cone of vision from the lot boundary, a minimum distance as prescribed in C1.1 of Clause 5.4.1 – Visual Privacy of the Residential Design Codes. Alternatively, the major openings are to be screened in accordance with the Residential Design Codes by either;**
9. **fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;**
10. **timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
11. **a minimum sill height of 1.60 metres as determined from the internal floor level; or**
12. **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.**

1. **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:**
2. **face brick;**
3. **painted render**
4. **painted brickwork; or**
5. **other clean material as specified on the approved plans.**

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

1. **The parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004 prior to the occupation or use of the development.**
2. **Prior to occupation of the development, the proposed visitor car parking bay shall be provided with 1.5m x 1.5m visual truncations in accordance with AS2890.1 on both sides of the bay to the satisfaction of the City of Nedlands.**
3. **Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing ventes and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
4. **Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**
5. **Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process 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.**
7. **This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**

**Advice Notes specific to this proposal:**

1. **This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.**
2. **The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:**
   1. **species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;**
   2. **species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;**
   3. **species and maturity of landscaping within each lot; and**
   4. **maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.**
3. **The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8) bins at any time.**
4. **A separate noise management plan will be required to be prepared, submitted to the City and approved by the CEO if it is desired to work outside of normal hrs of operation during construction of the project (i.e. 0700 hrs and 1900 hours on any day that is not a Sunday or Public Holiday). This will be subject to the subject to the Clause (6) of the *Environmental Protection (Noise) Regulations 1997*, that is detailed in section 3.4.1 of the acoustic report.**
5. **The proposal requires compliance with theCity’s *Health Local Laws 2017,*which requires an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:**
   1. **sufficient in size to accommodate all receptacles used on the premises;**
   2. **constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;**
   3. **walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;**
   4. **smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;**
   5. **easily accessible to allow for the removal of the receptacles;**
   6. **provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;**
   7. **provided with a tap connected to an adequate supply of water; and**
   8. **adequately ventilated, such that they do not create a nuisance to residences.**
6. **The applicant shall seek independent expert advice from a suitably qualified consultant\* detailing the particulars of the application, 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 the relevant Australian Standard\*\*\*;**
   1. **a full site plan indicating the proposed siting of lighting columns including details of their proposed height;**
   2. **times of operation;**
   3. **a Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;**
   4. **details of orientation and hooding and/ or other measures to minimise their impact in the interests of pedestrian and/ or vehicular safety and amenity; and**
   5. **details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard\*\*\*.**
7. **The applicant is advised to apply dust control measures during construction in accordance with *City of Nedlands Health Local Laws 2017* and DWER requirements.**
8. **The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.**
9. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
10. **All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**
11. **The applicant is advised that in relation to Condition 14, the Construction Management Plan is to address but is not limited to the following matters**
12. **construction operating hours;**
13. **contact details of essential site personnel;**
14. **noise control and vibration management;**
15. **dust, sand and sediment management;**
16. **stormwater and sediment control;**
17. **traffic and access management;**
18. **protection of infrastructure and street trees within the road reserve and adjoining properties;**
19. **dilapidation report of adjoining properties;**
20. **security fencing around construction sites;**
21. **site deliveries;**
22. **waste management and materials re-use**
23. **parking arrangements for contractors and subcontractors;**
24. **consultation plan with nearby properties; and**
25. **complaint procedure;**
26. **In accordance with section 35, (3) (b) of the Health Local Law, Waste and recycling bins storage enclosure in accordance with the Waste Management Plan for No. 78 Waratah Avenue, Dalkeith.**
27. **The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**
28. **All internal bins located at individual dwellings shall be purchased and maintained by the strata management or owners by private arrangement.**
29. **Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.**
30. **Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
31. **Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**
32. **The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.**
33. **This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.**
34. **The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit.  Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City’s Planning Department is encouraged prior to lodgement.**
35. **This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.**
36. **Background**

**3.1 Land Details**

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| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R60 |
| **Land area** | Aggregate area of 1011.9m2 |
| **Additional Use** | No |
| **Special Use** | No |
| **Local Development Plan** | No |
| **Structure Plan** | No |
| **Land Use** | Existing – Residential Use for a Single House  Proposed – Residential Use for Grouped Dwellings |
| **Use Class** | Permitted (P) |

**3.2 Subject Site Details**

The subject property currently comprises of one lot at No. 78 Waratah Avenue which is currently vacant and one lot at No. 78b Waratah Avenue which is now vacant after the recent demolition of the Single House on the lot. There is also a driveway along to the East for access to No. 78b Waratah Avenue, Dalkeith which is shown in Figure 2 on the following page.

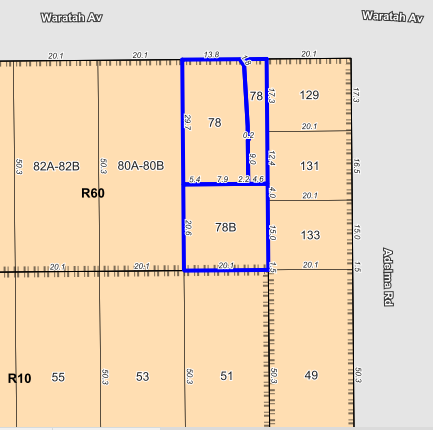


Figure 1 – Development context

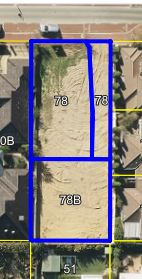
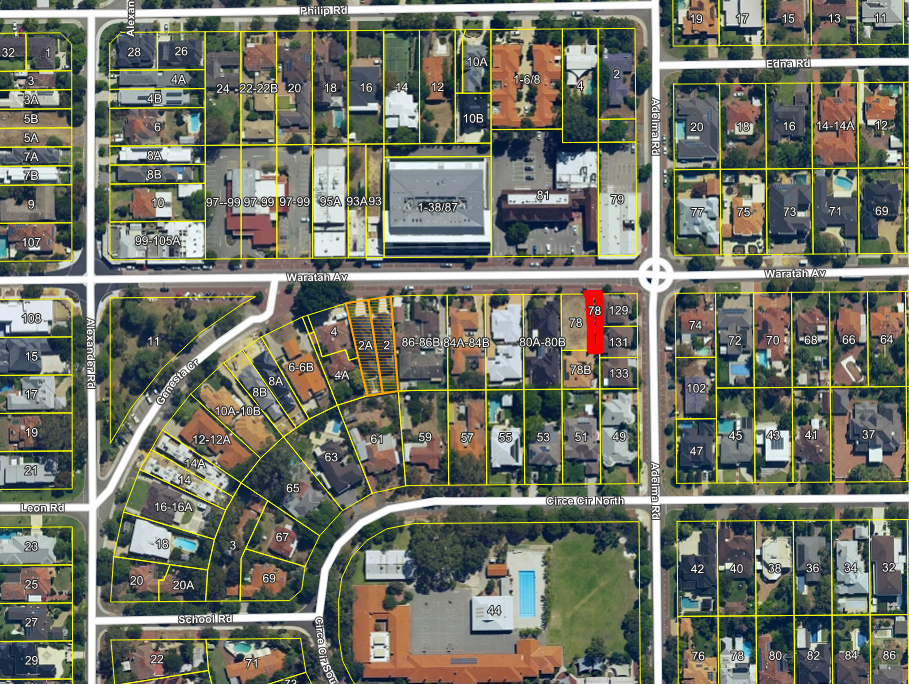


Figure 2 - Aerial

The site slopes very gently towards the north, from a ground level of 18.29m AHD in the south eastern corner to 15.46m AHD in the north eastern corner. A sewer line runs parallel to the rear lot boundary with the adjoining property.

As shown in the aerial map below, the subject property is surrounded by a mix of Single Houses and Grouped Dwellings to the east, south and west. To the north of the subject property, there are a variety of retail and commercial tenancies at Dalkeith Village. Approximately 70m to the south of the subject property is the Dalkeith Primary School.

Also shown in the map below, to the west of the subject property within the 200m radius, there are a variety of single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which is shown below. A large majority of these dwellings along Genesta Crescent have been recently constructed.



**3.3 Subdivision**

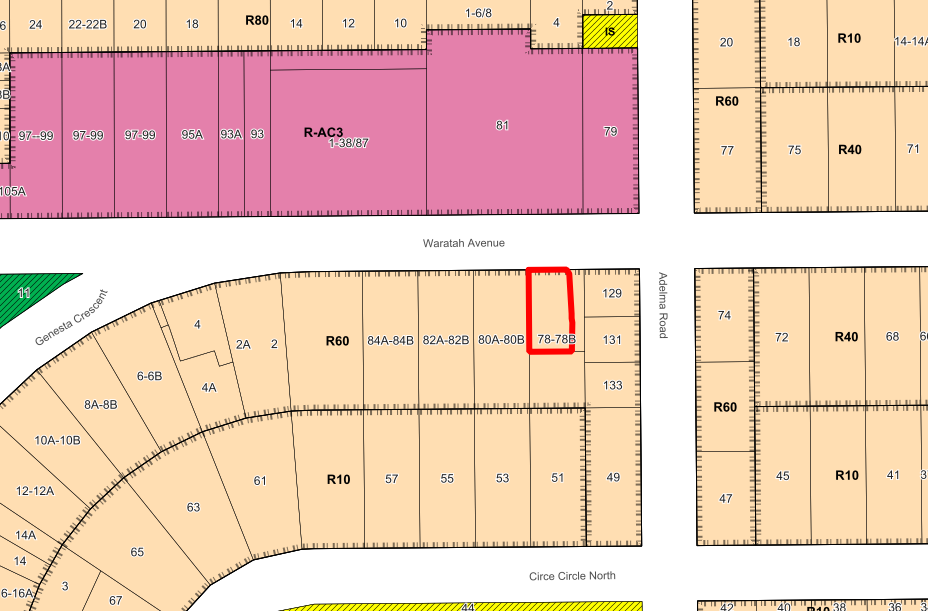
On 14 February 2020, the subject property received Subdivision Approval from the Western Australian Planning Commission (WAPC) for five lots, a visitor bay to the front (north) of the property and a common property driveway along the eastern lot boundary.

The Subdivision is still awaiting the clearance of conditions imposed by the WAPC. The approved Subdivision Plan is included as a **Confidential Attachment 4** to this report.

**3.4 Locality Plan**

Following the gazettal of the Local Planning Scheme No. 3 (LPS 3) on 16 April 2019, the subject property of No. 78 Waratah Avenue, Dalkeith was up coded from Residential R20 to Residential R60. As shown in the map below, with the gazettal of LPS 3, the following surrounding changes can be seen around the subject property:

* To the north of the subject property at Dalkeith Village, the properties have been up coded to Mixed Use R-AC3 zoning.
* The properties to the east of the subject property at No. 129, No. 130 and No. 133 Adelma Road have been up coded from a density of R30 to a density of R60.
* The properties to the west of the subject property have been up coded from a density of R20 to a density of R60.
* The properties to the south of the subject property which gain access from Circe Circle North have not been up coded with the gazettal of LPS 3 and retain a density of R10.



1. **Application Details**

The applicant seeks development approval to construct five, two-storey grouped dwellings, comprising:

* Three bedrooms
* Two bathrooms
* Garage with two car parking bays
* Kitchen
* Dining Area
* Living Area
* Storage
* An outdoor living area.

By way of justification in support of the development application the applicant has provided a response to the submissions received, which is provided as **Attachment 1** to this report.

1. **Consultation**

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

* Clause 5.1.2 – Street Setbacks
* Clause 5.1.3 – Lot Boundary Setbacks
* Clause 5.3.2 – Landscaping

The development application was therefore advertised in accordance with the City’s Local Planning Policy - Consultation of Planning Proposals by way of letter for a period of 14 days. The application was advertised to eight directly adjoining landowners and occupiers.

During the consultation period, ten objections were received, and the main points of discussion raised in the submissions relate to:

* Lot boundary setbacks
* Visual privacy
* Open space

Due to the length of submissions, the summary of submissions is presented as a separate attachment to this report. Refer to **Attachment 5** for the submission table which outlines the comments received and administration’s response to each submission.

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

1. **Assessment of Statutory Provisions**

**6.1 Planning and Development (Local Planning Schemes) Regulations 2015**

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application.  The City has assessed the application in accordance with the LPS Regulations, the assessment of which is provided in the table below against the relevant provisions:

|  |  |
| --- | --- |
| **Provision** | **Assessment** |
| * + 1. the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area; | Refer to Section 6.2.1 below for an assessment against of clause 9 of LPS 3 – Aims of Scheme. |
| * + 1. the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving; | The development proposal has achieved all deemed to comply and relevant design principles of the R-Codes and is consistent with the expected development within Residential R60. |
| * + 1. any approved State planning policy; | The development proposal is assessed against State Planning Policy 7.0 – Design of the Built Environment, with a detailed assessment provided against the 10 Design Principles under Section 6.3.1 of this report.  The development proposal is assessed against State Planning Policy 7.3 – Residential Design Codes (Volume 1), with a detailed assessment provided against the 10 Design Principles under Section 6.3.2 of this report. |
| (g) any local planning policy for the Scheme Area | The proposal is considered to be complaint against the City of Nedlands Residential Development Local Planning Policy. |
| (m) the compatibility of the development with its setting including 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 Zoning Table in LPS 3 classifies all residential development as a ‘P’ use in the Residential Zone. The suitability of the land use is not therefore, in question.  The development itself is either generally consistent with or exceeds the default building height, street, side and rear setbacks of the R-Codes.  The development is consistent with the expected built form of the medium density code (R60) to which it relates. |
| (n) the amenity of the locality including the following —   1. environmental impacts of the development; 2. the character of the locality; 3. social impacts of the development; | 1. With recommended conditions of approval, a landscaping plan is requested from the applicant for the proposed development. 2. The City considers that the proposed two storey grouped dwellings are consistent with the local character of this particular locality. 3. The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Dalkeith Village Town Centre. The provision of an additional dwelling typology of a Grouped Dwelling and an increased density will contribute to increased vibrancy of the local area. |
| (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved. | A landscaping plan has been requested for this application by way of condition in the determination.  The proposal maintains verge trees and existing mature trees along the common property driveway. |
| (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals; | The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.  The proposed development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships.  The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics. |

**6.2 City of Nedlands Local Planning Scheme No. 3**

**6.2.1 – Clause 9: Aims of the Scheme**

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| --- | --- | --- |
| **Requirement** | **Proposal** | **Satisfies** |
| 1. Protect and enhance local character and amenity | The surrounding area is characterised by Single Houses to the south of Waratah Avenue and a mix of retail and commercial tenancies in Dalkeith Village to the north of Waratah Avenue.  To the west of the subject property within the 200m radius, there are single subdivided lots, grouped dwellings and built strata properties from No. 2 – No. 20 Genesta Crescent, Dalkeith which was previously shown on a map of this report. A large majority of these dwellings along Genesta Crescent have been recently constructed.  The residential dwellings are characterised by two storey, contemporary dwellings, with a mix of pitched and concealed roof forms. There are some original homes in the locality, although most homes have been designed to a contemporary style.  The City considers that the proposed two storey grouped dwellings are consistent with the local character and amenity of this particular locality.  Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape. | Yes |
| 1. Respect the community vision for the development of the district; | The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.  The proposed development is also seen to complement the City of Nedlands Strategic Community Plan 2013 – 2020 in that the development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships. | Yes |
| 1. Achieve quality residential built form outcomes for the growing population; | The built form of the development has been assessed and is considered to achieve the relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding. | Yes |
| 1. To develop and support a hierarchy of activity centres; | The medium-rise development is consistent with the intent of the R60 density code. | Yes |
| 1. To integrate land use and transport systems; | The development is located on Waratah Avenue which is categorised as a Local Distributor in the City of Nedlands Functional Road Hierarchy.  Based on Transperth data, there are bus services which frequently provide public transport options along Waratah Avenue which can provide public transport services to proposed dwellings. | Yes |
| 1. Facilitate improved multi-modal access into and around the district; | The subject site is located in close proximity to walking and cycle networks.  The subject site is also in close proximity to Dalkeith Primary School to the South. | Yes |
| 1. Maintain and enhance the network of open space | The proposed development does not impact the City’s network of open space. | Yes |
| 1. Facilitate good public health outcomes; | The development is not considered to adversely affect the desired public health outcomes. | Yes |
| 1. Facilitate a high-quality provision of community services and facilities; | The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability. | Yes |
| 1. Encourage local economic development and employment opportunities; | The development is considered to positively contribute to the support of local businesses, during and post-construction.  Following the construction of the grouped dwellings, the development will be able to positively contribute to the support of local businesses at Dalkeith Village directly north of the subject site. | Yes |
| 1. To maintain and enhance natural resources; | The development retains two verge trees and eight pine trees along the eastern lot boundary on the common property, which is considered a positive outcome for this type of application. | Yes |
| 1. Respond to the physical and climatic conditions; | The development maintains solar access to adjoining properties by having appropriate setbacks.  The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation. | Yes |
| 1. Facilitate efficient supply and use of essential infrastructure; | The development does not negatively impact this objective. | Yes |

**6.2.2 – Clause 16: Residential Zone Objectives**

|  |  |  |
| --- | --- | --- |
| **Requirement** | **Proposal** | **Satisfies** |
| 1. To provide for a range of housing and a choice of residential densities to meet the needs of the community; | The proposal is considered to positively contribute to the City’s housing diversity. | Yes |
| 1. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; | The development has achieved an acceptable design, with an appropriate built form and streetscape presentation. It is noted that a multiple dwelling outcome may have achieved a smaller footprint and allowed a greater proportion of landscaping at the subject site. | Yes |
| 1. To provide for a range of non-residential uses, which are compatible with and complementary to residential development; | This objective is not applicable to the subject application as this application only proposes the use of the land for Residential purposes. | N/A |
| 1. To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks; | The development is considered to achieve a balance between the existing streetscape character and the future character of this area.  The City considers that the proposal complements the local character and amenity of the site, with the two-storey height provision which is consistent with the surrounding area.  Furthermore, the dwelling at Unit 1 presents as a single house to the street, rendering it relatively consistent with the existing streetscape.  Where discretion is sought for lot boundary setbacks, the proposal is considered to satisfy the Design Principles for clause 5.1.2 – Street setback and Clause 5.1.3 – Lot Boundary Setbacks as explained in Section 6.3.2 of this report. | Yes |

**6.3 Policy/Local Development Plan Consideration**

**6.3.1 State Planning Policy 7.0 – Design of the Built Environment**

The intent of State Planning Policy 7.0 is to address design quality and built form outcomes in Western Australia. The Policy aims to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes in the State.

Administration has assessed this application against the 10 Design Principles of the State Planning Policy 7.0 in the table below:

|  |  |
| --- | --- |
| **Design Principle** | **Officer Comment** |
| 1. **Context and Character**   Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. | The grouped dwellings are seen to successfully correspond to the future scale and character of the area which has recently been up-coded as a result of the gazettal of LPS 3 with the proposal of the medium density housing along an transport route on Waratah Avenue.  The development corresponds to the natural contours of the land, with each building stepped up along the length of the common property access leg, so as to match the natural rise of the land and minimise the level difference between the subject property and adjoining sites.  The development is seen to contribute to a sense of place, with its location directly opposite the existing retail and commercial centre and community services in the Dalkeith Village Town Centre. The provision of an additional dwelling typology of a Grouped Dwelling and an increased density will contribute to increased vibrancy of the local area.  The development integrates into its townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development with existing single subdivided lots and grouped dwellings in the close proximity of the proposed development as previously outlined in this report.  The development features a dwelling to Unit 1 that is oriented to the street, including the provision of landscaping in the front setback area which contributes to the existing streetscape of Waratah Avenue.    Whilst further tree canopy could be achieved with a multiple dwelling outcome, Administration is of the view that the development application provides a good transition in density between the R-AC3 zoning to the north and the R10 zoning directly to the south.  This principle is considered to have been met as the design positively contributes to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood. |
| 1. **Landscape Quality**   Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context. | In making its recommendation to Council, Administration has considered the merit of retaining 8 mature pine trees along the eastern lot boundary along the common property driveway, which have greater ecological value than lawn or small bushes.  It is also further noted that Council’s proposed landscaping provision contained within the approved LPP – Residential Development was refused by the WAPC at its Special Committee Meeting on 30 June 2020.  The vehicle access to all five grouped dwellings is from the common property driveway, using the existing crossover so as to maintain the two existing street trees in the front verge.  The combination of the retention of the two verge trees and eight mature trees on site are seen to be an outcome of good design which recognises the landscaping significance of the trees in comparison to a new development site which demolishes all trees and vegetation from the subject site.  The proposal also includes small tree landscaping around the units as well as the existing canopy, providing shade and reducing the urban heat island effect.  This principle is considered to have been met as the design protects existing environmental features and considers environmental factors such as site conditions, tree canopy and urban heat island effect by employing hard and soft landscaping that interact in a considered manner with the built form, local identity and streetscape character. |
| 1. **Built form and scale**   Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area. | The proposal is seen to provide an appropriate built form and scale for an R60 density, with two-storey grouped dwellings which are consistent with the existing development in the locality.  All dwellings are provided with compliant side setbacks and limited portions of parapet walls to the eastern and western lot boundaries. The parapet walls are located behind the front setback areas and designed to maintain privacy and useability of the outdoor living areas of adjoining properties.  This principle is considered to have been met as the new development positively responds to the built form and topography of the surrounding buildings. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity of the locality. |
| 1. **Functionality and build quality**   Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle. | The development has been designed with aging-in-place in mind, with all dwellings having capacity for a lift should the need arise. The provision of the lifts enables the dwellings to be flexible and adaptable to maximise their utilisation and accommodate appropriate future requirements without the need for major modifications.  All rooms are of an appropriately size and the layout is straight-forward so as to provide functional environments and spaces that are suited to their intended purpose and arranged to facilitate ease of use.  The principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality and serviceability of the dwellings. |
| 1. **Sustainability**   Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes. | The development retains two trees on the verge and eight trees along the common property driveway on the eastern lot boundary. The development also proposed additional landscaping across the site.  This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation and natural ventilation. |
| 1. **Amenity**   Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy. | The proposed design is seen to provide a successful mix of indoor and outdoor activity, with the provision of the outdoor living areas.  The development itself contributes to the vitality of the locality, the provision of grouped dwellings as a medium-density housing option in close proximity to a retail and commercial centre.  The design of the dwellings mitigates overshadowing and overlooking into the adjoining residential properties to the east, south and west.  This principle is considered to have been met as the design delivers internal amenity and includes the provision of appropriate levels of acoustic protection, visual privacy, adequate storage space, and is accessible. |
| 1. **Legibility**   Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around. | The entry to Unit 1 is clear and easily accessed from the street, via a defined pedestrian path. All remaining dwellings are accessed via the communal driveway.  Each dwelling provides a major opening from a habitable room of the dwelling facing the street and pedestrian and vehicular driveway.  The required visitor bay at the entrance of Unit 1 is also clearly defined and accessible for the use of visitors to the site.  This principle is considered to have been met as the design makes the site easy to navigate, with recognisable entry and exit points and being well-connected to existing movement networks including Waratah Avenue which is a Local Distributor in the City of Nedlands Functional Road Hierarchy. The sight lines are well-considered and the movement through the development is logical and intuitive. |
| 1. **Safety**   Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use. | Each dwelling has a major opening or balcony facing the driveway or street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.  This principle is considered to have been met as safety and security is promoted by maximising opportunities for passive surveillance of public and communal areas and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm. |
| 1. **Community**   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. | The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.  The provisions of lifts in each of the units also encourages ‘aging in place’ and attracting residents looking to downsize in the local area.  This principle is considered to have been met as the new development has the capacity to adapt to changing demographics, an ageing population, new uses and people with disability. The design provides a housing choice for different demographics and accommodating all ages and abilities. |
| 1. **Aesthetics**   Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses. | The proposed materials are considered high-quality and the development is consistent with the contemporary homes and buildings within the surrounding area, including the existing grouped dwellings which are in the 200m vicinity of the subject property.  The retention of the two street trees in the verge and landscaping in the front setback area is seen to soften the appearance of the development and improve upon the streetscape aesthetics of the site.  This principle is considered to have been met as the design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. The proposal is a well-conceived design which addresses scale, the articulation of building form with detailing of materials and building elements which enables an integrated response to the character of the locality. |

The applicant has also provided an assessment against the 10 Design Principles of the State Planning Policy 7.0 which is contained in **Attachment 2** to this report.

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

Volume 1 of the R-Codes apply to single and grouped dwellings. The document provides a comprehensive basis for control of residential development. When assessing applications for development the City must have regard to the following policy objectives:

* to provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives;
* to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local amenity and place;
* to encourage design that considers and respects heritage and local culture; and
* to facilitate residential development that offers future residents the opportunities for better living choices and affordability.

The development is consistent with all the objectives cited above. The development is of an appropriate design for the R60 density code, balances the existing streetscape character with the planned character of a medium-rise transitional area between an R-AC3 zoning to the north and an R10 zoning to the south. The proposal also satisfies all relevant scheme objectives as previously outlined. The development proposal is considered to cater for a wider range of demographics and responds to the local context by retaining a two-storey built form, consistent with surrounding single houses and grouped dwellings in the vicinity.

The applicant is seeking assessment under the Design Principles of the R-Codes for as addressed in the below tables:

**Clause 5.1.2 – Street Setback**

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| **Design Principles** |
| P2.1 - Buildings set back from street boundaries an appropriate distance to ensure  they:   * contribute to, and are consistent with, an established streetscape; * provide adequate privacy and open space for dwellings; * accommodate site planning requirements such as parking, landscape and utilities; and * allow safety clearances for easements for essential service corridors.   P2.2 - Buildings mass and form that:   * uses design features to affect the size and scale of the building; * uses appropriate minor projections that do not detract from the character of the streetscape; * minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and * positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.” |
| **Deemed-to-Comply Requirement** |
| A grouped dwelling which is not adjacent to the primary street, has its main frontage to a communal street, right of way or shared pedestrian access way; the deemed-to-comply street setback is 2.5m |
| **Proposed** |
| The applicant seeks assessment under the Design Principles which are as follows:  Unit 2:   * Ground: 1.7m * Upper: 0.8m   Unit 3:   * Ground: 1.7m * Upper: 1.0m   Unit 4:   * Upper: 2.0m   Unit 5:   * Ground: 1.0m * Upper: 0.7m |
| **Administration Assessment** |
| The street setbacks to the common property driveway are seen to meet the Design Principles for the following reasons:  The setback variations face the internal common property driveway and do not directly face the primary street. The street setbacks to the primary street – Waratah Avenue meet the deemed-to-comply provisions and as such, are consistent and contribute to the established streetscape. The reduced setbacks to an internal common property driveway is therefore not considered incongruous with its setting.  The two-storey bulk is predominately fixated towards the common property driveway as a means to increase side lot boundary setbacks to adjoining landowners with a lower density (especially at the rear) and act as a transitional built form buffer. This in turn facilitates more efficient use of a useable outdoor living space for internal residents, whilst maintaining the amenity and privacy of adjoining sites. Collectively, this approach is considered more desirable.  Provision has been made for windows to face the common property driveway which is considered to make a positive contribution to the streetscape in terms of public surveillance and activity. Whilst the major openings facing the common property driveway provide for passive surveillance, they are also setback in compliance with the deemed-to-comply setbacks for Clause 5.4.1 – Visual Privacy.  Each site can accommodate parking, landscaping and utilities and there are no easements or essential service corridors to apply.  The design of the development incorporates various articulations of the wall lengths on the ground and upper floors so as to ensure the building mass and form is not excessive.  The development utilises a range of materials and architectural treatments, including a balcony on the upper floor thereby minimising any perceived bulk as viewed from the street.  The height of the development is consistent with the surrounding area and is below the deemed-to-comply 10m height limit.  In relation to the primary street, the streetscape is not dominated by building services, vehicle entries, blank walls or infrastructure. Along the primary elevation (Elevation 1 on the plan), there is no vehicle access point facing Waratah Avenue from Unit 1. There are a variety of major openings to habitable rooms which contribute to passive surveillance over the primary street. There is a visitor bay located outside Unit 1 which is a requirement for a proposal of 5 grouped dwelling. The location of the visitor bay outside Unit 1 is seen appropriate as it ensures that visitors to the site are easily able to locate the bay.  Further to the above, Administration notes that the definition of a “Secondary Street” in the R-Codes (Volume 1) is “in the case of a site that has access from more than one public road, a road that is not the primary street.” As such, the common property for this site is a secondary street for Units 2, 3, 4 and 5. For an R60 site, Table 1 of the R-Codes (Volume 1) states that a 1m secondary street setback is required. This is in contradiction to the deemed-to-comply requirement outlined in Clause 5.1.2 – Street Setbacks. However, Administration has used the higher setback requirement for assessment purposes.  In light of the above, the street setbacks for Units 2, 3, 4, and 5 to the common property driveway (secondary street) are not considered incongruous within its setting that would prejudice the objectives of the zone and as such, considered are to meet the Design Principles. |

**Clause 5.1.3 – Lot Boundary Setbacks**

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| **Design Principles** |
| P3.1 - Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:   * reduce impacts of building bulk on adjoining properties; * provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and * minimise the extent of overlooking and resultant loss of privacy on adjoining properties.   P3.2 - Buildings built up to boundaries (other than the street boundary) where this:   * makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; * does not compromise the design principle contained in clause 5.1.3 P3.1; * does not have any adverse impact on the amenity of the adjoining property; * ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and * positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework. |
| **Deemed-to-Comply Requirement** |
| Boundary walls are only deemed-to-comply to one lot boundary to the parent lot |
| **Proposed** |
| Boundary walls are proposed to two boundaries – along the eastern and western lot boundaries, as well as internal boundary walls. |
| **Administration Assessment** |
| The boundary walls are supported and are considered to meet the design principle for the following reasons:  The development could have utilised the deemed to comply length and height permitted under Residential R60 which would have had a much greater impact on the adjoining properties. Instead the proposed boundary walls do not exceed the 3.5m height and 3.0m average height requirements. Therefore, the proposals impact on the amenity is considered lower than what is capable under the deemed to comply.  The boundary walls along the western lot boundary are relatively short, and have been designed with high quality materials, minimising their impact on the overall bulk and ventilation. Only one boundary wall is presented on the eastern lot boundary for the garage at Unit 5. The boundary wall abuts the outdoor living area of the neighbouring eastern property. The proposed boundary contains no major openings and is considered to minimise the extent of overlooking.  In R60, building on boundary is permitted for two-thirds (66%) of the length of the balance of the lot boundary behind the front setback. On the western elevation, the total building on boundary is only proposed for 34.7% of the length of balance of the entire lot boundary behind the front setback. Therefore, of the total lot boundary length, the building on boundary represents just over half of the permitted length in the R60 zoning. On the eastern elevation, the total building on boundary is only proposes by the Garage of Unit 5 for 16% of the total lot boundary behind the front setback. This is considered relatively minor as a comparison to the permitted 66% building on boundary permitted.  The boundary walls along the western elevation have been broken up along Units 2, 3 and 4 so as not to present excessive building bulk upon the adjoining properties.  The boundary walls do not affect overshadowing as per element 5.4.2 of the R-Codes Vol. 1 as they cast shadow onto the subject site, not an adjoining property. As such, the proposed development does not unduly compromise the direct sun and ventilation to the building and open spaces upon the adjoining properties.  The boundary walls allow for an efficient use of space, especially with respect to the outdoor living areas, especially for Units 2, 3 and 4.  The proposed boundary walls do not contain any major openings on the walls and as such, the boundary walls ensure there is minimal overlooking and resultant loss of privacy on adjoining properties.  It is considered that the proposal of the grouped dwellings contributes to the prevailing development context and streetscape of the locality, with existing grouped dwellings within the vicinity of the site. The proposal of the grouped dwellings also contributes to the future development context and streetscape of the locality, representing an appropriate development for the newly appointed R60 density code through the gazettal of LPS 3. The development is seen to complement the future development context, with various other properties along Waratah Avenue, including No. 116 Waratah Ave and No. 130 Waratah Ave which have recently applied for grouped dwelling proposals as a result of the increased density through LPS 3. It is noted that No. 116 Waratah Ave has received planning approval for 4 grouped dwellings and the determination of No. 130 Waratah Ave for nine grouped dwellings is about to be determined at the August OCM. |

**Clause 5.3.2 – Landscaping**

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| **Design Principles** |
| P2 - Landscaping of grouped and multiple dwelling common property and communal open spaces that:   * contribute to the appearance and amenity of the development for the residents; contribute to the streetscape; * enhance security and safety for residents; * provide for microclimate; and * retain existing trees to maintain a local sense of place. |
| **Deemed-to-Comply Requirement** |
| C2 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:   1. the street setback area developed without car parking, except for visitors’ bays, and with a maximum of 50 per cent hard surface; 2. separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas; 3. landscaping between each six consecutive external car parking spaces to include shade trees; 4. lighting to pathways, and communal open space and car parking areas; 5. bin storage areas conveniently located and screened from view; 6. trees which are greater than 3m in height shall be retained, in communal open space areas which are provided for the development; 7. adequate sight lines for pedestrians and vehicles; 8. clear line of sight between areas designated as communal open space and at least two habitable room windows; 9. clothes drying areas which are secure and screened from view; and 10. unroofed visitors’ car parking spaces to be effectively screened from the street.   Draft Clause 4.8.1 - C3 of the City of Nedlands Residential Development Local Planning Policy requires Single and grouped dwelling developments to provide a minimum of 20% of the site area as landscaping, measured in accordance with clause 7.2 of the policy. However, as this has been refused by the WAPC, this no longer applies. |
| **Proposed** |
| * A lighting plan has not been included but is addressed by way of condition * The bin store location is accessible * Unit 2 proposes 16.6% landscaping * Unit 3 proposes 16.3% landscaping |
| **Administration Assessment** |
| The development is considered to meet design principle P2 for the following reasons:  The proposed on-site landscaping is seen to contribute to the appearance and amenity of the development for the residents. The site plan for the grouped dwellings indicate the provision of a tree within each of the outdoor living areas for Units 2, 3, 4 and 5. In the front setback area for Unit 1, there are tree trees indicated on the site plan which contribute to presenting a more attractive streetscape. In addition to the above, there are also a variety of trees indicated along the common property driveway. The provision of these trees is seen to contribute to the amenity of the development, rendering it more attractive for the residents which will live in the dwellings.  The development proposal maintains safety and security by limiting areas of concealment.  The City of Nedlands does not have any tree retention policies on privately owned land at the current time. The City can limit the tree removal within the verge. The application proposes the retention of two street trees.  The retention of existing trees will provide shade and reduce the urban heat island impact better than grass and small shrubs along the common property driveway. As such, the landscaping is considered to provide for the microclimate. The retention of the trees is also seen to maintain a local sense of place, including the retention of two verge trees on Waratah Avenue.  The 20% landscaping requirement for each grouped dwelling under the City of Nedlands Residential Development Local Planning Policy represents a Council adopted policy position. This clause, however, no longer applies as a deemed-to-comply provision under the Residential Design Codes (Volume 1) as the amended provision was refused by the WAPC. During the assessment of the application the City gave due regard to this provision and advertised the departure.  At the Special Council Meeting on 30/06/2020, the landscaping provision was refused by the WAPC and as such is no longer a deemed-to-comply requirement. |

**6.4 Local Planning Policy – Waste Management**

The application was referred to the Waste Minimisation Coordinator to assess the proposal against LPP – Waste Management and has approved the Waste Management Plan which is contained as an attachment of this report. A condition of the determination of the application requires the development to comply with the approved Waste Management Plan dated June 2020 prepared by Dallywater Consulting, to the satisfaction of the City of Nedlands.

1. **Conclusion**

Whilst the proposal is a more intense form of development than what currently exists, it is compatible with the built form and scale of the redeveloped homes that predominate Waratah Avenue. The proposal meets the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The five two-storey grouped dwellings proposed at No. 78 Waratah Avenue, Dalkeith area is considered to be consistent with the Residential R60 density code and has been designed to complement the existing streetscape. Unlike many of the standard project developments the subject proposal retains 8 on-site trees. The proposal has been assessed and satisfies the design principles of the Residential Design Codes and does not prejudice the intent of the zone or objectives of the Scheme.

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

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| **PD38.20** | **No.130 & 132 Waratah Avenue, Dalkeith - x 9 Grouped Dwellings** |
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| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | Urbanista Town Planning |
| **Landowner** | Sapphire Developments Alliance Pty Ltd |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | DA20-44526 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to the number of dwellings and objections being received |
| **Attachments** | 1. Applicant’s Response to Submissions 2. Summary of Submissions 3. Acoustic Report 4. Waste Management Plan |
| **Confidential Attachments** | 1. Plans 2. Landscape Plan 3. Submissions 4. Planning Assessment |

1. **Executive Summary**

The purpose of this report is for Council to determine a Development Application received from the applicant on 4 February 2020 and amended plans received on 23 April 2020 and 9 & 10 June 2020 for nine (9) two-storey grouped dwellings located at No.130 – 132 Waratah Avenue, Dalkeith.

The 23 April 2020 plans were advertised to adjoining neighbours in accordance with the City’s Local Planning Policy - Consultation of Planning Proposals. At the close of the advertising period 12 submissions were received all objecting to the development.

Amended plans were received on the 9 & 10 June 2020 in response to public submissions and comments received by Administration.

Council is further advised that on 3 July 2020, the applicant lodged an appeal with the State Administrative Tribunal, as the application has not been determined within the 90-day statutory timeframe, and therefore deemed refused.

It is recommended that this application be approved by Council as it is now considered to satisfy the design principles of the Residential Design Codes (R-Codes) and is unlikely to have a significant adverse impact on the local amenity.

1. **Recommendation to Committee**

**Council approves the development application dated 4 February 2020 and revised plans received on 9 and 10 June 2020 for nine (9) Grouped Dwellings at Lots 234 & 235 (No.130 & No.132) Waratah Avenue, Dalkeith, subject to the following conditions and advice notes:**

1. **This approval is for a ‘Residential (Grouped Dwelling)’ land use as defined under the City’s Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
2. **Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan dated 9 June 2020, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
3. **Waste management for the development shall comply with the approved Waste Management Plan prepared by Dallywater Consulting to the satisfaction of the City of Nedlands.**
4. **The Acoustic Report prepared by Sealhurst (Revision 3) dated 8 July 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
5. **Prior to the occupation of the development the responsible entity (strata/corporate body) shall provide detailed specifications on the confirmed waste compactor for 360L bins and include a written service agreement.**
6. **The responsible entity (strata/corporate) shall be liable for all bin replacement costs and/or repair costs relating to any damage which may occur as a result of the bin compaction process.**
7. **The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the *City’s Health Local Law 1997*.**
8. **All stormwater generated from the development shall be contained on site.**
9. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
10. **Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;** 
    1. **fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or**
    2. **timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure; or**
    3. **a minimum sill height of 1.60 metres as determined from the internal floor level; or**
    4. **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.**

1. **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:**
   1. **face brick;**
   2. **painted render;**
   3. **panted brickwork; or**
   4. **other clean material as specified on the approved plans**

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

1. **Prior to occupation of the development, the proposed car parking and vehicle access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.**
2. **Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing ventes and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street or secondary street to the satisfaction of the City.**
3. **Prior to the construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved Construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
4. **Prior to the occupation of the development, a lighting plan is to be submitted and approved by the City and maintained for the duration of the development to the satisfaction of the City.**
5. **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.**
6. **This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**

**Advice Notes specific to this proposal:**

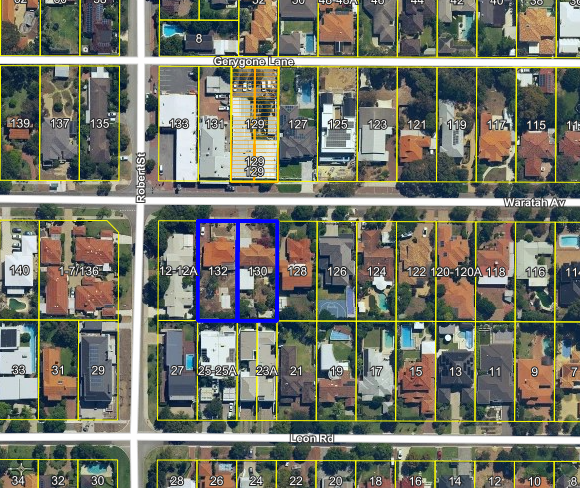
1. **The applicant is advised that in relation to Condition 2, the landscaping plan shall also detail a maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.**
2. **The applicant is advised that in relation to Condition 14 the Construction Management Plan is to address but is not limited to the following matters:**
   1. **construction operating hours;**
   2. **contact details of essential site personnel;**
   3. **Noise control and vibration management;**
   4. **Dust, sand and sediment management;**
   5. **Stormwater and sediment control;**
   6. **Traffic and access management;**
   7. **Protection of infrastructure and street trees within the road reserve**
   8. **and adjoining properties;**
   9. **Dilapidation report of adjoining properties;**
   10. **Security fencing around construction sites;**
   11. **Site deliveries;**
   12. **Waste management and materials re-use**
   13. **parking arrangements for contractors and subcontractors;**
   14. **consultation plan with nearby properties;**
   15. **complaint procedure;**
3. **The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**
4. **Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to commencing construction.**
5. **Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
6. **Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**
7. **Background**

**3.1 Land Details**

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| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R40 |
| **Land area** | 2,023.4m2 |
| **Additional Use** | No |
| **Special Use** | No |
| **Local Development Plan** | No |
| **Structure Plan** | No |
| **Land Use** | Existing – ‘Residential (Single House)’ |
| **Use Class** | ‘Residential (Multiple Dwellings)’ – P’ |

**3.2 Locality Plan**

The subject property comprises of two allotments (No.130 and 132) and is located south of Waratah Avenue and east of Robert Street in the suburb of Dalkeith.



The properties which surround the subject lots directly on Waratah Avenue are zoned ‘Residential’ and have a density coding of R40 and comprise of existing single and two-storey single houses. To the south-west and south-east are also zoned ‘Residential’ which have a density coding of R10. Directly south of the subject lots are zoned ‘Residential’ with a density coding of R20. To the north of the site are commercial tenancies zoned ‘Centre-Local’.

Directly north, the existing streetscape is characterised by single storey commercial tenancies with a nil setback and awning overhanging the pedestrian path. The site directly adjoins existing two-storey single houses directly to the west and south of the subject lot with reduced setbacks.



1. **Application Details**

The applicant seeks development approval for the development of nine (9) grouped dwellings located at No.130 & 132 Waratah Avenue, Dalkeith, details of which are as follows:

* Two-storey grouped dwellings which comprise of three (3) bedrooms and two (2) living areas;
* Access to eight (8) of the units is via the existing crossover with Unit 8 proposing an additional singular crossover with direct access from Waratah Avenue;
* Double garages are proposed with a visitor parking bay; and
* Bin storage is located directly south of the subject site

By way of justification in support of the development application the applicant has provided justification as well as addressed the submissions received provided as an attachment to this report. It is further noted that there is a current survey strata subdivision application lodged with the Western Australian Planning Commission proposing 9 strata lots with common property, in which a decision is imminent.

1. **Consultation**

The applicant is seeking assessment under the Design Principles of the R-Codes (Volume 1) for the following:

* Street Setbacks;
* Lot Boundary Setbacks;
* Open Space; and
* Outdoor Living Areas

Consequently, the development application was advertised in accordance with the City’s Local Planning Policy - Consultation of Planning Proposals to 23 occupiers/landowners between 1 May 2020 and 15 May 2020. At the close of the advertising period, 12 submissions were received all objecting to the development and summarised below of the main points:

* Bulk and Scale
* Lot Boundary Setbacks
* Visual Privacy
* Open Space
* Waste Management
* Overshadowing

Due to the number of submissions and issues raised, the City has provided a separate schedule of submissions as an attachment to this report. A full copy of all consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

It is noted that the applicant has since provided amended plans dated 9 June and 10 June 2020 in order to respond to community concerns and reduce the extent of the variations sought. The plans have been modified in the following manner.

* A revised Landscaping Plan has been provided in which all lots have a minimum 20% landscaping provided.
* Removal of a visitor parking bay to provide for additional landscaping
* Modifications to reduce the building footprint and increase open space
* Obscuring the window to Unit 5 stairwell
* Modification to the height and treatment of the primary street wall to meet the deemed-to-comply provisions
* Justification on the garage width calculation for Unit 9 which meets the deemed-to-comply provisions due to the measurement being taken from the parent lot
* Justification regarding the ground floor level setback calculation from the western boundary (dinning) at 2.07m which meets the deemed-to-comply provisions for the length and height

The southern and western setback have remained unchanged in addition to the location of the bin store.

1. **Assessment of Statutory Provisions**

**6.1 Planning and Development (Local Planning Schemes) Regulations 2015**

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application.  The City has assessed the application in accordance with the Local Planning Scheme Regulations, the assessment of which is provided in the table below against the relevant provisions:

|  |  |
| --- | --- |
| **Provision** | **Assessment** |
| 1. the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area; 2. the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving; | Refer to clause 6.2 below of an assessment against clause 9 of LPS3 – Aims of the Scheme.  There are no local planning scheme or policy amendments applicable to this subject site in order to have due regard to. |
| 1. any approved State planning policy; | The development proposal has been assessed against State Planning Policy 7.0 – Design of Built Environment, with a detailed assessment provided against the 10 Design Principles under section 6.3.1. In summary, the development is considered to meet each Principle.  The development proposal has further been assessment against State Planning Policy 7.3 – Residential Design Codes (Volume 1). All sections which vary the deemed to comply provisions are addressed under section 6.3.2. In summary, the development is considered to meet the Design Principles. |
| 1. any local planning policy for the Scheme Area | The City’s Residential Development and Waste Management Local Planning Policy have been assessed against and compliance is achieved.  It is noted that the 20% landscaping provision contained in the City’s adopted Residential Development Local Planning Policy has recently been refused by the Western Australian Planning Commission on 30 June 2020 and therefore, the City can no longer have due regard to this provision. |
| 1. the compatibility of the development with its setting including 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 Zoning Table in the City’s Local Planning Scheme No.3 classifies all residential development as a ‘P’ use within the ‘Residential’ zone. The development is consistent with the expected built form of the medium density code of R40 to which it relates. It is further noted that the height of the development is below the permitted height within this locality and zoning and the number of lots proposed is consistent with the intended coding. A minimum 20% of landscaping has been proposed to assist in softening the built form and addressing the leafy green character of the locality. |
| 1. the amenity of the locality including the following: 2. environmental impacts of the development; 3. the character of the locality; 4. social impacts of the development; | A Landscaping Plan has been prepared by the applicant and its management and maintenance has been recommended as a condition of approval.  The two storey grouped dwellings are considered consistent with the local character which already comprises of a majority of two-storey dwellings. Additional landscaping has been proposed which is above the minimum requirements for landscaping.  The development is seen to contribute to a sense of place, with its location directly opposite existing commercial/retail shops. The provision of an additional dwelling typology of grouped dwelling and an increased density will contribute to an increased vibrancy of the local area. |
| 1. whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved. | The applicant had provided revised plans which illustrates all lots either meet or exceed the landscaping provision of 20%. The revised Landscaping Plan has been provided which includes the retention of two (2) existing trees on site, a new street tree on the verge and 11 mature trees with a mix of species and maturity within the lots and the front setback area. This revised design is considered to enhance and maintain the established streetscape which recognises the landscaping significance within Nedlands. |
| 1. the adequacy of:    * 1. the proposed means of access to and egress from the site; and 2. arrangements for the loading, unloading, manoeuvring and parking of vehicles. | Central access is proposed for Units 1-8 and separate access to Unit 9. The bin store is located to the rear of the site and its suitability and location has been accepted by Technical Services. |
| 1. the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals; | The development is not considered to adversely affect the community vision for the development of the district in that it is consistent with the endorsed Local Planning Strategy.  The proposed development contributes to the provision of additional dwellings and an increased density in a location that contains a variety of parks, a community facility, a primary school and shops where the mix of activities will bring people together and strengthen local relationships.  The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics. |

**6.2 Local Planning Scheme No. 3**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Requirement** | **Proposal** | **Satisfies** |
| 9 – Aims of Scheme | 1. Protect and enhance local character and amenity | The surrounding area is characterised by single storey boutique commercial tenancies directly north of the site with a nil setback and awning protruding the pedestrian pathway. Contemporary two storey single dwellings are sporadically built with a number of existing single storey character homes, majority with front fencing in a variety of styles.  The City acknowledges that the proposed built form, which responds to the Residential R40 code is a departure from the existing built form in that it is proposing grouped dwellings. However, the development is limited to two storeys in height and additional landscaping provided, rendering it relatively consistent and sympathetic with the existing streetscape. This is considered more appropriate than multiple dwellings which could be developed on the site. | Yes |
|  | 1. Respect the community vision for the development of the district; | The development is not considered to adversely affect the community vision for the development of the district in that it reflects the endorsed Local Planning Strategy. | Yes |
|  | 1. Achieve quality residential built form outcomes for the growing population; | The built form of the development has been assessed and is considered to achieve or can be made to achieve all relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R40 density coding. | Yes |

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|  | 1. To develop and support a hierarchy of activity centres; | The medium-rise development is consistent with the intent of the R40 density code identified by Local Planning Scheme No. 3. | Yes |
|  | 1. To integrate land use and transport systems; | The development is located approximately 40m from a bus route on Waratah Avenue. | Yes |
|  | 1. Facilitate improved multi-modal access into and around the district; | The site is well located to walking networks including a path which directly adjoins the site | Yes |
|  | 1. Maintain and enhance the network of open space; | The development does not impact the City’s network of open space. | Yes |
|  | 1. Facilitate good public health outcomes; | The development is not considered to adversely affect the desired public health outcomes. | Yes |
|  | 1. Facilitate a high-quality provision of community services and facilities; | The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability. | Yes |
|  | 1. Encourage local economic development and employment opportunities; | The development is considered to positively contribute to the support of local businesses, during and post-construction. | Yes |
|  | 1. To maintain and enhance natural resources; | The development retains two trees, which is considered a positive outcome for this type of application. In addition, a new street tree is proposed, and each lot comprises of a minimum 20% landscaping with a mix of species and maturity. This assists and reinforces the leafy green character of the locality. | Yes |
|  | 1. Respond to the physical and climatic conditions; | The development maintains solar access to adjoining properties by having appropriate setbacks. The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation. | Yes |
|  | 1. Facilitate efficient supply and use of essential infrastructure; | The development does not negatively impact this objective. | Yes |
| 16.2 – Land Use | Residential Zone Objectives |  |  |
|  | To provide for a range of housing and a choice of residential densities to meet the needs of the community; | The proposal is considered to provide a type of housing that will contribute to the City’s housing diversity. | Yes |
|  | To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; | The development has achieved a quality design, with an appropriate built form and streetscape presentation with a landscaped emphasis to the street and the adjoining sites. | Yes |
|  | To provide for a range of non-residential uses, which are compatible with and complementary to residential development; | This objective is not applicable to the subject application. | N/A |
|  | To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks; | The development is considered to strike the balance between the existing streetscape character and the future character of this area. Grouped Dwellings in this locality are considered more appropriate than Multiple Dwellings which could also be developed on the site. | Yes |

**6.3 Policy/Local Development Plan Consideration**

**6.3.1 Design of the Built Environment (State Planning Policy 7.0)**

The City considers that the proposed development adequately responds to the variations proposed and on balance is considered appropriate in its context.

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| --- | --- |
| **Design Principle** | **Officer Comment** |
| * + 1. **Context and Character** | The built form is considered to be sympathetic to its surrounding development and is developing to the higher density coding potential. A combination of materials and existing style is present within the locality which this design draws on. The incorporation of landscaping elements, particularly visible from the primary street is considered to soften the built form and maintains the leafy green character of the locality. |
| * + 1. **Landscape Quality** | The 20% landscaping provision contained in the City’s approved Residential Development Local Planning Policy has recently been refused by the Western Australian Planning Commission on 30 June 2020. Despite this, the applicant had provided revised plans which illustrates all lots either meet or exceed the landscaping provision of 20%. The revised Landscaping Plan has been provided which includes the retention of two (2) existing trees on site, a new street tree on the verge and 11 mature trees with a mix of species and maturity within the lots and the front setback area. This revised design is considered to enhance and maintain the established streetscape which recognises the landscaping significance within Nedlands. |
| * + 1. **Built Form and Scale** | The two-storey grouped dwellings are now considered sympathetic and characteristic of the existing and emerging dwellings within the locality. The development is not considered to negatively impact the surrounding properties by way of building height, setbacks or overshadowing. |
| * + 1. **Functionality and Build Quality** | A mix of materials and design provide a well detailed build. The proposal includes two living spaces and inclusion of a lift making it an adaptable, functional and accessible dwelling for all demographics. |
| * + 1. **Sustainability** | Predominately north facing outdoor living areas are provided for the proposed dwellings and design is supported as it maximises the northern aspect of the site. |
| * + 1. **Amenity** | Based on the design elements, the built form, scale and revised landscaping quality provide an improved built form to that of the existing dwellings on site. |
| * + 1. **Legibility** | The design provides for a clear and definable pedestrian and vehicle entrances which provides for a clear delineation of spaces from the public and private realm. A combination of lifts and stairs have been provided to the site to cater for a variety of prospective buyers. |
| * + 1. **Safety** | Major openings and balconies are provided to the public realm and designed to offer for passive surveillance of the street and common property. |
| * + 1. **Community** | The development provides for medium density dwelling diversity improving the range of housing available in the area and accommodating for a wider range of demographics. The provision of lifts in each of the units also encourage ‘aging in place’ and attracting residents looking to downsize in the local area. An additional verge tree is also proposed which in turn enhances the streetscape and amenity for the community. |
| * + 1. **Aesthetics** | Contrasting renders and materials, multiple openings facing the street and partially curved walls add visual interest to the design which is considered complementary to the locality. |

* + 1. **Residential Design Codes – Volume 1 (State Planning Policy 7.3)**

The applicant is seeking assessment under the Design Principles of the R-Codes for Street Setbacks, Lot Boundary Setbacks, Open Space, Outdoor Living Areas and Setback of Garages and Carport as addressed in the below tables:

**Street Setbacks (Clause 5.1.2)**

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| --- |
| **Design Principles** |
| P2.1 - Buildings set back from street boundaries an appropriate distance to ensure  they:   * contribute to, and are consistent with, an established streetscape; * provide adequate privacy and open space for dwellings; * accommodate site planning requirements such as parking, landscape and utilities; and * allow safety clearances for easements for essential service corridors. |
| **Deemed-to-Comply Requirement** |
| C2.2: Buildings set back from the primary (4m and average 2m) and secondary street (2.5m) boundary in accordance with Table 1. |
| **Proposed** |
| The applicant seeks assessment under the Design Principles which are as follows:   * Unit 1 ground level and upper ground levels are setback from the primary street 2.3m and 1.57m * Units 1-8 ground level and upper ground levels are setback from the secondary street between 0.30m – 1m |
| **Administration Assessment** |
| The applicant seeks assessment under the Design Principles which are as follows:   * The setback variations face the internal common property driveway and does not directly face the primary street, with the exception of Unit 1. Notwithstanding, the existing streetscape is characterised by single storey commercial tenancies directly north of the site with a nil setback and awning protruding over the pedestrian path. The reduced setbacks to an internal common property driveway is therefore not considered incongruous with its setting. The majority of the façade is otherwise activated and orientated towards the street. * The two-storey bulk is predominately focussed towards the common property driveway as a means to increase setbacks to adjoining properties with a lower density and act as a transitional built form buffer. This in turn facilitates more efficient use of a useable outdoor living space for internal residents, whilst maintaining the amenity and privacy of adjoining sites. Collectively, this approach is considered more desirable. * Provision has been made for windows to face the common property driveway which is considered to make a positive contribution to the streetscape in terms of public surveillance and activity. There is no direct overlooking across each dwelling and therefore it to allows for sufficient internal privacy. * The development utilises a range of materials and architectural treatments thereby minimising any perceived bulk as viewed from the street. The height of the development is consistent with the surrounding area and is below the permitted 10m height limit (proposed 7.4m). * Each site can accommodate parking, landscaping and utilities and there are no easements or essential service corridors to apply. Additional landscaping has been proposed by way of mature trees and varying landscaping treatments, which in addition to, includes a new street tree which further soften the built form and contribute and maintains the leafy green character of the locality. Each unit provides a minimum of 20% landscaping which is above and beyond the R-Code requirements and assist in softening the building façade giving the illusion of a larger setback.   Accordingly, the street setbacks are not considered incongruous within its setting that would prejudice the objectives of the zone and as such, considered to meet the Design Principles. |

**Lot Boundary Setbacks (Clause 5.1.3)**

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| **Design Principles** |
| P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:   * reduce impacts of building bulk on adjoining properties; * provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and * minimise the extent of overlooking and resultant loss of privacy on adjoining properties |
| **Deemed-to-Comply Requirement** |
| C3.1 (i) buildings setback from lot boundaries in accordance with Table 1, Tables 2a & Table 2b (refer to Figure Series 3 & 4) (2.1m) |
| **Proposed** |
| The applicant seeks assessment under the Design Principles which are as follows:   * Unit 5 (south) – upper floor level is setback from the southern boundary at 1.8m in lieu of 2.1m * Unit 9 (west) – upper floor level setback from the western boundary (bedroom 1) setback at 4.5m in lieu of 4.8m |
| **Administration Assessment** |
| Administration consider that the development meets the Design Principles as -   * The calculation of the setback is based on the length and height of the wall. If the applicant were to further articulate the wall of Unit 5, it would actually result in the majority of the wall being setback closer to the southern boundary at 1.2m and meet the deemed-to-comply provisions (as shown on the attached plans). This could in turn potentially impact the viability of the proposed landscaping on the southern boundary. * The proposed setback for Unit 5 complies with solar access to the adjoining site to the south (at a maximum of 14.4%, whereas the deemed-to-comply requirements allow for a maximum of 25%). Due to the orientation of the site, the adjoining western lot is not impacted by overshadowing from Unit 9. * All windows to Unit 5 (south) have obscure glazing which has since extended to the window to the stairwell as an additional (non-mandatory) measure to assist with concerns raised by adjoining landowners. Unit 9 (west) complies with visual privacy setback. * The landscaping treatments has been revised to include mature tree species on the southern boundary to Unit 5 and western boundary to Unit 9 to further reduce perceived visual bulk from adjoining properties. Furthermore, the overall building height is below the maximum 10m height limit (proposed 7.4m).   Accordingly, the lot boundary setbacks are considered to meet the Design Principles. |

**Open Space (Clause 5.1.4)**

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| **Design Principles** |
| P4 – Development incorporates suitable open space for its context to:   * Reflect the existing and/or desired streetscape character or as outlined under the local planning framework; * Provide access to natural sunlight for the dwelling; * Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; * Provide an attractive setting for the buildings, landscape, vegetation and streetscape; * Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and provide space for external fixtures and essential facilities |
| **Deemed-to-Comply Requirement** |
| C4: Open space provided in accordance with Table 1 (45% open space). The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property. |
| **Proposed** |
| * Unit 1 proposes 42% open space * Unit 2 proposes 39% open space * Unit 3 proposes 41% open space * Unit 6 proposes 42% open space * Unit 7 proposes 42% open space * Unit 8 proposes 43% open space   It is noted that Unit 4 (45%), Unit 5 (49%) and Unit 9 (47%) meet the deemed-to-comply provisions. |
| **Administration Assessment** |
| Administration consider that the proposed development meets the Design Principles as –   * Overall, the proposal achieves an average of 43% of open space for the site which includes the cantilevered upper floor space as a conservative approach to the assessment. However, the canter leaver acts like an eave overhang, which the R-Codes excludes from site coverage and would therefore achieve an average of 45%. The effect of the lesser open space is similar to that of a dwelling with eaves and not as a means to increase the building footprint * The north-south orientation of the site, allows natural sunlight to each dwelling and to outdoor living areas, including north facing courtyards contributing to the street. * As shown on the plans, each unit provides for an accessible outdoor living area at ground level which includes a combination of spaces such as a partially covered courtyard, dense landscaping pockets, areas for essential facilities. There is space for functional purposes such as clothes drying and essential facilities. There are leisure opportunities for a range of domestic activities such as gardening, children’s play area or outdoor entertaining. * As a designated storeroom has been incorporated within the garage, this means no additional outbuildings would be required that would compromise the extent useable open space. * A minimum 20% of landscaping has been provided throughout the site and is considered to provide an attractive setting for the internal amenity for future residents. Notable attempts have been made to contribute to the streetscape by orientating garages away from the primary street and featuring front gardens with landscaping treatments. * It is important to note that the manner in which open space is used may vary over the life of the dwelling and is more likely to be reduced than increased. Therefore, it is important to retain flexibility and accordingly, R-Codes Volume 1 should not unduly constrain how open space is provided.   Accordingly, the amount of open space provided is considered to meet the Design Principles. |

**Setback of Garages and Carports (Clause 5.2.1)**

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| **Design Principles** |
| P1 – The Setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa. |
| **Deemed-to-Comply Requirement** |
| C1.4 Garage and carport setback 1.5m as per Table 1 to secondary street – whichever is the greater |
| **Proposed** |
| * Garages to Units 2 & 8 are set back at 0.5m |
| **Administration Assessment** |
| Administration consider that this aspect meets the design principles as:   * The central driveway already provides for two-way access, thereby providing for adequate sightlines for oncoming vehicles entering and exiting the site. * Only 2 Units have a garage with a setback of 0.5m and faces the central driveway, away from the primary street. As such, it is not considered dominant to the streetscape. Additional landscaping further softens the built form. |

**Outdoor Living Areas (Clause 5.3.1)**

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| **Design Principles** |
| P1.1 – Outdoor living areas which provide spaces:   * Capable of use in conjunction with a habitable room of the dwelling; * Open to winter sun and ventilation; and * Optimise use of the northern aspect of the site. |
| **Deemed-to-Comply Requirement** |
| C1.1 – An outdoor living area to be provided:   * In accordance with Table 1; * Behind the street setback area; * Directly accessible from a habitable room of the dwelling; * With a minimum length and width dimension of 4m; and * To have at least two-thirds of the required area without permanent roof cover. |
| **Proposed** |
| * Outdoor living area to Unit 1 is partially within the front setback area |
| **Administration Assessment** |
| Administration consider that the development meets the Design Principles as -   * As the outdoor living area connects to the kitchen/dining and main living area it is considered capable of use in conjunction with these rooms. * It is open to winter sun and ventilation and optimises the use of the northern aspect of the site due to its orientation. * It is also large enough to be functional and usable and aids public surveillance whilst also maintaining privacy with visually permeable fencing.   Accordingly, it is considered that this variation meets the Design Principles. |

* + 1. **Local Planning Policy – Waste Management Plan**

A Waste Management Plan has been prepared by Dallywater Consulting dated 9 June 2020 which proposes a communal bin storage area to be located on the southern boundary, in line with the City’s Policy. A total of 8 x 240L bins are proposed comprising of 3 waste bins and 5 recycling bins (with compaction 2:1) for all dwellings.

Administration considers that it would be more appropriate for Units 1-8 to utilise the common bin store with compaction, whilst Unit 9 would have 2 bins, given this subject property has its own direct frontage to Waratah. Applying this, there would be a total of 7 x 240L bins on the verge in total.

Clause 3.1.5 of the Waste Management Guidelines recommends a maximum of 4 x 240L waste bins and 4 x 240L recycling bins to be placed on the verge for kerbside collection, in which more than 8 bins would require internal service arrangements. The intent of this provision is to preserve the amenity of the streetscape and avoid a proliferation of bins on collection day.

Although the proposal includes 3 waste bins and 5 recycling at 240L, on aggregate and with two lots being amalgamated, in both circumstances it does not exceed a total of 8 bins and is therefore considered consistent with the intent of the Policy. It is further noted that there is sufficient capacity on the verge to accommodate the maximum number of bins and on alternative weeks, there will be just 3 waste bins at a maximum on Waratah Avenue.

An Acoustic Report prepared by Sealhurst (Revision 3) dated 8 July 2020 accompanies this application and concludes that the overall compaction processing time of 4 minutes per week between 7am – 7pm will achieve compliance with the *Environmental Protection (Noise) Regulations 1997*. Administration are satisfied with the conclusions within this report to ensure no adverse impact on the adjoining properties.

1. **Conclusion**

This application proposes nine two-storey grouped dwellings located at No.130 & 132 Waratah Avenue, Dalkeith which is coded R40.

The application has been referred to Council for a decision by virtue of the number of grouped dwellings proposed (being greater than five) and 10 objections being received. The development originally presented a number of variations at the time of advertising, particularly with respect to lot boundary setbacks, open space and landscaping.

As a result of the advertising and Administration concerns, the applicant made modifications to their plans to either remove or reduce the extent of variations proposed. Administration now considers that the development satisfies the design principles of the Residential Design Codes and does not prejudice the intent of the zone or objectives of the Scheme. Approval with conditions is recommended.

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| **PD39.20** | **No. 2 Burwood St, Nedlands – Additions to a Single House (Carport) SAT Section 31** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | John Edwards |
| **Landowner** | John Edwards |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Report Type**  Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal. |
| **Reference** | PD49-19 |
| **Previous Item** | DA19/37053 |
| **Delegation** | The landowner has applied for a review of the previous decision made by Council to the State Administrative Tribunal, who have issued a section 31 notice for Council to reconsider the application based on amendments proposed to the original development proposal. As Council have previously considered and determined this application, Council is required to determine the reconsideration. |
| **Attachments** | 1. Applicant Justification Report |
| **Confidential Attachments** | 1. Plans |

1. **Executive Summary**

Following Council’s 2019 December determination to issue a part refusal for a development application at 2 Burwood St, Nedlands, the landowner has applied for review to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005.*

The City has undergone mediation with the applicant and the Tribunal to negotiate an acceptable development outcome between all parties. Subsequent to mediation, the Tribunal has invited the City to reconsider the development proposal in accordance with Section 31 of the *State Administrative Tribunal Act 2004.*

The purpose of this report is for Council to reconsider an application for additions to a single house received from the applicant on 14 July 2020, for a proposed carport within the front setback area No. 2 Burwood St, Nedlands.

The proposed carport is to be setback 2.0m from the primary street lot boundary and accommodate a visually permeable door.

The application is required to be determined by Council as Council previously refused this application (DA19-37053) for a carport within the front setback area with a proposed primary street lot boundary setback of 1.5m.

It is recommended that the modified application (14 July 2020) be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) being unlikely to have a significant adverse impact on the local amenity or local character of the streetscape.

1. **Recommendation to Committee**

**Council approves the development application dated 14 July 2020 to install a carport within the front setback area at Lot 75, No. 2 Burwood St, Nedlands, subject to the following conditions and advice notes.**

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. **This development approval only pertains to the installation of a carport as indicated on the plans attached.**
3. **All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
4. **This approval is limited to the installation of a carport only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.**
5. **Prior to the occupation of the development, all structures within the 1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City of Nedlands.**
6. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note ‘m’).**

**Advice Notes:**

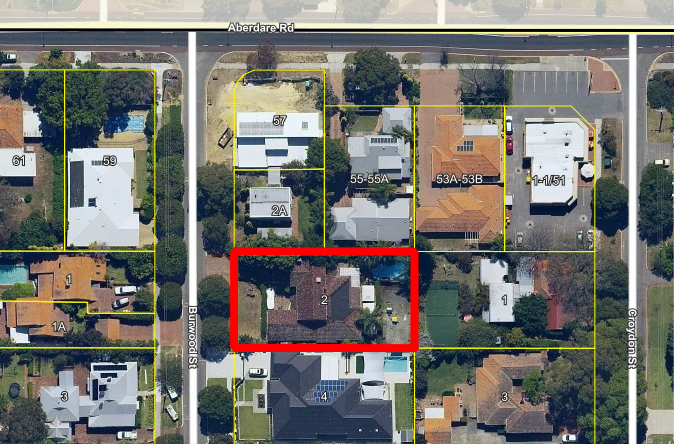
1. **This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.**
2. **This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands’ Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.**
3. **This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
4. **This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.**
5. **There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.**
6. **The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.**
7. **The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit.  Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City’s Planning Department is encouraged prior to lodgement.**
8. **All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.**
9. **The contractor/developer shall protect the City’s street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City’s policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).**
10. **Where building works are proposed a building permit shall be applied for prior to works commencing.**
11. **All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.**
12. **In relation to condition 6, the applicant is advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.**
13. **Background**

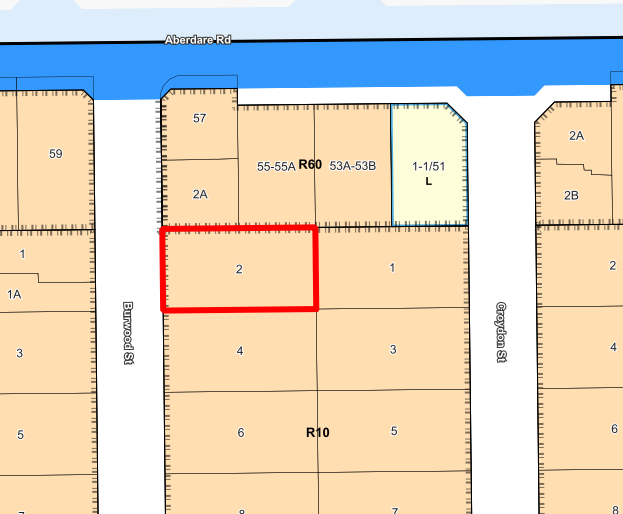
**3.1 Land Details**

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| **Metropolitan Region Scheme Zone** | **Urban** |
| **Local Planning Scheme Zone** | **Residential** |
| **R-Code** | **R10** |
| **Land area** | **1115m2** |
| **Additional Use** | **No** |
| **Special Use** | **No** |
| **Local Development Plan** | **No** |
| **Structure Plan** | **No** |
| **Land Use** | **Single Residential** |
| **Use Class** | **P** |

**3.2 Locality Plan**

The subject site fronts Burwood Street and is zoned Residential, R10. To the north of the subject lot, is residential land coded R60. Aberdare Road, to the north of the site represents the border between the City of Nedlands and the City of Subiaco.





1. **Application Details**

The applicant seeks development approval to install a carport within the front setback area to a single residential dwelling, details of which are as follows:

* The applicant proposes to install a carport with a minimum 2.0m primary street setback.
* The carport is proposed to occupy 36m2.
* The carport is to incorporate a visually permeable door addressing the primary street.

Council has previously refused the application for a carport on this lot where a 1.5m primary street setback was proposed. The applicant has since applied for a review of this decision to SAT, who has issued a Section 31 reconsideration request for the City is reconsider the carport development proposal.

The applicant has provided a justification latter in support of the development application. This letter has been provided as an attachment to this report.

1. **Assessment of Statutory Provisions**

**5.1 Planning and Development (Local Planning Schemes) Regulations 2015**

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

In accordance with provisions (m) and (n) of the Regulations clause 67, due regard is to be given to the likely effect of the proposed development’s height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

**5.2 Policy Consideration**

**5.2.1 Local Planning Policy – Residential Development Local Planning Policy**

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| **Policy Objective** |
| Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:  3.0 Objectives  3.1 To enhance the amenity and aesthetics of areas within the City.  3.2 To provide for residential development that is consistent with established or desired streetscapes.  3.3 To reduce the dominance (scale, mass and bulk) of buildings as viewed from the street.  3.4 To provide for building heights which are consistent with the character of the area and the topography of the site.  3.5 To prevent inappropriate buildings within rear setback areas in order to protect the amenity of surrounding properties and maintain the spacious green character of the City. |
| **Policy Requirement** |
| In addition to Clause 26(1)(b) of LPS 3, Clause 5.2.1 of the R-Codes is amended to include the following additional deemed-to-comply requirements:  C1.6  On land coded R10, R12.5 and R15, other than lots identified in Schedules 2 & 3 of LPS 3, unenclosed carports may be setback forward of the 9m primary street setback line provided that the following is met:   1. the width of the carport does not exceed 50 percent of the lot frontage, and the carport allows an unobstructed view between the dwelling and the street, right-of-way or equivalent. 2. the carport is setback a minimum of 3.5m from the primary street; 3. the carport is not greater than 36m2 in floor area as measured from the outside of the posts; 4. Side setbacks as per the R-Codes; 5. the carport complies with Table 1 - Maximum carport height; 6. the carport cannot be accommodated behind the street setback line and compliant with side setback provisions of the R-Codes; 7. the carport does not contain a visually permeable door. |
| **Proposed** |
| The proposed carport features the following design elements:   * Carport width occupies 24.6% of the primary street lot frontage. * Primary street setback – 2.0m * Carport area – 36m2 * Side setbacks comply with the requirements of the R-Codes (minimum 1.35m lot boundary setback proposed) * Maximum carport height of 2.4m (wall) 4.35m (pitch) * The carport cannot be accommodated behind the front setback line due to the existing residence. * The carport is proposed to contain a visually permeable door. |

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| **Administration Assessment** |
| **Primary Street Setback:**  The subject site is coded R10, with the immediate southern lot (Lot 2 No. 2A Burwood St, Nedlands) being coded R60 under the City of Nedlands Local Planning Scheme No. 3.  The property to the immediate north, requires an average 2.0m primary street setback under the R60 residential density code, having the possibility of a minimum of 1.0m from the primary street, where averaging is proposed.  Considering the immediate site context, the proposed reduction to the Residential Development Policy’s deemed to comply 3.5m primary street setback to a minimum of a 2.0m primary street setback is considered to be an acceptable development outcome and provides a transition between the R60 and R10 residential density code controls.  **Carport Door:**  The submitted plans propose inclusion of a visually permeable door to the carport, which is designed to integrate with the primary street fencing.  The carport door and existing primary street fencing are/will be constructed from wrought iron infill panels, which exhibit greater than 80% visual permeability, providing for passive surveillance of the streetscape and the private realm, whist providing security for the residents. |

1. **Conclusion**

The proposed carport is designed to integrate with the R60 coded property to the north of the subject site. The carport is proposed to be setback a minimum of 2.0m from the primary street, providing a similar setback than what is permissible for the R60 coded property to the north.

The submitted plans propose a visually permeable door to the carport. The carport structure is considered to integrate with the streetscape and facilitate passive surveillance of both the public and private realm.

The development of the carport is unlikely to negatively affect the visual connectivity between the dwelling and the street, providing for an open streetscape having regard to the density transition between the R60 and R10 residential density codes.

The sudden density transition between the R60 to the north of the subject site and the R10 coding of the subject lot, a reduction to the deemed to comply 3.5m carport primary street setback is considered an acceptable development outcome, being unlikely to negatively impact the locality or the prevailing streetscape.

Considering the above, **approval** for the development proposal is recommended. Should Council resolve to refuse this application, the matter will return to the Tribunal for a formal hearing and decision.

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| **PD40.20** | **Local Planning Scheme No. 3 – Local Planning Policy: Jenkins Avenue Laneway and Built Form Requirements** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | PD13.20 OCM 28 April 2020 |
| **Attachments** | 1. Tracked Changes Jenkins Avenue Laneway and Built form Requirements Local Planning Policy 2. Jenkins Avenue Laneway and Built Form Requirements Local Planning Policy – Clean for Council Adoption 3. Summary of Submissions 4. Original Submissions 5. City of Nedlands/Department of Transport Jenkins Ave Engineering Schematic Diagram |
| **Confidential Attachments** | * + - 1. Plans of Subdivision proposals addressing Jenkins Avenue Local Planning Policy |

1. **Executive Summary**

The purpose of this report is for Council to adopt the Jenkins Avenue Laneway Local Planning Policy and Built Form Requirements Local Planning Policy required under the City of Nedlands Local Planning Scheme 3 (LPS3).

The purpose of the local planning policy is to designate the location of a laneway, running parallel and to the north to Jenkins Avenue in Nedlands in an east-west direction between Taylor Road and Dalkeith Road. This will facilitate the designation of vehicular access from a rear laneway in lieu of the creation of multiple crossovers, double driveways and garages being located on Jenkins Avenue which is a designated Safe Active Street. It also outlines the built form requirements for properties abutting the proposed laneway. The laneway is located in the Rose Garden Transition Area.

This policy has been created as a mechanism to enable the ceding of land and construction of a laneway abutting the abovementioned properties (defined in Figure 1). The policy responds to future development and subdivision under the new density code. The policy seeks to mitigate the undesirable development of maximum width crossovers to Jenkins Avenue and streets aligned perpendicular to Jenkins Avenue.

The aim of the policy is to protect and maintain the existing landscaped and tree lined streetscapes, whilst minimising the extent of crossovers, driveways and hardstands along Jenkins Avenue for the purpose of maintaining pedestrian and cyclist priority whilst maintaining the proposed car parking embayments along Jenkins Avenue as part of the Safe Active Street.

1. **Recommendation to Committee**

**That Council:**

1. **Proceeds to adopt the Jenkins Avenue Laneway and Built form Requirements Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(ii);**
2. **Refers the Jenkins Avenue Laneway and Built form Requirements Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 1 Clause 7.3.2; and**
3. **Revokes the current Doonan Rd Laneway Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 6 following final approval by the Western Australian Planning Commission and notice of the Jenkins Avenue Laneway and Built form Requirements Local Planning Policy being published to give effect to the policy.**
4. **Background**

The properties to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road (shown on Figure 1 below) have been up coded to a density of R60 under the City’s currently adopted Local Planning Scheme No. 3 (LPS 3). This allows the properties to develop approximately 5 grouped dwellings (townhouses) (a minimum 120m2 lot area is required with an average lot area of 150m2) at 2 storey height limits based on a predominant lot size of 1012m2 or approximately 8-12 multiple dwellings (apartments) over a 3-storey height limit.

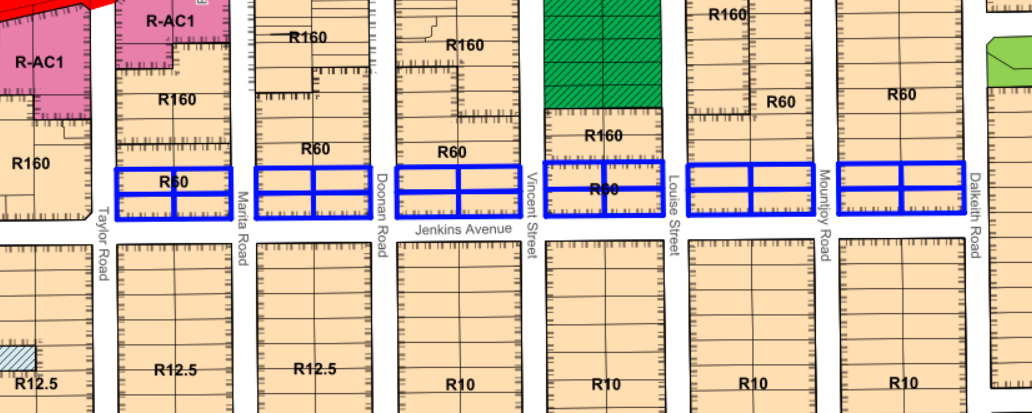


Figure 1: Properties to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road.

Within the City’s new Local Planning Scheme No. 3 (LPS 3), clause 32.3 allows the City to require that the owner of land where a laneways has been designated identified by the scheme, a structure plan, local development plan, activity centre plan or local planning policy cedes that part of the land designated as laneway be ceded free of cost and the applicant constructs the relevant section of the laneway to the design, material and location to satisfaction of the City, at the time of developing or subdividing the land . Therefore, if Council chooses to adopt this policy, the City will have the head of power under clause 32.3 of LPS 3 to require the ceding of the subject land where a laneway is identified and that the landowner(s) construct the relevant section the laneway to the City’s specifications at the time of subdivision or significant redevelopment.

The City has received three (3) subdivision referral applications from the Department of Planning Lands and Heritage (DPLH), each proposing a total of five (5) lots, creating a total of fifteen (15) newly subdivided lots at 18 Doonan Rd, 21 Vincent St and 22 Vincent St, which all seek to obtain vehicle access from Jenkins Avenue. Significant concerns were raised by Administration due to the likely subsequent streetscape impact on Jenkins Avenue. The City is also currently assessing a Complex Development application at 21-23 Louise Street, Nedlands. This application includes the development of 7 grouped dwellings (Town Houses) which front Jenkins Avenue and (6) Multiple Dwellings which front Louise Street. The applicant has proposed consolidated access including a basement for all car parking.

The site to the north is the approved 17-19 Louise Street Multiple Dwelling development containing 37 Multiple Dwellings. The applicant has indicated a resistance to providing a laneway through the middle of their development site which this policy would require the applicant provide the laneway between the boundaries of 21-23 Louise Street which they are developing concurrently. The adjoining property at 22 Vincent Street to the west has an active subdivision application for 5 lots and is also not incorporating and is opposed to the provision of the proposed Jenkins Laneway.

To facilitate a continuous laneway from Taylor Road to the West and Dalkeith Road to the East, it is proposed that the laneway is required despite 23 Louise Street as proposed having only one consolidated access point onto Jenkins Avenue. There is an ability for the land owner to re-design their current development proposal to facilitate the provision of this laneway and to still maintain either access onto that new laneway or the proposed single driveway access point into the development site from Jenkins Avenue. Administration maintain the position that the proposed laneway should be created between Vincent Street and Louise Street to reduce the number of vehicular crossovers onto Jenkins Avenue with a particular concern regarding 22 Vincent Street which is proposing 5 lots from 1014m2 along a 47.2m length frontage.

Note: A copy of all relevant subdivision plans received by the City has been given to Councillors prior to the Council Meeting. (Confidential Attachment 1)

The properties to the north of Jenkins Avenue have a higher density code of R60 through the adoption of LPS 3 and the lots to the South have maintained an R10 coding.

The subdivision applications referred to the City by the WAPC indicate that the properties which are seeking a five (5) lot subdivision, will all require double width, 6.0m wide crossovers to Jenkins Avenue. Administration considers that this would pose an undesirable streetscape outcome and that garages and crossovers should be located to the rear of the property with access from a new laneway. This proposed laneway will seek to connect Taylor Road to Dalkeith Road.

This policy has been created to assist the City in identifying the required land between these lots to create and construct a laneway. This will then remove the requirement for a large number of crossovers addressing Jenkins Avenue. The laneway created will result in one crossover/entry point being required on each road, running parallel to Jenkins Avenue. It will therefore remove up to potentially sixty (60) double width crossovers along the northern side of Jenkins Avenue, if each of the existing lots was to subdivide into five (5) lots with each new lot gaining access from Jenkins Avenue. The proposal also establishes development opportunity for the properties to the north of the laneway which will benefit from a newly created laneway (street) frontage when they are the subject of a future development or subdivision.

1. **Detail**

This policy details the requirements for the proposed laneway b to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road. It sets out the land identified to be ceded for the creation of a laneway and the requirements for the ceding and subsequent development. The policy requires a 3.5m wide strip of land to be ceded by each of the affected properties, measured from the centre boundary line. Once each property has ceded 3.5m, a 7.0m wide laneway will be created, which will be constructed to the City’s specifications including being sealed, drained and provided with lighting and landscaping. In the interim, the 3.5m ceded portion may act as a one-way access, akin to a battle-axe driveway.

The graphic below (Figure 2) indicates the proposed laneway location, marked by a red dashed line. The properties outlined in blue are subject to the provisions of this policy and will be required to cede land at the time of subdivision or significant redevelopment through conditions of approval and in which situations a resultant intensification of the land use is proposed. (Significant redevelopment includes construction of a new and additional single houses, creation of grouped or multiple dwellings or other development outlined by the City of Nedlands.)

This policy applies to all development and subdivision which results in an intensification in the use of land from the parent lot. This Policy does not apply to the development of or additions to a single house or additions to an existing grouped dwelling on an existing parent lot when the land use is not proposed to be intensified.

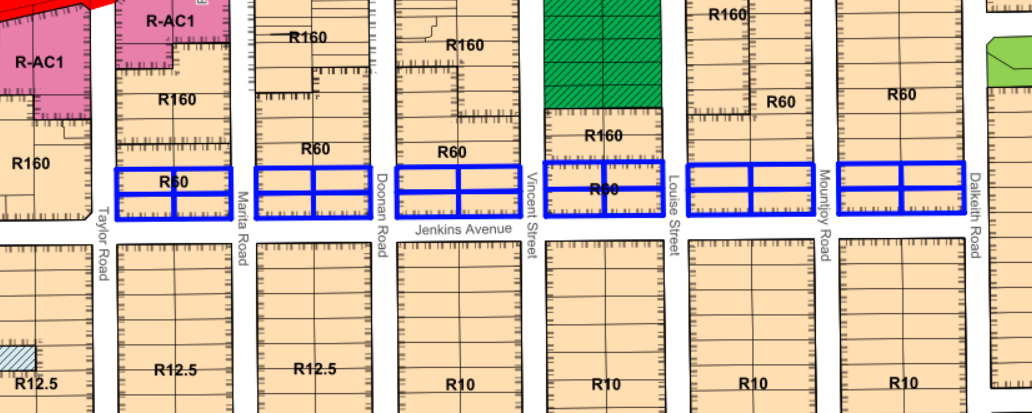


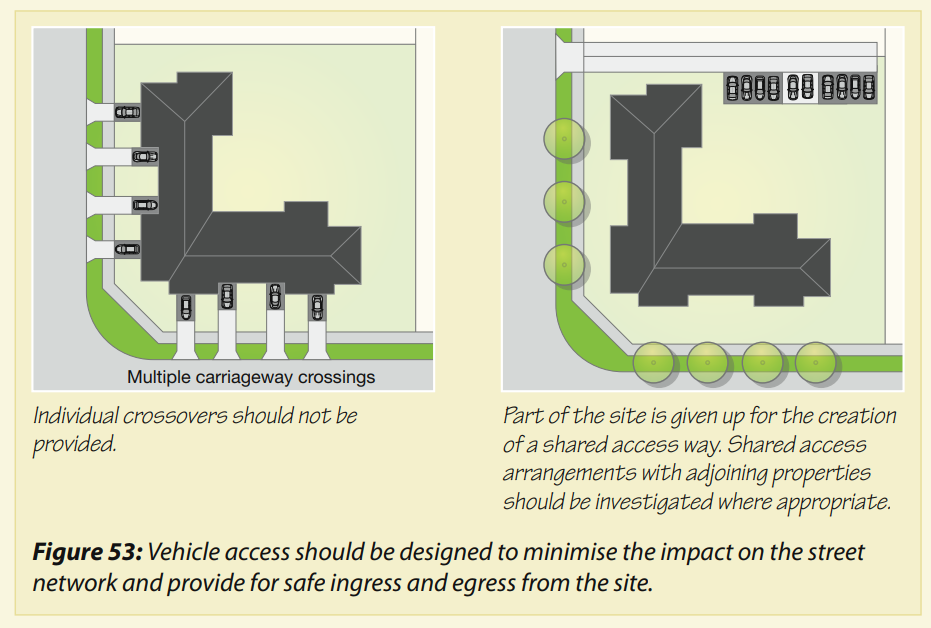
Figure 2: Proposed laneway location for properties to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road.

The benefits of a laneway servicing the abovementioned properties is not only the minimisation of crossovers to Jenkins Avenue and the streets perpendicular to Jenkins Avenue. The Policy will also unlock the potential for the properties to the north of the laneway, which are currently land locked, to be developed as street fronted lots and in many instances as freehold titled lots subject to location and provision of servicing. Without the designated laneway, where more than two lots side-by-side are sought, these lots can only be subdivided as survey strata lots with a common property driveway (battle-axe configuration) or a maximum of two street frontage freehold green title lots. In this configuration, the built form controls provide for street frontage opportunities to the laneway, as such it will function as a small street, and not a back alley as per some of the existing laneways in the City of Nedlands.

The laneway will result in a reduced hardstand area compared to what is currently required for a battle-axe style development with a common driveway. Clause 5.3.5 in the Residential Design Codes Volume 1 requires a driveway serving four (4) or less dwellings to have a driveway of no less than 3m. In the case of a driveway serving five (5) or more dwellings it must accommodate two-way access. Therefore, the laneway will ultimately require 6m or the ability to manoeuvre to allow for vehicles to enter and exit in forward gear. This proposal will also create a thoroughfare for both vehicles, cyclist and pedestrians, in lieu of what would be pseudo private cul-de-sacs as a result of multiple battle-axe driveways.

The explanatory guidelines of the Residential Design Codes Volume 1 - Clause 6.5 Vehicular Access - Figure 53, reproduced below, illustrates how the WAPC through State Planning Policy encourages consolidated street access in lieu of individual crossovers, which are discouraged. This figure identifies the detrimental impact caused by multiple crossovers on the amenity and streetscape, noting too many crossovers cause loss of kerbside parking space, lack of space for street trees and furniture (verge waste collection), interruption to pedestrian use of footpaths and increased hazards for cyclists.

This proposed policy is consistent with the provisions of Figure 53 – Clause 6.5 of the explanatory guidelines of the Residential Design Codes Volume 1. As such, this policy will ensure that vehicle access is located to the rear of properties where possible and encouraging shared access by utilising an aggregate vehicle access solution for future lots.



The built form controls in the policy seek to encourage activated frontages. The laneway is not to present as a solid wall of garages and crossovers, but instead is to maintain a street-like appearance with pedestrian access and amenity, street trees. lighting and visual surveillance opportunities to and from the laneway and adjacent dwellings to establish positive Crime Prevention Through Environmental Design (CPTED) principles.

**Safe Active Streets Program**

The removal of crossovers from Jenkins Ave is consistent with the objectives of the Safe Active Streets Program which is currently being developed along Jenkins Avenue. The Department of Transport (DoT) is working with the City of Nedlands in the Safe Active Streets Program to progress the achievement of a safe active street route along Jenkins Avenue through various phases of design, consultation, construction, and activation.

Safe active streets are cycle routes on quiet local streets, where speeds are reduced to 30 km/h to allow for a safer shared street space. With lower traffic speeds, the streets are much safer for pedestrians and riders of all ages and abilities, as well as for people driving. Safe active street routes also form part of wider bicycle networks, connecting to off-road shared paths and linking community amenities such as schools, railway stations or shops. At major entry points to the safe active streets, blue-and-white Safe Active Street road patches, 30 km/h speed limit signs and raised platforms help to slow traffic and alert people that they are in a bicycle and pedestrian friendly space.

The removal of additional crossovers will help mitigate vehicle, pedestrian, and cyclist interactions by reducing points of conflict along Jenkins Avenue. As such, this Policy is seen to complement the Safe Active Street along Jenkins Avenue which seeks to lower traffic speeds, creating a much safer environment for pedestrians and cyclists.

The development or subdivision of properties to the north of Jenkins Avenue will create opportunities for some lots/dwellings to have their primary frontage to the laneway. For these properties, the laneway will be developed with the appearance of a minor street including landscaping, pedestrian friendly access-ways and major openings from buildings overlooking the laneway. This means that in addition to the laneway’s primary purpose providing vehicle access to dwellings, it will also avoid potential multiple crossovers to the street, as well as maintain the character of Nedlands’ traditional streetscape, being pedestrian friendly, green, landscaped, tree lined and passively observed by surrounding properties.

**Built Form Controls**

The policy, through its built form controls, aims to encourage a pedestrian friendly, landscaped street appearance along the laneway. This is done by mandating that fencing to the laneway remains consistent with primary street fencing requirements, being open in style to allow for passive surveillance. A clear, definable pedestrian entry way is to be provided from the laneway and this is to encourage legibility and ease of access as well as avoiding the frontage from being car dominated. It also mandates passive visual surveillance of the laneway from habitable rooms of the dwelling(s).

Without this policy in place, the City lacks the ability to apply LPS 3 clause 32.3 which mandates the ceding of land for the creation of a laneway. If the properties were subdivided first, as has been the case on lots such as at 18 Doonan Road, the application would be determined by the West Australian Planning Commission (WAPC) and not the City. It is understood that the WAPC’s position is that the City can deal with multiple crossovers at the development application stage. However, once new lots area created through the subdivision process, the City may be unable to refuse access to each lot and multiple crossovers will likely be built. It is also unlikely that were a future subdivision application lodged, the WAPC would impose a future condition requiring the preparation of a Local Development Plan (LDP) to alternatively control and guide future development.

The City has previously attempted to negotiate the requirement for an LDP; however, this approach was not supported by the Commission. The lack of alternative comprehensive planning tools creates challenges for the City to achieve a holistic, long term planning approach. Application of this policy is supported through Scheme Amendment No. 6, which seeks to require consolidated access across all new development.

The adoption of this LPP allows the City to negotiate and require both a more responsive and appropriate streetscape and built form outcome at the time of redevelopment.

The current local planning framework is evolving and unresolved. Any purchase of properties within the density transition areas cannot solely rely on LPS 3 as a guaranteed development pathway since the City is currently formulating localised planning policy responses. These policy responses aim to augment the R-Codes to suit the City of Nedlands, including the local streetscape, desired future character and best practice urban design for this area.

The majority of submissions received during the advertising period of LPS 3 raise concerns in relation to increased crossovers and hardstand to the street, reduction of trees and the degradation of the Nedlands ‘leafy green suburban character’ due to inappropriate development and subdivision within the up-coded areas. Without a local planning policy guiding the creation of a laneway in this location, future development and subdivision proposals will result in a poor redevelopment precedent for the minimisation of crossovers across the City. The significant increase in crossovers will also compromise the orderly and proper planning for this precinct and does not accord with the desired streetscape character for Jenkins Ave or the locality.

It is envisaged that this process will be repeated for other corner redevelopment lots within the density transition up-coded areas applicable under LPS 3. It is anticipated that through future precinct planning processes, a series of new laneways will be identified and established through local planning policies. A future goal for the City could also be to investigate the possibility of these laneways being used for waste and other services to remove vehicle movements from the main streets as well as providing relief and building separation where harsh density transitioning occurs throughout the transition density areas.

1. **WAPC Approval**

If Council adopts this LPP, the standards in relation to Vehicle Access, Outdoor Living Areas and Landscaping will not be enforceable until such time as the Western Australian Planning Commission (WAPC) approves the LPP. This is because, under Part 7.3 of the Residential Design Codes Volume 1, these areas can only be amended when approval from the WAPC is granted.

In accordance with Part 7 of the R-Codes Vol. 1, which, under Part 7, clause 7.3.2 of the R-Codes Vol. 1, the following sections of this LPP require approval from the WAPC:

* + - * Vehicle Access;
      * Landscaping;
      * Pedestrian Access;
      * Outdoor Living Area;
      * Building Orientation.

Accordingly, once a final version of this policy is adopted by Council following advertising, it will be referred to the WAPC in order to seek its approval for provisions related to Vehicle Access, Outdoor Living Areas and Landscaping. This report, together with Council’s resolution, will also be referred to the WAPC.

1. **Consultation**

In line with Council’s April 2020 resolution, the Policy was advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (P&D Regs.2015) and the City’s Consultation LPP from 15 May 2020 till June 5 2020. A notice was published in the newspaper, and details were included on the City’s website and the Your Voice engagement portal. All affected and adjoining landowners have been notified of this report and were sent a letter during the advertising of this Policy notifying them.

In addition to the above, the consultation period of this Local Planning Policy was extended by a period of two (2) weeks, to facilitate a community information session for all affected and adjoining landowners, where landowners and residents had an opportunity to visit the City to discuss the proposed local planning policy.

During the advertising period the City received a total of 52 submissions. A few of these submissions were duplicates or proforma letters submitted by multiple members of the same household. All submissions received have been summarised and responded to in the ‘Summary of Submissions’ included within Attachment 3. Council is also provided with full copies of all original submissions. The majority of submissions showed support for the Policy in relation to reducing the number of crossovers especially on Jenkins Avenue as this was considered to enhance and protect the amenity and streetscapes of the area. A graphical summary of submissions has been included below:

1. **Modifications to the Policy**

The following modifications to Policy provisions are recommended:

* Clause 2.2: Provided clarification as to when the Policy is to be applied (at the time of intensifying the use of land). Provided certainty that the Policy does not apply to redevelopment of single houses on original parent lots.
* Clause 3.9: Provided an additional objective which references the City of Nedlands and Department of Transport’s Safe Active Street Program which affects Jenkins Avenue. Provides weight and regard to the objectives of the Safe Active Street Program.
* Clause 4.1.2: Provided clarification as to when ceding is to occur and the relevant provisions of the *City of Nedlands Local Planning Scheme No. 3*.
* Clauses 4.2.6, 4.2.7: Provided clarification that outdoor living area and deep root planting requirements are not applicable for multiple dwellings and apply to single and grouped dwellings only. The requirements for outdoor living areas and deep root planting zones are outlined within *State Planning Policy 7.3 Residential Design Codes Volume 2* and are not proposed to be augmented as part of this policy.
* Clause 4.3: Provided clarification as to how the provisions of this Policy many be augmented and how variations will be assessed in considering development proposals.

1. **Statutory Provisions**

**Planning and Development (Local Planning Schemes) Regulations 2015**

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

1. Proceed with the Policy without modification; or
2. Proceed with the Policy with modification; or
3. Not to proceed with the Policy.

Administration recommends that Council resolves to proceed with adopting the Jenkins Avenue Laneway and Built Form Requirements Local Planning Policy, as modified in Attachment 2.

The modifications proposed to the draft LPP, which the public have not had the opportunity to comment on, are considered minor in nature and are not considered to warrant further advertising of the draft LPP.

**City of Nedlands Local Planning Scheme No. 3**

Under clause 32.3 of the *City of Nedlands Local Planning Scheme No. 3*, the City requires the ceding of land for laneways identified through a Local Planning Policy. This policy will give effect to this clause and require developers to cede land identified for a laneway before development or subdivision approval will be granted. Clause 32.3 is shown below.

**Clause 32.3**

Ceding of rights-of-way and laneway widening.

1. The owner of land affected by a right-of-way or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning policy is to, at the time of developing or subdividing the land:
2. cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and
3. construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.
4. The intention expressed in sub-clause (1) may be reinforced by a condition of subdivision or development approval.
5. **Conclusion**

The Jenkins Avenue Laneway and Built Form Requirements Local Planning Policy is the preferred mechanism to enable the enforcement of clause 32.3 in the City’s Local Planning Scheme No. 3 to create a laneway through the properties identified in Figure 2 for properties to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road in the City of Nedlands.

Without a local planning policy, the City will lack the mechanism to require the provision of a laneway to service the subject sites, and / or limit the approval of multiple crossovers in the event an application for grouped dwellings or multiple dwellings or subdivision approval is applied for first. The City has already received three (3) subdivision applications for various properties identified in Figure 2. Therefore, this Policy has been prepared for final adoption in order to avoid a sub-optimal development and built form outcome.

As such, it is recommended that Council endorses Administration’s recommendation to adopt the Jenkins Avenue Laneway and Built Form Requirements Local Planning Policy.

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| **PD41.20** | **Local Planning Scheme 3 – Local Planning Policy: Existing Laneway Requirements** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | Nil. |
| **Attachments** | 1. Draft Existing Laneway Requirements Local Planning Policy (LPP) |
| **Confidential Attachments** | Nil |

1. **Executive Summary**

The purpose of this report is for Council to prepare (adopt for advertising) the Existing Laneway Requirements Local Planning Policy required under Local Planning Scheme 3 (LPS 3).

This policy details the requirements relating to the ceding and construction of Laneways which were existing prior to LPS 3 within the City of Nedlands.

Versions of this policy was presented to Council at two Council Briefings in September and December 2019 where Council discussed the widening of existing laneways within the City and the possible funding mechanisms.

1. **Recommendation to Committee**

**Council:**

1. **prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Laneway Requirements Local Planning Policy; and**
2. **instructs the City to schedule laneway upgrades within the capital works budget.**
3. **Background**

The City currently has many Laneways within the Mt Claremont, Hollywood East and Dalkeith area whereby increases in density coding have occurred as a result of the adoption of Local Planning Scheme No. 3 (LPS 3).The majority of the affected properties have the ability to redevelop to accommodate more dwellings than was previously permitted with TPS2. The Residential Design Codes under Clause 5.3.5 Vehicular access stipulates that where available a right-of-way should be used as the primary vehicular access for a property.

Many of the laneways are both undersized and barely trafficable. The majority require sealing, draining, and widening to allow for access from the laneway in accordance with the Residential Design Codes.

The City’s LPS 3 Clause 32.3 states:

1. The owner of land affected by a right-of-way or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning policy is to, at the time of developing or subdividing the land:
2. Cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and
3. Construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.
4. The intention expressed in subclause (1) may be reinforced by a condition of subdivision or development approval.

This clause allows for the City to gain land for widening of existing laneways. This policy aims to establish the process by which the City will undertake when requesting land to be ceded and constructed for existing laneways within the City.

At the Council Briefings in both September and December 2019, Councillors were briefed on the possible funding mechanisms available to deal with laneways that will experience greater development pressure under LPS 3, and which will require sealing and draining. Administration recommended that the sealing, draining, and lighting of the current laneway width is best funded through a Specified Area Rate (SAR) by which landowners with lots directly abutting the laneways would pay as they directly benefit. It is now proposed that the Applicant construct and make trafficable the portion of laneway they have ceded for the laneway. The existing width of the laneway will be sealed, lit, and drained by the City through the capital works program placing approximately 5 laneways on the program each financial year. The requirement relating to the ceding of land and the construction of the portion of land which has been ceded will only be triggered through a subdivision application or significant redevelopment of the site as specified in the policy and as such it will be at the cost of the landowner who chooses to redevelop. Whereas the overall sealing and draining of the existing portion of the laneway is of benefit to all the landowners as they are part of the greater road network owned by the City.

1. **Discussion**

The Existing Laneway Requirements Policy establishes a clear process for the construction of laneways and the related statutory triggers for requiring the ceding and construction of the laneway. The policy aims to make the process transparent and easy to follow for both residents and the City’s Administration.

Council will need to decide as to the mechanism in which to fund the sealing and draining of existing Laneways. The preferred method by Administration as discussed above is to place the existing laneways on the capital works program and require the applicant to construct the portion which has been ceded for widening.

Approximately 5 existing laneways within the City would be placed on the capital works program every financial year. These laneways would be prioritised based on a series of factors including the amount of lots redeveloping abutting the laneway, issues with draining the laneway etc. determined by the City.

Currently the City is experiencing push back from the West Australian Planning Commission (WAPC) when requesting the ceded portion of land for widening as a condition of subdivision. This is because the City does not currently have a policy position on the matter and the mechanism which to enforce the ceding under Clause 32.3 of the Local Planning Scheme No. 3 (LPS 3) and therefore conditions are not being applied and laneway widening opportunities are being lost. The City requires an adopted policy position to enforce the ceding required to facilitate the widening of these laneways. The long-term goal is that these laneways should be widened to accommodate waste and postal services so that a pedestrian access leg is not required when subdividing the front and rear portions of a lot. This goal may not be achieved if subdivisions are approved without the request for ceding during the period where there is no policy position on the matter.

1. **Consultation**

If Council resolves to prepare the draft LPP, it will be advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and the City’s Consultation LPP. This will include a notice being published in the newspaper, details being included on the City’s website and the Your Voice engagement portal.

Following the advertising period, the policy will be presented back to Council for it to consider any submissions received and to:

1. Proceed with the policy without modification;
2. Proceed with the policy with modification; or
3. Not to proceed with the policy.

During the advertising period the City will be undertaking targeted engagement with affected landowners who abut a laneway affected by this LPP. The results of this feedback will be presented to Council following the closure of the advertising period.

1. **Statutory Provisions**

*Planning and Development (Local Planning Schemes) Regulations 2015*

Under Schedule 2, Part 2, Clause 3(1) of the Planning Regulations the City may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.

Once Council resolves to prepare a local planning policy is must publish a notice of the proposed policy in a newspaper circulating in the area for a period not less than 21 days.

1. **Strategic Implications**

**How well does it fit with our strategic direction?**

With these areas experiencing upcoding it is in the City’s best interest to widen the laneways to allow for them to be serviceable for waste and postal services.

**Who benefits?**

All those abutting laneways whether they are redeveloping or not benefit as they are encouraged through the residential design codes to gain vehicle access from the lower tier street being the laneway.

**Does it involve tolerable risk?**

There is no risk involved with this as land is only taken to widen through subdivision or significant redevelopment. There is more risk associated with not upgrading these laneways due to the current issues with flooding.

**Do we have the information we need?**

All relevant information is included within this report for the development of the policy.

Budget Implications

**Can we afford it?**

The City will only factor in as many laneways for upgrade each year as the budget allows. All other costs are covered by the developer.

**How does the option impact on rates?**

It does not affect the rates directly. As stated above the capital works budget each year will take into account the upgrade of these laneways.

1. **Conclusion**

The Existing Laneway Requirements Local Planning Policy is required by the City to manage the ceding and construction of existing laneways within the City’s up coded areas. This policy will establish a clear process for how and when laneways are widened throughout the City.

It is recommended that Council endorses administration’s recommendation to prepare (adopt to advertise) the Existing Laneway Requirements LPP and supports the upgrades to these laneways being scheduled on the capital works program.

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| **PD42.20** | **Scheme Amendment No. 7 – Amendment to Density Coding on Broadway, Hillway, Kingsway, Edward Street and Elizabeth Street – Summary of Submissions** |
|  | |
| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | OCM 28 April 2020 - PD15.20 |
| **Attachments** | 1. Summary of submissions - Scheme Amendment No. 7 |
| **Confidential Attachments** | 1. Full submissions – Scheme Amendment No. 7 |

1. **Executive Summary**

The purpose of this report is to provide Council with an overview of the submissions received during the advertising period for the proposed Scheme Amendment No. 7 (SA7) to Local Planning Scheme No. 3 (LPS3).

1. **Recommendation to Committee**

**That the report be received.**

1. **Background**

SA7 proposes changes to the residential density coding along Broadway, Hillway, Kingsway, Edward Street and Elizabeth Street.

SA7 proposes the following changes to the residential density coding of subject properties as follows:

* Numbers 2 to 36 Kingsway and 42 to 96 Kingsway, Nedlands from R60 to R40;
* Numbers 7 to 23 Hillway, Nedlands from R60 to R40 (northwest side of street);
* Numbers 1 to 4 Hillway, Nedlands from R-AC3 to R-AC4 (northwest side of street);
* Number 5 Hillway, Nedlands from R-AC3 to R40;
* Numbers 69 to 139 Broadway, Nedlands from R-AC3 to R-AC4;
* Number 2 Edward Street from R-AC3 to R-AC4; and
* Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to RAC4.

Council resolved to prepare and advertise SA7 as a Standard Amendment at the April 2020 Ordinary Council Meeting. In accordance with s.47(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SA7 was referred to the Environmental Protection Authority and advertised for a period of 42 days from the 13 June to 25 July 2020.

Council resolved at the July Ordinary Council Meeting as follows:

**That Council instructs the Chief Executive Officer to aggregate public submissions for Scheme Amendment No 7 and have the final documentation ready to be presented to Council at the Council Committee on August 11.**

In line with this resolution Administration has summarised the 252 submissions received and is presenting them back to Council at the 11 August 2020 Committee Meeting.

1. **Discussion/Overview**

A summary of the 252 submissions received as well as Administration’s response can be found in Attachment 1. Of the 252 submissions the results were as follows:

* Support – 92%
* Object – 6%
* Comment/Unknown – 2%

Scheme Amendment No. 7 will be presented at the September 2020 Ordinary Council Meeting where Council can choose to:

1. Adopt without modifications;
2. Adopt with modifications; or
3. Refuse.

Following Council’s decision, the Amendment Report along with the submissions and all supporting information will be sent to the West Australian Planning Commission and the Minister of Planning for their determination.

Submitters will be advised of the September Council Meeting date and be informed of the process as it progresses.

1. **Strategic Implications**

**How well does it fit with our strategic direction?**

No decision to be made. Nil.

**Who benefits?**

No decision to be made. Nil.

**Does it involve a tolerable risk?**

No decision to be made. Nil.

**Do we have the information we need?**

No decision to be made. Nil.

All information requested as per the July 2020 Council resolution has been provided.

**Budget/Financial Implications**

**Can we afford it?**

No cost involved.

**How does the option impact upon rates?**

No effect on rates.

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| **PD43.20** | **Department of Transport’s Draft Long Term Cycle Network** |
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| **Committee** | 11 August 2020 |
| **Council** | 25 August 2020 |
| **Applicant** | City of Nedlands on behalf of Department of Transport |
| **Director** | Peter Mickleson – Director Planning & Development |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil |
| **Reference** | Nil. |
| **Previous Item** | Item 14.5 OCM 31 March 2020  PD20.20 OCM 26 May 2020 |
| **Attachments** | 1. LTCN Memo and Final Draft Map – July 2020 2. City of Nedlands proposed changes to the draft LTCN |
| **Confidential Attachments** | Nil |

**1.0 Executive Summary**

The Department of Transport (DoT) drafted a metropolitan Long-Term Cycle Network (LTCN) plan in 2016 to support the Perth and Peel @ 3.5 Million framework. However, it was recognised that the initial draft LTCN did not involve the input of local government, and DoT has subsequently consulted with local government across the region to refine the plan. The DoT is now seeking support from local governments on the revised LTCN (Attachment 1). The LTCN seeks to provide a long-term plan for cycling routes across Perth and Peel and will also link to the annual DoT cycling infrastructure grant process.

The purpose of this report is to consider the draft LTCN, as well as proposed changes by the City, and endorse for the purpose of advertising.

* 1. **Recommendation to Council**

**Council endorse the Department of Transport’s draft Long Term Cycling Network, with modifications outlined in Attachment 2, for the purpose of advertising for 21 days.**

**3.0 Background**

The LTCN project aims to agree a long-term aspirational bicycle network for 33 local governments across the Perth to Peel region. The vision is for a network of bicycle routes:

* To provide continuous routes along major corridors;
* To establish links between strategic, secondary, district, specialised activity centres and public transport services; and
* To provide connections to schools, education sites and local centres.

The DoT note the LTCN will represent the aspirational (‘ultimate’) cycling network across Perth and Peel. It will not constitute a firm commitment from local governments or DoT to deliver the identified network or identify prioritisation or any particular timelines for the delivery. However, it will inform planning and design, and grant allocation. It should be considered a ‘live’ network and subject to refinements and changes as required.

**4.0 Discussion**

**Route hierarchy**

The LTCN applies a route hierarchy consisting of:

* Primary routes – high demand corridors connecting major destinations forming the ‘spine’ of the network; fully separated, uninterrupted paths e.g. Principal Shared Paths (PSP).
* Secondary routes – lower demand routes providing connections between Primary routes and shopping/industrial/major health, education, sporting, and civic activities; combination shared paths, protected on and off-road paths.
* Local routes – local residential routes connecting into secondary and primary routes and locations; shared paths, protected bike lanes and low speed and low traffic volume shared streets. May involve Safe Active Street treatment and bike friendly Local Area Traffic Management (LATM) treatments. Can utilise existing quiet local streets and include wider footpaths.

**Funding**

From July 2020 all WA Bicycle Network Grants will be linked to the endorsed aspirational LTCN. Only routes included within the LTCN will then be eligible for grants for the installation, renewal, or upgrade of cycle routes. Further, only local governments with a Council endorsed LTCN will remain eligible for such grants.

**Changes by the City**

The draft LTCN was presented to a Council Briefing on 16 June 2020. Following this meeting, Council provided feedback and suggested changes on the LTCN to Administration. These changes are addressed in Attachment 2. Administration also proposes several changes to the LTCN, which are also discussed in Attachment 2.

Administration recommends that Council endorse~~s~~ the draft LTCN, with the changes outlined in Attachment 2, for the purpose of advertising to the community. The draft LTCN can then be updated in response to submissions, in consultation with DoT, before being presented back to Council for adoption. Once the LTCN is adopted by Council, the City will be eligible for State Government funding of these routes.

**5.0 Consultation**

If adopted by Council, the draft LTCN will be advertised to the community for a period of 21 days as follows:

* Newspaper notice;
* YourVoice notice; and
* Social media update.

As the LTCN is a City-wide proposal, it is not proposed that owners and occupiers are notified in writing by letter. At the close of the advertising period, the draft LTCN will be reconsidered in light of submissions received, before being presented back to Council for endorsement.

**6.0 Strategic Implications**

**How well does it fit with our strategic direction?**

The City’s Local Planning Strategy aims to promote a movement network that foremost enables mobility, and particularly non-car modes. The development of the draft LTCN which is supported by both DoT and the City will help fund improvements to the City’s bicycle network, which would help to promote non-car modes of transport.

**Who benefits?**

The City will benefit from being eligible for funding of bicycle networks, if it adopts an LTCN which is agreed to by DoT.

**Does it involve a tolerable risk?**

Administration is proposing changes to the draft LTCN to address risks of inappropriate route locations and allocations.

**Do we have the information we need?**

Decisions must be based on robust evidence / data and analysis of all options.

**7.0 Budget/Financial Implications**

From July 2020, the Perth Bike Network (PBN) grant funding will only be issued to projects that form part of the agreed LTCN (albeit with potential for minor refinement).

**Can we afford it?**

Consideration and endorsement of the LTCN will not bind the City to fund any cycle path but will allow the City to be eligible for State Government funding of cycle routes.

**How does the option impact upon rates?**

If the LTCN is endorsed by the City, in agreement with DoT, the City will be eligible for State Government funding of cycle routes. This has the potential to reduce the use of rate funds being spent on cycle infrastructure within the City.

**8.0 Conclusion**

The purpose of this report is to consider the draft LTCN, as well as proposed changes by the City, and endorse it for the purpose of advertising. Following advertising, the LTCN will be presented back to Council for adoption. Local governments with an endorsed LTCN, which is agreed to by DoT, will be eligible for State Government funding of cycle routes.