



City of Nedlands

# Planning and Development Reports

**Committee Consideration – 11 May 2021**

**Council Resolution – 25 May 2021**

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| <b>PD16.21</b> | <b>Consideration of Retrospective Sea Containers and Proposed Façade Treatments at No. 52 Jutland Parade, Dalkeith</b> |
|----------------|--|

|   |  |
|---|--|
| <b>Committee</b>  | 11 May 2021  |
| <b>Council</b>  | 25 May 2021  |
| <b>Applicant</b>  | Nathan Stride  |
| <b>Landowner</b>  | Jeffery John Leach   |
| <b>Director</b>   | Tony Free – Director Planning & Development  |
| <b>Employee Disclosure under section 5.70 Local Government Act 1995</b> | <p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p> |
| <b>Report Type</b><br><br>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.  |
| <b>Reference</b>  | DA20/56128   |
| <b>Previous Item</b>  | Nil  |
| <b>Delegation</b>   | In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.   |
| <b>Attachments</b>  | <ol style="list-style-type: none"> <li>1. Planning and Development (Local Planning Schemes) Regulations 2015 Assessment</li> <li>2. Aims of the Scheme Assessment</li> <li>3. Residential Zone Objectives Assessment</li> </ol>  |
| <b>Confidential Attachments</b>   | <ol style="list-style-type: none"> <li>1. Plans</li> <li>2. Submissions</li> <li>3. Site photos</li> </ol>   |

## 1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received on 3 November 2020, for retrospective sea containers and a proposed façade treatment on the sea containers at No. 52 Jutland Parade, Dalkeith (the subject site).

The application was advertised to adjoining landowners and occupiers in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals with three objections received. As objections have been received, this application is presented to Council for determination.

It is recommended that the application be refused by Council as the sea containers are considered to have a significant adverse impact on the local amenity and streetscape character.

## **Recommendation to Committee**

- 1. In accordance with Clause 68 (2)(c) of the *Planning and Development (Local Planning Scheme) Regulations 2015* Council resolves to refuse the development application dated 3 November 2021 for Retrospective Sea Containers and Proposed Façade Treatments at Lot 80 (No. 52) Jutland Parade, Dalkeith for the following reasons:**
  - a) The proposed development does not comply with Clause 67(2)(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the development is not considered to be compatible with its setting, desired future character of its setting and the relationship of the development to development on adjoining land being the likely effect of the appearance of the development.**
  - b) The proposed development does not comply with Clause 67(2)(n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the development is not in keeping with the character of the locality.**
  - c) The proposed development does not comply with Clause 9 (a) of the City of Nedlands Local Planning Scheme No. 3 as the development is not considered to protect and enhance the local character and amenity.**
  - d) The proposed development does not comply with the Residential Zone Objectives of the City of Nedlands Local Planning Scheme No. 3 as the development –**
    - i. Does not facilitate high quality design, built form and streetscapes;**
    - ii. is a non-residential land use which is not complementary to the existing residential development in the locality; and**
    - iii. Does not maintain compatibility with the desired streetscape in terms of bulk and height.**
- 2. In accordance with Section 214(3) of the *Planning and Development Act 2005*, Council directs the applicant to remove the sea containers from No. 52 Jutland Parade, Dalkeith within 60 days of the date of this direction. The site is to be restored as nearly as practicable to its condition immediately before the sea containers were placed on site, to the satisfaction of the City of Nedlands.**

## **Voting Requirement**

Simple Majority.

## 2.0 Background

### 2.1 Land Details

|  |   |
|--|---|
| <b>Metropolitan Region Scheme Zone</b> | Urban and Parks and Recreation  |
| <b>Local Planning Scheme Zone</b>      | Residential and Parks and Recreation (MRS)  |
| <b>R-Code</b>                          | R12.5   |
| <b>Land area</b>                       | 1959m <sup>2</sup>  |
| <b>Additional Use</b>                  | No  |
| <b>Special Use</b>                     | No  |
| <b>Local Development Plan</b>          | No  |
| <b>Structure Plan</b>                  | No  |
| <b>Land Use</b>                        | Existing – Vacant<br>Proposed – the use of ‘sea container’ is not listed in the City of Nedlands LPS 3 Zoning Table |
| <b>Use Class</b>                       | n/a   |

### 2.2 Locality Plan

The subject property is located in Dalkeith, within the City of Nedlands. As shown in the map below, the subject property has a density code of R12.5.



To the north of the property is the primary street – Jutland Parade. To the south of the property is the foreshore reserve for the Swan River. The property is bound by residential properties to the eastern and western boundaries.

The subject site slopes down approximately 18 metres from the north of the site to the south of the site. The site is currently vacant.

### 3.0 Application Details

The application has resulted from a compliance enquiry received in relation to the sea containers. The applicant was provided with the opportunity to remove the sea containers or apply for a retrospective application to legalise the development.

The applicant consequently lodged a retrospective development application, seeking approval for two sea containers, which are stacked.

The subject site has Development Approval for a two-storey Single House, granted in 2019. However, no Building Permit has been lodged for construction of the dwelling.

To assist with the appearance of the sea containers from the street, the applicant has proposed façade treatments. The proposed façade treatments will be a mural of the approved dwelling and will face Jutland Parade.

#### 3.1 Direction under the *Planning and Development Act 2005* for illegal development

Section 214 of the *Planning and Development Act 2005* outlines the authority's powers in relation to illegal development where:

- a) a development is undertaken in contravention of a planning scheme or an interim development order if the development —
  - i. is required to comply with the planning scheme or interim development order; and
  - ii. is commenced, continued or carried out otherwise than in accordance with the planning scheme or interim development order or otherwise than in accordance with any condition imposed with respect to that development by the responsible authority pursuant to its powers under that planning scheme or interim development order.

Under Section 214(3), the Act allows the responsible authority (the local government) to give a written direction to the owner or any other person who undertook the development –

- a) to remove, pull down, take up, or alter the development; and
- b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.

Accordingly, it is recommended that Council directs the applicant to remove the sea containers from the subject site within 60 days of the date of the direction. The site is to be restored as nearly as practicable to its condition immediately before the sea containers were placed on site, to the satisfaction of the City of Nedlands.

Where the applicant is aggrieved by the decision, the applicant may apply for a review to the State Administrative Tribunal (SAT), in accordance with Part 14 of the *Planning and Development Act 2005*.

## 4.0 Consultation

The application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 16 adjoining owners and occupiers to seek comments on the proposal.

Three objections were received from adjoining properties. The following table is a summary of the concerns/comments raised and the City's response and action taken in relation to each issue:

| Submission   | Officer Response  | Action Taken  |
|--|---|---|
| The sea containers have a negative visual impact on the amenity from the adjoining properties.   | The City's Administration agrees, the sea containers have a negative impact on the visual amenity of adjoining properties.  | Application is recommended for refusal.   |
| The sea containers are possibly being used as an office/workplace on the vacant block and the property is being used as a storage facility for the construction materials and parking of vehicles. | The City's Administration have not received any evidence of the sea containers being used as an office/workplace. In any case, Administration is not supportive of the use of the sea containers for an office or the use of the site for storing materials and parking vehicles. | Application is recommended for refusal.   |
| The sea containers are not in keeping with the peaceful and residential street of Jutland Parade.  | The City's Administration agrees, the sea containers are considered to be incompatible with their setting, including the relationship of the development to development on adjoining land and land in the locality.   | Application is recommended for refusal.   |
| The façade treatments proposed will not assist in improving the impact of the sea containers on the locality.  | The façade treatment is considered by Administration as inconsistent with the character of the locality. Murals of this type are normally seen in non-residential settings, associated with public spaces.  | Application is recommended for refusal.   |
| The sea containers are not temporary and have been on site for over 3 years which is not 'temporary.'  | The sea containers do not meet the City's Exempt Development Local Planning Policy which permit sea containers to be on site for a maximum of 14 days from being placed on site   | It is recommended that Council instruct the applicant to remove the sea containers and to restore the site to its original condition. |
| Sea containers could be considered where there is a building under construction which is not the case at the subject property  | Administration agrees. The subject site currently does not have any development under construction to warrant the need for the sea containers on site   | Application is recommended for refusal.   |

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

## **5.0 Assessment of Statutory Provisions**

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

Schedule 2, Part 9, clause 67 (Consideration of application by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. Refer to Attachment 1 for the full assessment against the relevant provisions.

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

#### **5.2.1 – Clause 9: Aims of the Scheme**

The City considers that the development does not meet Aims of the Scheme, as identified in Attachment 2.

#### **5.2.2 – Clause 16: Residential Zone Objectives**

The City considers that the development does not meet the ‘Residential’ zone objectives, as identified in Attachment 3.

### **5.3 Policy/Local Development Plan Consideration**

#### **5.3.1 City of Nedlands Exempt Development Local Planning Policy**

This policy outlines types of development exempt from requiring development approval in the City of Nedlands.

The application does not meet Policy Measure 4.1.7(d) as the sea containers have been placed on the lot for more than 14 days.

The sea containers are not classified as being temporary and are therefore not exempt under the Policy.

## **6.0 Conclusion**

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

The application for the retrospective sea containers and proposed façade treatments at No. 52 Jutland Parade, Dalkeith have been submitted for Council consideration as objections have been received. The objections raise concerns with the visual impact of the sea containers on the amenity of the locality, the bulk and scale and the presence of the sea containers on site for an extended period of time than typically permitted.

The proposal does not meet the aims of the City of Nedlands Local Planning Scheme No. 3 and the residential zone objectives of the Scheme. The development is not considered to be compatible with its setting, including the desired future character of

its setting and the relationship development to development on adjoining land and land in the locality.

Accordingly, it is recommended that-

1. Council refuses the application and
2. Council directs the applicant to remove the sea containers from No. 52 Jutland Parade, Dalkeith within 60 days of the date of the direction. The site is to be restored as nearly as practicable to its condition immediately before the sea containers were placed on site, to the satisfaction of the City of Nedlands.



## Planning and Development (Local Planning Schemes) Regulations 2015 Assessment

| Provision  | Assessment   |
|--|--|
| (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;   | Refer to Section 5.2.1 below for an assessment against of clause 9 of LPS 3 – Aims of Scheme.  |
| (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;   | The development proposal is not considered to positively contribute to proper and orderly planning. The development is not in keeping with the intent and the objectives of a residential zone in the City of Nedlands. The sea containers are incongruous in the low density residential locality in which they are located.  |
| (g) any local planning policy for the Scheme Area  | The proposed development exceeds the exemptions outlined under Clause 4.1.7(d) of the City of Nedlands Exempt Development Local Planning Policy as the sea containers have been on site for longer than 14 days of being placed on the lot.  |
| (m) the compatibility of the development with its setting including-<br>(i) the compatibility of the development with the desired future character of its setting; and<br>(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; | <p>In the Zoning Table in the City of Nedlands Local Planning Scheme No. 3, there is no land use classification for the sea containers and proposed façade treatments. The proposal is therefore a 'use not listed.'</p> <p>The development not consistent with and does not meet the intent of a low-density residential zone as the sea containers have an industrial appearance. Further, the application of a mural-type façade to screen the sea containers is incongruous with an established low density residential area.</p> <p>The development is not considered to be compatible with its setting, including the desired future character of its setting and the relationship of the development to development on adjoining land and land in the locality. The sea containers which have an industrial appearance and are stacked propose unnecessary bulk and a negative visual impact upon the streetscape.</p> <p>The development is not in keeping with the amenity of the locality, including the character of the locality which consists of low density large single houses and high-quality residential development.</p> |
| (n) the amenity of the locality including the following —<br>(i) environmental impacts of the development;<br>(ii) the character of the locality;<br>(iii) social impacts of the development;  | The City considers that the sea containers are not in keeping with the local character of this locality. The non-residential development is incongruous with the primarily residential character of the locality. The character of Jutland Parade displays typically a peaceful and quiet residential area, low density houses and dwellings with a high-quality build.  |

|   |   |
|---|---|
| <p>(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</p> | <p>The development is considered to adversely affect the community of Jutland Parade as a whole and has negative impacts upon particular individuals of directly adjoining properties through adverse negative impacts, bulk and scale of the sea containers.</p> |
|---|---|

## Aims of the Scheme Assessment

| Requirement  | Proposal   | Satisfies |
|--|--|-----------|
| a) Protect and enhance local character and amenity                             | <p>The surrounding area is characterised by existing low density single houses with a density code of R12.5.</p> <p>The proposed sea containers are not consistent with the existing low-density character and amenity of this particular locality.</p> <p>The development compromises the character of the locality which displays pristine streetscapes, primarily residential dwellings and architectural and well-designed homes with a high quality build.</p>  | No        |
| b) Respect the community vision for the development of the district            | <p>The community vision is provided under Section 8.1.2 City of Nedlands Strategic Community Plan (2013) on page 49 of the Local Planning Strategy). It is as follows:</p> <p><i>“Our overall vision is of a harmonious community. We will have easy access to quality health and educational facilities and lively local hubs consisting of parks, community and sporting facilities and shops where a mix of activities will bring people together, strengthening local relationships. Our gardens, streets, parks will be well maintained, green and tree-lined and we will live sustainably within the natural environment. We will work with neighbouring Councils and provide leadership to achieve an active, safe, inclusive community enjoying a high standard of local services and facilities. We will live in a beautiful place.”</i></p> <p>The proposed development is not consistent with the community vision outlined above as it adversely affects the objectives contained within the vision statement.</p> | No        |
| c) Achieve quality residential built form outcomes for the growing population; | The development does not contribute to a high quality residential built form. On the contrary, the development has an industrial appearance which is not compatible with the locality  | No        |
| d) To develop and support a hierarchy of activity centres;                     | Not applicable   | n/a       |
| e) To integrate land use and transport systems;                                | Not applicable   | n/a       |
| f) Facilitate improved multimodal access into and around the district;         | Not applicable   | n/a       |
| g) Maintain and enhance the network of open space                              | Not applicable   | n/a       |

|  |  |     |
|--|--|-----|
| h) Facilitate good public health outcomes;                                   | Not applicable   | n/a |
| i) Facilitate a high-quality provision of community services and facilities; | Not applicable   | n/a |
| j) Encourage local economic development and employment opportunities;        | Not applicable   | n/a |
| k) To maintain and enhance natural resources;                                | The development does not negatively impact this objective. | Yes |
| l) Respond to the physical and climatic conditions;                          | The development does not negatively impact this objective. | Yes |
| m) Facilitate efficient supply and use of essential infrastructure;          | The development does not negatively impact this objective. | Yes |

## Residential Zone Objectives Assessment

| Requirement  | Proposal  | Satisfies |
|--|---|-----------|
| a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;                               | This objective is not applicable as this application only proposes the use of the land for non-residential purposes.  | n/a       |
| b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;                                | <p>The development does not achieve a high-quality design as the sea containers have an industrial look which is not compatible with the residential zone.</p> <p>The sea containers which are stacked, have a total height of 5m and do not positively contribute to an attractive setting in the existing built form of Jutland Parade.</p> <p>The sea containers are setback approximately 4m from the primary street and present negative visual impacts upon the pristine and well-maintained streetscape of Jutland Parade.</p> | No        |
| c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development;                   | <p>Whilst the proposal is a 'non-residential' use, there is no need and nexus for the sea containers as they are not being used for the construction of a residential dwelling or any other residential land use.</p> <p>The applicant has not demonstrated any timeframes in which they intent to start the construction of the approved dwelling and a building permit has not been issued.</p> <p>As such, the development is not considered to be compatible or complementary to residential development.</p>                     | No        |
| d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks | <p>The development is not considered to be compatible with the desired streetscape of Jutland Parade. The sea containers propose unnecessary building bulk upon the street, being stacked on each other and located 4m from the primary street. The height and the bulk of these sea containers are considered to result in a negative visual impact upon the streetscape, which is a negative outcome for the amenity of the locality.</p> <p>The sea containers are consistent with the surrounding area.</p>                       | No        |

|                |   |
|----------------|---|
| <b>PD17.21</b> | <b>Consideration of a Residential – Single House at No. 79 Rosedale Street, Floreat</b> |
|----------------|---|

|   |  |
|---|--|
| <b>Committee</b>  | 11 May 2021  |
| <b>Council</b>  | 25 May 2021  |
| <b>Applicant</b>  | Rubix Homes  |
| <b>Landowner</b>  | A Scanlan and K Scanlan  |
| <b>Director</b>   | Tony Free –Director Planning & Development   |
| <b>Employee Disclosure under section 5.70 Local Government Act 1995</b> | <p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p> |
| <b>Report Type</b><br><br>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.  |
| <b>Reference</b>  | DA21/59826   |
| <b>Previous Item</b>  | Nil  |
| <b>Delegation</b>   | In accordance with the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.   |
| <b>Attachments</b>  | 1. Applicant's Cover Letter  |
| <b>Confidential Attachments</b>   | <ol style="list-style-type: none"> <li>1. Plans</li> <li>2. Submission</li> <li>3. Assessment</li> </ol>   |

## 1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received on 21 January 2021, for a Single House at No. 79 Rosedale Street, Floreat (the subject site).

The application was advertised to adjoining landowners and occupiers in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals and one objection was received from an adjoining property. As an objection has been received, this application is presented to Council for determination.

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

## **Recommendation to Committee**

In accordance with Clause 68(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 21 January 2021 in accordance with plans date stamped 18 March 2021 for a Single House at Lot 17 (No. 79) Rosedale Street, Floreat, subject to the following conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to a Residential – Single House as indicated on the determination plans.
3. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
4. 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 and overlook any part of any other residential property behind its street setback line shall be setback, 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 and unenclosed outdoor active habitable spaces are screened in accordance with the Residential Design Codes by either;
  - a) fixed obscured glazing or translucent glass to a height of 1.60 metres above finished floor level, or
  - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.
  - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
  - d) an alternative method of screening approved by the City of Nedlands.

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

5. Prior to occupation of the development the finish of the parapet wall is to be finished externally to the same standard as the rest of the development in:
  - Face brick,
  - Painted render,
  - Painted brickwork; or
  - Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.
6. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

7. **Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street, secondary street to the satisfaction of the City of Nedlands.**
8. **Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.**
9. **Retaining walls, fences or other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the wall, fences, other structures adjoining vehicle access points where a driveway meets a public street to the satisfaction of the City of Nedlands.**

## **Voting Requirement**

Simple Majority

## **2.0 Background**

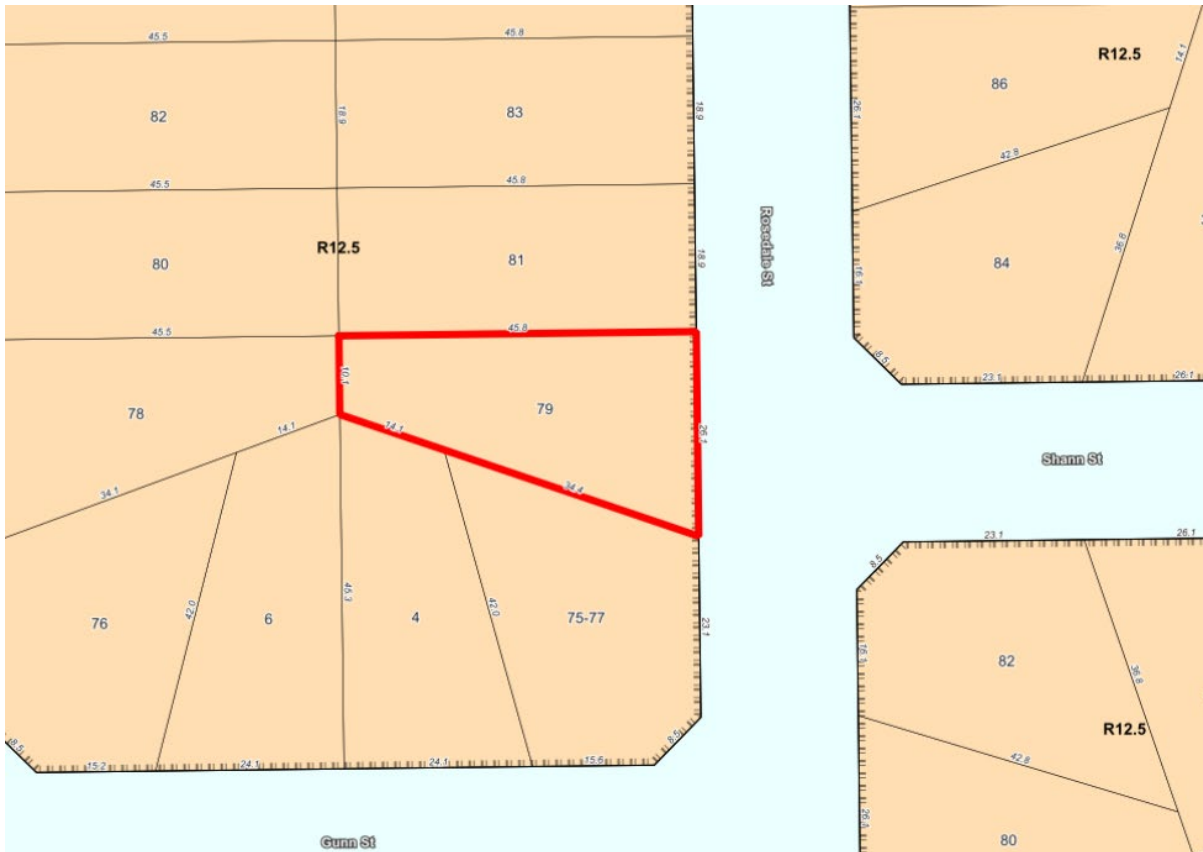
### **2.1 Land Details**

|  |                            |
|--|----------------------------|
| <b>Metropolitan Region Scheme Zone</b> | Urban                      |
| <b>Local Planning Scheme Zone</b>      | Residential                |
| <b>R-Code</b>                          | R12.5                      |
| <b>Land area</b>                       | 827m <sup>2</sup>          |
| <b>Additional Use</b>                  | No                         |
| <b>Special Use</b>                     | No                         |
| <b>Local Development Plan</b>          | No                         |
| <b>Structure Plan</b>                  | No                         |
| <b>Land Use</b>                        | Residential – Single House |
| <b>Use Class</b>                       | Permitted (P)              |

### **2.2 Locality Plan**

The subject property is located in Floreat, within the City of Nedlands. The site is currently developed with a single storey Single House. As shown in the map below, the subject property has a density code of R12.5. All surrounding properties are also coded R12.5.





The property has an irregular lot shape, with an angled lot boundary to the south. The rear lot boundary to the west has a total length of 10m. The property is bounded by residential properties to the north, west and south. To the east is the primary street – Rosedale Street.

The subject site is relatively flat and slopes down approximately 1 metre from south east to the north west.

### 3.0 Application Details

The applicant seeks development approval for a Single House, details of which are as follows:

Ground Floor:

- Double garage, Kitchen, Living, Dining, Scullery, Alfresco, Laundry, Bathrooms, Music Room, Master Bedroom and Lounge

Upper Floor:

- Bedroom 2, Bedroom 3, Bedroom 4, Bathrooms, Study, Retreat

In support of the development application the applicant has provided a Justification Report, which is provided as Attachment 1.

## 4.0 Consultation

The application was advertised in accordance with the City’s Local Planning Policy - Consultation of Planning Proposals to the adjoining owners to the north to seek comments on the aspects of the development where the applicant is seeking discretion to be applied under the Design Principles of the R-Codes for the following clauses:

- Clause 5.1.3 – Lot Boundary Setbacks

The application was advertised via informal advertising. The landowner of the subject property presented the plans to the northern landowners for their comments.

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

| Submission   | Officer Response   | Action Taken  |
|--|--|---|
| The garage wall on the boundary with no setback will present significant building bulk in close proximity to the residence, resulting in a negative impact on amenity. | A detailed Design Principle assessment for Clause 5.1.3 – Lot Boundary Setbacks is provided at Section 5.2.1 of this Council Report.   | Design Principle assessment provided under Section 5.2.1.                               |
| The plan is not in keeping with the Floreat Precinct Local Planning Strategy   | The City does not have a Local Planning Strategy for Floreat. However, the proposed residential use is consistent with the City’s endorsed Local Planning Strategy, which identifies the locality as ‘existing residential’. | No action required. The application is assessed against the relevant Planning framework |

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

## 5.0 Assessment of Statutory Provisions

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

Clause 67(2) of the Deemed Provisions 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 report.

In accordance with provisions (m) and (n) of the Regulations clause 67(2), 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 amenity of the locality.

## 5.2 Policy/Local Development Plan Consideration

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

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

#### Clause 5.1.3 – Lot Boundary Setbacks

| <b>Design Principles</b>  |
|---|
| <p>The application seeks assessment under the design principles which are as follows:</p> <p>“P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.” </li></ul> |
| <b>Deemed-to-Comply Requirement</b>   |
| <p>Building on boundary is only deemed to comply where it abuts an existing building on boundary of a similar or greater dimension.</p>   |
| <b>Proposed</b>   |
| <p>The building on boundary does not abut an existing building on boundary of a similar or greater dimension.</p>   |
| <b>Administration Assessment</b>  |
| <p>The application meets the Design Principles for the reasons outlined below.</p> <ul style="list-style-type: none"> <li>• The City notes that on the western side of Rosedale Street (where the subject property is located), there is a precedence of boundary walls. The properties at 75, 77, 85, 87 and 89 Rosedale Street all have boundary walls. These boundary walls consist of a mix of carports, garages and dwellings.</li> <li>• The design of the parapet wall for the garage ensures that there is effective use of space to maximise north-facing outdoor living areas and private recreation in the backyard.</li> <li>• The boundary wall is not considered to adversely impact on the amenity of the adjoining northern property. The boundary wall has a height of 2.8m from the NGL at the boundary. In the R12.5 density code, there are no prescriptions for the height of a boundary wall. In comparison to an R20 density code, a 3.5m wall height from natural ground level is deemed to comply. The height proposed in this application for the boundary wall is less than the deemed to comply height of 3.5m for a boundary wall in a density code of R20 or greater.</li> </ul>  |

- Due to the orientation of the lot, the development does not result in overshadowing of adjoining properties as the overshadowing from the development will fall wholly within the lot. There is direct sun and ventilation to the building itself and the open space areas.
- The open space proposed is compliant, with a north facing outdoor living area and living spaces. There are a number of openings which provide ventilation to the building and the compliant setbacks proposed to all other lot boundaries on the ground and upper floors ensure there is sufficient ventilation to the adjoining building and open space to the adjoining site.
- The development does not result in any overlooking impacts and resultant loss of privacy on the adjoining properties behind the front setback area. All the prescribed visual privacy setback provisions for a site coded R12.5 have been achieved.
- The development uses a variety of contemporary materials and textures include a sand finish render, feature timber cladding and an appealing streetscape façade which is considered to positively contribute to the prevailing development context and streetscape of Floreat.
- In light of the above, the application is considered to successfully meet the Design Principles for Clause 5.1.3 – Lot Boundary Setbacks.

## 6.0 Conclusion

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

The application for the Single House at No. 79 Rosedale Street, Floreat has been submitted for Council consideration as an objection has been received. The objection raises concerns with the impact of the boundary wall on the amenity of the adjoining property. 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 Single House is considered to be consistent with the Residential R12.5 density code and has been designed to complement the existing streetscape. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

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



19 January 2021

Planning Department  
City of Nedlands  
71 Stirling Hwy  
Nedlands WA 6009.

To whom it may concern,

Please find attached digital copies of the following drawings: -

A100/1 Feature Survey / Demolition Plan  
A101/1 Site Plan  
A201/1 Ground Floor Plan  
A202/1 First Floor Plan  
A301/1 Elevations  
A302/1 Elevations  
DA Form 1a  
Proposed External Finishes Schedule  
Certificate of title and associated Diagram of Survey  
Authority to Act form

**Justification: building on the boundary**

1. Garage Parapet wall on boundary abutting Lot #81 Rosedale St.

**Design Principles.**

Due to the large setback requirement of 9m and the cone shaped block. We become restricted somewhat on such a large block. The width of the block width diminishes (26.15m at the front boundary and only 22m at our required setback point.

The neighbour's existing boundary fence is only on average 900mm lower than our proposed parapet wall.

There will be minimal noise transfer to neighbour as the room is non habitable (Garage).

The proposed parapet wall is located on the neighbour's south boundary so no direct sunlight into one off room will be lost.

Our parapet lines up approximately halfway with the room opposite. The neighbour's setback to the boundary (parapet wall) in this location is between 1.8m – 4.2m.

We have dropped the ceiling height along the boundary in our garage in order to minimise the impact on the neighbour, and to suit the natural ground level at the boundary. On average the natural ground line difference is 300mm when you measure against our Datum Level of the ground floor house of 10.00.

The neighbour's setback of the boundary (parapet wall) is 1.8m – 4.2m.

We believe the proposed colour of the parapet wall will only enhance the light into the adjacent room due to the refracted light of the white rendered wall.

We are proposing to leave the existing fence (fair condition) in place in order to minimise the disruption to the neighbour. Unless the neighbour would like the fence removed in order to inherit a new wall which will be in excellent condition and help to brighten up the south side of their property with the aide of light refraction.

**Deemed to Comply.**

The proposed parapet wall is located on the neighbour's south boundary so no direct sunlight into one off room will be lost.

The height of the proposed parapet wall is no higher than 3m at any point of the 7m long parapet wall. This is well under the maximum requirements for R20 zoned blocks.

colour of the parapet wall will only enhance the light into the adjacent room due to the refracted light of the white rendered wall.

We are willing to consult with the adjoining owner prior to construction in order to choose a face brick from our standard builder's range that will complement their property. Alternatively render the wall to match our proposed new home.

**Letter**



Should you require any further information from us please do not hesitate to contact us?

Yours sincerely

A handwritten signature in blue ink, appearing to be "Darren", written over a faint blue line.

Rubix Homes  
e: [darren@rubixhomes.com.au](mailto:darren@rubixhomes.com.au)  
m: 0413 010 871

|                |   |
|----------------|---|
| <b>PD18.21</b> | <b>Consideration of Development Application for additions to a two-storey single house (including rooftop-terrace) at 18 Walba Way, Swanbourne (DA20/54704)</b> |
|----------------|---|

|   |  |
|---|--|
| <b>Committee</b>  | 11 May 2021  |
| <b>Council</b>  | 25 May 2021  |
| <b>Applicant</b>  | James Billington   |
| <b>Landowner</b>  | Gemma Banfield   |
| <b>Director</b>   | Tony Free - Director Planning & Development  |
| <b>Employee Disclosure under section 5.70 Local Government Act 1995</b> | <p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p> |
| <b>Report Type</b><br><br>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.  |
| <b>Reference</b>  | DA20/54704   |
| <b>Previous Item</b>  | Nil  |
| <b>Delegation</b>   | In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.   |
| <b>Attachments</b>  | 1. Applicant Justification Letter  |
| <b>Confidential Attachments</b>   | 1. Plans<br>2. Submissions   |

## 1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received from the applicant on 24 September 2020, for proposed additions to a single house at No. 18 Walba Way, Swanbourne.

The application was advertised to adjoining neighbours in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. At the close of advertising period two (2) submissions objecting to the development proposal were received.

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

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

## **Recommendation to Committee**

**In accordance with Clause 68(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 24 September 2021 (DA20/54704), with amended plans received on 15 March 2021, for ground floor and first floor additions to a single house at Lot 13 (No. 18) Walba Way, Swanbourne, subject to the following conditions:**

- 1. This approval is for a ‘Residential’ land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 3. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.**
- 4. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:**
  - Face brick;**
  - Painted render;**
  - Painted brickwork; or**
  - Other clean material as specified on the approved plans; and maintained thereafter to the satisfaction of the City.**
- 5. Prior to occupation of the development, the screening as shown on the approved shall be installed in accordance with the Residential Design Codes by either:**
  - Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or**
  - Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
  - A minimum sill height of 1.60 metres as determined from the internal floor level; or**
  - An alternative method of screening approved by the City.**

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



6. **Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
7. **Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City.**
8. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

## Voting Requirement

Simple Majority.

## 2.0 Background

### 2.1 Land Details

|  |                          |
|--|--------------------------|
| <b>Metropolitan Region Scheme Zone</b> | Urban                    |
| <b>Local Planning Scheme Zone</b>      | Residential              |
| <b>R-Code</b>                          | R12.5                    |
| <b>Land area</b>                       | 842.3m <sup>2</sup>      |
| <b>Additional Use</b>                  | No                       |
| <b>Special Use</b>                     | No                       |
| <b>Local Development Plan</b>          | No                       |
| <b>Structure Plan</b>                  | No                       |
| <b>Land Use</b>                        | Residential Single House |
| <b>Use Class</b>                       | 'P' Permitted            |

### 2.2 Locality Plan

The subject site is located at No.18 Walba Way, Swanbourne and Coded R12.5 by the City of Nedlands Local Planning Scheme No. 3. The lot has an area of 842m<sup>2</sup> and a 28.2m wide primary street frontage. The lot is orientated east-west. There is approximately a 1.2m fall towards the eastern boundary.

The subject site is currently occupied with a two-storey single house.

The locality of the subject site is characterised by large, two storey single houses with an average lot area of approximately 850m<sup>2</sup>. To the north of the subject site is the WA Bridge Club and the Swanbourne Nedlands Surf Life Saving Club. To the west of the subject site lies Swanbourne Beach. To the south of the subject site is the Town of Cottesloe.



### 3.0 Application Details

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

- Ground floor construction of a 'games room' ensuite and sauna addressing the eastern and southern lot boundaries.
- Internal layout changes to the first floor.
- Addition of a rooftop-terrace.

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

## 4.0 Consultation

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

- Lot boundary setbacks

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals for a period of 14 days to 4 adjoining landowners/occupiers. At the close of advertising period, two (2) submissions objecting to the development proposal were received.

The City has provided a separate schedule of submissions as an attachment to this report (Attachment 3). A full copy of all consultation feedback received by the City has been given to the Councillors prior to the Council meeting as a Confidential Attachment.

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

| Submission  | Officer Response   | Action Taken  |
|---|--|---|
| The setback requirements should be made to comply with the requirements of the R-Codes. | There is no requirement for an application to meet the 'deemed to comply' development requirements of the R-Codes (State Planning Policy 7.3 Residential Design Codes). Where an application does not satisfy the 'deemed to comply' development requirements an assessment is required to be undertaken against the 'design principles'. The development proposal is considered to meet the design principles. (see Administration assessment below (Clause 5.2)) | Application considered to meet the Design Principles. Approval recommended.                                   |
| Visual privacy should be made to comply with the requirements of the R-Codes            | The development proposal seeks to amend previously approved major openings only. Visual privacy intrusions have been previously approved as part of the original build. It is not considered appropriate to retroactively apply current visual privacy requirements to a previously approved dwelling.   | Visual privacy intrusions previously approved. No action required.  |
| Access to natural light will be affected by the proposed additions.                     | The development is considered to satisfy the 'deemed to comply' requirements of <i>Clause 5.4.2 Solar Access for Adjoining Sites</i> .   | Application satisfies the 'deemed to comply' development requirements for solar access. Approval recommended. |
| The development is too large for the lot and more open space should be provided.        | The development is considered to satisfy the 'deemed to comply' requirements of <i>Clause 5.1.4 Open Space</i> .   | Application satisfies the 'deemed to comply' development requirements for open space. Approval recommended.   |

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

## 5.0 Assessment of Statutory Provisions

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

Clause 67(2) of the Deemed Provisions 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 report.

In accordance with provisions (m) and (n) of the Regulations clause 67(2), 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 amenity of the locality.

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

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

|   |
|---|
| <p>South-East (Rear)</p> <ul style="list-style-type: none"> <li>• Ground Floor (entire length) setback at 1.5m in lieu of 6m</li> </ul> <p>Building on Boundary</p> <ul style="list-style-type: none"> <li>• Verandah to Games (south) – 9.48m long x 2.87m tall boundary wall proposed addressing the southern lot boundary. No boundary walls are permitted as-of-right under a R12.5 residential density code.</li> </ul>  |
| <b>Design Principles</b>  |
| <p>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.</li> </ul> |
| <b>Administration Assessment</b>  |
| <p>Having regard to the Design Principles of State Planning Policy 7.3, Residential Design Codes Volume 1, the proposed development is considered to appropriately respond to the development site and associated site constraints.</p> <p><b>Rear Lot Boundary Setback:</b><br/> A property coded R12.5 is required to provide a minimum 6.0m rear lot boundary setback to maintain an open character. However, the City can consider the surrounding area to determine whether the deemed to comply provision should be upheld.</p>   |

An overview of the surrounding properties reveals an established precedent of development within the 6.0m rear setback area. Intrusions into the rear setback area has been shown graphically on the image below. Properties containing a red dot contain structures within the rear setback area.



- From the above assessment of the immediate surrounding development context, it is demonstrated that the locality is characterised by rear lot boundary setback intrusions. The development proposal is considered to respond to the prevailing development context and provide a suitable rear lot boundary setback.

#### Assessment of C3.1

- The applicant has proposed a minimum 1.5m rear lot boundary setback for the proposed ground floor additions, achieving an average rear setback of 6.0m. The articulated wall is setback far enough from the rear lot to provide satisfactory areas of open space and landscaping which help to reduce the overall impact of building bulk.
- The rear elevation casts shadow onto the adjoining southern property. However, overall, it complies with element 5.4.2 – Solar access to adjoining properties.
- The rear elevation contains no major openings and the deemed to comply requirements for element 5.4.1 – Visual privacy; thereby maintaining privacy to the rear lot.

#### Boundary Wall:

- A R12.5 density code provides as deemed-to-comply a minimum 1.0m lot boundary setback to all side lot boundaries, with no right to a boundary wall, unless abutting an existing boundary wall of equal or greater length on a neighbouring lot.
- The development proposes a 9.5m long boundary wall, with a maximum height of 2.9m addressing the southern lot boundary.
- Considering the lot restrictions consisting of an existing pool and single house, the proposed boundary wall is considered to make more effective use of space for the site, having no negative visual privacy implications addressing the southern lot.
- The boundary wall is proposed to address the southern lot boundary and is restricted in height to a maximum of 2.9m.
- The proposed boundary wall addresses the southern lot boundary and is unlikely to detrimentally affect the southern landowner's access to natural light and ventilation, considering its low height.
- It is noted that no objection was received from the southern adjoining landowner in relation to the development proposal.

In light of the above, the application is considered to successfully meet the Design Principles for Clause 5.1.3 – Lot Boundary Setbacks.

## **6.0 Conclusion**

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

The application for additions to a single house at No. 18 Walba Way, Swanbourne has been submitted for Council consideration as an objection has been received. The objection raises concerns with regards to lot boundary setbacks, building bulk and visual privacy. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area or neighbouring landowners. The development proposal is consistent with the Residential R12.5 density code and has been designed to complement the existing streetscape. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

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

12<sup>TH</sup> March 2021

Dept. of planning  
TOWN OF NEDLANDS

Attention: Scott van Ierland

Dear Scott,

**RE: LOT 13 (#18) WALBA WAY, SWANBOURNE**

Please refer below for response and justification in regards to items outlined in development assessment.

***Ground Floor South – Garage to Laundry – 1.52m lot boundary setback proposed in lieu of 3.1m required.***

The reduced setback to the existing Garage to Laundry wall can be justified under Clause 5.1.3 P3.1 Design principles as follows:

- The reduced setback has no impact on the adjoining property in regards to building bulk as it is an existing structure and will remain unchanged. The new additions are to the rear of the property past this point and are abutting an existing wall and shed structure that reduces the impact of bulk.
- There will be no impact on adequate sun and ventilation as it is an existing structure and there will be no change to this situation.
- There will be no overlooking or loss of privacy for the same reasons as above.

***Ground Floor South – Games – 1.5m lot boundary setback proposed in lieu of 6.0m required.***

The reduced rear setback to the proposed Games for a R12.5 zoned property can be justified under Clause 5.1.3 P3.1 Design principles as follows:

- The reduced setback has no impact on the adjoining property in regards to building bulk as it will be screened behind the existing plants which are much higher than the proposed wall to the games and will block the majority of the building. There is also a 2.0m high fence which will provide further screening and the fact that the adjoining dwelling is set a long way back from rear boundary.
- There will be no impact on adequate sun and ventilation as the shadow cast by the proposed games falls onto the property to the south only and into the back corner of the property. It also abutts an existing parapet wall to the south property cancelling out sun and bulk impacts.
- There is no impact on overlooking and loss of privacy as there are no major openings facing the affected adjoining properties. The proposed games will in fact provide more privacy and less chance of overlooking.

***First Floor South – Entire Length – 1.5m lot boundary setback proposed in lieu of 4.7m required.***

The reduced setback to the existing First Floor South wall can be justified under Clause 5.1.3 P3.1 Design principles as follows:

- There will be no impact on building bulk, adequate sun, ventilation, overlooking or loss of privacy due to the reduced setback as it is an existing structure with minor amendments proposed. One of those is to convert the balcony into a bedroom with a new window to replace the open balustrade to the south. This has resulted in even more privacy between the properties by reducing overlooking further which in any case is not falling into active habitable spaces or outdoor living areas.

***First Floor North – Balcony to Bed 2 – 1.7m lot boundary setback proposed in lieu of 5.0m required.***

The reduced setback to the existing First Floor North Balcony to Bed 2 can be justified under Clause 5.1.3 P3.1 Design principles as follows:

- There will be no impact on building bulk, adequate sun, ventilation, overlooking or loss of privacy due to the reduced setback as it is an existing structure with minor amendments proposed. One of those is to change the Bed 2 window which will be the exact same size as the existing with no extra impact on adjoining properties. The balcony is existing and will have no change to its impact on overlooking.

***The proposed building design proposes a boundary wall (Games) addressing the southern lot boundary. No boundary walls are permitted as a right under a R12.5 density code.***

The proposed boundary wall to the games can be justified under Clause 5.1.3 P3.2 Design principles as follows:

- The proposed wall will make more effective use of the space which would otherwise be a wasted area. It abutts a parapet wall to an existing shed on the neighbours property which is compliant with the deemed to comply provision in the codes for boundary walls.
- It does not have any adverse affect on the amenity of the adjoining property for the same reason as outlined above.

We trust that the information provided will be sufficient to process the application for approval. If you have any queries please don't hesitate to contact me on 044 801 7440.

Yours sincerely,

James Billington

(DESIGNER)



|   |   |
|---|---|
| <b>PD19.21</b>  | <b>Local Planning Policy – Community Engagement on Planning Proposals</b>   |
| <b>Committee</b>  | 11 May 2021   |
| <b>Council</b>  | 25 May 2021   |
| <b>Applicant</b>  | City of Nedlands  |
| <b>Director</b>   | Tony Free – Director Planning & Development   |
| <b>Employee Disclosure under section 5.70 Local Government Act 1995</b> | <p>Nil</p> <p>“The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia”.</p> |
| <b>Previous Item</b>  | PD51.20 of 27 October 2020 Ordinary Council Meeting   |
| <b>Attachments</b>  | <ol style="list-style-type: none"> <li>1. Draft Local Planning Policy – Community Engagement on Planning Proposals</li> <li>2. Planning Regulations Amendment Regulations 2020 – New Consultation Requirements</li> <li>3. Summary of proposed amendments to the Local Planning Policy – Consultation of Planning Proposals</li> </ol>  |

## 1.0 Executive Summary

Administration is proposing to amend the adopted Local Planning Policy – Consultation of Planning Proposals (Consultation LPP). The main purpose of the amendment is to introduce engagement provisions for strategic planning proposals.

The opportunity has been taken to also revise some of the existing policy provisions to improve delivery, as well as to ensure consistency with consultation changes introduced in February 2021 through the *Planning Regulations Amendment Regulations 2020*. Reflective of the proposed provisions, the title of the policy is proposed to be amended to Local Planning Policy – Community Engagement on Planning Proposals (Community Engagement LPP).

The purpose of this report is for Council to adopt the draft Community Engagement LPP (Attachment 1) for the purpose of advertising.

### Recommendation to Committee

**Council proceeds with the draft modified Local Planning Policy – Community Engagement on Planning Proposals, Attachment 1, 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(2).**

## Voting Requirement:

Simple Majority.

## 2.0 Background

The City's Local Planning Scheme No. 3 (LPS 3) was gazetted in April 2019, resulting in an increased body of strategic planning work to create a local planning framework for areas which have been rezoned and up coded. Administration has sought to involve the community early in the process of developing this local planning framework. However, the Consultation LPP currently provides no guidance on how this type of non-statutory pre-engagement should be undertaken. As such, the main purpose of reviewing the Consultation LPP is to introduce engagement provisions for strategic planning proposals.

The Consultation LPP was adopted by Council on 2<sup>nd</sup> May 2019 and was subsequently amended by a Notice of Motion at the 24<sup>th</sup> of September 2019 Council Meeting (24 September 2019 Notice of Motion). The 24<sup>th</sup> of September 2019 Notice of Motion only related to the required advertising extent for a front setback variation under the Residential Design Codes Volume 1 (R-Codes Volume 1). However, the justification provided highlighted some other potential amendments to the Consultation LPP. These are discussed in further detail in the Discussion section below.

At the 28<sup>th</sup> of April 2020 Council Meeting, a Notice of Motion was carried to instruct the CEO to prepare a Terms of Reference for a Community Working Group (CWG) consisting of 12 community members and chaired by a Councillor. The Terms of Reference was subsequently prepared and endorsed by Council at its 26<sup>th</sup> May 2020 Meeting. The CWG is intended to act as a conduit between the Council and the community, helping to inform and identify local community priorities in the review and formulation of local planning policies and other strategic planning instruments. Part of Council's 26<sup>th</sup> May 2020 Resolution was to instruct the CEO to undertake a review of the Consultation LPP to include referral of material to the CWG as part of the consultation process. The review of the Consultation LPP in line with this resolution is discussed in further detail in the Discussion section below.

This item was previously presented to Council at the 27 October 2020 Ordinary Council. Since being presented to Council on 27 October 2020, the following update has been made to the draft Community Engagement LPP:

- Incorporation of changes to consultation introduced through the *Planning Regulations Amendment Regulations 2020*, which became operational on 15 February 2021.

## 3.0 Discussion

### Introduce engagement provisions for strategic planning proposals

The International Association for Public Participation (IAP2) sets out five levels of engagement, at increasing levels of community involvement in decision-making:

1. Inform
2. Consult
3. Involve
4. Collaborate
5. Empower

Levels 1 and 2 generally relate to statutory advertising requirements under the *Planning and Development (Local Planning Scheme) Regulations 2015* (2015 Regulations). They are generally appropriate for planning proposals such as development applications, where the goal is to obtain feedback on specific proposals which have already been substantially progressed.

Levels 3 to 5 generally relate to engagement methods which are not statutory requirements under the 2015 Regulations. These methods are more appropriate for strategic planning proposals, such as local planning policies, where the goal is to obtain community input throughout the entire policy-development process to ensure that community concerns and aspirations are directly reflected in the alternatives developed.

In its current form, the Consultation LPP primarily deals with engagement at levels 1 and 2. Noting the City's increasing body of strategic planning work which has come out of the gazettal of LPS 3, Administration is proposing to amend the Consultation LPP to also include engagement methods at the higher levels of the IAP2 spectrum, as outlined below.

### **Methods of engagement at Level 3 'Involve' and Level 4 'Collaborate'**

Noting that each strategic planning proposal is unique in its complexity and extent, it is inappropriate to dictate exactly which engagement measures should be used in each case. Therefore, this section provides a range of possible engagement methods, such as online surveys, one-on-one meetings, workshops, and community working/reference groups. This section also requires the preparation of a Community Engagement Plan, which is to outline the purpose of the engagement and the specific engagement methods proposed.

This section also clarifies that the City may engage external consultants to facilitate engagement activities. This approach has been used previously for the preparation of precinct-based local planning policies and has been considered highly valuable in bringing independent expertise into the engagement process.

### **Extent of engagement at Level 3 'Involve' and Level 4 'Collaborate'**

For strategic planning proposals which relate to a defined geographical area, such as a precinct-based local planning policy, the Community Engagement LPP proposes that higher-level engagement methods be targeted at the community within the area, and within a specified catchment around the area. This approach ensures that those people most affected by the proposal are given a voice early in the process. Broader engagement with the wider community could then take place after the proposal is in draft form (such as through the mandatory 21-day minimum consultation period for draft local planning policies).

For strategic planning proposals which do not relate to a defined geographical area, such as a public open space strategy, the Community Engagement LPP proposes

that higher-level engagement methods be open to all members of the community. A representative sample of the community may also be used to focus engagement activities.

The extent of higher-level engagement would also need to be addressed in the Community Engagement Plan, and justification for the chosen approach would need to be provided.

### **Pre-lodgement engagement for scheme amendments and complex development applications**

From time to time, applicants for scheme amendments and complex development applications have conducted their own engagement with the community prior to lodging an application with the City. This is not a statutory requirement, or prerequisite. This process allows applicants to gauge community desires and concerns in the early stages of developing their proposal.

This new section of the Community Engagement LPP encourages applicants to conduct this form of pre-engagement with the community and sets requirements for the applicant to keep the City informed of the process and outcomes of the pre-engagement activities.

### **24 September 2019 Notice of Motion**

The 24<sup>th</sup> of September 2019 Notice of Motion modified the advertising extent for front setback variations under the R-Codes Volume 1, from properties within 100m of the subject site on the same street, to five properties either side of the subject site. This was considered a minor amendment and was therefore not advertised.

The justification provided for the 24 September 2019 Notice of Motion, together with the comment provided by Administration, foreshadowed several other future amendments for consideration:

- Incorporating engagement guidelines from the Department of Planning, Lands and Heritage (DPLH) Action Plan for Planning Reform;
- Consultation involving adjoining local authorities;
- Sign on site requirements; and
- Level of discretion Administration has in choosing the appropriate method of consultation.

DPLH released its Action Plan for Planning Reform in August 2019. One of the actions identified in this plan was the development of a toolkit of consistent guidelines on consultation and engagement on planning proposals. The first stage of resultant changes were made through the *Planning Regulations Amendment Regulations 2020*, which became operational on 15 February 2021. These Regulations include new provisions to improve consultation practices and make them consistent across local governments. Such provisions include (but are not limited to):

- Specific advertising requirements, including a 28-day advertising period, for complex development applications;
- Increased focus on online and digital engagement, rather than traditional methods such as newspaper advertisements;

- Consistent advertising exclusion periods for Christmas/New Year and Easter holidays; and
- Longer consultation periods for structure plans.

A full summary of these changes is provided in Attachment 2, and explanation for how they have been incorporated into the Community Engagement LPP is provided in Attachment 3.

Consultation involving adjoining local authorities, sign on site requirements and the level of discretion Administration has in choosing the appropriate method of consultation has been addressed by proposed amendments to the Consultation LPP, as outlined in the Other Amendments section below.

### **Community Working Group**

In accordance with Council's 28<sup>th</sup> April and 26<sup>th</sup> May 2020 Resolutions relating to the CWG, the Consultation LPP has been amended as follows:

- Table 2 – Methods of Engagement at Level 1 'Inform' and Level 2 'Consult' has been amended to include optional referral to the CWG for the following planning proposals:
  - Structure plans;
  - Standard and complex scheme amendments;
  - Local planning policies
  - Local development plan; and
  - Other strategic proposals.
- Engagement with the CWG has been added as an option for engagement at Level 3 'Involve' and Level 4 'Collaborate'.

A minor modification has been made to the CWG Terms of Reference since its adoption on 26 May 2020, for the purpose of clarifying the media protocol.

### **Community Information Sessions**

The 28<sup>th</sup> of April 2020 Notice of Motion discussed earlier in this report called for CWGs to replace Community Information Sessions (Information Sessions).

The intent of Information Sessions is for the community and Councillors to ask specific questions about a planning proposal, and for answers to be provided by Administration and the applicant of the proposal. As they are currently run, Information Sessions are open to any member of the community who would like to receive further information about a proposal. This further information can then be used to inform community members' submissions on the proposal. The establishment of a select group of community members, such as a community working group, would not replace this important function of Information Sessions.

Administration acknowledges several previous issues with recent CIS for complex development applications, including:

- Confusion as to what the community expects from these sessions (i.e., formal presentation vs. question and answer structure);
- Unclear expectations of the role of Councillors at these sessions;
- Community members significantly overwhelming the resources provided by Administration; and
- Perception that the City is presenting an application to the community in conjunction with the applicant (and that the City is therefore supportive of the application).

In response to these identified issues, Administration has prepared a Community Information Session (CIS) Procedure.

The CIS Procedure sets out the following:

- Clarification on the purpose of the sessions;
- Requirements to RSVP to sessions to ensure an appropriate ratio of Administration to community members to ensure everyone is attended to;
- Clarification on the roles and expected behaviours of each party to ensure respectful and meaningful interactions during these sessions.

It is noted that the CIS Procedure is currently being used by Administration and is successfully addressing the abovementioned issues.

If Council resolve to adopt the Community Engagement LPP, and associated CIS Procedure, following advertising then Administration could review the implementation effectiveness after a set period of time (i.e., six months). If this review finds that further improvements could be made, Administration could either review the CIS Procedure accordingly, or seek alternative methods for consulting on development applications (such as one-on-one appointments with Administration).

Administration recommends that Council supports this abovementioned approach, rather than removing the option of CIS all together at this juncture.

### **Other Amendments**

In addition to the amendments and additions described above, there are also several amendments proposed to the existing provisions within the Consultation LPP. A summary of these other amendments, together with the justification for each amendment, is included as Attachment 4.

## **4.0 Consultation**

The draft modified Local Planning Policy – Community Engagement on Planning Proposals was presented to the City’s Community Working Group (CWG) on 14 October 2020 for consideration and no feedback was provided. If Council resolve to adopt the draft modified Local Planning Policy – Community Engagement on Planning Proposals for advertising, the CWG will be consulted for further comment.

If Council resolves to prepare the local planning policy, 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*. This will include 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.

## **5.0 Strategic Implications**

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

The City's Local Planning Strategy establishes urban growth areas and transition areas within the City, which have been reflected in rezoning and up-coding through LPS 3. This has resulted in the need for local planning controls in areas affected by LPS 3, and the Community Engagement LPP is intended to create a framework for community involvement in developing this framework.

### **Who benefits?**

The Community Engagement LPP has been amended to introduce better guidance on engagement methods at the higher levels of the IAP2 engagement spectrum. These engagement methods will allow the City to obtain community input throughout the entire process of developing a strategic planning proposal, to ensure that community concerns and aspirations are directly reflected in the alternatives developed. Therefore, the City benefits from developing strategic planning proposals which better reflect the community, and the community benefits from being able to have such involvement in the process.

### **Does it involve a tolerable risk?**

When a strategic planning proposal is developed without input from the community it will be affecting, there is always a risk that the policy will not be adopted or will not achieve appropriate outcomes for the community. Therefore, the proposed early involvement of the community in the development of strategic planning proposals is considered to reduce such risks.

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

Yes.

## **6.0 Budget/Financial Implications**

### **Can we afford it?**

The Community Engagement LPP provides guidance on engagement methods at the higher levels of the IAP2 engagement spectrum. These methods generally have a cost associated with them (i.e., consultant to facilitate engagement activities), which will be accounted for in the budget of each project.

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

As above.

## **7.0 Statutory Provisions**

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

Under Schedule 2, Part 2, Clause 3(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, 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 it must publish a notice of the proposed policy in a newspaper circulating in the area for a period not less than 21 days.

## **8.0 Conclusion**

It is proposed to amend the adopted Local Planning Policy – Consultation of Planning Proposals (Consultation LPP). The main purpose of the amendment is to introduce engagement provisions for strategic planning proposals. The opportunity is also being taken to revise some of the existing provisions. Reflective of the proposed provisions, the title of the policy is proposed to be amended to Local Planning Policy – Community Engagement on Planning Proposals (Community Engagement LPP).

The purpose of this report is for Council to adopt the Community Engagement LPP (Attachment 1) for the purpose of advertising.





## LOCAL PLANNING POLICY – COMMUNITY ENGAGEMENT ON PLANNING PROPOSALS

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### 1.0 PURPOSE

This Policy provides guidance on the methods of community engagement for planning proposals within the City, in accordance with the International Association for Public Participation (IAP2) engagement spectrum. It also provides guidance on the exercising of discretion under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (2015 Regulations) and the City's Local Planning Scheme No. 3 (LPS 3) in relation to consultation.

### 2.0 APPLICATION OF POLICY

This policy applies to all planning proposals within the City of Nedlands and includes strategic planning proposals, scheme amendments, structure plans, local planning policies, local development plans and development applications.

### 3.0 OBJECTIVES

- 3.1 To recognise the importance of community and stakeholder engagement in the preparation and assessment of planning proposals, whilst balancing the need to efficiently process planning proposals.
- 3.2 To provide a consistent approach to the methodology in which the City undertakes engagement in relation to the form and duration of public consultation periods for planning proposals.
- 3.3 To recognise that discretion should be applied on a case-by-case basis given the varying degree of significance, scale and nature of planning proposals in the undertaking of engagement with the community.
- 3.4 Promote a collaborative engagement approach with the community using the best engagement tools available within the City.

### 4.0 DEFINITIONS

- 4.1 For the purpose of this Policy the following definitions apply:





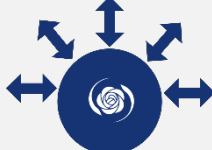
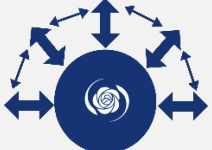
| <b>Planning Proposal Definitions</b>     |  |
|--|--|
| Complex Application                      | An application for development approval which meets the definition of Complex Application under Clause 1 of the Deemed Provisions of the 2015 Regulations, in addition to applications for development approval for the following: <ul style="list-style-type: none"> <li>(a) Development that is assessed against the Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2); or</li> <li>(b) Any other development for which the City deems there is wider community significance requiring a greater level of consultation.</li> </ul> |
| R-Codes Volume 1 Development Application | An application for development approval for development that is assessed against the Residential Design Codes Volume 1 (R-Codes Volume 1).   |
| Other Development Application            | An application for development approval which is of the type outlined in Clause 64(1)(b) of the Deemed Provisions of the 2015 Regulations.   |
| Strategic Planning Proposal              | Means planning proposals of a strategic nature, including (but not limited to) proposed, and amendments to: <ul style="list-style-type: none"> <li>(a) Local planning scheme;</li> <li>(b) Local planning policies (including precinct-based local planning policies); and</li> <li>(c) Structure plans (including precinct structure plans).</li> </ul>   |
| <b>Other Definitions</b>                 |  |
| Consultation Period                      | The designated time given for a planning proposal to be publicly advertised.   |

## 5.0 POLICY MEASURES

### 5.1 Levels of community engagement

- 5.1.1 The City will conduct its community engagement activities in accordance with Table 1. Examples listed for Level 3 'Involve' and Level 4 'Collaborate' may also require engagement at Level 1 'Inform' and Level 2 'Consult'.

**Table 1 – Levels of engagement (adapted from IAP2)**

|                                  | <br><b>Level 1 - INFORM</b>   | <br><b>Level 2 - CONSULT</b>  | <br><b>Level 3 - INVOLVE</b>   | <br><b>Level 4 - COLLABORATE</b>  |
|----------------------------------|--|---|---|--|
| <b>Public participation goal</b> | To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. | To obtain public feedback on analysis, alternatives and/or decisions.   | To work directly with the public throughout the process, to ensure that public concerns and aspirations are consistently understood and considered.   | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.                      |
| <b>Promise to the public</b>     | We will keep you informed  | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.  | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.                       | We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions, to the maximum extent possible. |
| <b>This means</b>                | We will give you balanced and objective information of a decision already made by Council.   | We will seek an opinion from you, ask advice, or turn to you for information when making decisions.   | We will work directly with you during the decision-making process.  | We will work as partners throughout the decision-making process.   |
| <b>Examples (guide only)</b>     | <ul style="list-style-type: none"> <li>• Revocation of local planning policy</li> <li>• Local planning scheme amendment (basic)</li> </ul>               | <ul style="list-style-type: none"> <li>• Development applications</li> <li>• Local planning policy (issue-based)</li> <li>• Local planning scheme amendment (standard)</li> <li>• Local Development Plan</li> </ul> | <ul style="list-style-type: none"> <li>• Local planning policy (precinct-based)</li> <li>• Local planning scheme amendment (complex)</li> <li>• Structure plans (including precinct structure plans)</li> </ul> | <ul style="list-style-type: none"> <li>• New local planning strategy</li> <li>• New local planning scheme</li> </ul>   |

**Engagement at Level 1 ‘Inform’ and Level 2 ‘Consult’**

- 5.2 In addition to the requirements of the 2015 Regulations, LPS 3, R-Codes Volume 1 and 2, and any relevant local planning policy, consultation of planning proposals shall be undertaken in accordance with Table 2.
- 5.3 All planning proposals being advertised will be available for public inspection at the Administration Centre during business hours. Hard copy materials will only be made available for inspection upon request.

**Table 2 – Methods of engagement at Level 1 ‘Inform’ and Level 2 ‘Consult’**

| Planning Proposal Type                         |                 | Consultation period  | Minimum advertising radius for letters to owners and occupiers | Letters to owners and occupiers | Sign/s on site | Local newspaper notice | Notice boards | Website notice (YourVoice) | Community information sessions | Social media | Nedlands News | Community Working Group |
|--|-----------------|--|--|---------------------------------|----------------|------------------------|---------------|----------------------------|--------------------------------|--------------|---------------|-------------------------|
| <b>Structure Plan</b>                          |                 | 42 days <sup>*^</sup>  | 200 metres   | ▲                               | ▲              | ▲                      | Yes           | Yes*                       | Yes                            | Yes          | Yes           | ▲                       |
| <b>Scheme Amendment</b>                        | <b>Basic</b>    | Nil<br>Unless directed by the WAPC or Minister for Planning* |  |                                 |                |                        |               |                            |                                |              |               | No                      |
|  | <b>Standard</b> | 42 days <sup>*^</sup>  | ▲  | ▲                               | ▲              | ▲                      | Yes           | Yes*                       | ▲                              | Yes          | ▲             | ▲                       |
|  | <b>Complex</b>  | 60 days <sup>*^</sup>  | ▲  | ▲                               | ▲              | ▲                      | Yes           | Yes*                       | ▲                              | Yes          | Yes           | ▲                       |
| <b>Local Planning Policy</b>                   |                 | Minimum 21 days*   | ▲  | ▲                               | No             | ▲                      | Yes           | Yes*                       | ▲                              | Yes          | ▲             | ▲                       |
| <b>Local Development Plan</b>                  |                 | Minimum 14 days*   | ▲  | ▲                               | ▲              | ▲                      | Yes           | Yes*                       | ▲                              | Yes          | ▲             | ▲                       |
| <b>Strategic Planning Proposal (Other)</b>     |                 | Minimum 21 days  | ▲  | ▲                               | ▲              | ▲                      | ▲             | Yes                        | ▲                              | Yes          | ▲             | ▲                       |
| <b>Complex Development Application</b>         |                 | 28 days <sup>^^</sup>  | 200 metres*  | Yes*                            | Yes*           | Yes                    | Yes           | Yes*                       | Yes                            | Yes          | ▲             | No                      |
| <b>R-Code Volume 1 Development Application</b> |                 | 14 days <sup>*^^</sup>                                       | Refer to Community Engagement on Planning Proposals Procedure  | ▲                               | ▲              | ▲                      | No            | ▲                          | No                             | No           | ▲             | No                      |
| <b>Other Development Application</b>           |                 | 14 days <sup>*^^</sup>                                       | ▲  | ▲▲                              | ▲▲             | ▲▲                     | ▲▲            | ▲▲                         | ▲▲                             | ▲▲           | ▲▲            | No                      |

\* Required under the 2015 Regulations

^ Or longer period approved by the WAPC

^^ Or longer period agreed between local government and applicant

▲ At the discretion of the City of Nedlands

▲▲ A minimum of one method to be used - as prescribed by the 2015 Regulations



### 5.3 Minor amendments to local planning policies and structure plans

5.3.1 Under Schedule 2, Part 2, Clause 5 (2), Schedule 2, Part 4, Clause 29(3) and Part 5, Clause 45 (3) of the 2015 Regulations, the City will consider an amendment to an approved local planning policy or structure plan as minor and not requiring consultation where the proposed amendment does not:

- (a) Materially alter the purpose and intent of the plan; or
- (b) Adversely impact on the amenity of adjoining landowner/s, occupiers or the surrounding area.

Note: Consent from the Western Australian Planning Commission (WAPC) is also required for amendments to structure plans to be considered minor and not require advertising.

### 5.4 Community information sessions

5.4.1 Community Information Sessions are to be run in accordance with the Community Information Session Procedure.

5.4.2 The purpose of Community Information Sessions is as follows:

- (a) Community Information Sessions facilitate two-way communication between the community, staff and applicants that provides the opportunity for all parties to receive accurate, timely information.
- (b) Community Information Sessions provide the opportunity to clarify matters pertaining to statutory and strategic planning proposals.
- (c) The City will provide balanced and unbiased information in response to queries concerning all planning proposals.

### General requirements

#### 5.5 Additional consultation period for proposal previously advertised

5.5.1 An additional consultation period may, at the discretion of the City, be undertaken where:

- (a) A planning proposal is subsequently modified prior to its final determination (including under State Administrative Tribunal Section 31 requests for reconsideration) and the modifications are considered substantial (as deemed by the City); or
- (b) An application to amend an existing planning approval is received under clause 77 of the Deemed Provisions of the 2015 Regulations, and the modifications are considered substantial (as deemed by the City).

5.5.2 For the purpose of Clause 5.11.1 of this Policy, a modification to a planning proposal is considered substantial where:

- (a) It results in a further variation to the deemed-to-comply provisions of the R-Codes Volume 1, subject to 5.4 of this Policy; or
- (b) The modification involves:



- (i) An increase in building height or plot ratio; or
- (ii) A decrease in side/rear building setbacks or visual privacy setbacks.

5.5.3 Where additional public notice is required, it shall be given in the same manner under the provisions of this Policy as if the modified/amended proposal was received as a new development application.

5.5.4 In accordance with Clause 49(1)(a) of the 2009 Regulations, where an additional consultation period is undertaken, the City reserves the right to require that additional costs associated with re-advertising the proposal be borne by the applicant.

## 5.6 Form and content of submissions

5.6.5 The City has a duty to consider all valid planning considerations and to ensure that any irrelevant considerations do not influence the decision.

Valid planning considerations include:

- (a) Matters to be considered by the City under Schedule 2, Clause 67, of the 2015 Regulations: and/or
- (b) The requirements of LPS 3 or applicable planning instrument (structure plan, local development plan or local planning policy) which requires the decision maker to exercise judgement; and/or
- (c) Any provision requiring the decision maker to exercise judgement against the design principles of the R-Codes Volume 1.

Invalid planning considerations include:

- (a) Perceived loss of property values;
- (b) Private disputes between neighbours;
- (c) Dividing (boundary) fencing issues;
- (d) Impact of construction work;
- (e) Trade competition concerns;
- (f) Personal morals or views about the applicant;
- (g) Matters that are controlled by other legislation and local laws'
- (h) Racial or religious grounds.

## 5.7 Holiday periods – consultation exclusion period(s)

5.7.1 In accordance with Regulation 3A and Clause 1C of the 2015 Regulations, the City will not undertake consultation of planning proposals during:

- A period commencing on 25 December in a year and ending on the next 1 January; or
- A period of 7 days commencing on Good Friday in a year.



Where a consultation period prescribed by this Policy falls over one of those periods identified in Clause 5.7.1 of this Policy, the consultation period will be extended by the number of days associated with the prescribed exclusion period.

## 5.8 Availability of documents for viewing by the public

- 5.8.1 Plans and documents (including technical reports) are subject to Copyright laws, as such, the reproduction (including photographs and screenshots) of plans or reports is not authorised.
- 5.8.2 Plans and relevant documents to a planning proposal will only be made available during the consultation period. Such plans and documents will not be available to the public after the consultation period unless they appear on a public agenda or minutes.
- 5.8.3 Requests for copies of plans must be accompanied with written and signed approval from the author of those plans or documents and/or consent from the current property owner of the site in question.

## 5.9 Applicant-conducted consultation

- 5.9.1 Notwithstanding the above, the City may waive the consultation requirements in respect of planning proposals involving the exercise of discretion under the R-Codes Volume 1 or this Policy in cases where:
  - (a) The City has first conducted an assessment of the development application and has identified all elements which require consultation; and
  - (b) Consultation is required to a maximum of three properties.
- 5.9.2 Where the City agrees to waive the consultation requirements in accordance with 5.9.1, the City will provide the applicant with a proforma letter, with which to seek neighbour comments.
- 5.9.3 The completed proforma letter is to be returned to the City (by either the adjoining landowner/s / occupiers or the applicant) together with a copy of the development plans signed by the landowner/s and/or occupiers.
- 5.9.4 Verification of the response received will be made by the City to the neighbouring impacted property landowner/s and/or occupiers via telephone.

## **Engagement at Level 3 'Involve' and Level 4 'Collaborate'**

### 5.10 Methods of engagement at Level 3 'Involve' and Level 4 'Collaborate'

- 5.10.1 The City may engage external engagement facilitators to run engagement activities at Level 3 'Involve' and Level 4 'Collaborate'.
- 5.10.2 As referred to in Clause 5.1 'Levels of Engagement', strategic planning proposals such as local planning policies, complex local planning scheme amendments, local planning strategy, local planning scheme or other strategic planning documents, will require community engagement at Level 1 'Inform' and Level 2 'Consult'.



These kinds of projects may also require community engagement at either or both higher levels, being Level 3 'Involve' and Level 4 'Collaborate'.

- 5.10.3 Engagement methods at Level 3 'Involve' and Level 4 'Collaborate' will be individually designed for each project. Methods may include one or more of the following: online surveys, one-on-one meetings with key stakeholders, workshops with different groups in the community, community working/ reference groups and/or other methods as deemed appropriate by the City.
- 5.10.4 A Community Engagement Plan will be prepared for each project requiring engagement at Level 3 'Involve' and Level 4 'Collaborate'. The Community Engagement Plan will be prepared by the City, or by external facilitators engaged by the City.
- 5.10.5 The City may establish a Community Working Group and engage with that group on a planning proposal, as set out in the Community Working Group Terms of Reference (Appendix 1). The purpose of the Community Working Group is to engage directly with community representatives on key planning issues which affect the City as a whole.
- 5.10.6 The City may establish a Community Reference Group and engage with that group on planning proposals, as set out in the Community Reference Group Guidelines (Appendix 2) and Terms of Reference (template provided in Appendix 3). The purpose of the Community Reference Group is to engage with a particular group of the community on discrete projects.
- 5.11 Extent of engagement at Level 3 'Involve' and Level 4 'Collaborate'
  - 5.11.1 For strategic planning proposals with a defined geographic area, such as a precinct area, engagement activities will be focussed on:
    - (a) Those members of the community within the defined geographic area; and
    - (b) Those members of the community in a specified catchment around the defined geographic area (i.e. 200m).
  - 5.12 For strategic proposals which do not have a defined geographic area, for example a public open space strategy, engagement activities will be open to all members of the City. Where deemed appropriate by the City, the City may seek to form a representative sample group of the community with which to engage on a particular matter.
- 5.13 Pre-lodgement engagement for scheme amendments and complex development applications
  - 5.13.1 For landowner-initiated scheme amendments and complex development applications, applicants are encouraged to conduct engagement with the community surrounding the subject site/s, prior to lodging a scheme amendment or development application with the City.
  - 5.13.2 Applicants conducting community engagement in accordance with 5.24.1 of this Policy are to notify the City of the intended dates and methods of engagement. At





the conclusion of the engagement period, the applicant should provide the City with a report on the outcomes of the engagement.

5.13.3 Where an applicant has advised the City that they will be conducting pre-lodgement engagement, the City will provide a notice of the engagement on its website, and the contact details of the applicant will be provided.

**6.0 VARIATIONS TO POLICY**

6.1 Variations to this Policy shall be assessed against the objectives of this Policy.

6.2 Applicants seeking variations to this Policy are required to submit a detailed written statement addressing each of the objectives of this Policy for the City’s assessment.

**7.0 RELATED LEGISLATION**

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

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

- *Planning and Development (Local Planning Schemes) Regulations 2015* (2015 Regulations)
- *Planning and Development Regulations 2009* (2009 Regulations)
- *Planning and Development (Development Assessment Panels) Regulations 2011* (2011 Regulations)
- City of Nedlands Local Planning Scheme No. 3 (LPS 3)
- State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes Volume 1)
- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2)

|                           |     |
|---------------------------|-----|
| Council Resolution Number | xxx |
| Adoption Date             | xxx |
| Date Reviewed/Modified    | xxx |



## Appendix 1 – Community Working Group Terms of Reference

### Background

The gazettal of Local Planning Scheme No.3 has prompted the City to undertake a significant review and update of its suite of local planning policies and instruments to help facilitate and guide development within the City of Nedlands. To help support this process, the City is inviting members of the community to nominate to be involved in a Community Working Group.

### Purpose

The CWG will perform the vital role of being a conduit between the Council and the community and helping to inform and identify local community priorities in the review and formulation of local planning policies and relevant planning instruments.

The objective is to engage directly with community representatives on key issues and areas of interest in developing local planning policies in an impartial manner.

### Objectives of the CWG

The objectives of the CWG are to:

- Foster stakeholder and community awareness and understanding of the precinct planning and local planning policy process;
- Foster stakeholder and community understanding of the development of precinct plans and local planning policies;
- Foster the City of Nedlands' awareness of community concerns and aspirations for the respective precinct areas;
- Obtain and provide input to the local planning policy development process for the precinct areas from a range of diverse perspectives; and
- Obtain and provide local input and knowledge into the development of appropriate local planning policies that are cognisant and responsive to the specific precinct areas.

The CWG is an advisory group, not a decision-making group. Decisions relating to the inclusion of material are the responsibility of the City of Nedlands administration and finally Council.

### Membership

Participation in the CWG is voluntary and open to key stakeholders and residents who live, work or have an interest in planning matters relating to the City.

The membership for the Community Working Group will comprise of the following:

- An Elected Member, who will be chosen by Council, will chair the CWG;
- A total of 12 of community members that meet the criteria of the CWG as defined in this Terms of Reference, being;
  - Representatives who are over 16 years of age;
  - Representatives from appropriate local community stakeholder groups; and
  - Community representatives who reflect a diversity of community views and interests and the various geographical areas of the City.



A City secretary will provide administrative assistance to the CWG. A City planner will provide advice as required to the CWG.

A maximum of 12 CWG members will be accepted unless there is a compelling reason for why there needs to be additional members, as determined by Council.

City of Nedlands staff will attend CWG meetings and provide technical input / advice as required and / or to observe deliberations. Consultants or relevant government agencies may also attend meetings to clarify matters or hear specific feedback from the CWG, at the discretion of the CEO.

### **Conflict of Interest**

A conflict of interest arises where City of Nedlands interest are, potentially or perceived, to be in conflict with the member's private interest and where these may be seen to influence the member's decisions and actions while participating in the CWG. If an actual or potential conflict of interest arises in relation to a particular topic, CWG members must inform the City of Nedlands and the rest of the CWG as soon as practicable.

As a guide financial / proximity interests are to be declared for members where an individual development is being discussed and the member lives next door to the property or owns the property. The same applies where less than 10% of the City's households are being affected by a policy or scheme amendment, a financial interest should be declared, and the member should abstain from participation.

Impartiality interests should be declared where a member is friends or kin with a person directly affected.

### **Protocols**

The following code of conduct is expected to be adhered all members of each Community Working Group.

### **Conduct**

Members are required to:

- Abide by any policy of Council regarding Working Groups;
- Act with honesty, good faith and integrity;
- Abide by the Terms of Reference as set out in this document;
- Actively participate in meetings;
- Declare any actual or perceived conflicts of interest at the commencement of the meeting;
- Represent the interests of their local community rather than individual interests or issues; and
- Maintain confidentiality of discussions within meetings. Members are not permitted to liaise with the media and represent either the opinions of council or the group.



## **Sharing of Information**

Members will not use any information disclosed at meetings for personal purposes or gains for either themselves or others (including financial gains) and maintain confidentiality of all information provided.

In particular, members are required not to use any Community Working Group for any public lobbying or political purposes, including use of social media to promote specific campaigns or strategies.

Any material breach of this code of conduct may result in immediate termination of membership.

## **Meeting Procedures**

All CWG members will be required to provide the City with contact details (email and phone number) to ensure that the City is able to communicate with CWG members throughout its existence and provide updates as and when required.

- Prior to any scheduled meeting, the City of Nedlands will provide all members with any relevant background materials, including meeting agendas and minutes, prior to any scheduled CWG meetings.
- CWG members will be given access to a dedicated online engagement portal to access relevant information and to ask any specific questions.
- The format of the meetings, as to where, when and how they will be conducted will be confirmed following appointment of the successful CWG members.

## **CWG facilitation**

The CWG may, from time to time, be facilitated by a representative from the City's Urban Planning Directorate where agreed by the Chairperson and the CEO, and will be an opportunity for the community to be directly involved in the development of the local planning policies and planning instruments. In attendance there will also be the relevant Urban Planner and when applicable, appointed consultants who have been engaged to provide expert advice and guidance.

The City of Nedlands in its capacity of a facilitator agrees to:

- Facilitate CWG meetings in a fair and unbiased manner;
- Ensure all members have an opportunity to make comments, ask questions and raise issues;
- Manage the meeting so that all agenda items are discussed within a reasonable timeframe
- and that meetings start and finish at the agreed time; and
- The facilitator may extend the finish time of a meeting or schedule another meeting if it is evident that further discussion on a specific item is warranted.



## **Members' responsibilities and outcomes**

- Members are appointed to the CWG to represent their local community and/or local organisation. Members will, to the best of their ability:
- Review and understand the background materials (to be provided prior to the workshops). This will help you get up to speed and come to the workshops ready to listen and contribute.
- Attend all meetings and site tours of the CWG;
- If absence from a meeting cannot be avoided, notify the City of Nedlands of their apology as soon as possible;
- Act in the interests of the local community and/or organisation they represent;
- Discuss feedback being raised by their local community and/or organisation;
- Provide a two-way communication channel between the project and the community, including dissemination of information provided by the City of Nedlands to their local community and/or organisation;
- Should members receive confidential or commercially sensitive information it will be clearly marked as such and must not be disseminated.

## **Differing views and consensus**

The aim of the CWG is to represent a diversity of viewpoints. It is not a requirement, or anticipated, that consensus will always be reached among members on the topics discussed. Where group members hold a range of perspectives on a topic, the differing viewpoints will be noted and taken into consideration.

## **Media protocol**

CRG members are not to speak or respond to media enquiries. If you are approached, you must direct the query to the City of Nedlands Communications team who will liaise with the City's spokesperson who is the Mayor and/or CEO for a response.

## **Privacy**

All CWG members will be required to provide the City of Nedlands with contact details to allow for distribution of meeting notes and communication between meetings.

The City of Nedlands will not provide contact details to any other party without the consent of the CWG member/s in question.

All CWG members are free to discuss the outcomes of the meetings with other people, however the specific views and opinions of other working group members are confidential and not to be shared outside the working group.

Any published documents relating to the CWG, including agendas and minutes of the CWG meetings will have names removed.



## Appendix 2 – Community Reference Groups - Guidelines

### Purpose

From time to time, the City may seek to directly involve the community in developing a policy or strategy. The City embraces the opportunity to work closely with the community in developing such key documents and strategies.

### Description

Community Reference Groups provide advice to Council concerning a specific issue, enhance communication between Council and the community and complement other elements of community engagement. Outcomes from the Community Reference Group may be reported through to the City’s Community Working Group and/or Elected Members.

### Benefits

Establishing and running a Community Reference Group offers:

- An effective way to involve stakeholders in specific projects or activities.
- An opportunity to maximise the skills and expertise that exist in the community to complement the role of Council in developing policies and strategies.
- The potential to test community engagement techniques and audiences to improve consultation outcomes for a specific issue.

### When to use a Community Reference Group

Using a Community Reference Group has both its advantages and disadvantages. When deciding on the need for a Community Reference Group, the following factors need to be considered:

| When a Community Reference Group <b>should be</b> used  | When a Community Reference Group should <b>not</b> be used  |
|---|---|
| <ul style="list-style-type: none"> <li>• When a collaborative approach to community engagement is desirable or required.</li> <li>• When a specific issue would benefit from greater community input.</li> <li>• If an issue is substantial and the resourcing required for a Community Reference Group justifies the benefits and outcomes achieved.</li> <li>• If specific or expert input is required and this can be sourced from key stakeholders in the City of Nedlands.</li> <li>• Where collaboration with stakeholders is desirable to enhance outcomes for a specific issue.</li> <li>• When increased community awareness of an issue is required.</li> </ul> | <ul style="list-style-type: none"> <li>• When statutory processes exclude input from such a group.</li> <li>• When similar groups already exist for the same (or similar) service or issue and there is a risk of the same community members belonging to a Community Reference Group.</li> <li>• When alternate collaborative forms of consultation are identified as being more effective.</li> <li>• When informing, consulting, and involving are more effective methods of engagement for the specific issue.</li> </ul> |



### **Membership of Community Reference Groups**

The membership of each Community Reference Group will be proposed as part of the establishment of the group and may comprise any of the following:

- Council staff members to resource the Community Reference Group with administrative support and technical expertise relating to the issue;
- A specific number of members to be defined in the Terms of Reference with a clearly defined term of membership;
- Representatives who are over 18 years of age;
- Representatives from appropriate community organisations; and
- Community representatives who reflect a diversity of community views and interests and the various geographical areas of the City.

It is noted that:

- Membership on a Community Reference Group is voluntary; and
- Involvement of Councillors on a Community Reference Group will depend on needs and interests in relation to the issue.

### **Basis upon which Community Reference Groups are formed**

A Community Reference Group:

- Operates as a mechanism to assist and support community engagement on a particular issue;
- Has a start and finish date (sunset clause) and specific roles and responsibilities;
- Is an equitable forum that is representative of the City of Nedlands community and relevant stakeholders;
- Complements other elements of Council's community engagement processes;
- Enhances communication between Council and the community;
- Is not a decision-making body but is able to advise Council on relevant matters related to the issue; and
- Operates as a transparent, representative and accessible forum.

### **Process for Membership of Community Reference Groups**

- A Public Notice calling for Expressions of Interest, advertised in both the local newspapers and the Council's website.
- Online Nomination Form to be completed by interested people who wish to register an Expression of Interest via the City's Your Voice website.

### **Selection Criteria for Membership of Community Reference Groups**

Following is the suggested selection criteria that should be considered when establishing a Community Reference Group. The criteria listed can include some or all, but not limited to the following:

- Involvement in the community in the interest area that relates to the purpose of the Community Reference Group.
- Endorsed by local organisation if representing one on the Community Reference Group.
- Strong community networks and linkages.
- Demonstrated ability to constructively participate in an advisory capacity.
- Ability to represent a broad range of views that reflect the diversity of the community.



- Strong understanding of the local community and its social, environmental and economic influences.
- Good knowledge and understanding of the local issues that are relevant to the issue.
- Possess a willingness to contribute positively to meetings in a fair and unbiased manner.
- Have an ability to look beyond personal interests for the benefit of the community and residents of the City of Nedlands.
- Ability and willingness to encourage participation from and provide feedback to the community regarding the issue.
- Able to commit to the Community Reference Group for the required duration.
- Willingness to celebrate the success and achievements of the issue.

Selection Panel to make recommendation of members on Community

Reference Groups

- Senior member of Council (CEO, Director or delegated Manager).
- External consultants, as deemed appropriate.
- Nominated Council staff member from the specific service area related to the issue.

The selection will be recorded on video, whenever possible for transparency reasons.

**Responsibilities of the Community Reference Group**

The responsibilities of each Community Reference Group will be outlined in a Terms of Reference (model template attached). Terms of Reference may be adapted and changed from time to time, to suit the specific objectives and project needs.

The Terms of Reference will be signed by all members of each Community Reference Group before or at the first meeting to acknowledge the contents and relevant stipulations.

**Protocols**

The following code of conduct will be signed by all members of each Community Reference Group.

Conduct

Members are required to:

- Act with honesty, good faith and integrity;
- Abide by the Terms of Reference;
- Actively participate in meetings;
- Declare any actual or perceived conflicts of interest at the commencement of the meeting;
- Represent the interests of their local community rather than individual interests or issues; and
- Maintain confidentiality of discussions within meetings. Members are not permitted to liaise with the media and represent either the opinions of council or the group.

In particular, members are required not to use any Community Reference Group for any public lobbying or political purposes, including use of social media to promote specific campaigns or strategies.

Any material breach of this code of conduct may result in immediate termination of membership.





### Sharing of Information

Members will not use any information disclosed at meetings for personal purposes or gains for either themselves or others (including financial gains) and maintain confidentiality of all information provided.

### **Recording**

Council will manage record keeping of the group's activities in council's internal filing system, including:

- Member details – as provided on the EOI application (personal details will be managed confidentially, in accordance with council's privacy standards);
- EOI applications and other selection process documentation;
- Register of when meetings were held;
- Terms of Reference;
- Agendas and minutes for each meeting; and
- Any other related correspondence or information.

### Disclosure

The following information will be published on council's public engagement website, Your Voice:

- Names of the members;
- The Guidelines and Terms of Reference; and
- Agendas and minutes of each meeting.

### **Privacy**

The personal information of all members and applicants will be managed in accordance with council's privacy standards. The names of the group's members will be published on council's public website upon their appointment.



### Appendix 3 – Community Reference Groups – Terms of Reference Template

These Terms of Reference define the role of the [ENTER NAME OF COMMUNITY REFERENCE GROUP] Community Reference Group (CRG) and provides a framework for its establishment and operation. All members of the CRG will be required to agree to these Terms of Reference.

#### PROJECT OVERVIEW

The [PROJECT TITLE] (- [Working Project Title]-) will establish the statutory and strategic planning framework, as well as the associated vision, for the [Describe Extent Of Area] Map 1, below, depicts the extent of the [DESCRIPTION OF PROJECT AREA]re :

INSERT MAP HERE (if applicable)

#### Map 1 – Extent of the [Study Area]

Provide overview of related projects and/or work done to date.

#### OBJECTIVES OF THE CRG

[Outline the objectives of the CRG]

- 

#### ROLE OF THE CRG

The establishment of the CRG will enable the community to be directly involved in the [Project Title].

[Include information here about the project and what will be derived from the involvement of the CRG in the process.]

The feedback provided by the CRG will assist the City of Nedlands (the City) and Council in making decisions that respond to community concerns and aspirations and have the best overall outcomes for the community.

The City will consider feedback and suggestions made by the CRG and will provide responses to how the comments and suggestions have been responded to. Regular updates will be provided to the Council via Council meetings and briefings when and if required. Updates to be shared with the wider community will also be shared via online platforms such as the City’s corporate website and engagement portal – Your Voice.

The CRG is an advisory group only, not a decision-making group. Decisions relating to the final [project outcome description] are the responsibility of the Council and [include any other governing bodies that may have a role to play in determining and adopting the final recommendations and outcome]



## MEMBERSHIP ON CRG

Participation in the CRG is open to key stakeholders within the area depicted in red in Map 2:

Insert Map here

### Map 2 – Key stakeholder selection area

Key stakeholders include:

- Landowners;
- Residents;
- Business owners; and
- Workers.

A maximum of 12 key stakeholders will be appointed as members of the CRG, unless there is a compelling reason for there being additional members.

The CRG will comprise of the following members:

- 12 key stakeholders;
- Members of City Administration to resource the CRG with administrative support and technical expertise relating to the Nedlands Town Centre; and
- Engagement facilitators appointed by the City.

Relevant government agencies may also attend workshops to clarify matters or hear specific feedback from the CRG.

## SELECTION OF KEY STAKEHOLDERS ON CRG MEMBERS

Key stakeholders will be selected through an Expression of Interest (EOI) process, administered by the City. Advertising for EOIs will be undertaken via a notice in the local newspaper, the City's website, letters to landowners and occupiers and via YourVoice updates to subscribed users.

An online nomination form will be available to be completed by interested persons who wish to register their EOI for the CRG.

Key stakeholders will be appointed by engagement facilitators appointed by the City, using the following selection criteria:

- Is over 18 years of age;
- Is a key stakeholder within the area shown in Map 2;
- Is able to commit to attendance for at least two workshops.

Where possible, key stakeholders will be selected to achieve a cross-section of age, gender and interest in the Stakeholder Selection Area.

## CONFLICT OF INTEREST

A conflict of interest arises where City's interest is, potentially or perceived, to be in conflict with your private interest and where these may be seen to influence your decisions and actions while participating in the CRG. If an actual or potential conflict of interest arises in relation to a particular topic, CRG members must inform the City and the rest of the CRG as soon as practicable.



### **CODE OF CONDUCT**

The following code of conduct is expected to be adhered to by all members of the CRG.

- Act with honesty, good faith and integrity;
- Abide by the Terms of Reference as set out in this document;
- Actively participate in workshops;
- Declare any actual or perceived conflicts of interest at the commencement of the workshop;
- Represent the interests of their local community rather than individual interests or issues;
- Maintain confidentiality of discussions within workshops;
- Not use any information disclosed at workshops for personal purposes or gains for either themselves or others (including financial gains) and maintain confidentiality of all information provided; and
- Not use the CRG for any public lobbying or political purposes.

Any material breach of this code of conduct may result in immediate termination of membership on the CRG.

### **WORKSHOP PROCEDURES**

All CRG members will be required to provide the City with contact details (email, postal address and phone number) to ensure that the City is able to communicate with CRG members throughout its existence and provide updates as and when required.

- Prior to any scheduled workshop, the City will provide all members with any relevant background materials prior to any scheduled CRG workshops.
- The format of the workshops, as to where, when and how they will be conducted will be confirmed following appointment of the successful CRG members.

### **CRG FACILITATION**

The CRG workshops will be facilitated by an engagement facilitator appointed by the City. In attendance there may also be other appointed consultants who have been engaged to provide expert advice and guidance.

### **MEMBER RESPONSIBILITIES**

#### Engagement facilitator responsibilities:

- Facilitate CRG workshops in a fair and unbiased manner;
- Ensure all members have an opportunity to make comments, ask questions and raise issues;
- Manage workshops so that all agenda items are discussed within a reasonable timeframe and that workshops start and finish at the agreed time. The facilitator may extend the finish time of a workshop if it is evident that further discussion on a specific item is warranted.

#### Members' responsibilities:

- Review and understand the background materials (where provided prior to the workshops).
- Attend at least two workshops;
- If absence from a workshop cannot be avoided, notify the City of their apology as soon as possible;
- Act in the interests of the local community;
- Discuss feedback being raised by other members;



- Should members receive confidential or commercially sensitive information it will be clearly marked as such and must not be disseminated.

### **DIFFERING VIEWS AND CONSENSUS**

The aim of the CRG is to represent a diversity of viewpoints. It is not a requirement, or anticipated, that consensus will always be reached among members on the topics discussed. Where members hold a range of perspectives on a topic, the differing viewpoints will be noted and taken into consideration.

### **MEDIA PROTOCOL**

CRG members are not to speak or respond to media enquiries. If you are approached, you must direct the query to the City of Nedlands Communications team who will liaise with the City's spokesperson who is the Mayor and/or CEO for a response.

### **PRIVACY**

All CRG members will be required to provide the City with contact details to allow for distribution of workshop notes and communication before, between and after workshops.

The City will not provide contact details to any other party without the consent of the CRG member/s in question.

All CRG members are free to discuss the outcomes of the workshops with other people, however the specific views and opinions of other CRG members are confidential and not to be shared outside the CRG.

Any published documents relating to the CRG, including agendas and minutes of the CRG workshops will have names removed.

## Planning Regulations Amendment Regulations 2020 – New Consultation Requirements

**Table 1** - Comparison of the consultation requirements under the previous version of *Planning and Development (Local Planning Schemes) Regulations 2015*, and the requirements introduced through the *Planning Regulations Amendment Regulations 2020*.

| <b>Previous requirements under <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b>  | <b>New requirements under <i>Planning Regulations Amendment Regulations 2020</i></b>                              |
|---|---|
| <b>Basic scheme amendment</b>   |   |
| <i>Part 5, Div. 4</i>   |   |
| Nil, unless directed by WAPC or Minister  | No change   |
| <b>Standard scheme amendment</b>  |   |
| <i>Part 5, Div. 3, r. 47</i>  |   |
| Minimum 42-day advertising period   | 42-day advertising period (or longer period approved by the WAPC)   |
| Methods of advertising (all): <ul style="list-style-type: none"> <li>• Newspaper notice</li> <li>• Notice at the offices of the local government</li> <li>• Available for inspection at the offices of the local government</li> <li>• Website</li> <li>• Any other way as directed by WAPC</li> </ul>          | Publish in accordance with Regulation 76A (website, public inspection, newspaper; see Table 2 for further detail) |
| <b>Complex scheme amendment</b>   |   |
| <i>Part 5, Div. 2, r.38</i>   |   |
| Minimum 60-day advertising period   | 60-day advertising period (or longer period approved by the WAPC)   |
| Methods of advertising (all): <ul style="list-style-type: none"> <li>• Newspaper notice</li> <li>• Notice at the offices of the local government</li> <li>• Available for inspection at the offices of the local government and WAPC</li> <li>• Website</li> <li>• Any other way as directed by WAPC</li> </ul> | Publish in accordance with Regulation 76A (website, public inspection, newspaper; see Table 2 for further detail) |

| Previous requirements under <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>  | New requirements under <i>Planning Regulations Amendment Regulations 2020</i>  |
|--|--|
| <u>Structure plan/Activity centre plan</u><br><i>Schedule 2, Part 4, cl. 18 (Structure plans) and Schedule 2, Part 5, cl. 34 (Activity centre plan)</i>  |  |
| <ul style="list-style-type: none"> <li>• <i>Schedule 2, Part 5 (Activity centre plans)</i> deleted</li> <li>• Structure plan provisions now also apply to precinct structure plans, prepared under State Planning Policy 7.2 – Precinct Design</li> </ul>                            |  |
| 14–28-day advertising period   | 42-day advertising period (or longer period approved by the WAPC)  |
| Method of advertising (at least one): <ul style="list-style-type: none"> <li>• Letters to affected owners/ occupiers</li> <li>• Newspaper notice</li> <li>• Website</li> <li>• Sign/s on site</li> <li>• Available for inspection at the offices of the local government</li> </ul>  | Required: <ul style="list-style-type: none"> <li>• Publish in accordance with Clause 87 (website, public inspection, newspaper; see Table 2 for further detail)</li> </ul> Optional: <ul style="list-style-type: none"> <li>• Letters to affected owners/ occupiers</li> <li>• Sign/s on site</li> </ul> |
| <u>Local planning policy</u><br><i>Schedule 2, Part 2, Div. 2</i>  |  |
| Minimum 21-day advertising period  | No change  |
| Method of advertising: <ul style="list-style-type: none"> <li>• Newspaper notice</li> </ul>  | Publish in accordance with Clause 87 (website, public inspection, newspaper; see Table 2 for further detail)   |
| <u>Local development plan</u><br><i>Schedule 2, Part 6, cl. 50</i>   |  |
| Minimum 14-day advertising period  | No change  |
| Advertising required for all local development plans, unless plan is not likely to adversely affect owners/occupiers within area covered by plan   | No change  |
| Methods of advertising (at least one): <ul style="list-style-type: none"> <li>• Letters to affected owners/ occupiers</li> <li>• Newspaper notice</li> <li>• Website</li> <li>• Sign/s on site</li> <li>• Available for inspection at the offices of the local government</li> </ul> | Required: <ul style="list-style-type: none"> <li>• Publish in accordance with Clause 87 (website, public inspection, newspaper; see Table 2 for further detail)</li> </ul> Optional: <ul style="list-style-type: none"> <li>• Letters to affected owners/ occupiers</li> <li>• Sign/s on site</li> </ul> |

| <b>Previous requirements under <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b>  | <b>New requirements under <i>Planning Regulations Amendment Regulations 2020</i></b>   |
|---|--|
| <u>Development application</u><br><i>Schedule 2, Part 8, cl. 64</i>   |  |
| Advertising required for: <ul style="list-style-type: none"> <li>• Extension of non-conforming use</li> <li>• Unlisted land use</li> <li>• Development that does not comply with a Scheme requirement (unless the departure from requirements is minor in nature)</li> <li>• Development for which a heritage assessment is required</li> <li>• 'A' land use</li> </ul> | Advertising required for complex application (new definition, provided in Table 2)<br>Advertising required for non-complex application if: <ul style="list-style-type: none"> <li>• 'A' land use</li> <li>• Extension of non-conforming use</li> <li>• Development that does not comply with a Scheme requirement (unless the departure from requirements is minor in nature)</li> <li>• Development for which a heritage assessment is required</li> <li>• Development is of a kind identified elsewhere in Scheme as requiring advertising</li> </ul> Local government may advertise any other development application                     |
| Minimum 14-day advertising period   | Complex application: <ul style="list-style-type: none"> <li>• 28 days (or longer period agreed between local government and applicant)</li> </ul> Non-complex application: <ul style="list-style-type: none"> <li>• 14 days (or longer period agreed between local government and applicant)</li> </ul>  |
| Methods of advertising (at least one): <ul style="list-style-type: none"> <li>• Letters to affected owners/ occupiers</li> <li>• Newspaper notice</li> <li>• Website</li> <li>• Sign/s on site</li> <li>• Available for inspection at the offices of the local government</li> </ul>  | Complex application (all): <ul style="list-style-type: none"> <li>• Publish in accordance with Clause 87 (website, public inspection, newspaper; see Table 2 for further detail)</li> <li>• Letters to owners/occupiers within 200m of proposed development and any others likely to be affected by the application</li> <li>• Sign/s on site</li> </ul> Non-complex application (at least one): <ul style="list-style-type: none"> <li>• Publish in accordance with Clause 87 (website, public inspection, newspaper; see Table 2 for further detail)</li> <li>• Letters to affected owners/ occupiers</li> <li>• Sign/s on site</li> </ul> |



**Table 2** - Additional Consultation Changes/Requirements under *Planning Regulations Amendment Regulations 2020*

|   |   |
|---|---|
| <p><b>Regulation 76A</b> – Requirements for making documents available to the public (<i>applicable to Scheme amendments</i>)</p> <p>and</p> <p>Schedule 2 – Deemed provisions for local planning schemes - <b>Clause 87</b> – Requirements for making documents available to the public (<i>applicable to local planning policies, structure plans, local development plans, development applications</i>)</p> | <p>Document: notice, plan, application of other document</p> <p>Mandatory:</p> <ul style="list-style-type: none"> <li>• Publish on website (document itself, or link to a webpage where the document is published)</li> </ul> <p>If reasonably practicable:</p> <ul style="list-style-type: none"> <li>• Make a copy available for public inspection at a place in the district of the local government during business hours (i.e. Administration Centre or Library)</li> </ul> <p>If the local government considers it appropriate:</p> <ul style="list-style-type: none"> <li>• Notice to be published in newspaper circulating in the relevant local government area</li> </ul>   |
| <p><b>Regulation 76B</b> – Commission may approve varied requirements for publication of documents</p> <p>and</p> <p>Schedule 2 – Deemed provisions for local planning schemes - <b>Clause 88</b> – Commission may approve varied requirements for publication of documents and advertising of complex applications</p>   | <p>If WAPC considers publication requirements not practicable for local government, they can vary the requirements.</p>   |
| <p>Schedule 2 – Deemed provisions for local planning schemes – Part 1 – <b>Clause 1</b> Terms Used</p>  | <p>“Complex application means -</p> <ol style="list-style-type: none"> <li>An application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect to the zone in which the development is located*;</li> <li>An application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval”</li> </ol> <p>“Excluded holiday period day means a day that is in –</p> <ol style="list-style-type: none"> <li>A period commencing on 25 December in a year and ending on the next 1 January; or</li> <li>A period of 7 days commencing on Good Friday in a year”</li> </ol> |
| <p>Schedule 2 – Deemed provisions for local planning schemes – Part 11 – <b>Clause 86</b> Forms referred to in this Scheme</p>  | <p>Template provided for signs on site used in advertising applications</p>   |

\* also known as an Unlisted Use

### Consultation LPP – Summary of Proposed Amendments

| Section     | Change   | Justification   |
|-------------|--|---|
| Title       | Rename Policy: <del>Consultation</del> of Community Engagement on Planning Proposals   | Community engagement is a broader term that includes inform, consult, involve and collaborate. This term better represents all engagement methods (existing and proposed) contained in the Policy.  |
| Purpose     | Add reference to engagement in accordance with IAP2 engagement spectrum  | Better reflects proposed new content of the Policy.   |
| Objectives  | 3.1 – Add reference to preparation of planning proposals and need to balance engagement with efficient processing of planning proposals  | The Policy also covers engagement as part of the preparation of planning proposals (such as local planning policies). Community engagement needs to be balanced with efficient processing of planning proposals, as there are statutory timeframes to meet.   |
|             | 3.4 – Add new objective: ‘promote a collaborative engagement approach with the community using the best engagement tools available within the City’  | Reflective of Level 3 ‘Involve’ and Level 4 ‘Collaborate’ of IAP2 engagement spectrum.  |
| Definitions | Add definition for R-Codes Volume 1 Development Application, Other Development Application and Strategic Planning Proposal   | Provide clarity of different types of planning proposals.   |
|             | Rename Complex Development Application to Complex Application and align with definition in 2015 Regulations, with the addition of:<br><br>a) Development that is assessed against the Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2); and<br><br>b) Any other development for which the City deems there is wider community significance requiring a greater level of consultation. | Align with changes introduced through the <i>Planning Regulations Amendment Regulations 2020</i> , which became operational in the 2015 Regulations on 15 February 2021. The definition of Complex Application in the 2015 Regulations includes unlisted land uses, and also allows the local government to specify, through a local planning policy, any other type of application it deems to be a Complex Application.<br><br>To this end, it is proposed that the definition of Complex Application in the Community Engagement LPP also include (a) developments assessed against the R-Codes Volume 2, given that these are typically the most complex development applications that the City receives. Item (b) in the proposed expanded definition will also allow the City to advertise any other application as a Complex Application, if deemed necessary. |
| 5.1         | Add table representing the IAP2 engagement spectrum  | The current Policy generally covers engagement at Level 1 ‘Inform’ and Level 2 ‘Consult’. The revision of the Policy is intended to introduce provisions for  |

Consultation LPP – Summary of Proposed Amendments

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|   |  | engagement at the higher engagement levels of Level 3 ‘Involve’ and Level 4 ‘Collaborate’. This table provides an overview of this engagement spectrum.  |
| Table 1 – Consultation of planning proposals                              | Renumber to Table 2 and rename to: Methods of engagement at Level 1 ‘Inform’ and Level 2 ‘Consult’ | The new title clarifies which parts of the IAP2 engagement spectrum are being covered.   |
|   | Replace #1 and #2 footnotes with symbols   | Improve readability.   |
|   | Add requirement for advertising in Nedlands News   | Ensure that significant proposals are captured in the City’s newspaper releases.   |
|   | Amend advertising requirements for scheme amendments   | These are more appropriate as discretionary requirements, rather than mandatory requirements because it will be dependent on the nature of the amendment. Some amendments may be site-specific and only affect adjoining properties, whereas others may apply City-wide. Discretion in advertising requirements will therefore allow the City to tailor the engagement approach to the specific amendment. |
|   | Add requirements for engagement with Community Working Group                                       | The Community Working Group Terms of Reference was adopted at the 26 May 2020 Council Meeting, so this addition clarifies which proposals need to involve the Community Working Group.   |
| Table 2 – Methods of engagement at Level 1 ‘Inform’ and Level 2 ‘Consult’ | Activity Centre Plans removed  | Updated to reflect the <i>Planning Regulations Amendment Regulations 2020</i> , which became operational in the 2015 Regulations on 15 February 2021.  |
|   | Consultation period for structure plan amended from 14-28 days to 42 days                          |  |
|   | Consultation period for complex applications amended from 21 days to 28 days                       |  |
|   | Website notification now mandatory for most planning proposal types                                |  |
| 5.4 Development applications (R-Codes)                                    | Moved to Community Engagement on Planning Proposals Procedure                                      | Simplify local planning policy.  |
|   | Rename to ‘R-Code Volume 1 Development Applications’   | Table 2 specifies the minimum advertising radius for Complex Development Applications and Other Development Applications, so this section is only applicable to R-Code Volume 1 Development Applications.  |

### Consultation LPP – Summary of Proposed Amendments

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|   | Specify which parts of the R-Codes Volume 1 the table relates to and delete 'boundary fence'.  | Clarify that the advertising requirements are related specifically to each variation to the deemed-to-comply provision of the R-Codes Volume 1. The Residential Development LPP was amended in December 2019 to delete provisions for boundary (dividing fences), meaning that the City no longer deals with such applications.                                       |
| 5.5 Community Working Group                                       | Moved to Community Engagement on Planning Proposals Procedure  | Simplify local planning policy.   |
|   | Specify that some planning proposals need to be referred to the City's Community Working Group   | The Community Working Group Terms of Reference was adopted at the 26 May 2020 Council Meeting, so this addition clarifies that some proposals need to involve the Community Working Group.  |
| 5.6 Minor amendments to structure plans and activity centre plans | Delete previous 5.3 Development applications (other)   | This information is now captured in the definitions section and Table 2.  |
|   | Add local planning policies  | The 2015 Regulations also give the City discretion to waive advertising on minor amendments to local planning policies, so it is important to provide guidance on where the City would consider such an amendment to be minor.  |
| 5.7 Social Media  | Moved to Community Engagement on Planning Proposals Procedure  | Simplify local planning policy.   |
|   | Rename to Online Engagement Platforms  | Captures other online platforms, inclusive of social media.   |
| 5.8 Community Information Sessions                                | Outline purpose of Community Information Sessions  | Confirm what these sessions are intending to achieve.   |
|   | Delete details and replace with reference to Community Information Session Procedure   | The procedure contains all required information about the operation of Community Information Sessions.  |
| 5.9 Signs on site   | Moved to Community Engagement on Planning Proposals Procedure  | Simplify local planning policy.   |
|   | Refer to 2015 Regulations requirements for development application signs on site and include requirements for non-development application signs on site. | The <i>Planning Regulations Amendment Regulations 2020</i> , which became operational in the 2015 Regulations on 15 February 2021, introduced a sign on site manner and form guide for advertising signs for development applications.<br><br>A template is provided for non-development application signs on site, to provide guidance for this form of advertising. |

### Consultation LPP – Summary of Proposed Amendments

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| 5.11 Additional public notice period for proposal previously advertised | Rename to 'Addition consultation period for planning proposal previously advertised'   | Consistent with new planning proposal definitions.   |
|   | Provide clarification on what constitutes a substantial modification   | Provide more detailed guidance as to when an additional consultation period will be undertaken.  |
|   | Add provision for City to require additional costs from applicant for additional consultation period.                            | Ensure that the City is able to recover costs for additional consultation periods.   |
| 5.12 Form and content of submissions                                    | Moved to Community Engagement on Planning Proposals Procedure  | Simplify local planning policy.  |
|   | Remove email as a submission option  | To provide greater flexibility for the community, the City should provide an electronic and non-electronic (hard copy) means of making a submission on a planning proposal. Channelling all online submissions into one platform, YourVoice, is a much more streamlined approach, which reduced processing burden on Administration, allowing more time to consider each submission. |
|   | New template for hard copy submissions   | Ensure that all required information is provided. The template also provides useful tips on how to make a valid submission on a planning proposal.   |
|   | Add new provision requiring submissions which object to a planning proposal to outline reasons for objection                     | Ensure that submissions are suitably written so that Administration can consider how to address the reasons for the objection.   |
|   | Outline invalid planning considerations and what the City will do with valid planning considerations                             | Provide greater clarity to submitters as to how submissions are considered.  |
| 5.13 Consideration of submissions                                       | New provision in Community Engagement on Planning Proposals Procedure outlining how submissions are considered.                  | Provide greater clarity to submitters as to how submissions are considered.  |
| 5.14 Submission reporting   | Moved to Community Engagement on Planning Proposals Procedure  | Simplify local planning policy.  |
|   | New provision: 'for strategic planning proposals, the submitter's name and address of affected property will not be identified'. | Differentiate between how submissions on development applications are dealt with.  |
|   | New provision: 'In the event that a development application is referred to the State Development                                 | Following the State Development Assessment Unit (SDAU) process came into effect in mid-2020, a situation arose where a development application was first   |

Consultation LPP – Summary of Proposed Amendments

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|   | Assessment Unit after being dealt with, and advertised, by the City as a Development Assessment Panel application, the City will provide a summary of submissions received on the City's website.'   | lodged as a Development Assessment Panel (DAP) application, advertised by the City as such, and then cancelled and lodged as a SDAU application. In these situations, for the purpose of transparency, it is considered necessary to publish a summary of the submissions received during the DAP advertising period.  |
| 5.15 Holiday periods – consultation exclusion periods | Redefine holiday consultation exclusion periods as follows: <ul style="list-style-type: none"> <li>• <del>December 15<sup>th</sup> – January 15<sup>th</sup></del> A period commencing on 25 December in a year and ending on the next 1 January</li> <li>• <del>Between one (1) week prior to, and (1) week after, Easter Sunday</del> A period of 7 days commencing on Good Friday in a year.</li> </ul> | Align with changes introduced through the <i>Planning Regulations Amendment Regulations 2020</i> , which became operational in the 2015 Regulations on 15 February 2021.   |
|   | Clarify that consultation can take place over holiday periods, subject to consultation periods being extended appropriately.   | The existing provisions are being interpreted in a way that prohibits consultation periods being started before an exclusion period if it would result in the period finishing during an exclusion period. This adds up to 14-21 days, on top of the exclusion periods, during which time consultation periods cannot be started, resulting in substantial delays in the processing of applications. By restructuring this provision as proposed, consultation periods may take place over holiday periods, so long as the total consultation period is extended by the length of time prescribed for each holiday. This approach balances the need to process planning proposals efficiently with the acknowledgement that members of the community may have reduced capacity to make submissions over holiday periods. |
|   | New provision to clarify that consultation periods for JDAP applications may not be able to be extended if they fall over holiday periods  | The City has set timeframes to provide its Responsible Authority Report (RAR) to the JDAP. Where an extended consultation period hampers the submission of an RAR within these timeframes, it may not be possible.   |
| 5.17 Late submissions                                 | Moved to Community Engagement on Planning Proposals Procedure  | Simplify local planning policy.  |
|   | Clarify requirements for requesting a late submission  | Ensure that all submissions are received during consultation period, unless by agreement from the City.  |

**Consultation LPP – Summary of Proposed Amendments**

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| <p>5.19 Applicant -conducted consultation</p>                    | <p>Provide template for proforma letter and clarify requirements around when applicants can conduct consultation themselves</p>                 | <p>In certain cases, applicant-conducted consultation can be an efficient means of obtaining neighbour comment on a proposal. This section has been amended to provide further guidance on when applicant-conducted consultation is appropriate (maximum three properties to consult with), what the process is (City to first complete assessment) and how neighbour comments collected in this way should be presented (in accordance with the proforma letter template).</p>   |
| <p>5.20 Consultation involving adjoining local authorities</p>   | <p>Moved to Community Engagement on Planning Proposals Procedure</p>  | <p>Simplify local planning policy.</p>  |
|  | <p>New provision outlining process for consultation where required to properties outside of the City of Nedlands</p>                            | <p>This situation arises from time to time given the shared boundaries with other local authorities. Therefore, it is useful to establish the process for dealing with such situations.</p>   |
| <p>Engagement at Level 3 'Involve' and Level 4 'Collaborate'</p> | <p>New sections outlining methods and extent of engagement at these higher levels of the IAP2 engagement spectrum</p>                           | <p>The City has an increasing body of strategic planning work which has come out of the gazettal of LPS 3. The higher levels of the IAP2 engagement spectrum are more appropriate for strategic planning proposals, such as local planning policies, where the goal is to obtain community input throughout the entire process to ensure that community concerns and aspirations are directly reflected in the alternatives developed.</p> <p>Noting that each strategic project is unique in complexity and extent, it is inappropriate to dictate exactly which engagement measures should be used in each case. Therefore, this section provides a range of possible engagement methods, such as online surveys, one-on-one meetings, workshops and community working/reference groups.</p> <p>Appendices have also been added to support provisions in this part, including a Community Engagement Plan Template, Community Working Group Terms of Reference, Community Reference Group – Guidelines and Community Reference Group – Terms of Reference Template.</p> |
|  | <p>New section providing guidance on applicant-conducted pre-lodgement engagement on scheme amendments and complex development applications</p> | <p>From time to time, applicants for scheme amendments and complex development applications have conducted their own engagement with the community prior to lodging an application with the City, which is not a statutory requirement. This process allows applicants to gauge community desires and concerns in the early stages of developing their proposal.</p>  |

**Consultation LPP – Summary of Proposed Amendments**

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|  |  | <p>This new section of the Policy encourages applicants to conduct this form of pre-engagement with the community, and sets requirements for the applicant to keep the City informed of the process and outcomes of the pre-engagement activities.</p> |
|--|--|--|



|  |   |
|--|---|
| <b>PD20.21</b>   | <b>Scheme Amendment No 7 – South Broadway Final Adoption</b>  |
| <b>Committee</b>   | 11 May 2021   |
| <b>Council</b>   | 25 May 2021   |
| <b>Applicant</b>   | City of Nedlands  |
| <b>Director</b>  | Tony Free – Director Planning & Development   |
| <b>Employee Disclosure under section 5.70 of the Local Government Act 1995</b> | Nil.<br>“the author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia”. |
| <b>Previous Item</b>   | OCM 28 April 2020 - PD15.20<br>SCM 3 September 2020 – Item 9  |
| <b>Attachments</b>   | 1. Justification Report – Scheme Amendment No 7<br>2. Summary of Submissions – Scheme Amendment No 7  |
| <b>Confidential Attachments</b>  | 1. Full Submissions – Scheme Amendment No 7   |

## 1.0 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).

## Recommendation to Committee

### Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, does NOT support the amendment to Local Planning Scheme No. 3 for the following reasons:
  - a) Scheme Amendment No 7 is not supported by evidence based built form modelling that indicate the proposed amendments would comply with the density targets as set out in Perth and Peel @ 3.5 million; and
  - b) The City and DPLH are working in partnership on a GAPS analysis of the City’s strategic planning framework. Scheme Amendment No 7 does not propose work that is identified as a priority by the GAPS analysis, and is therefore considered to be reactive, premature, and not part of an agreed program of works.

- 2. In accordance with Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015, submit the required information for the proposed Scheme Amendment No 7 to the West Australian Planning Commission.**

## **2.0 Discussion/Overview**

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; an
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to RAC4.

Scheme Amendment No 7 has now completed advertising as a complex amendment and is presented to Council for their final recommendation. Under Regulation 41(3) Council must now choose one of the following options:

- (a) support the amendment to the local planning scheme without modification;
- (b) support the amendment to the local planning scheme with proposed modifications to address issues raised in the submissions; or
- (c) not to support the amendment to the local planning scheme.

## **3.0 Key Relevant Previous Council Decisions:**

At the April 2020 Ordinary Council Meeting (OCM), Council was advised by Administration that proposed Scheme Amendment No 7 is 'complex' in nature. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), approval from the Western Australia Planning Commission (WAPC) is required prior to advertising the Policy. However, Council adopted the amendment as a 'standard' amendment, and it was advertised by Administration as a standard scheme amendment for a period of 42 days as per Section 47 of the Regulations. When presented to Council at the 3 September Special Council Meeting (SCM) post advertising, Administration recommended that Council resolve not to support the amendment as it was not based on sound town planning principles and was premature.

Council instead resolved to support the scheme amendment. The scheme amendment was subsequently submitted to the WAPC as a standard amendment for its assessment.

On the 23 September 2020, the WAPC wrote to the City, advising that it considered the scheme amendment to be a ‘complex’ amendment for the following reasons:

- a. It is not consistent with a local planning strategy for the scheme that has been endorsed by the WAPC;
- b. It is not addressed by any local planning strategy; and
- c. It relates to development of a scale or will have an impact that is significant relative to development in the locality.

The WAPC directed the City to treat the amendment as a complex amendment in accordance with Regulation 54. In addition to this, the WAPC has directed the City to readvertise the amendment as complex and progress the amendment accordingly thereafter. Administration advised Council their only option under the Regulations was to advertise the scheme amendment as complex, and so the scheme amendment was advertised for a period of 60 days as per the requirements of the Regulations for a complex amendment.

## **4.0 Strategic Documents**

### **Built Form Modelling / Distinctiveness Character Study**

The City engaged consultants at Hassell to complete a local distinctiveness study, context analysis and built form modelling to inform built form controls for the Broadway Precinct. The intent of the distinctiveness study is to review the characteristics of the existing built form that inform the character of the area. The focus has been to uncover elements that make a positive contribution to local distinctiveness and the opportunities for enhancement. The local distinctiveness study and context analysis will be used to inform built form modelling, which will test different development scenarios for the precinct. Once these development scenarios are reviewed and explored through community engagement, a local precinct-based planning policy will be drafted for the precinct, which will define appropriate built form controls that are likely to form an amendment to the Scheme.

It is expected that the built form controls will assist in ameliorating the impacts of harsh transitions in density coding, such as the sites codes RAC3 abutting those coded R60, which provides for a default interface of 6 storey down to 3 storeys. The local planning policy that will be an output of the local distinctiveness study and built form modelling is expected to be presented to Council in mid-2021.

### **Specialised Activity Centre Plan**

Land within the Crawley-Nedlands neighbourhood, which includes the University of Western Australia (UWA) and associated colleges, Broadway, Queen Elizabeth II Medical Centre (QEII MC) and Hollywood Hospital is identified as a Specialised Activity Centre under the State Government’s Central Sub-Regional Planning Framework. In consultation with the City of Nedlands, the City of Perth and Department of Planning, Lands and Heritage have been working to prepare a Specialised Activity Centre Plan (SACP). The SACP aims at supporting the centre through the development of complementary activities that support the primary function of health, education, and research in addition to balancing future growth, built form outcomes and transport. Once prepared, the future SACP will affect the

future planning and development of the locality which will be further guided by State Planning Policy 4.2 Activity Centres for Perth and Peel or equivalent replaced State Planning Framework and 7.2 Precinct Design. There is currently no set timeframe for the completion of the SACP as it is at a preliminary stage. Any changes to density along Broadway should be made collaboratively with the City of Perth and the Department so that they are in line with this plan.

UWA has made a submission to Scheme Amendment No. 7 stating that they do not support the amendment and that amendments should not jeopardise the future intent of this centre to become a globally competitive centre for health, medical, education, research, and innovation.

### Local Planning Strategy

The City's Local Planning Strategy (the Strategy) endorsed in 2017 suggested that the Hampden/Broadway Precinct should have medium intensity and be a low to medium rise urban growth area within the City. Without built form modelling, it is unclear how the density proposed in Scheme Amendment No. 7 responds to the objectives of the Strategy.

### Residential Design Codes Volume 2

The Residential Design Codes confirms that the R-AC3 code is intended for mid-rise urban centres. In the Local Planning Strategy, Broadway is described as an 'urban growth area' and 'low to medium rise' which correlates with the mid-rise urban centre typology prescribed in the *Residential Design Codes Volume 2* Appendix 2. The built form context of a mid-rise urban centre includes a building height of up to 6 storeys. Buildings have a direct street frontage and may be built to the boundary. These centres are usually highly walkable with proximity to high frequency transit services, public open space and commercial and/or retail uses. Broadway fits within these parameters, and as such, the existing R-AC3 is appropriate. The scheme amendment proposed Broadway be down coded to R-AC4. The R-AC4 code is better suited to smaller neighbourhood centres. It would be inappropriate to apply the R-AC4 code to Broadway in light of its classification in the Local Planning Strategy, and the area's inclusion in the QEII/UWA SACP.

### Perth and Peel @ 3.5 Million

Perth and Peel at 3.5 Million provides the City of Nedlands with a density target of 4320 additional dwellings by 2050. Local Planning Scheme No. 3 was described by the Minister as meeting the density targets prescribed to the City. Any reductions in density would necessitate the provision of adjusted yield calculations to demonstrate that the minimum density targets prescribed can be achieved. It is unclear as to how the proposed density under the scheme amendment relates to the current density target. Built form assumptions, determined through built form modelling, are required to inform calculations on how the scheme amendment will contribute to dwelling yield targets. Without detailed justification that confirm an amendment will not prejudice these targets, an amendment may not be supported by the Commission and the Minister.

## **5.0 Consultation**

Scheme Amendment No 7 was advertised in accordance with Regulation 54(a) for a period of 60 days from the 31 October 2020 to the 31 January 2021. The advertising period was extended to accommodate the City's advertising blackout period over the New Year period, as required by the City's Local Planning Policy – Consultation of Planning Proposals.

During the consultation period the City received 109 submissions, of which 13 were objections, 95 were in support and 1 was commenting. A summary of submissions is provided in Attachment 2 of this report.

## **6.0 Strategic Implications**

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

The scheme amendment was required to be re-advertised as directed by the WAPC in accordance with the Regulations. However, now that advertising has closed, it is recommended that Council defer any decision seeking density code changes until built form modelling has been completed and thoroughly tested built form response can be supported based on sound town planning principles.

### **Who benefits?**

The proposed scheme amendment seeks to benefit some members of the community who wish to seek lower density within an area which has recently been up coded as part of LPS3. Those who do not benefit are landowners who have bought properties intending to develop at the current applicable density codes.

### **Does it involve a tolerable risk?**

The risk involved is that the WAPC will refuse the scheme amendment after being advertised for a second time as a complex amendment.

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

Scheme Amendment No 7 is not informed by built form modelling or research. It also does not form part of a program for strategic planning for the City, which has been agreed to under the Gaps Analysis. This scheme amendment is therefore considered to be premature, and without the information required to be supported.

## **7.0 Budget/Financial Implications**

### **Can we afford it?**

Costs involved are those associated with administrative work.

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

There is no current impact upon rates. A reduced density coding will result in a decrease in the potential dwelling yield compared to redevelopment at current density coding.

## 8.0 Conclusion

Scheme Amendment No 7 is considered premature, as it does not form part of the City's strategic planning program, which is currently being worked on between the City and DPLH. The City is also yet to conclude their built form modelling work, which will ultimately result in built form controls upon which the City can base further strategic documents.

Scheme Amendment No 7 is not considered to propose the optimal orderly and proper planning outcome for the City, and it is recommended that Council resolve not to support the proposed amendment to LPS3.

## 8.1 Alternate Resolution

If Council choose to continue with the amendment without modifications, the following Resolution is recommended.

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports Scheme Amendment No.7 to amend Local Planning Scheme No. 3 as detailed in Attachment 1 – Scheme Amendment No. 7 without modification.
2. In accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, submit the required information for the proposed Scheme Amendment No 7 to the West Australian Planning Commission.



City of Nedlands  
Local Planning Scheme No. 3

Amendment No. 7

*Scheme Amendment to reduce the density codes on several sites within the City of Nedlands.*

Planning and Development Act 2005  
**RESOLUTION TO PREPARE AMENDMENT  
TO LOCAL PLANNING SCHEME**

*City of Nedlands Local Planning Scheme 3  
Scheme Amendment 7*

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

Changing 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, Nedlands from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

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

- (a) The amendment proposes a modified density code that remains consistent with the objectives identified in the scheme for that zone;
- (b) The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) The amendment is consistent with the Metropolitan Region Scheme that applies to the scheme area.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
(Chief Executive Officer)



## City of Nedlands

### Local Planning Scheme No. 3 – Scheme Amendment No. 7

#### Scheme Amendment Report

#### 1.0 INTRODUCTION

Local Planning Scheme No. 3 (LPS3) was gazetted on 16 April 2019. Modifications from the Minister for Planning introduced changes to the Scheme that increased the density coding along Broadway and surrounding streets Kingsway, Hillway, Elizabeth Street and Edward Street, Nedlands as follows:

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway: increased from R12.5 to R60;
- Numbers 1 to 5 Hillway: increased from R12.5 to R-AC3;
- Numbers 7 to 23 Hillway: increased from R12.5 to R60;
- Numbers 69 to 131 Broadway: increased from R35 to R-AC3;
- Numbers 133 to 139 Broadway: increased from R12.5 to R-AC3;
- Number 2 Edward Street: increased from R12.5 to R-AC3; and
- Numbers 1, 1A and 1B Elizabeth Street: increased from R35 to R-AC3.

The City of Nedlands Council resolved at its Council Meeting on 28 April 2020 to propose this amendment to change the current density codes for these properties to:

- 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, Nedlands from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

Pursuant to regulation 35(2)(a), the amendment is considered to be a ‘**standard**’ amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (a) The amendment proposes a modified density code that remains consistent with the objectives identified in the scheme for that zone;
- (b) The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) The amendment is consistent with the Metropolitan Region Scheme that applies to the scheme area.

## 2.0 PROPOSAL

The City proposes to change the density code for the following sites:

- 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, Nedlands from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

## 3.0 JUSTIFICATION

### Consideration as a standard amendment

| Definition of Standard Amendment as per s.34 of the Regulations   | Response  |
|---|---|
| (a) <i>an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;</i> | With the exception of No.5 Hillway, which was incorrectly zoned Mixed Use in LPS3 the amendment does not propose to change the zoning of the land within the amendment area, and the amendment will not in any way prevent the land from being developed in accordance with the objectives of the Mixed Use and Residential zones respectively as identified in clause 16 of LPS3.  |
| (b) <i>an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;</i>              | The amendment is consistent with the City of Nedlands Local Planning Strategy, which was endorsed by the WAPC in September 2017. The Strategy identifies the Hampden/Broadway precinct as a medium intensity, low to medium rise Urban Growth Area. The changes to the residential density codings proposed by this amendment within the Mixed Use zone (from R-AC3 to R-AC4) are consistent with the strategic intent to create a low to medium rise growth area. The Strategy also identifies a neighbourhood centre (Broadway Fair) and a local centre (Broadway south) within the amendment area. Consistent with the designation of these centres, this amendment proposes to impose a residential density code of R-AC4, which is deemed by the Apartment Codes to be the most appropriate density code in and around neighbourhood and local centres. The Strategy identifies the Residential zoned portion of the amendment area as a 'Transition Zone' with the key objectives of ensuring the height, scale and bulk of |

|  |  |
|--|--|
|  | <p>redevelopment appropriately integrates back to the established residential character of the area, and to ensure a quick transition of built form to integrate back to the established residential character of the area. The proposed amendment is entirely consistent with this objective. Further discussion on the Local Planning Strategy is set out in subsequent sections of this report.</p> |
| <p><i>(c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;</i></p>  | <p>The amendment will provide a form and scale of development that is consistent with the underlying Urban zone as identified in the Metropolitan Region Scheme.</p>   |
| <p><i>(d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;</i></p> | <p>Not applicable. No Activity Centre Plan, Structure Plan or Local Development Plan applies to this area.</p>   |
| <p><i>(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;</i></p>   | <p>The amendment proposes to reduce the intensity, bulk and scale of development within the amendment area by modifying the residential density codes. The changes to the residential density codes proposed by this amendment will not have any negative impact on properties within the scheme area that are not within the amendment area.</p>  |
| <p><i>(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;</i></p>   | <p>The amendment does not propose to change the zoning or intent for the use of the land within the amendment area, and will result in a reduced scale of development that will continue to achieve key environmental, social, economic and governance objectives for this area.</p>   |
| <p><i>(g) any other amendment that is not a complex or basic amendment.</i></p>  | <p>The proposed amendment is not a basic or complex amendment having regard to the definitions in s.34 of the Regulations, and the justification set out above.</p>  |

## **Planning Framework**

The purpose of this amendment is to modify the residential density codes assigned to the southern end of Broadway and the residential properties immediately to the west in order to:

- a. Provide for a built form outcome that better responds to its context within an established area in proximity to a neighbourhood and local centre, whilst recognising that the intensity of land use along the Broadway corridor is currently, and will remain variable along its length; and
- b. Ensure a more suitable built form interface to the residential lots to the west that front Kingsway and Hillway.
- c. Better align the residential density codes with the intent of the Local Planning Strategy, being to deliver a low to mid rise urban corridor, whilst respecting the established local character.

This amendment has been prepared in accordance with the applicable requirements of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015.

### **City of Nedlands Local Planning Strategy (WAPC, 2017)**

The City of Nedlands Local Planning Strategy (“the Strategy”) was endorsed by the WAPC in September 2017. The Strategy sets out the City’s vision and principles for the future growth of the Nedlands municipality, and seeks to address the state planning framework that affects the City. The Local Planning Strategy gives clarity on how the City seeks to respond to the requirements of the State. The area subject to this amendment falls within two separate categories in the Strategy. The land fronting Broadway is classified as an Urban Growth Area, while the land fronting Hillway and Kingsway (generally) is classified as a Transition Zone. These two classifications are defined in section 4.1 of the Strategy as:

Urban Growth Areas will contain the most intense development in the City of Nedlands. Multiple dwellings (apartments), commercial and mixed-use developments will be the predominant development types in these areas. Development is not necessarily expected to be homogenous between Urban Growth Areas or even within Urban Growth Areas. Transition Zones will exist immediately adjacent to Urban Growth Areas for the purposes of creating a buffer between high intensity and low intensity development. This buffer will visually smooth the differences in built form (e.g., height, bulk etc.) and help mitigate any conflict between non-compatible land uses. It is expected the Transition Zones will contain mostly residential developments of multiple dwellings (apartments) and grouped dwellings (townhouses and similar). Some small-scale non-residential uses may still be appropriate.

Section 5.1 – Population and Housing, includes the following relevant strategic objectives (emphasis added):

- Pursue diverse high intensity development within Urban Growth Areas (particularly Stirling Highway).

- Develop appropriate Transition Zones of predominantly residential development adjacent to Urban Growth Areas to realise the conscious effort to maintain separation from existing high quality, low density residential areas.
- Aim to achieve residential densities within and in the immediate vicinity of Neighbourhood Centres in line with the scale of the particular centre.
- Maintain established residential urban areas to ensure the retention of the existing residential character and lot configurations.

In addition to the general objectives described above, the Strategy contains some specific strategies and objectives relating to specific precincts within the Strategy area. The land the subject of this amendment falls within both the Hampden/Broadway precinct, and the Nedlands South precinct. The key strategies for each of these precincts is set out over the page, with emphasis added to those considerations most relevant to this amendment.

### ***Hampden/Broadway***

#### *Strategies:*

- Plan Hampden/Broadway as a medium intensity, low to medium rise Urban Growth Area within the City of Nedlands.
- Provide a Transition Zone abutting Hampden/Broadway to quickly lower development intensity into the surrounding precincts.
  - Where applicable on Broadway, the significant east-west topography variation will function as the Transition Zone.
- Focus compatible development around identified residential and non-residential pockets, acknowledging that the intensity of redevelopment will vary in response to the predominant land use.
  - Hampden Road is encouraged to be predominantly non-residential with small scale tenancies and strong ground floor to street interaction.
  - Broadway is encouraged to provide greater residential development which may consist of a component of non-residential use.
  - In light of the above, provide flexibility to consider any redevelopment which demonstrates exemplar urban design and is sympathetic to the existing character of the area.
- Careful consideration will be given to short stay and alternative stay accommodation.
- In appropriate and identified locations, consider a range of uses (particularly knowledge based uses) and accommodation types that complement the Health/Education/Research function of the UWA-QEII Specialised Centre on a scale that will not detract from other centres in the hierarchy.
- Ensure strategic planning of the UWA-QEII Specialised Centre and its boundaries is completed in partnership with the affected local governments and State government instrumentalities.

### ***Nedlands South***

#### *Strategies:*

- Retain and enhance the character and streetscape of the existing residential areas outside Urban Growth Areas and Transition Zones.

- Within the Transition Zones adjoining Stirling Highway, ensure the height, scale and bulk of redevelopment smoothly integrates back to the established residential character of the area.
  - Facilitate medium rise, medium intensity predominately residential redevelopment within the First Transition Zone.
  - Facilitate low rise, diverse residential built form within the Second Transition Zone.
- Within the Transition Zone adjoining Broadway, ensure the height, scale and bulk of redevelopment appropriately integrates back to the established residential character of the area.
  - Ensure a quick transition of built form to integrate back to the established residential character of the area.
- In appropriate and identified locations, consider a range of uses (particularly knowledge based uses) and accommodation types that complement the Health/Education/Research function of the UWA-QEII Specialised Centre on a scale that will not detract from other centres in the hierarchy.
- Ensure strategic planning of the UWA-QEII Specialised Centre and its boundaries is completed in partnership with the affected local governments and State government instrumentalities.

#### Draft Local Planning Policy Interim Built Form Design Guidelines – Broadway Mixed Use Zone (City of Nedlands 2020)

The City of Nedlands prepared and advertised the Draft Local Planning Policy Interim Built Form Design Guidelines – Broadway Mixed Use Zone in early 2020. This policy provides guidance on the planning and design of development within the Broadway Mixed Use Zone and includes a range of built form controls with respect to building height, setbacks, and protection of amenity.

At the time of writing this report, the draft Policy had not been formally adopted by the City, and has been referred to the WAPC in accordance with the requirements of section 1.2.3 of the Apartment Codes, as it proposes to vary provisions of the Apartment Codes.

Whilst there are some technical issues with the draft Policy that must be resolved before it can be formally adopted, it does establish a clear intent for how the City and the community views the local character within the amendment area, and the Broadway corridor in particular.

The proposed amendment seeks to formalise portions of the draft Policy through more appropriate channels, by modifying the underlying density codes that apply to the southern portion of the Broadway corridor. In particular, the R-AC4 coding proposed by this amendment will achieve a number of the same development standards / controls that were foreshadowed in the draft Policy, including:

- A rear setback of 6m (in lieu of a nil setback under the R-AC3 code); and
- A building height of 3-4 storeys in and around the neighbourhood and local centres on Broadway (in lieu of 6 storeys under the R-AC3 code).

## **Planning Justification**

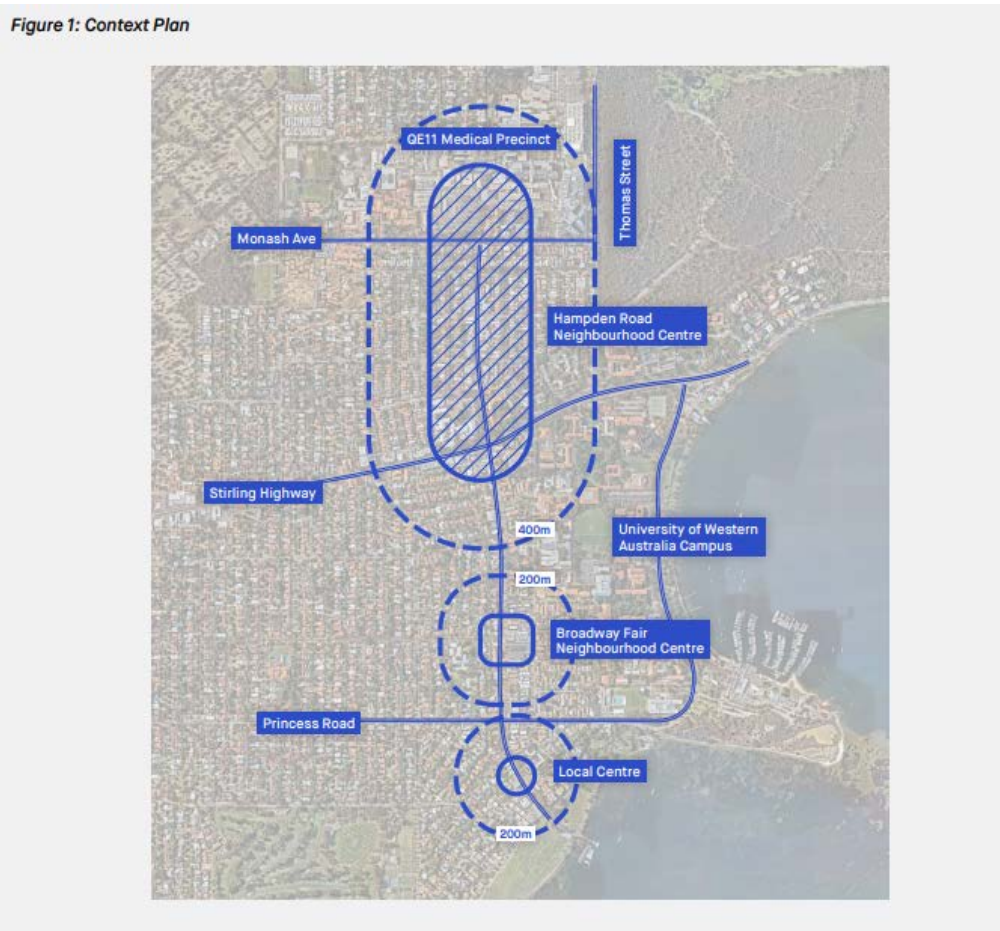
The following sets out the detailed planning justification for the proposed amendment, and considers the physical context of the amendment area, as well as the strategic planning context established by Perth and Peel @3.5 Million and the City's Local Planning Strategy.

### ***Context Analysis***

In considering this amendment, it is important to assess the local context of the amendment area and the broader surrounds and determine whether the current planning framework provides a suitable response to the physical context, having regard to the recommendations of the Local Planning Strategy. The following section sets out an analysis of the physical and planning context of the amendment area and its surrounds, while a context plan has been prepared at Figure 1 to demonstrate graphically the local context. The analysis separates the amendment area into two sub-precincts:

- The Broadway Corridor - Those properties within the amendment area that are zoned Mixed Use and generally fronting Broadway; and
- The Transition Area - Those properties within the amendment area zoned Residential that abut the Broadway Corridor to the west and generally front Kingsway and Hillway.

These two sub-precincts are discussed separately below.



## ***The Broadway Corridor***

### *What is the local context?*

Broadway is a mixed use corridor of approximately 1.5km in length, connecting Hampden Road and Stirling Highway to the north, with the Swan River at its southern end. LPS3 zones the full length of Broadway from Stirling Highway in the north to The Esplanade in the south as Mixed Use with a residential density code of R-AC3. Hampden Road, which is the continuation of Broadway to the north of Stirling Highway, also has a density code of R-AC3.

As one would expect from a corridor of this length, land use intensity varies considerably depending on proximity to key nodes of activity. The highest intensity uses along Broadway are located outside of the amendment area towards its northern end between Stirling Highway and Edward Street, in close proximity to three major strategic land uses, being QEII medical precinct, the Stirling Highway Activity Corridor, and the University of Western Australia. These three highly strategic land uses combine with the Hampden Road activity corridor to form a substantial node that generates significant movement and human activity. LPS3 provides a suitable planning response to the intensity of this activity node through the inclusion of a Mixed Use zone with a residential density code of R-AC3 in proximity to the node, forming a medium rise activity corridor.

As the gravitational pull of the node becomes weaker further south along Broadway, there is a noticeable diminishing of land use intensity on the western side. In the section of Broadway between Edward Street and Hillway, the land uses are predominantly suburban and residential in nature, with only isolated pockets of small-scale professional offices. The topography also becomes more apparent, with a significant upslope to the west from Broadway, and the existing homes sited in an elevated position towards the middle of the block – some 5-6 metres above the street level.

There are no significant nodes of activity (planned or existing) within this section that warrant or support the same scale and intensity of land use as the area's further north along Broadway. The Broadway Fair shopping centre is located within this section on the eastern side of Broadway, and is a designated Neighbourhood Centre in its own right, however is a relatively localised and small scale neighbourhood shopping centre and does not generate the same amount of activity and land use intensity as those areas closer to Stirling Highway.

South of Hillway there is a minor increase in commercial activity in the form of a small suburban local centre comprising an eclectic mix of single and two storey commercial and residential uses. This portion of Broadway is fairly typical of a small suburban local activity centre node and is distinct and separate from the rest of the Broadway corridor in this respect.

### *Is the current zoning and density coding appropriate in this context?*

At present, LPS3 does not adequately recognise or respond to the varying scales of intensity along the Broadway corridor, and instead provides for a Mixed Use zoning



with a density code of R-AC3 along its entire length. Whilst the Mixed Use zone is the most appropriate zone for the Broadway corridor, both now and into the future, the residential density coding of R-AC3 does not respond well to the physical land use context of the corridor south of Edward Street, where the intensity of the land uses diminishes. Nor does it recognize the considerable topography change in this area. As noted in the Apartment Codes, The R-AC3 coding is intended to be used in “mid-rise urban centres”. The Broadway corridor is not, and nor is it intended to be a mid-rise urban centre for its full length. Section 5.9.8 of the Local Planning Strategy identifies the Broadway corridor as a medium intensity, low to medium rise Urban Growth Area and recognises the need for varying levels of intensity along the length of the corridor in response to the predominant land use. The Strategy identifies the Broadway Fair shopping centre as a Neighbourhood Centre, with a second smaller Local Centre located to the south of Hillway. These centres and the immediate surrounds warrant a zoning and density code that responds to the land use planning context. In this regard, it is important to note that Appendix 2 of the Apartment Codes (which was published after the gazettal of LPS3) recommends a density code of R-AC4 as the most appropriate coding for low to mid-rise development in and around neighbourhood (and local) centres. On this basis, it can be concluded that the R-AC3 density code is not the most appropriate density code having regard to the Local Planning Strategy. In addition, it is important to consider the built form controls that apply in the R-AC3 code by virtue of the Apartment Codes, and to consider these controls in the context of the significant topographical change to the west of Broadway and Hillway, and the need to quickly transition the scale of development back to a typical residential scale. The Apartment Codes requires building height to be measured from natural ground level at the point immediately below. This ensures that the maximum building height envelope increases along with the topography. This is further demonstrated in the image below.



Section of development proposal at 135 Broadway depicting natural ground level and default height limit – source: MAARCH, March 2020

The net result of the sloping site is that in the event that the building envelope is maximized, a 6 storey (21m) building can be ‘perched’ at the rear of the block, and can present as a much taller building because of the topography. This coupled with an as-of-right nil setback to the rear is likely to have a significant impact on the amenity of the single residential homes within the transition area to the west.

In light of the above, it is apparent that the R-AC3 code is not well suited to this section of Broadway in terms of the intensity of the land use, and its intended function as a low to medium-rise urban growth area. Furthermore, the default development controls for the R-AC3 code, with a 6 storey height limit and no rear setback requirement will have a significant impact on the amenity of adjoining properties.

In relation to number 5 Hillway specifically, this property has been incorrectly included as part of the Broadway mixed use corridor, and zoned Mixed Use R-AC3, despite being on a residential street and having no frontage with, or relationship to Broadway, and despite being shown as Transition Area in the Local Planning Strategy. It is clear that the location of the site is not well suited to mixed use development, or residential development of the same intensity as those properties fronting Broadway. As such, it is appropriate to rezone 5 Hillway from Mixed Use to Residential in keeping with the local character and context.

*What is the most appropriate zoning and density coding for this area?*

The proposed amendment will modify the residential density code from R-AC3 to R-AC4, in keeping with the recommended density code for land located within, and in close proximity to neighbourhood and local centres in the Apartment Codes. Furthermore, the amendment will rezone number 5 Hillway from Mixed Use to Residential R40 to include it in the Transition Area consistent with the Local Planning Strategy, and to ensure that commercial uses are located on properties that front Broadway. Given the presence of both a neighbourhood and a local centre within the amendment area, along with the absence of any higher-order density drivers that would justify a mid-rise urban centre in this location, the R-AC4 coding is more appropriate than its current zoning for this portion of Broadway in the context of both the Local Planning Strategy, and the Apartment Codes. Furthermore, the R-AC4 coding will result in a built form that is more consistent with the new buildings at the intersection of Broadway and The Avenue, which are 2-3 storeys when viewed from the street.

### ***The Transition Area***

The Transition Area comprises those properties within the amendment area that are currently zoned Residential, and generally 'back on' to those properties fronting Broadway.

*What is the local context?*

With the notable exception of the Kingsway Methodist Church, the Transition Area is characterised exclusively by residential lots ranging from 730m<sup>2</sup> to 880m<sup>2</sup> in area, and with established trees and 6m – 9m wide verges. The large majority of these lots contain substantial modern or renovated character homes.

The western side of Kingsway, although outside of the Transition Area, is very similar in character, with no discernible difference between the scale or intensity of development between the two sides.

There is a substantial change in topography between Kingsway / Hillway and Broadway with a fall of 7m – 12m from west to east. Both Kingsway and Hillway run perpendicular to the natural slope which creates a ‘viewing platform’ for properties on the east side of Kingsway towards the east and southeast. As a result, all dwellings constructed on Kingsway since its inception more than 100 years ago have been designed and oriented to take advantage of the iconic Perth city skyline and Swan River views. LPS3 allocates a residential density code of R60 to all of the lots within the Transition Area, while the lots on the western side of Kingsway are coded R12.5.

Section 5.9.11 of the Local Planning Strategy requires the Transition Area *to ensure the height, scale and bulk of redevelopment appropriately integrates back to the established residential character of the area.* The strategy goes on to recommend that the planning scheme *ensure a quick transition of built form to integrate back to the established residential character of the area.* The strategy does not provide any specific guidance as to how best to ensure this quick transition of built form, however, does note in section 5.9.8 that the *significant east-west topography variation will function as the Transition Zone.*



Contour map and cross section depicting typical change in elevation between Kingsway and Hillway – April 2020

*Is the current zoning and density coding appropriate in this context?*

It is clear from the Local Planning Strategy that the purpose of designating an R60 coding along this portion of Kingsway and Hillway is less about achieving infill housing

targets, and more about providing a graduating scale of development between the Broadway corridor and the lower density residential areas to the west.

The default built form controls set out in the Apartment Codes provide a medium-rise 3 storey height limit and a maximum plot ratio of 0.8 in R60 coded areas. Presumably, the 3 storey height limit was considered to be an appropriate graduation in scale between the 6 storey height limit fronting Broadway, and the two storey height limit in the R12.5 coded areas to the west. This rather simplistic approach overlooks the fact that there is a significant change in topography between Broadway and Kingsway which, as noted in the Local Planning Strategy, functions as a transition zone on its own. As such the R60 coding serves little to no benefit as a transition zone at the rear of these properties, however has the potential to significantly impact on the established character streetscapes of Kingsway and Hillway if these areas are developed to a 3 storey R60 standard.

It is also important to consider the likely uptake of the R60 coding in this Transition Area. As noted above, these lots are predominantly characterised by substantial modern or renovated character homes, each of which would have a replacement value in the millions. The value of these properties and the economics of property development make it highly unlikely that these blocks will be developed as 3 storey multi-dwellings within the timeframe of the current planning scheme. On this basis, even if R60 coded multiple dwellings were considered to be the most appropriate built form outcome for this area, the likely take-up will be minimal for the foreseeable future, and as such, the R60 coding serves no benefit as a transition zone.

*What is the most appropriate zoning and density coding for this area?*

The R40 code is the most appropriate density code for the Transition Area. R40 allows for the consideration of single, grouped and low-rise multiple dwellings, with a default height limit of two storey and a maximum plot ratio of 0.6. The two-storey height limit is a more appropriate built-form response to the established residential character, whilst also allowing for a more intense form of residential density recognising the high amenity location in proximity to the Broadway Corridor, local and neighbourhood centre, and the views to the Swan River.

## Development Control Comparison

The following tables summarise and compare the primary controls of the Apartment Codes for both the current and modified residential density codes. As demonstrated in the tables, the changes to the residential density code for both the Broadway Corridor and the Transition Area will result in some significant benefits / advantages with respect to responding to the local character, topography, established streetscapes and the need to transition quickly from the Mixed Use zone to the residential areas.

### Broadway Corridor Primary Controls

| Primary Control  | R-AC4 (proposed)                          | R-AC3 (existing)                          | Comment  |
|--|---|---|--|
| Building Height (storeys)                              | 3   | 6   | The reduced building height of 3 storeys is in-keeping with the scale of development anticipated in and around suburban neighbourhood and local centres, and is more appropriate having regard to the local context discussed in the previous section. It is also consistent with the recently completed mixed use buildings on the corners of Broadway and The Avenue at the southern end of Broadway, which are between 2-3 storeys. |
| Boundary wall height (storeys)                         | 2   | 3   | The minor reduction in the permissible boundary wall height is an appropriate response to the overall height limit, and will ensure that new buildings are of an appropriate bulk and scale.   |
| Minimum primary street setbacks                        | 2m or Nil (if commercial on ground floor) | 2m or Nil (if commercial on ground floor) | No change – allows for activation of non residential uses at street level.   |
| Minimum side setbacks                                  | Nil                                       | Nil                                       | No change  |
| Minimum rear setback                                   | 6m  | Nil                                       | 6m rear setback requirement provides an improved opportunity to manage interface to the residential zoned properties to the rear. The 6m setback is consistent with the City of Nedlands draft Local Planning Policy <i>Interim Built Form Design Guidelines – Broadway Mixed Use Zone</i> .   |
| Average side setback where building length exceeds 16m | N/A                                       | N/A                                       |  |
| Plot ratio   | 1.2                                       | 2.0                                       | A plot ratio of 1.2 is consistent with a density code of between R80-R100 (1.0 & 1.3 respectively) and provides sufficient flexibility to ensure that a range of residential and commercial uses can be delivered within the building envelope.  |

### Transition Area Primary Controls

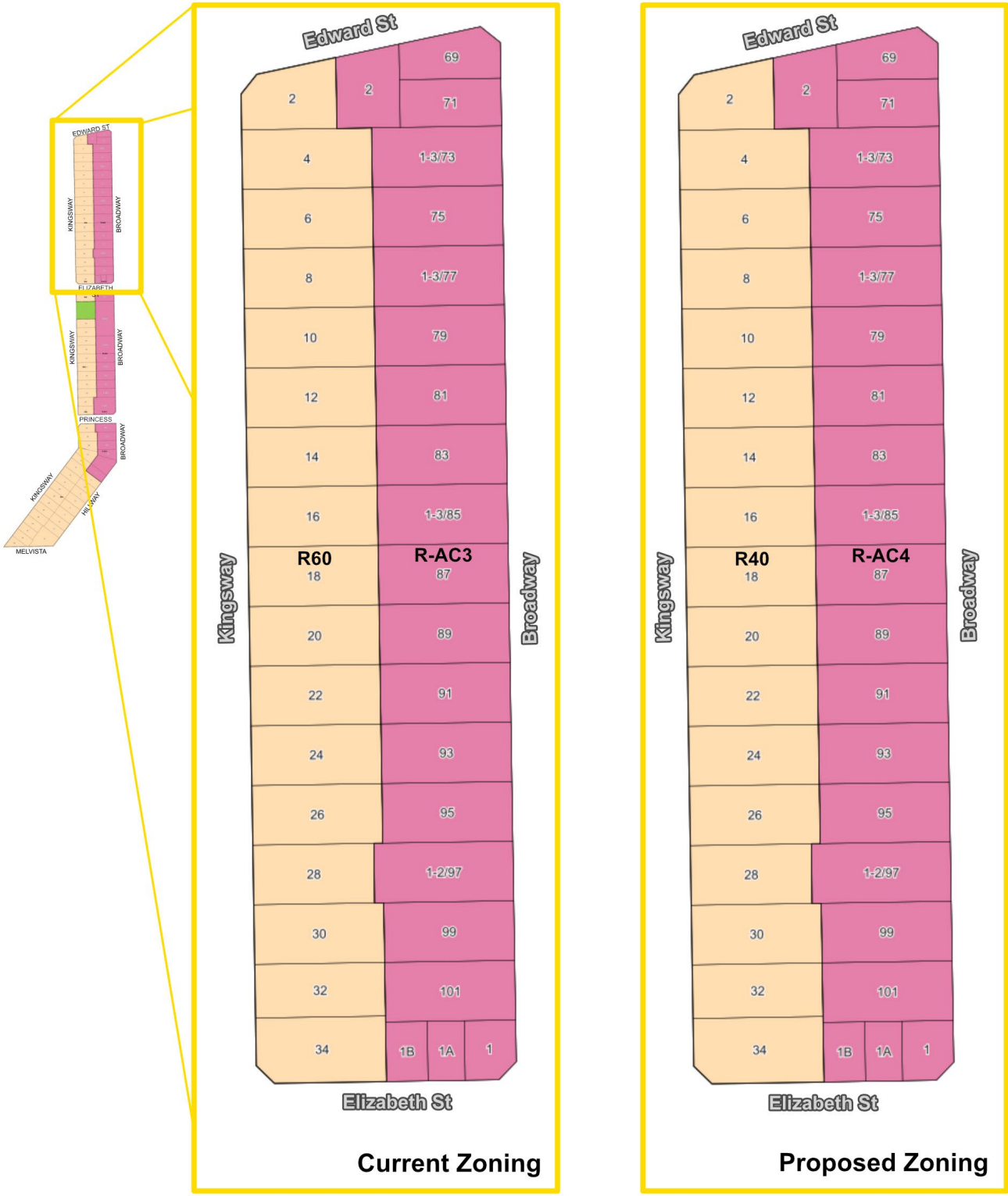
| Primary Control  | R40 (proposed)   | R60 (current)  | Comment  |
|--|--|--|--|
| Building Height (storeys)                              | 2  | 3  | A 2 storey height limit provides an appropriate interface to the Kingsway and Hillway streetscapes and better delivers the key objective of the Local Planning Strategy, being to <i>ensure a quick transition of built form to integrate back to the established residential character of the area.</i> |
| Boundary wall height (storeys)                         | 1 (up to one boundary, not exceeding 2/3 of boundary length) | 1 (up to one boundary, not exceeding 2/3 of boundary length) | No change  |
| Minimum primary street setbacks                        | 4m   | 2m   | The increased setback to Kingsway and Hillway is more consistent with the existing streetscape and will assist to retain the residential character of the area by retaining a more traditional 'front yard' and allowing improved opportunities for landscaping.   |
| Minimum side setbacks                                  | 2m   | 3m   | Minor change only  |
| Minimum rear setback                                   | 3m   | 3m   | No change  |
| Average side setback where building length exceeds 16m | 2.4m   | 3.5m   | Minor change only  |
| Plot ratio   | 0.6  | 0.8  | The minor reduction in plot ratio is commensurate with the reduced building height (from 3 to 2 storey) and ensures that development is of an appropriate scale and intensity to provide a quick transition of built form back to the established residential character of the area.                     |

### 3.0 CONCLUSION

This standard amendment is entirely consistent with the statutory and strategic planning framework – in particular, the provisions of the City of Nedlands Local Planning Strategy, and the WAPC's Central Sub-regional Framework. The amendment will continue to enable the sustainable growth of Broadway as a mixed use urban corridor – as envisaged in the Strategy and the Framework, whilst also striking a more suitable balance in managing the transition from Broadway into the residential properties within the transition area and into the established residential suburbs.

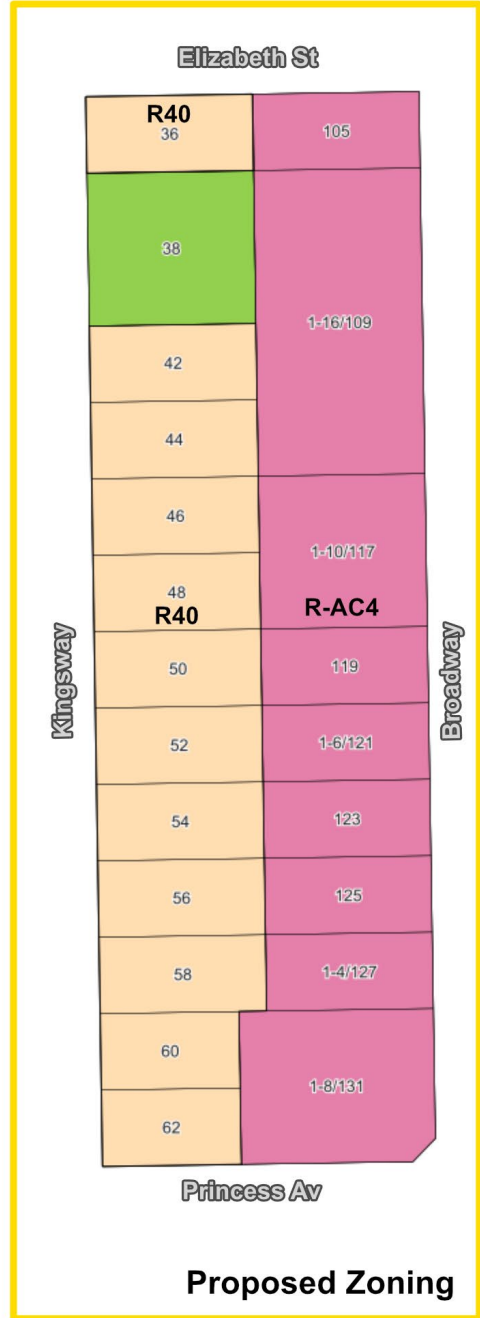
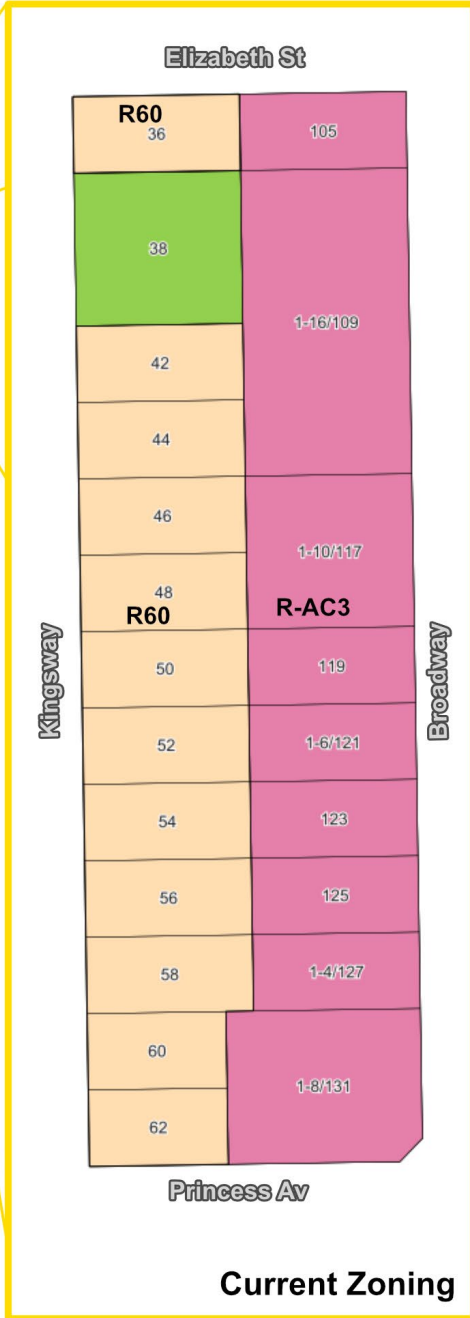
Appendix 1 - Maps of Proposed Density Changes

Kingsway/Broadway between Edward St and Elizabeth St



Appendix 1 (continued)

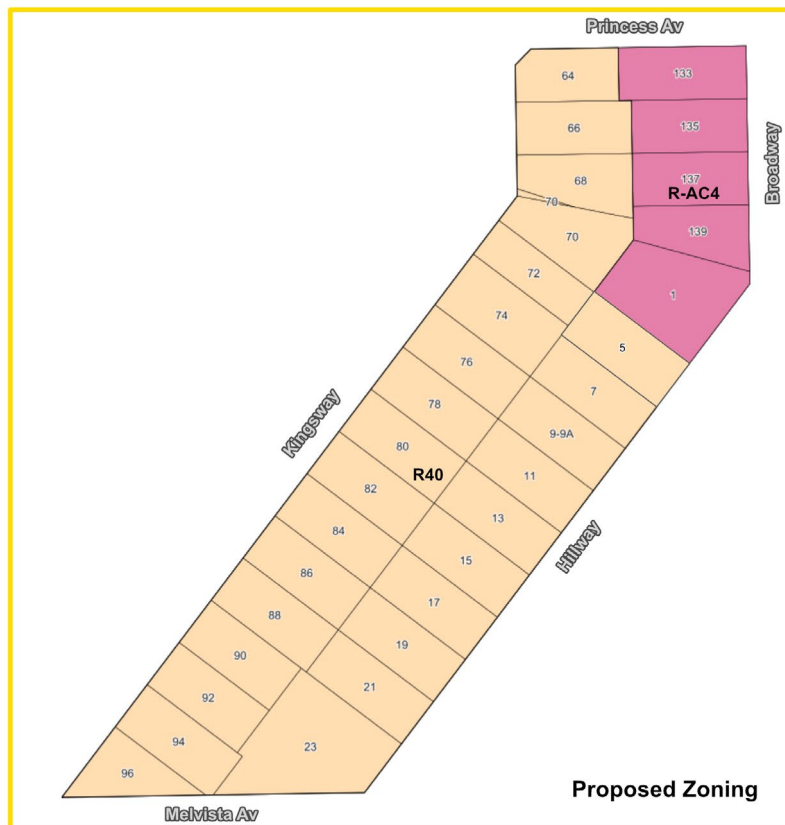
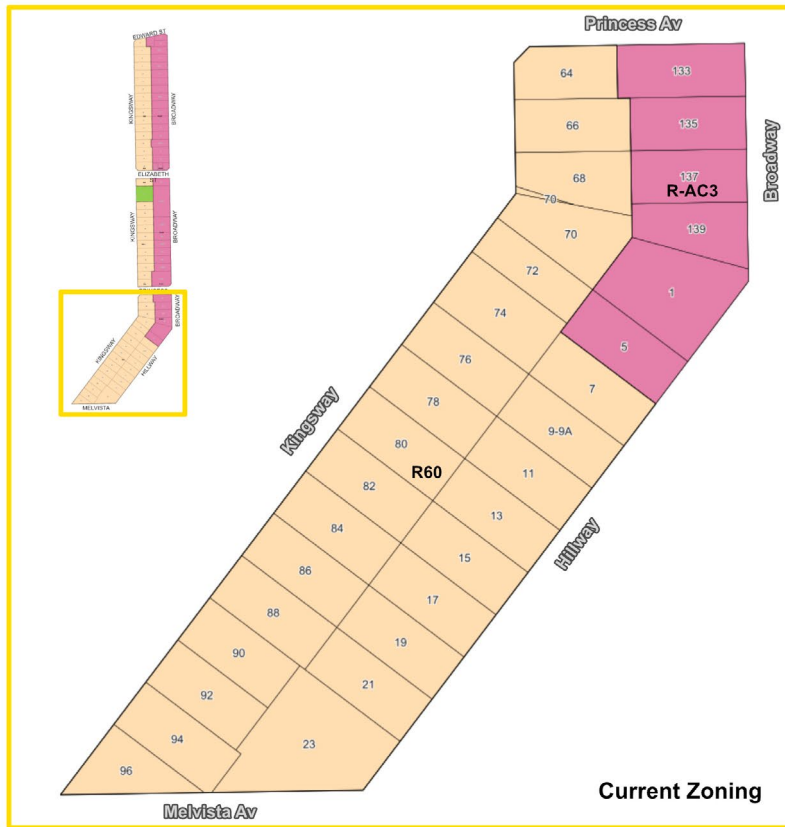
Kingsway/Broadway between Elizabeth St and Princess Av





Appendix 1 (continued)

Kingsway/Broadway/Hillway between Princess Av and Melvista Av



FORM 6A

**COUNCIL ADOPTION**

This Standard Amendment was adopted by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the 28 day of April, 2020.

.....  
**MAYOR/SHIRE PRESIDENT**

.....  
**CHIEF EXECUTIVE OFFICER**

**COUNCIL RESOLUTION TO ADVERTISE**

by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the 28 day of April 2020, proceed to advertise this Amendment.

.....  
**MAYOR/SHIRE PRESIDENT**

.....  
**CHIEF EXECUTIVE OFFICER**

**COUNCIL RECOMMENDATION**

This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [ number ] day of [ month ], 20[ year ] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
**MAYOR/SHIRE PRESIDENT**

.....  
**CHIEF EXECUTIVE OFFICER**

**WAPC ENDORSEMENT (r.63)**

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

**DATE.....**  
**FORM 6A - CONTINUED**

**APPROVAL GRANTED**

.....  
**MINISTER FOR PLANNING**

**DATE.....**

|   |                           |
|---|---------------------------|
| <b>Submissions Received</b>   |                           |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                           |
| <b>Submitter Number:</b>  | 1                         |
| <b>Submitter Name:</b>  | Humphrey Wine             |
| <b>Submitter Address:</b>   | 26/35 Esplanade, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                       |
| <b>Support/Object/Comment:</b>  | Support                   |
| <b>Summary of Submission:</b>   |                           |
| 1) Supports proposed scheme amendment.  |                           |
| <b>Response to Submission</b>   |                           |
| 1) Noted.   |                           |

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| <b>Submissions Received</b>   |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                       |
| <b>Submitter Number:</b>  | 2                     |
| <b>Submitter Name:</b>  | Rachel Palmer         |
| <b>Submitter Address:</b>   | 69 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <b>Summary of Submission:</b>   |                       |
| 1) Limiting building height to 4 storeys will balance maintaining amenity with allowing for development.  |                       |
| <b>Response to Submission</b>   |                       |
| 1) The City is currently undertaking built form modelling to determining the optimal development styles to minimise impact on amenity of the locality in relation to building heights.  |                       |

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| <b>Submissions Received</b>   |                           |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                           |
| <b>Submitter Number:</b>  | 3                         |
| <b>Submitter Name:</b>  | David Bent                |
| <b>Submitter Address:</b>   | 85 Bruce Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                       |
| <b>Support/Object/Comment:</b>  | Support                   |
| <b>Summary of Submission:</b>   |                           |

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.

**Response to Submission**

- 1) The City of Perth is currently undertaking a Local Planning Scheme Review which may result in greater height on the Perth side of Broadway. The built form modelling work and Scheme Amendments have been referred to Perth for their comments.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

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Where two submissions were received from the same address they were summarised separately.

|                                   |                       |
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| <b>Submitter Number:</b>          | 4                     |
| <b>Submitter Name:</b>            | Robert Edel           |
| <b>Submitter Address:</b>         | 71 Broadway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Object                |

**Summary of Submission:**

- 1) Reduction in density will reduce development potential.  
2) 69 and 71 Broadway should be excluded from proposed amendment, as these properties do not abut lower density sites.

**Response to Submission**

- 1) A reduction in density will reduce the potential for number of dwellings on each site.  
2) Noted.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

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Where two submissions were received from the same address they were summarised separately.

|                                   |                             |
|-----------------------------------|-----------------------------|
| <b>Submitter Number:</b>          | 5                           |
| <b>Submitter Name:</b>            | Rudolf Boeddinghaus         |
| <b>Submitter Address:</b>         | 9 Granby Crescent, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                         |
| <b>Support/Object/Comment:</b>    | Support                     |

**Summary of Submission:**

- 1) Amendment will reintroduce appropriate density gradations for the area.

**Response to Submission**

- 1) The City is currently undertaking built form modelling to determining the optimal development styles to minimise impact on amenity of the locality in relation to building heights.

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| <b>Submissions Received</b>  |                      |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                      |
| <b>Submitter Number:</b>   | 6                    |
| <b>Submitter Name:</b>   | Marianne Bombara     |
| <b>Submitter Address:</b>  | 23 Hillway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                  |
| <b>Support/Object/Comment:</b>   | Object               |
| <b>Summary of Submission:</b>  |                      |
| <ol style="list-style-type: none"> <li>1) Changes to zoning and density should be considered throughout the planning process or during a scheme review, not one year into a new planning scheme.</li> <li>2) Proposed amendment undermines the new planning scheme and is focussed on the past rather than the future.</li> <li>3) Broadway is understood to be the future route for a MAX route.</li> <li>4) Recoding R60 areas to R40 will not provide a suitable transition.</li> </ol>   |                      |
| <b>Response to Submission</b>  |                      |
| <ol style="list-style-type: none"> <li>1) A scheme review or new planning scheme process is the appropriate method for density changes through the planning process.</li> <li>2) Noted. The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing.</li> <li>3) Noted.</li> <li>4) The transitions in the area are reasonably harsh, and the City's built form modelling is proposing to manage these transitions more appropriately through setbacks and nuanced built form.</li> </ol> |                      |

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| <b>Submissions Received</b>   |                           |
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| <b>Submitter Number:</b>  | 7                         |
| <b>Submitter Name:</b>  | Louise Denham             |
| <b>Submitter Address:</b>   | 78 Bruce Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                       |
| <b>Support/Object/Comment:</b>  | Support                   |
| <b>Summary of Submission:</b>   |                           |
| <ol style="list-style-type: none"> <li>1) Amendment will provide more appropriate zoning for the area.</li> </ol>   |                           |
| <b>Response to Submission</b>   |                           |
| <ol style="list-style-type: none"> <li>1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing character.</li> </ol>  |                           |

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| <b>Submissions Received</b>   |                     |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.   |                     |
| <b>Submitter Number:</b>  | 8                   |
| <b>Submitter Name:</b>  | Moya Wood           |
| <b>Submitter Address:</b>   | 9 Hillway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                 |
| <b>Support/Object/Comment:</b>  | Support             |
| <b>Summary of Submission:</b>   |                     |
| <ol style="list-style-type: none"> <li>1) Current density is too high.</li> <li>2) Locality already has parking issues.</li> <li>3) Concerned with overshadowing of existing properties.</li> <li>4) Alternative locations should be considered for density, such as Kings Park or the old Sunset Men's Home.</li> </ol>  |                     |
| <b>Response to Submission</b>   |                     |
| <ol style="list-style-type: none"> <li>1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, so that the density will not have such a high visual impact on the locality.</li> <li>2) All new developments are required to comply with the City's LPP Parking.</li> <li>3) See response to 1.</li> <li>4) Kings Park is not within the City's LGA, and is a protected park, not appropriate for infill density. The Sunset Hospital is a heritage listed building, also not appropriate for infill density.</li> </ol> |                     |

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| <b>Submissions Received</b>   |                     |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.   |                     |
| <b>Submitter Number:</b>  | 9                   |
| <b>Submitter Name:</b>  | John Payne          |
| <b>Submitter Address:</b>   | 9 Hillway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                 |
| <b>Support/Object/Comment:</b>  | Support             |
| <b>Summary of Submission:</b>   |                     |
| <ol style="list-style-type: none"> <li>1) Existing density will negatively impact amenity of locality.</li> </ol>   |                     |
| <b>Response to Submission</b>   |                     |
| <ol style="list-style-type: none"> <li>1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, so that the density will not have such a high visual impact on the locality.</li> </ol> |                     |

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| <b>Submissions Received</b>  |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                       |
| <b>Submitter Number:</b>   | 10                    |
| <b>Submitter Name:</b>   | Dominic Johnston      |
| <b>Submitter Address:</b>  | 12 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                   |
| <b>Support/Object/Comment:</b>   | Support               |
| <b>Summary of Submission:</b>  |                       |
| <ol style="list-style-type: none"> <li>1) Existing transition in density coding is inappropriate.</li> <li>2) Existing density will negatively impact character and amenity of the area.</li> <li>3) Development approvals along Broadway should be amended to reflect proposed scheme amendment.</li> </ol>   |                       |
| <b>Response to Submission</b>  |                       |
| <p>1 and 2) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, so that the density will not have such a high visual impact on the locality.</p> <p>3) Previous approvals granted cannot be retrospectively altered, even if the Scheme Amendment were to gain approval from the WAPC.</p> |                       |

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| <b>Submissions Received</b>  |                             |
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| <b>Submitter Number:</b>   | 11                          |
| <b>Submitter Name:</b>   | David Lord                  |
| <b>Submitter Address:</b>  | 21 Alexander Road, Dalkeith |
| <b>Residence within Nedlands:</b>  | Yes                         |
| <b>Support/Object/Comment:</b>   | Support                     |
| <b>Summary of Submission:</b>  |                             |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                             |
| <b>Response to Submission</b>  |                             |
| <p>1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density.</p>  |                             |



- 2) The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, so that the density will not have such a high visual impact on the locality.
- 3) Administration did not commission the Rise Urban Report and is not supportive of its content which appears to lack evidence based outcomes.

### Submissions Received

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|                                   |                             |
|-----------------------------------|-----------------------------|
| <b>Submitter Number:</b>          | 12                          |
| <b>Submitter Name:</b>            | Jan Lord                    |
| <b>Submitter Address:</b>         | 21 Alexander Road, Dalkeith |
| <b>Residence within Nedlands:</b> | Yes                         |
| <b>Support/Object/Comment:</b>    | Support                     |

### Summary of Submission:

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

### Response to Submission

See response to submission 11.

### Submissions Received

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Where two submissions were received from the same address they were summarised separately.

|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Submitter Number:</b>          | 13                           |
| <b>Submitter Name:</b>            | Ronnie Goldberg              |
| <b>Submitter Address:</b>         | 1 Briggs Street, Mosman Park |
| <b>Residence within Nedlands:</b> | Yes                          |
| <b>Support/Object/Comment:</b>    | Object                       |

### Summary of Submission:

- 1) Reduction in density will reduce development potential.
- 2) 69 and 71 Broadway should be excluded from proposed amendment, as these properties do not abut lower density sites.

### Response to Submission

See response to submission 4.

|   |                                 |
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| <b>Submissions Received</b>   |                                 |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.   |                                 |
| <b>Submitter Number:</b>  | 14                              |
| <b>Submitter Name:</b>  | University of Western Australia |
| <b>Submitter Address:</b>   | 35 Stirling Highway, Nedlands   |
| <b>Residence within Nedlands:</b>   | No                              |
| <b>Support/Object/Comment:</b>  | Object                          |
| <b>Summary of Submission:</b>   |                                 |
| <ol style="list-style-type: none"> <li>1) Noting the proximity of the area to the QEII/UWA Specialised Activity Centre precinct, the existing density on Broadway is considered appropriate.</li> <li>2) Managing the impact of development under R-AC3 can be achieved by implementing site-specific building envelopes that respond topography.</li> <li>3) Transitioning to the lower coded areas to the west between Edward Street and Elizabeth Street can be better achieved by down coding the R60 lots on Kingsway to R40.</li> </ol> |                                 |
| <b>Response to Submission</b>   |                                 |
| <ol style="list-style-type: none"> <li>1) The current density is considered to be appropriate for Broadway's relationship with the Specialised Activity Centre.</li> <li>2) The City is currently undertaking built form modelling to provide these site specific controls.</li> <li>3) Noted.</li> </ol>   |                                 |

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| <b>Submissions Received</b>   |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                       |
| <b>Submitter Number:</b>  | 15                    |
| <b>Submitter Name:</b>  | Susan Gazia           |
| <b>Submitter Address:</b>   | 79 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <b>Summary of Submission:</b>   |                       |
| 1) No comment provided.   |                       |
| <b>Response to Submission</b>   |                       |
| 1) N/A  |                       |

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| <b>Submissions Received</b>   |              |
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| <b>Submitter Number:</b>  | 16           |
| <b>Submitter Name:</b>  | Carl R Gazia |

|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Address:</b>         | 79 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |
| <b>Summary of Submission:</b>     |                       |
| 1) Support the amendment.         |                       |
| <b>Response to Submission</b>     |                       |
| 1) Noted.                         |                       |

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| <b>Submissions Received</b>   |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.   |                       |
| <b>Submitter Number:</b>  | 17                    |
| <b>Submitter Name:</b>  | Andrew Mackellar      |
| <b>Submitter Address:</b>   | 96 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <b>Summary of Submission:</b>   |                       |
| 1) Proposed changes will provide graded planning densities for the area.  |                       |
| <b>Response to Submission</b>   |                       |
| 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. |                       |

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| <b>Submissions Received</b>   |                      |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                      |
| <b>Submitter Number:</b>  | 18                   |
| <b>Submitter Name:</b>  | Christine Warnick    |
| <b>Submitter Address:</b>   | 48 Viewway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                  |
| <b>Support/Object/Comment:</b>  | Support              |
| <b>Summary of Submission:</b>   |                      |
| 1) Existing density is too high.  |                      |
| <b>Response to Submission</b>   |                      |
| 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the  |                      |

current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.

### Submissions Received

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|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Number:</b>          | 19                    |
| <b>Submitter Name:</b>            | John Van Vliet        |
| <b>Submitter Address:</b>         | 90 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |

### Summary of Submission:

- 1) Proposed zoning is more reflective of the existing locality.
- 2) Climate change is reducing demanding for high density development, as they are unsustainable.

### Response to Submission

- 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.
- 2) The reduction of urban sprawl is considered to be a far more effective way to reduce the impact of climate change.

### Submissions Received

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Where two submissions were received from the same address they were summarised separately.

|                                   |                       |
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| <b>Submitter Number:</b>          | 20                    |
| <b>Submitter Name:</b>            | Gisela Birch          |
| <b>Submitter Address:</b>         | 90 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |

### Summary of Submission:

- 1) Proposed zoning is more reflective of the existing locality.
- 2) Reduced density allows for more trees to be part of new developments.
- 3) Reduced density will mitigate potential traffic issues on Kingsway.

### Response to Submission

The City's built form modelling project is considering the appropriate built form for the desired future character of the area in accordance with the Local Planning Scheme. The built form modelling seeks to increase the canopy cover on new development sites and traffic modelling is also being undertaken.

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| <b>Submissions Received</b>   |                                   |
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| <b>Submitter Number:</b>  | 21                                |
| <b>Submitter Name:</b>  | Lorraine Ironside and Alan Nicoll |
| <b>Submitter Address:</b>   | 15 Viewway, Nedlands              |
| <b>Residence within Nedlands:</b>   | Yes                               |
| <b>Support/Object/Comment:</b>  | Support                           |
| <b>Summary of Submission:</b>   |                                   |
| <ol style="list-style-type: none"> <li>1) Proposed amendment is supported as it responds to community opposition to high density developments in the area.</li> <li>2) Proposed densities will provide for more appropriate built form next to existing dwellings and the primary school.</li> </ol>      |                                   |
| <b>Response to Submission</b>   |                                   |
| The City's built form modelling project is considering the appropriate built form for the desired future character of the area in accordance with the Local Planning Scheme. This is the existing legislative document and must be considered by the community in all future plans.                       |                                   |

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| <b>Submissions Received</b>   |                       |
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| <b>Submitter Number:</b>  | 22                    |
| <b>Submitter Name:</b>  | Malcolm McCulloch     |
| <b>Submitter Address:</b>   | 91 Broadway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Object                |
| <b>Summary of Submission:</b>   |                       |
| <ol style="list-style-type: none"> <li>1) Proposed amendment is not based on rational planning principles and would result in ad hoc mix of R-AC3 and R-AC4 along Broadway.</li> <li>2) Approved R-AC3 development sites are excluded from the amendment, which was not made clear in advertising materials.</li> </ol>                     |                       |
| <b>Response to Submission</b>   |                       |
| <ol style="list-style-type: none"> <li>1) Agreed.</li> <li>2) This is standard planning practice – all current planning approvals are legal agreements. No planning approval can be retrospectively required to be reduced in height or alter their plans when they complied with the existing planning legislation at the time.</li> </ol> |                       |

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| <b>Submissions Received</b>  |  |
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| <b>Submitter Number:</b>   | 23 and 24 (same submission lodged twice) |
| <b>Submitter Name:</b>   | John Carstens                            |
| <b>Submitter Address:</b>  | 20 Kingsway, Nedlands                    |
| <b>Residence within Nedlands:</b>  | Yes                                      |
| <b>Support/Object/Comment:</b>   | Object                                   |
| <b>Summary of Submission:</b>  |  |
| <ol style="list-style-type: none"> <li>1) The existing transition in density between Broadway and Kingsway is already inappropriate, so reducing Kingsway to R40 would create further issues behind approved R-AC3 sites.</li> <li>2) The existing transition has a number of issues including overlooking, overshadowing, loss of privacy and loss of amenity. These issues would be exacerbated if Kingsway was reduced to R40.</li> </ol>                           |  |
| <b>Response to Submission</b>  |  |
| <ol style="list-style-type: none"> <li>1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.</li> <li>2) Noted.</li> </ol> |  |

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| <b>Submissions Received</b>   |                        |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                        |
| <b>Submitter Number:</b>  | 25                     |
| <b>Submitter Name:</b>  | Gregory Rossen         |
| <b>Submitter Address:</b>   | 119 Broadway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                    |
| <b>Support/Object/Comment:</b>  | Object                 |
| <b>Summary of Submission:</b>   |                        |
| <ol style="list-style-type: none"> <li>1) The existing planning scheme is based on sound planning merits, so no further changes should be supported.</li> </ol>   |                        |
| <b>Response to Submission</b>   |                        |
| <ol style="list-style-type: none"> <li>1) Noted.</li> </ol>   |                        |

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| <b>Submissions Received</b>   |    |
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| <b>Submitter Number:</b>  | 26 |

|  |                        |
|--|------------------------|
| <b>Submitter Name:</b>   | Elizabeth Reilly       |
| <b>Submitter Address:</b>  | 20 Hull Way, Beechboro |
| <b>Residence within Nedlands:</b>  | No                     |
| <b>Support/Object/Comment:</b>   | Object                 |
| <b>Summary of Submission:</b>  |                        |
| <ol style="list-style-type: none"> <li>1) Does not support changes to planning scheme.</li> <li>2) Against urban sprawl and elitism.</li> </ol>  |                        |
| <b>Response to Submission</b>  |                        |
| <ol style="list-style-type: none"> <li>1) The amendment is not in keeping with the existing Local Planning Scheme.</li> <li>2) Noted.</li> </ol> |                        |

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| <b>Submissions Received</b>   |                                      |
| <p>Disclaimer: the following is a summary of submissions received.<br/>         Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br/>         Where two submissions were received from the same address they were summarised separately.</p>  |                                      |
| <b>Submitter Number:</b>  | 27                                   |
| <b>Submitter Name:</b>  | Element                              |
| <b>Submitter Address:</b>   | L. 18, 191 St Georges Terrace, Perth |
| <b>Residence within Nedlands:</b>   | No                                   |
| <b>Support/Object/Comment:</b>  | Object                               |
| <b>Summary of Submission:</b>   |                                      |
| <ol style="list-style-type: none"> <li>1) Amendment is inconsistent with state and local planning framework and is reactionary.</li> <li>2) The City is already following an orderly and proper planning pathway to deliver localised planning controls for the area, so proposed scheme amendment should not be progressed in advance of this work.</li> <li>3) Approvals for R-AC3 sites have already been issued, which could result in a disjointed streetscape if surrounding properties are down-coded.</li> <li>4) Scheme amendment needs to be considered in the context of City of Perth future planning scheme and the QEII/UWA Specialised Activity Centre.</li> <li>5) Proposal to rezone 5 Hillway to Residential is inconsistent with Council's resolution. The justification report states that the Mixed Use zoning of this site was a mistake, however there is no basis to this statement.</li> </ol> |                                      |
| <b>Response to Submission</b>   |                                      |
| <ol style="list-style-type: none"> <li>1) Agreed.</li> <li>2) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.</li> <li>3) Developments that have already received approval cannot be retrospectively altered or revoked, so this is a possibility.</li> <li>4) Agreed.</li> <li>5) The content of the justification report has been prepared by Rise Urban.</li> </ol>  |                                      |

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| <b>Submissions Received</b>  |                      |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                      |
| <b>Submitter Number:</b>   | 28                   |
| <b>Submitter Name:</b>   | Rachel Greaves       |
| <b>Submitter Address:</b>  | 40 Hillway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                  |
| <b>Support/Object/Comment:</b>   | Support              |
| <b>Summary of Submission:</b>  |                      |
| <ol style="list-style-type: none"> <li>1) City of Nedlands first to have new scheme in the context of Design WA, so reasonable for refinements needing to be made through scheme amendments.</li> <li>2) LPS 3 allows for greater than 4400 dwellings.</li> <li>3) COVID-19 will reduce the demand for new dwellings.</li> <li>4) Development of 9-10 storeys is now possible on Broadway, which is an inappropriate transition to lower density areas.</li> <li>5) Proposed amendment will address amenity and traffic issues associated with current zoning.</li> <li>6) Supportive of content in Rise Urban scheme amendment report.</li> </ol>   |                      |
| <b>Response to Submission</b>  |                      |
| <ol style="list-style-type: none"> <li>1) Scheme amendments need to be supported by strong strategic evidence and research.</li> <li>2) It is not anticipated that there will be a 100% take up of development on the lots where the density code has increased.</li> <li>3) This is not a relevant planning consideration. The market will determine this.</li> <li>4) R-AC3 proposes 6 storeys under R-Codes Volume 2. Additional height is subject to a performance based assessment against the planning framework.</li> <li>5) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.</li> <li>6) Administration did not commission the Rise Urban Report and is not supportive of its content which appears to lack evidence based outcomes.</li> </ol> |                      |

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|---|----------------------|
| <b>Submissions Received</b>   |                      |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                      |
| <b>Submitter Number:</b>  | 29                   |
| <b>Submitter Name:</b>  | Grant Keady          |
| <b>Submitter Address:</b>   | 14 Viewway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                  |
| <b>Support/Object/Comment:</b>  | Support              |
| <b>Summary of Submission:</b>   |                      |



- 1) Development on Broadway, south of Edward St, should be 5 storeys in height or less and be limited to residential uses only.
- 2) Eastern side of Kingsway should be R40 due to proximity to primary school.

**Response to Submission**

- 1) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.
- 2) Proximity to a primary school is not considered a relevant planning consideration for reducing density.

**Submissions Received**

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|                                   |                          |
|-----------------------------------|--------------------------|
| <b>Submitter Number:</b>          | 30                       |
| <b>Submitter Name:</b>            | Kylie Passage            |
| <b>Submitter Address:</b>         | 80 Doonan Road, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                      |
| <b>Support/Object/Comment:</b>    | Support                  |

**Summary of Submission:**

- 1) Shouldn't need to readvertise scheme amendment just because categorisation changed.
- 2) Existing density does not provide appropriate transition, and is associated with traffic, access, parking and amenity issues.
- 3) The planning scheme was gazetted without any built form modelling, so why is this required for scheme amendments.
- 4) Development applications should not be considered until built form modelling work is done, if it is considered critical.
- 5) Density targets are now outdated due to COVID-19.
- 6) Existing density coding exceeds density targets.

**Response to Submission**

- 1) The Regulations provide the WAPC with the option to require a readvertisement as per the correct classification. This is planning legislation, and must be followed.
- 2) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.
- 3) The planning scheme was gazetted by the WAPC. Any further changes to this scheme must be evidence based. The proposed scheme amendment has no evidence base, as it was a reactionary amendment.
- 4) The Regulations do not provide the City the option of refusing or not considering development applications.

- 5) This statement is not related to existing legislation or planning processes. No changes have been made to planning densities due to COVID.
- 6) This statement is not evidence based. There is no expectation that every site within the City capable of being developed will be.

### Submissions Received

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|   |                       |
|---|-----------------------|
| <b>Submitter Number:</b>  | 31                    |
| <b>Submitter Name:</b>  | Tim Russell           |
| <b>Submitter Address:</b>   | 17 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <b>Summary of Submission:</b>   |                       |
| 1) Existing density results in inappropriate built form and creates amenity issues. |                       |
| 2) Proposed amendment is consistent with the Local Planning Strategy.               |                       |

### Response to Submission

- 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.
- 2) The Local Planning Scheme is a legislative document and therefore trumps the Local Planning Strategy, which is a guiding document.

### Submissions Received

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|   |                              |
|---|------------------------------|
| <b>Submitter Number:</b>  | 32                           |
| <b>Submitter Name:</b>  | Simon Edis                   |
| <b>Submitter Address:</b>   | 22 Lillian Street, Cottesloe |
| <b>Residence within Nedlands:</b>   | No                           |
| <b>Support/Object/Comment:</b>  | Support                      |
| <b>Summary of Submission:</b>   |                              |
| 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.   |                              |
| 2) Existing zoning and density coding will result in: <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> </ul> |                              |

- Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
  - 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
  - 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
  - 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
  - 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
  - 8) LPS3 gazettal resulted in loss of property values.
  - 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
  - 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
  - 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
  - 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
  - 13) Supportive of content in Rise Urban scheme amendment report.

### Response to Submission

- 1) The City is currently undertaking built form modelling for the Broadway precinct that identifies nodes for street front active uses, and other locations where purely residential development may be more appropriate.
- 2)
  - **Expensive and complex building constructions;** This is not a relevant planning consideration.
  - **Development feasibility issues.** The market will ultimately determine whether or not developments are feasible. Not a relevant planning consideration.
  - **Overdevelopment and over delivery of dwellings within the City;** It is not anticipated that there will be a 100% take up of development on all up-coded sites within the City. Again, the market will determine the demand for dwellings.
  - **Expensive and poorly functioning small dwellings;** All dwellings are required to comply with the Residential Design Codes Volume 2 and relevant building legislation in terms of functionality and design.
  - **Traffic and parking issues, with insufficient public transport;** All developments must provide parking as per the Residential Design Codes Volume 2 and the City's LPP Parking.
  - **Waste management issues;** All developments are required to comply with the City's Waste Management guidelines.
  - **Heritage issues;** The City's Council has not historically been supportive of heritage protection, as it can infringe on individual property rights. If Council

wishes to consider the protection of property through heritage, individual properties can be considered by the Heritage Council of WA.

- **Inappropriate transition to lower density areas;** The City's built form modelling project is seeking to reduce the hard transition between higher and lower density codes in the area.
  - **Loss of deep soil vegetation; and** The City's built form modelling project is seeking to increase the retention of deep soil areas.
  - **Loss of amenity for existing locality.** The City's built form modelling project is seeking to reduce the impact on the amenity of the development in the existing locality.
- 3) There is no document titled the Nedlands Strategic Development Plan, but there is the City's Local Planning Strategy. If this is the document referred to, then Broadway is referred to as a low to medium rise, urban growth area. However, the City's Local Planning Scheme identifies Broadway as R-AC3. The Scheme is a legislative document, and trumps the Strategy, and hence this is the guiding document. As the WAPC made changes to the Scheme before it was gazetted, the density codes within it are not always reflective of the City's Local Planning Strategy.
  - 4) The City is working with the City of Perth and DPLH on this Activity Centre Plan in an ongoing, iterative consultation process.
  - 5) The WAPC did gazette LPS3 with significant changes prior to built form modelling. The City is now required to undertake this work to achieve strong built form outcomes.
  - 6) This amendment is considered reactive by Administration, and Administration has not advocated for a lengthier process. Council were advised when they originally began this amendment that it was considered a complex amendment by Administration. This was technical advice. Council chose not to follow this advice. The WAPC agreed that it was a complex amendment, and so it has to be readvertised, as per the Regulations. This has taken up a considerable amount of time, and has not been a productive process to achieving good planning outcomes for Broadway.
  - 7) R-AC3 proposes a 6 storey height limit. Additional height may be considered on a performance based assessment basis. See response to point 3.
  - 8) Loss of property value is not a relevant planning consideration.
  - 9) There is no such thing as a simple amendment under the Regulations. There is a basic, standard and complex amendment. This is a complex amendment, as per response to point 6.
  - 10) The WAPC required the amendment to be readvertised. Due to this, all current planning documentation is relevant as the amendment is being readvertised as complex.
  - 11) There have been numerous publicly available reports to Council meetings, outlining the progress of the built form modelling work currently being undertaken by Hassell. The potential for conflicts of interest with this project have been managed by the City throughout the contract period, in accordance with the applicable Australian Standards.
  - 12) Built form modelling is being undertaken to determine the format of development required to meet dwelling targets. This modelling will include market analysis and planning/architectural modelling, providing the City with an evidence based assertion as to the requirements to meet the density targets.

13) Administration did not commission the Rise Urban Report and is not supportive of its content which appears to lack evidence based outcomes.

### Submissions Received

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|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Submitter Number:</b>          | 33                           |
| <b>Submitter Name:</b>            | Jen Edis                     |
| <b>Submitter Address:</b>         | 22 Lillian Street, Cottesloe |
| <b>Residence within Nedlands:</b> | No                           |
| <b>Support/Object/Comment:</b>    | Support                      |

### Summary of Submission:

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.

13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Submitter Number:</b>          | 33                           |
| <b>Submitter Name:</b>            | Jack Edis                    |
| <b>Submitter Address:</b>         | 22 Lillian Street, Cottesloe |
| <b>Residence within Nedlands:</b> | No                           |
| <b>Support/Object/Comment:</b>    | Support                      |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.

- 12)Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.  
13)Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Submitter Number:</b>          | 35                           |
| <b>Submitter Name:</b>            | Andrew Edis                  |
| <b>Submitter Address:</b>         | 22 Lillian Street, Cottesloe |
| <b>Residence within Nedlands:</b> | No                           |
| <b>Support/Object/Comment:</b>    | Support                      |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10)The scheme amendment has already been advertised, so is not affected by SPP 7.2.

- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 36                         |
| <b>Submitter Name:</b>            | Ashley McDonald            |
| <b>Submitter Address:</b>         | 21 Mountjoy Road, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

**Summary of Submission:**

- 1) Proposed amendment will provide more appropriate transition of built form, consistent with the Local Planning Strategy
- 2) Proposed amendment will address amenity issues associated with current zoning.
- 3) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

1 and 2) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.

3) Administration did not commission the Rise Urban Report and is not supportive of its content which appears to lack evidence based outcomes.

**Submissions Received**

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|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Submitter Number:</b>          | 37                           |
| <b>Submitter Name:</b>            | Marcey Splisbury             |
| <b>Submitter Address:</b>         | 41 Portland Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                          |
| <b>Support/Object/Comment:</b>    | Support                      |

**Summary of Submission:**

- 1) Proposed amendment will result in development more appropriate for the area.



**Response to Submission**

- 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.

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|                                   |                      |
|-----------------------------------|----------------------|
| <b>Submitter Number:</b>          | 38                   |
| <b>Submitter Name:</b>            | Andrew Pearce        |
| <b>Submitter Address:</b>         | 35 Viewway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                  |
| <b>Support/Object/Comment:</b>    | Support              |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

1 and 2) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. The City of Perth is currently undertaking a Scheme review which may result in greater density along their portion of Broadway.

3) Administration did not commission the Rise Urban Report and is not supportive of its content which appears to lack evidence based outcomes.

**Submissions Received**

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|                                   |                    |
|-----------------------------------|--------------------|
| <b>Submitter Number:</b>          | 39                 |
| <b>Submitter Name:</b>            | Dale Harris        |
| <b>Submitter Address:</b>         | 61 Melvista Avenue |
| <b>Residence within Nedlands:</b> | Yes                |
| <b>Support/Object/Comment:</b>    | Support            |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

#### Response to Submission

See response to Submission 32.

#### Submissions Received

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|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 40                         |
| <b>Submitter Name:</b>            | Prue Edis                  |
| <b>Submitter Address:</b>         | 97 Thomas Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

|   |
|---|
| <b>Summary of Submission:</b>   |
| 1) Building height above 4 storeys on Broadway is inappropriate, as it results in overshadowing, parking and traffic issues.  |
| <b>Response to Submission</b>   |
| 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. The City of Perth is currently undertaking a Scheme review which may result in greater density along their portion of Broadway. |

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| <b>Submissions Received</b>   |                            |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                            |
| <b>Submitter Number:</b>  | 41                         |
| <b>Submitter Name:</b>  | Nola Willis                |
| <b>Submitter Address:</b>   | 2 Bedford Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                        |
| <b>Support/Object/Comment:</b>  | Support                    |
| <b>Summary of Submission:</b>   |                            |
| 1) Supports amendment.  |                            |
| <b>Response to Submission</b>   |                            |
| 1) Noted.   |                            |

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| <b>Submissions Received</b>   |                           |
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| <b>Submitter Number:</b>  | 42                        |
| <b>Submitter Name:</b>  | Paul Albert               |
| <b>Submitter Address:</b>   | 24 Bulimba Road, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                       |
| <b>Support/Object/Comment:</b>  | Support                   |
| <b>Summary of Submission:</b>   |                           |
| 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.  |                           |
| 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.   |                           |
| 3) Supportive of content in Rise Urban scheme amendment report.   |                           |
| <b>Response to Submission</b>   |                           |

See response to submission 38.

**Submissions Received**

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|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 43                         |
| <b>Submitter Name:</b>            | Des March                  |
| <b>Submitter Address:</b>         | 4 Bedford Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |
| <b>Summary of Submission:</b>     |                            |
| 1) No comment provided.           |                            |
| <b>Response to Submission</b>     |                            |
| 1) N/A                            |                            |

**Submissions Received**

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|  |                       |
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| <b>Submitter Number:</b>   | 44                    |
| <b>Submitter Name:</b>   | Ian Hobson            |
| <b>Submitter Address:</b>  | 62 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                   |
| <b>Support/Object/Comment:</b>   | Support               |
| <b>Summary of Submission:</b>  |                       |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                       |
| <b>Response to Submission</b>  |                       |
| See response to Submission 38.   |                       |

**Submissions Received**

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|                           |                       |
|---------------------------|-----------------------|
| <b>Submitter Number:</b>  | 45                    |
| <b>Submitter Name:</b>    | Robyn Hancock         |
| <b>Submitter Address:</b> | 66 Kingsway, Nedlands |

|   |     |
|---|-----|
| <b>Residence within Nedlands:</b>   | Yes |
| <b>Support/Object/Comment:</b>  | Yes |
| <b>Summary of Submission:</b>   |     |
| 1) Development approvals in the area to date have been inappropriate for the locality and do not reflect the uniqueness of Nedlands.  |     |
| <b>Response to Submission</b>   |     |
| 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. The City of Perth is currently undertaking a Scheme review which may result in greater density along their portion of Broadway. |     |

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| <b>Submissions Received</b>   |                      |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.   |                      |
| <b>Submitter Number:</b>  | 46                   |
| <b>Submitter Name:</b>  | John Rhodes          |
| <b>Submitter Address:</b>   | 3 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                  |
| <b>Support/Object/Comment:</b>  | Support              |
| <b>Summary of Submission:</b>   |                      |
| 1) Proposed amendment will better preserve the amenity of the area.<br>2) Excessive density creates issues with congestion, noise and vegetation loss.  |                      |
| <b>Response to Submission</b>   |                      |
| 1 and 2) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. The City of Perth is currently undertaking a Scheme review which may result in greater density along their portion of Broadway. |                      |

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| <b>Submissions Received</b>   |                             |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                             |
| <b>Submitter Number:</b>  | 47                          |
| <b>Submitter Name:</b>  | Catie Robbins               |
| <b>Submitter Address:</b>   | 10 Edwards Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                         |

|  |         |
|--|---------|
| <b>Support/Object/Comment:</b>   | Support |
| <b>Summary of Submission:</b>  |         |
| <p>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</p> <p>2) Existing zoning and density coding will result in:</p> <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> <p>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</p> <p>8) LPS3 gazettal resulted in loss of property values.</p> <p>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</p> <p>10)The scheme amendment has already been advertised, so is not affected by SPP 7.2.</p> <p>11)Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</p> <p>12)Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</p> <p>13) Supportive of content in Rise Urban scheme amendment report.</p> |         |
| <b>Response to Submission</b>  |         |
| See response to Submission 32.   |         |

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| <b>Submissions Received</b>   |             |
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| <b>Submitter Number:</b>  | 48          |
| <b>Submitter Name:</b>  | Angus Keogh |

|  |                           |
|--|---------------------------|
| <b>Submitter Address:</b>  | 28 Watkins Road, Dalkeith |
| <b>Residence within Nedlands:</b>  | Yes                       |
| <b>Support/Object/Comment:</b>   | Support                   |
| <b>Summary of Submission:</b>  |                           |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                           |
| <b>Response to Submission</b>  |                           |
| See response to submission 38.   |                           |

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| <b>Submissions Received</b>  |                   |
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| <b>Submitter Number:</b>   | 49                |
| <b>Submitter Name:</b>   | Anna Dev          |
| <b>Submitter Address:</b>  | 45 Tareena Street |
| <b>Residence within Nedlands:</b>  | Yes               |
| <b>Support/Object/Comment:</b>   | Support           |
| <b>Summary of Submission:</b>  |                   |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                   |
| <b>Response to Submission</b>  |                   |
| See response to submission 38.   |                   |

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| <b>Submissions Received</b>   |                             |
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| <b>Submitter Number:</b>  | 50                          |
| <b>Submitter Name:</b>  | Catherine Reindler          |
| <b>Submitter Address:</b>   | 95 Merriwa Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                         |
| <b>Support/Object/Comment:</b>  | Support                     |
| <b>Summary of Submission:</b>   |                             |

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| 1) Existing density is inappropriate and is associated with amenity, heritage, streetscape, traffic, parking, waste and vegetation loss issues |
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| <b>Response to Submission</b> |
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| 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. The City of Perth is currently undertaking a Scheme review which may result in greater density along their portion of Broadway. |
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| <b>Submissions Received</b> |
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|                                   |                             |
|-----------------------------------|-----------------------------|
| <b>Submitter Number:</b>          | 51                          |
| <b>Submitter Name:</b>            | Alex Stuckey                |
| <b>Submitter Address:</b>         | 90 Merriwa Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                         |
| <b>Support/Object/Comment:</b>    | Support                     |

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| <b>Summary of Submission:</b> |
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| <p>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</p> <p>2) Existing zoning and density coding will result in:</p> <ol style="list-style-type: none"> <li>a. Expensive and complex building constructions;</li> <li>b. Development feasibility issues.</li> <li>c. Overdevelopment and over delivery of dwellings within the City;</li> <li>d. Expensive and poorly functioning small dwellings;</li> <li>e. Traffic and parking issues, with insufficient public transport;</li> <li>f. Waste management issues;</li> <li>g. Heritage issues;</li> <li>h. Inappropriate transition to lower density areas;</li> <li>i. Loss of deep soil vegetation; and</li> <li>j. Loss of amenity for existing locality.</li> </ol> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> |
|--|



- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Submitter Number:</b>          | 52                           |
| <b>Submitter Name:</b>            | Gwendolyn Jacobs             |
| <b>Submitter Address:</b>         | 4 Kathryn Crescent, Dalkeith |
| <b>Residence within Nedlands:</b> | Yes                          |
| <b>Support/Object/Comment:</b>    | Support                      |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to submission 38.

**Submissions Received**

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|                                   |                          |
|-----------------------------------|--------------------------|
| <b>Submitter Number:</b>          | 53                       |
| <b>Submitter Name:</b>            | Andrew Edwards           |
| <b>Submitter Address:</b>         | 14 Doonan Road, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                      |
| <b>Support/Object/Comment:</b>    | Support                  |

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| <b>Summary of Submission:</b>   |
| 1) Existing density transitions are inappropriate.  |
| <b>Response to Submission</b>   |
| 1) The City's built form modelling is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. The City of Perth is currently undertaking a Scheme review which may result in greater density along their portion of Broadway. |

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| <b>Submissions Received</b>  |                          |
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| <b>Submitter Number:</b>   | 54                       |
| <b>Submitter Name:</b>   | Sandra Oates             |
| <b>Submitter Address:</b>  | 28 Philip Road, Dalkeith |
| <b>Residence within Nedlands:</b>  | Yes                      |
| <b>Support/Object/Comment:</b>   | Support                  |
| <b>Summary of Submission:</b>  |                          |
| 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.<br>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.<br>3) Supportive of content in Rise Urban scheme amendment report. |                          |
| <b>Response to Submission</b>  |                          |
| See response to Submission 38.   |                          |

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| <b>Submissions Received</b>   |                             |
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| <b>Submitter Number:</b>  | 55                          |
| <b>Submitter Name:</b>  | Michelle Stuckey            |
| <b>Submitter Address:</b>   | 90 Merriwa Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                         |
| <b>Support/Object/Comment:</b>  | Support                     |
| <b>Summary of Submission:</b>   |                             |
| 1) No comment provided.   |                             |
| <b>Response to Submission</b>   |                             |
| 1) N/A  |                             |

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|--|----------------------------|
| <b>Submissions Received</b>  |                            |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                            |
| <b>Submitter Number:</b>   | 56                         |
| <b>Submitter Name:</b>   | Sam Robbins                |
| <b>Submitter Address:</b>  | 10 Edward Street, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                        |
| <b>Support/Object/Comment:</b>   | Support                    |
| <b>Summary of Submission:</b>  |                            |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in: <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> </li> <li>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</li> <li>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</li> <li>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</li> <li>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</li> <li>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</li> <li>8) LPS3 gazettal resulted in loss of property values.</li> <li>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</li> <li>10)The scheme amendment has already been advertised, so is not affected by SPP 7.2.</li> <li>11)Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</li> <li>12)Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</li> </ol> |                            |

13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 57                         |
| <b>Submitter Name:</b>            | Josh Robbins               |
| <b>Submitter Address:</b>         | 10 Edward Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.

- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                          |
|-----------------------------------|--------------------------|
| <b>Submitter Number:</b>          | 58                       |
| <b>Submitter Name:</b>            | Ted Graham               |
| <b>Submitter Address:</b>         | 42 Marita Road, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                      |
| <b>Support/Object/Comment:</b>    | Support                  |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - o Expensive and complex building constructions;
  - o Development feasibility issues.
  - o Overdevelopment and over delivery of dwellings within the City;
  - o Expensive and poorly functioning small dwellings;
  - o Traffic and parking issues, with insufficient public transport;
  - o Waste management issues;
  - o Heritage issues;
  - o Inappropriate transition to lower density areas;
  - o Loss of deep soil vegetation; and
  - o Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.

- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 59                         |
| <b>Submitter Name:</b>            | Sue Skull                  |
| <b>Submitter Address:</b>         | 13 Tyrell Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to submission 38.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

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|                                   |                               |
|-----------------------------------|-------------------------------|
| <b>Submitter Number:</b>          | 60                            |
| <b>Submitter Name:</b>            | Peter Coghlan                 |
| <b>Submitter Address:</b>         | 15 Samson Street, Mosman Park |
| <b>Residence within Nedlands:</b> | No                            |
| <b>Support/Object/Comment:</b>    | Support                       |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
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**Response to Submission**

See response to submission 38.

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| <b>Submitter Number:</b>          | 61                           |
| <b>Submitter Name:</b>            | Graham Cuckow                |
| <b>Submitter Address:</b>         | 39 Portland Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                          |
| <b>Support/Object/Comment:</b>    | Support                      |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - o Expensive and complex building constructions;
  - o Development feasibility issues.
  - o Overdevelopment and over delivery of dwellings within the City;
  - o Expensive and poorly functioning small dwellings;
  - o Traffic and parking issues, with insufficient public transport;
  - o Waste management issues;
  - o Heritage issues;
  - o Inappropriate transition to lower density areas;
  - o Loss of deep soil vegetation; and
  - o Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.

- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Submitter Number:</b>          | 62                           |
| <b>Submitter Name:</b>            | Christine Cuckow             |
| <b>Submitter Address:</b>         | 39 Portland Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                          |
| <b>Support/Object/Comment:</b>    | Support                      |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to submission 38.

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|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 63                         |
| <b>Submitter Name:</b>            | Maree Devitt               |
| <b>Submitter Address:</b>         | 32 Cooper Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

**Summary of Submission:**

- 1) No comment provided.

**Response to Submission**



1) N/A

### Submissions Received

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|                                   |                            |
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| <b>Submitter Number:</b>          | 64                         |
| <b>Submitter Name:</b>            | Katie Bourke               |
| <b>Submitter Address:</b>         | 14 Loftus Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

### Summary of Submission:

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
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  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
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  - Heritage issues;
  - Inappropriate transition to lower density areas;
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  - Loss of amenity for existing locality.
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- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
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- 13) Supportive of content in Rise Urban scheme amendment report.

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| <b>Response to Submission</b> |
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| See response to Submission 32. |
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|                                   |                             |
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| <b>Submitter Number:</b>          | 65                          |
| <b>Submitter Name:</b>            | Sarah Flanagan              |
| <b>Submitter Address:</b>         | 5 Granby Crescent, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                         |
| <b>Support/Object/Comment:</b>    | Support                     |

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| <b>Summary of Submission:</b> |
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| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |
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| <b>Response to Submission</b> |
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| See response to submission 38. |
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| <b>Submitter Number:</b>          | 66                       |
| <b>Submitter Name:</b>            | Janet O'Neill            |
| <b>Submitter Address:</b>         | 12 Davies Road, Dalkeith |
| <b>Residence within Nedlands:</b> | Yes                      |
| <b>Support/Object/Comment:</b>    | Support                  |

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| <b>Summary of Submission:</b> |
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| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |
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| <b>Response to Submission</b> |
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| See response to submission 38. |
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| <b>Submissions Received</b>   |                         |
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| <b>Submitter Number:</b>  | 67                      |
| <b>Submitter Name:</b>  | Emma Rose               |
| <b>Submitter Address:</b>   | Mountjoy Road, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                     |
| <b>Support/Object/Comment:</b>  | Support                 |
| <b>Summary of Submission:</b>   |                         |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in: <ul style="list-style-type: none"> <li>o Expensive and complex building constructions;</li> <li>o Development feasibility issues.</li> <li>o Overdevelopment and over delivery of dwellings within the City;</li> <li>o Expensive and poorly functioning small dwellings;</li> <li>o Traffic and parking issues, with insufficient public transport;</li> <li>o Waste management issues;</li> <li>o Heritage issues;</li> <li>o Inappropriate transition to lower density areas;</li> <li>o Loss of deep soil vegetation; and</li> <li>o Loss of amenity for existing locality.</li> </ul> </li> <li>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</li> <li>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</li> <li>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</li> <li>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</li> <li>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</li> <li>8) LPS3 gazettal resulted in loss of property values.</li> <li>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</li> <li>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</li> <li>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</li> <li>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</li> <li>13) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                         |
| <b>Response to Submission</b>   |                         |
| See response to Submission 32.  |                         |

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| <b>Submissions Received</b>   |                          |
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| <b>Submitter Number:</b>  | 68                       |
| <b>Submitter Name:</b>  | Jane Leaversuch          |
| <b>Submitter Address:</b>   | 78 Donnan Road, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                      |
| <b>Support/Object/Comment:</b>  | Support                  |
| <b>Summary of Submission:</b>   |                          |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in: <ul style="list-style-type: none"> <li>o Expensive and complex building constructions;</li> <li>o Development feasibility issues.</li> <li>o Overdevelopment and over delivery of dwellings within the City;</li> <li>o Expensive and poorly functioning small dwellings;</li> <li>o Traffic and parking issues, with insufficient public transport;</li> <li>o Waste management issues;</li> <li>o Heritage issues;</li> <li>o Inappropriate transition to lower density areas;</li> <li>o Loss of deep soil vegetation; and</li> <li>o Loss of amenity for existing locality.</li> </ul> </li> <li>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</li> <li>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</li> <li>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</li> <li>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</li> <li>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</li> <li>8) LPS3 gazettal resulted in loss of property values.</li> <li>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</li> <li>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</li> <li>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</li> <li>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</li> <li>13) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                          |
| <b>Response to Submission</b>   |                          |
| See response to Submission 32.  |                          |

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| <b>Submissions Received</b>  |                          |
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| <b>Submitter Number:</b>   | 69                       |
| <b>Submitter Name:</b>   | Jeremy Leaversuch        |
| <b>Submitter Address:</b>  | 78 Doonan Road, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                      |
| <b>Support/Object/Comment:</b>   | Support                  |
| <b>Summary of Submission:</b>  |                          |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                          |
| <b>Response to Submission</b>  |                          |
| See response to submission 38.   |                          |

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| <b>Submissions Received</b>  |                          |
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| <b>Submitter Number:</b>   | 70                       |
| <b>Submitter Name:</b>   | Sarah Leaversuch         |
| <b>Submitter Address:</b>  | 78 Doonan Road, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                      |
| <b>Support/Object/Comment:</b>   | Support                  |
| <b>Summary of Submission:</b>  |                          |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                          |
| <b>Response to Submission</b>  |                          |
| See response to submission 38.   |                          |

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| <b>Submitter Number:</b>  | 71          |
| <b>Submitter Name:</b>  | Trina Mahon |

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| <b>Submitter Address:</b>  | 17 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                   |
| <b>Support/Object/Comment:</b>   | Support               |
| <b>Summary of Submission:</b>  |                       |
| <ol style="list-style-type: none"> <li>1) Developments approved under existing density coding are inappropriate in bulk and scale.</li> <li>2) Proposed density is more appropriate for the area.</li> </ol>   |                       |
| <b>Response to Submission</b>  |                       |
| <p>The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.</p> |                       |

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| <b>Submissions Received</b>  |                          |
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| <b>Submitter Number:</b>   | 72                       |
| <b>Submitter Name:</b>   | Mia Leaversuch           |
| <b>Submitter Address:</b>  | 78 Doonan Road, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                      |
| <b>Support/Object/Comment:</b>   | Support                  |
| <b>Summary of Submission:</b>  |                          |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                          |
| <b>Response to Submission</b>  |                          |
| See response to submission 38.   |                          |

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| <b>Submitter Number:</b>   | 73                    |
| <b>Submitter Name:</b>   | Angus Goody           |
| <b>Submitter Address:</b>  | 30 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                   |
| <b>Support/Object/Comment:</b>   | Support               |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
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  - Waste management issues;
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  - Loss of deep soil vegetation; and
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- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
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- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
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- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.
- 14) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 15) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 16) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

1 to 12) see response to submission 32.  
14 and 15) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage

the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. The City of Perth is currently undertaking a Scheme Review which may result in greater density on their side of Broadway.  
13 and 16) See response to submission 32.

### Submissions Received

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|                                   |                                |
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| <b>Submitter Number:</b>          | 74                             |
| <b>Submitter Name:</b>            | Andrew Bell                    |
| <b>Submitter Address:</b>         | 79 Archdeacon Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                            |
| <b>Support/Object/Comment:</b>    | Support                        |

### Summary of Submission:

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
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- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
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- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
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- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.



- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.  
13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

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|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Number:</b>          | 75                    |
| <b>Submitter Name:</b>            | Ian Love              |
| <b>Submitter Address:</b>         | 70 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
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  - o Expensive and poorly functioning small dwellings;
  - o Traffic and parking issues, with insufficient public transport;
  - o Waste management issues;
  - o Heritage issues;
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  - o Loss of deep soil vegetation; and
  - o Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
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- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.

- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.

Where two submissions were received from the same address they were summarised separately.

|                                   |                                |
|-----------------------------------|--------------------------------|
| <b>Submitter Number:</b>          | 76                             |
| <b>Submitter Name:</b>            | Robert Stoddart                |
| <b>Submitter Address:</b>         | 22 Archdeacon Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                            |
| <b>Support/Object/Comment:</b>    | Support                        |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to submission 38.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

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|                                   |                                |
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| <b>Submitter Number:</b>          | 77                             |
| <b>Submitter Name:</b>            | Sian Stoddart                  |
| <b>Submitter Address:</b>         | 22 Archdeacon Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                            |
| <b>Support/Object/Comment:</b>    | Support                        |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

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| <b>Response to Submission</b> |
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| See response to submission 38. |
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| <b>Submissions Received</b> |
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| <b>Submitter Number:</b>          | 78                          |
| <b>Submitter Name:</b>            | Katie Zuvich                |
| <b>Submitter Address:</b>         | 61 Derby Road, Shenton Park |
| <b>Residence within Nedlands:</b> | No                          |
| <b>Support/Object/Comment:</b>    | Support                     |

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| <b>Summary of Submission:</b> |
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| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |
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| <b>Response to Submission</b> |
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| See response to submission 38. |
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| <b>Submissions Received</b> |
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| <b>Submitter Number:</b>          | 79                          |
| <b>Submitter Name:</b>            | Marguerite Sharman          |
| <b>Submitter Address:</b>         | 37 Boronia Avenue, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                         |
| <b>Support/Object/Comment:</b>    | Support                     |

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| <b>Summary of Submission:</b> |
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| <ol style="list-style-type: none"> <li>1) Amendment will provide more appropriate transition than existing density.</li> <li>2) Amendment will address issues associated with existing density, including overshadowing, overlooking, loss of vegetation and traffic.</li> </ol> |
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| <b>Response to Submission</b> |
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| 1) See response to submission 38. |
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| <b>Submissions Received</b> |
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Disclaimer: the following is a summary of submissions received.

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| <b>Submitter Number:</b> | 80 |
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|---|-----------------------------|
| <b>Submitter Name:</b>  | Paul Sharman                |
| <b>Submitter Address:</b>   | 37 Boronia Avenue, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                         |
| <b>Support/Object/Comment:</b>  | Support                     |
| <b>Summary of Submission:</b>   |                             |
| <p>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</p> <p>2) Existing zoning and density coding will result in:</p> <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> <p>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</p> <p>8) LPS3 gazettal resulted in loss of property values.</p> <p>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</p> <p>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</p> <p>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</p> <p>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</p> <p>13) Supportive of content in Rise Urban scheme amendment report.</p> |                             |
| <b>Response to Submission</b>   |                             |
| See response to Submission 32.  |                             |

### Submissions Received

Disclaimer: the following is a summary of submissions received.

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| <b>Submitter Number:</b>          | 81                          |
| <b>Submitter Name:</b>            | Di Allan                    |
| <b>Submitter Address:</b>         | 4b Alexander Road, Dalkeith |
| <b>Residence within Nedlands:</b> | Yes                         |
| <b>Support/Object/Comment:</b>    | Support                     |
| <b>Summary of Submission:</b>     |                             |
| 1) No comment provided.           |                             |
| <b>Response to Submission</b>     |                             |
| 1) N/A                            |                             |

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| <b>Submissions Received</b>  |                          |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                          |
| <b>Submitter Number:</b>   | 82                       |
| <b>Submitter Name:</b>   | Tony Leaversuch          |
| <b>Submitter Address:</b>  | 78 Doonan Road, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                      |
| <b>Support/Object/Comment:</b>   | Support                  |
| <b>Summary of Submission:</b>  |                          |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                          |
| <b>Response to Submission</b>  |                          |
| See response to submission 38.   |                          |

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| <b>Submissions Received</b>  |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                       |
| <b>Submitter Number:</b>   | 83                    |
| <b>Submitter Name:</b>   | Bronwyn Stucky        |
| <b>Submitter Address:</b>  | 26 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                   |
| <b>Support/Object/Comment:</b>   | Support               |
| <b>Summary of Submission:</b>  |                       |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in:</li> </ol> |                       |

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| <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> <p>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</p> <p>8) LPS3 gazettal resulted in loss of property values.</p> <p>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</p> <p>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</p> <p>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</p> <p>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</p> |
| <b>Response to Submission</b>   |
| See response to Submission 32.  |

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| <b>Submissions Received</b>   |                            |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                            |
| <b>Submitter Number:</b>  | 84                         |
| <b>Submitter Name:</b>  | Peter Robbins              |
| <b>Submitter Address:</b>   | 10 Edward Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                        |
| <b>Support/Object/Comment:</b>  | Support                    |
| <b>Summary of Submission:</b>   |                            |
| 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.   |                            |
| 2) Existing zoning and density coding will result in:   |                            |

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| <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> <p>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</p> <p>8) LPS3 gazettal resulted in loss of property values.</p> <p>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</p> <p>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</p> <p>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</p> <p>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</p> <p>13) Supportive of content in Rise Urban scheme amendment report.</p> |
| <b>Response to Submission</b>   |
| See response to Submission 32.  |

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| <b>Submissions Received</b>   |                            |
| Disclaimer: the following is a summary of submissions received.   |                            |
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| Where two submissions were received from the same address they were summarised separately.  |                            |
| <b>Submitter Number:</b>  | 85                         |
| <b>Submitter Name:</b>  | Tom Robbins                |
| <b>Submitter Address:</b>   | 10 Edward Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                        |
| <b>Support/Object/Comment:</b>  | Support                    |
| <b>Summary of Submission:</b>   |                            |
| 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses. |                            |

- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|---|-----------------------|
| <b>Submitter Number:</b>  | 86                    |
| <b>Submitter Name:</b>  | Ben Stuckey           |
| <b>Submitter Address:</b>                                       | 26 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>                               | Yes                   |
| <b>Support/Object/Comment:</b>                                  | Support               |
| <b>Summary of Submission:</b>                                   |                       |
| 1) Existing zoning is inconsistent with Local Planning Strategy |                       |



2) Existing zoning associated with traffic issues

**Response to Submission**

The Planning Scheme is a legislative document and so trumps the Local Planning Strategy. The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.

**Submissions Received**

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|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Number:</b>          | 87                    |
| <b>Submitter Name:</b>            | Margaret Stucky       |
| <b>Submitter Address:</b>         | 26 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |

**Summary of Submission:**

- 1) Existing zoning in inconsistent with Local Planning Strategy
- 2) Existing zoning associated with traffic issues

**Response to Submission**

See response to submission 86.

**Submissions Received**

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|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 88                         |
| <b>Submitter Name:</b>            | Joan Robbins               |
| <b>Submitter Address:</b>         | 12 Edward Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

**Summary of Submission:**

- 1) No comment provided.

**Response to Submission**

- 1) N/A

**Submissions Received**

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|   |                       |
|---|-----------------------|
| <b>Submitter Number:</b>  | 89                    |
| <b>Submitter Name:</b>  | Martin Stuckey        |
| <b>Submitter Address:</b>   | 26 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <b>Summary of Submission:</b>   |                       |
| <p>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</p> <p>2) Existing zoning and density coding will result in:</p> <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> <p>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</p> <p>8) LPS3 gazettal resulted in loss of property values.</p> <p>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</p> <p>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</p> <p>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</p> <p>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</p> <p>13) Supportive of content in Rise Urban scheme amendment report.</p> |                       |
| <b>Response to Submission</b>   |                       |
| See response to Submission 32.  |                       |

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| <b>Submissions Received</b>   |                                |
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| <b>Submitter Number:</b>  | 90                             |
| <b>Submitter Name:</b>  | Pat Manolas                    |
| <b>Submitter Address:</b>   | 55 Archdeacon Street, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                            |
| <b>Support/Object/Comment:</b>  | Support                        |
| <b>Summary of Submission:</b>   |                                |
| 1) No comment provided.   |                                |
| <b>Response to Submission</b>   |                                |
| 1) N/A  |                                |

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| <b>Submissions Received</b>   |                          |
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| <b>Submitter Number:</b>  | 91                       |
| <b>Submitter Name:</b>  | Andrew Mangano           |
| <b>Submitter Address:</b>   | 51 Minora Road, Dalkeith |
| <b>Residence within Nedlands:</b>   | Yes                      |
| <b>Support/Object/Comment:</b>  | Support                  |
| <b>Summary of Submission:</b>   |                          |
| 1) Reduced density will protect local character and amenity.<br>2) Reduced density will limit further traffic congestion on Broadway.<br>3) R-AC4 on Broadway will allow for appropriate infill and will meet dwelling targets.   |                          |
| <b>Response to Submission</b>   |                          |
| The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.<br>Developments that have already received approval cannot be retrospectively altered or revoked, so this is a possibility. |                          |

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| <b>Submissions Received</b>   |                              |
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| <b>Submitter Number:</b>  | 92                           |
| <b>Submitter Name:</b>  | Susan Stevens                |
| <b>Submitter Address:</b>   | 65 Melvista Avenue, Nedlands |

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|--|---------|
| <b>Residence within Nedlands:</b>  | Yes     |
| <b>Support/Object/Comment:</b>   | Support |
| <b>Summary of Submission:</b>  |         |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |         |
| <b>Response to Submission</b>  |         |
| 1) See response to submission 38.  |         |

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| <b>Submissions Received</b>  |                             |
| <p>Disclaimer: the following is a summary of submissions received.<br/>         Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br/>         Where two submissions were received from the same address they were summarised separately.</p>   |                             |
| <b>Submitter Number:</b>   | 93                          |
| <b>Submitter Name:</b>   | John McGuire                |
| <b>Submitter Address:</b>  | 2 Granby Crescent, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                         |
| <b>Support/Object/Comment:</b>   | Support                     |
| <b>Summary of Submission:</b>  |                             |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in:             <ul style="list-style-type: none"> <li>o Expensive and complex building constructions;</li> <li>o Development feasibility issues.</li> <li>o Overdevelopment and over delivery of dwellings within the City;</li> <li>o Expensive and poorly functioning small dwellings;</li> <li>o Traffic and parking issues, with insufficient public transport;</li> <li>o Waste management issues;</li> <li>o Heritage issues;</li> <li>o Inappropriate transition to lower density areas;</li> <li>o Loss of deep soil vegetation; and</li> <li>o Loss of amenity for existing locality.</li> </ul> </li> <li>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</li> <li>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</li> <li>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</li> <li>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</li> </ol> |                             |

- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.

Where two submissions were received from the same address they were summarised separately.

|                                   |                           |
|-----------------------------------|---------------------------|
| <b>Submitter Number:</b>          | 94                        |
| <b>Submitter Name:</b>            | Peter Coghlan             |
| <b>Submitter Address:</b>         | 37 Bulimba Road, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                       |
| <b>Support/Object/Comment:</b>    | Support                   |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.

**Response to Submission**

See response to submission 38.

**Submissions Received**

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|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 95                         |
| <b>Submitter Name:</b>            | Jonathan Dodd              |
| <b>Submitter Address:</b>         | 74 Louise Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
  - Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
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- 12) Supportive of content in Rise Urban scheme amendment report.

### Response to Submission

See response to Submission 32.

### Submissions Received

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|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Number:</b>          | 96                    |
| <b>Submitter Name:</b>            | Emma Davies           |
| <b>Submitter Address:</b>         | 25 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |
| <b>Summary of Submission:</b>     |                       |

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;
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  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
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### Response to Submission

See response to Submission 32.

### Submissions Received

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|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Number:</b>          | 97                    |
| <b>Submitter Name:</b>            | Isaac Davies          |
| <b>Submitter Address:</b>         | 25 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - o Expensive and complex building constructions;
  - o Development feasibility issues.
  - o Overdevelopment and over delivery of dwellings within the City;
  - o Expensive and poorly functioning small dwellings;
  - o Traffic and parking issues, with insufficient public transport;
  - o Waste management issues;
  - o Heritage issues;
  - o Inappropriate transition to lower density areas;
  - o Loss of deep soil vegetation; and
  - o Loss of amenity for existing locality.
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- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
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- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
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**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Number:</b>          | 98                    |
| <b>Submitter Name:</b>            | Joshua Davies         |
| <b>Submitter Address:</b>         | 25 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |



|   |         |
|---|---------|
| <b>Support/Object/Comment:</b>  | Support |
| <b>Summary of Submission:</b>   |         |
| <p>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</p> <p>2) Existing zoning and density coding will result in:</p> <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> <p>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</p> <p>8) LPS3 gazettal resulted in loss of property values.</p> <p>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</p> <p>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</p> <p>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</p> <p>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</p> <p>13) Supportive of content in Rise Urban scheme amendment report.</p> |         |
| <b>Response to Submission</b>   |         |
| See response to Submission 32.  |         |

|   |                       |
|---|-----------------------|
| <b>Submissions Received</b>   |                       |
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| <b>Submitter Number:</b>  | 99                    |
| <b>Submitter Name:</b>  | Anne Love             |
| <b>Submitter Address:</b>   | 70 Kingsway, Nedlands |

|   |         |
|---|---------|
| <b>Residence within Nedlands:</b>   | Yes     |
| <b>Support/Object/Comment:</b>  | Support |
| <b>Summary of Submission:</b>   |         |
| <p>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</p> <p>2) Existing zoning and density coding will result in:</p> <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> <p>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</p> <p>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</p> <p>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</p> <p>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</p> <p>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</p> <p>8) LPS3 gazettal resulted in loss of property values.</p> <p>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</p> <p>10)The scheme amendment has already been advertised, so is not affected by SPP 7.2.</p> <p>11)Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</p> <p>12)Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</p> <p>13)Supportive of content in Rise Urban scheme amendment report.</p> |         |
| <b>Response to Submission</b>   |         |
| See response to Submission 32.  |         |

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|---|-----------------|
| <b>Submissions Received</b>   |                 |
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| <b>Submitter Number:</b>  | 100             |
| <b>Submitter Name:</b>  | Nicholas Earner |

|   |                       |
|---|-----------------------|
| <b>Submitter Address:</b>   | 25 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <b>Summary of Submission:</b>   |                       |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in: <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> </li> <li>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</li> <li>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</li> <li>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</li> <li>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</li> <li>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</li> <li>8) LPS3 gazettal resulted in loss of property values.</li> <li>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</li> <li>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</li> <li>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</li> <li>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</li> <li>13) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                       |
| <b>Response to Submission</b>   |                       |
| See response to Submission 32.  |                       |

|   |             |
|---|-------------|
| <b>Submissions Received</b>   |             |
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| <b>Submitter Number:</b>  | 101         |
| <b>Submitter Name:</b>  | Zoe Earner  |
| <b>Submitter Address:</b>   | 25 Kingsway |
| <b>Residence within Nedlands:</b>   | Yes         |
| <b>Support/Object/Comment:</b>  | Support     |
| <b>Summary of Submission:</b>   |             |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in: <ul style="list-style-type: none"> <li>o Expensive and complex building constructions;</li> <li>o Development feasibility issues.</li> <li>o Overdevelopment and over delivery of dwellings within the City;</li> <li>o Expensive and poorly functioning small dwellings;</li> <li>o Traffic and parking issues, with insufficient public transport;</li> <li>o Waste management issues;</li> <li>o Heritage issues;</li> <li>o Inappropriate transition to lower density areas;</li> <li>o Loss of deep soil vegetation; and</li> <li>o Loss of amenity for existing locality.</li> </ul> </li> <li>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</li> <li>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</li> <li>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</li> <li>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</li> <li>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</li> <li>8) LPS3 gazettal resulted in loss of property values.</li> <li>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</li> <li>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</li> <li>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</li> <li>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</li> <li>13) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |             |
| <b>Response to Submission</b>   |             |
| See response to Submission 32.  |             |

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| <b>Submissions Received</b>   |                       |
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| <b>Submitter Number:</b>  | 102                   |
| <b>Submitter Name:</b>  | Isabel Earner         |
| <b>Submitter Address:</b>   | 25 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <b>Summary of Submission:</b>   |                       |
| <ol style="list-style-type: none"> <li>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</li> <li>2) Existing zoning and density coding will result in: <ul style="list-style-type: none"> <li>o Expensive and complex building constructions;</li> <li>o Development feasibility issues.</li> <li>o Overdevelopment and over delivery of dwellings within the City;</li> <li>o Expensive and poorly functioning small dwellings;</li> <li>o Traffic and parking issues, with insufficient public transport;</li> <li>o Waste management issues;</li> <li>o Heritage issues;</li> <li>o Inappropriate transition to lower density areas;</li> <li>o Loss of deep soil vegetation; and</li> <li>o Loss of amenity for existing locality.</li> </ul> </li> <li>3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.</li> <li>4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.</li> <li>5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.</li> <li>6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.</li> <li>7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.</li> <li>8) LPS3 gazettal resulted in loss of property values.</li> <li>9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.</li> <li>10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.</li> <li>11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.</li> <li>12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.</li> <li>13) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                       |
| <b>Response to Submission</b>   |                       |
| See response to Submission 32.  |                       |

|   |                                |
|---|--------------------------------|
| <b>Submissions Received</b>   |                                |
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| <b>Submitter Number:</b>  | 103                            |
| <b>Submitter Name:</b>  | Fiona Argyle                   |
| <b>Submitter Address:</b>   | 39 Kinninmont Avenue, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                            |
| <b>Support/Object/Comment:</b>  | Support                        |
| <b>Summary of Submission:</b>   |                                |
| 1) Maximum building height should be 12m to benefit children and community.   |                                |
| <b>Response to Submission</b>   |                                |
| The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.<br>Developments that have already received approval cannot be retrospectively altered or revoked, so this is a possibility. |                                |

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|--|----------------------------|
| <b>Submissions Received</b>  |                            |
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| <b>Submitter Number:</b>   | 104                        |
| <b>Submitter Name:</b>   | Jodie Salter               |
| <b>Submitter Address:</b>  | 27 Louise Street, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                        |
| <b>Support/Object/Comment:</b>   | Support                    |
| <b>Summary of Submission:</b>  |                            |
| <p>1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.</p> <p>2) Existing zoning and density coding will result in:</p> <ul style="list-style-type: none"> <li>○ Expensive and complex building constructions;</li> <li>○ Development feasibility issues.</li> <li>○ Overdevelopment and over delivery of dwellings within the City;</li> <li>○ Expensive and poorly functioning small dwellings;</li> <li>○ Traffic and parking issues, with insufficient public transport;</li> <li>○ Waste management issues;</li> <li>○ Heritage issues;</li> <li>○ Inappropriate transition to lower density areas;</li> <li>○ Loss of deep soil vegetation; and</li> <li>○ Loss of amenity for existing locality.</li> </ul> |                            |

- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
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- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
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**Response to Submission**

See response to Submission 32.

**Submissions Received**

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|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Submitter Number:</b>          | 105                   |
| <b>Submitter Name:</b>            | Warrick Edwards       |
| <b>Submitter Address:</b>         | Doonan Road, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                   |
| <b>Support/Object/Comment:</b>    | Support               |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - o Expensive and complex building constructions;
  - o Development feasibility issues.
  - o Overdevelopment and over delivery of dwellings within the City;
  - o Expensive and poorly functioning small dwellings;
  - o Traffic and parking issues, with insufficient public transport;
  - o Waste management issues;
  - o Heritage issues;
  - o Inappropriate transition to lower density areas;
  - o Loss of deep soil vegetation; and

- Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
- 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
- 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
- 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
- 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
- 8) LPS3 gazettal resulted in loss of property values.
- 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
- 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
- 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
- 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
- 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.

Where two submissions were received from the same address they were summarised separately.

|                                   |                            |
|-----------------------------------|----------------------------|
| <b>Submitter Number:</b>          | 106                        |
| <b>Submitter Name:</b>            | Harvey Salter              |
| <b>Submitter Address:</b>         | 27 Louise Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                        |
| <b>Support/Object/Comment:</b>    | Support                    |

**Summary of Submission:**

- 1) Not feasible for all new developments along Broadway to have active uses at street frontage. This requirement will result in bland/neglected facades and is a waste of floor space which could instead be used for residential uses.
- 2) Existing zoning and density coding will result in:
  - Expensive and complex building constructions;
  - Development feasibility issues.
  - Overdevelopment and over delivery of dwellings within the City;
  - Expensive and poorly functioning small dwellings;
  - Traffic and parking issues, with insufficient public transport;
  - Waste management issues;
  - Heritage issues;
  - Inappropriate transition to lower density areas;



- Loss of deep soil vegetation; and
  - Loss of amenity for existing locality.
- 3) Nedlands Strategic Development Plan designates Broadway as low to moderate activity residential centre which is inconsistent with R-AC3 density code.
  - 4) Specialised Activity Centre Plan for hospital and university precinct has not yet been prepared.
  - 5) LPS 3 gazetted prior to built form modelling and Specialised Activity Centre Plan, with no consultation with City of Perth/Subiaco.
  - 6) Labelling this amendment as reactive and advocating for a lengthier process to address the problem ignores the current issues facing the area.
  - 7) R-AC3 on Broadway allows for 8-9 storey development, which should instead be restricted to 3 storeys.
  - 8) LPS3 gazettal resulted in loss of property values.
  - 9) Even though the scheme amendment is deemed as complex due to change in property value, it is a simple amendment.
  - 10) The scheme amendment has already been advertised, so is not affected by SPP 7.2.
  - 11) Built form modelling currently being undertaken by Hassell is not transparent and is affected by conflicts of interest.
  - 12) Rezoning in accordance with the proposed scheme amendment will still achieve dwelling targets.
  - 13) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to Submission 32.

**Submissions Received**

Disclaimer: the following is a summary of submissions received.

Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.

Where two submissions were received from the same address they were summarised separately.

|                                   |                             |
|-----------------------------------|-----------------------------|
| <b>Submitter Number:</b>          | 107                         |
| <b>Submitter Name:</b>            | Jane Storey                 |
| <b>Submitter Address:</b>         | 104 Thomas Street, Nedlands |
| <b>Residence within Nedlands:</b> | Yes                         |
| <b>Support/Object/Comment:</b>    | Support                     |

**Summary of Submission:**

- 1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.
- 2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.
- 3) Supportive of content in Rise Urban scheme amendment report.

**Response to Submission**

See response to submission 38.

|   |                       |
|---|-----------------------|
| <b>Submissions Received</b>   |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |                       |
| <b>Submitter Number:</b>  | 108                   |
| <b>Submitter Name:</b>  | Yean Lin McVee        |
| <b>Submitter Address:</b>   | 24 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Object                |
| <b>Summary of Submission:</b>   |                       |
| 1) Would support amendment if lots behind approved development on Broadway were retained as R60.  |                       |
| <b>Response to Submission</b>   |                       |
| 1) Noted.   |                       |

|  |                       |
|--|-----------------------|
| <b>Submissions Received</b>  |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                       |
| <b>Submitter Number:</b>   | 109                   |
| <b>Submitter Name:</b>   | Tom McVee             |
| <b>Submitter Address:</b>  | 24 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                   |
| <b>Support/Object/Comment:</b>   | Object                |
| <b>Summary of Submission:</b>  |                       |
| 1) Would support amendment if lots behind approved development on Broadway were retained as R60.   |                       |
| 2) Further planning controls are required for the areas affected by the new scheme.  |                       |
| <b>Response to Submission</b>  |                       |
| 1) Noted   |                       |
| 2) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. |                       |

|   |  |
|---|--|
| <b>Submissions Received</b>   |  |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately. |  |
| <b>Submitter Number:</b>  | 110  |
| <b>Submitter Name:</b>  | Planning Solutions, on behalf of landowners at: <ul style="list-style-type: none"> <li>• 5 Leura Street, Nedlands</li> </ul> |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>• 76 Tyrell Street, Nedlands</li> <li>• 80 Hardy Street, Nedlands</li> <li>• 109 Broadway, Nedlands</li> <li>• 123 Broadway, Nedlands</li> <li>• Units 1 and 4, 121 Broadway, Nedlands</li> </ul> |
| <b>Submitter Address:</b>   | Level 1, 251 St Georges Terrace, Perth   |
| <b>Residence within Nedlands:</b>   | Planning Solutions – no<br>Landowners – yes  |
| <b>Support/Object/Comment:</b>  | Object   |
| <b>Summary of Submission:</b>   |  |
| <ol style="list-style-type: none"> <li>1) Proposed amendment is inconsistent with Mixed Use zoning, which requires a significant residential component, whilst providing for a variety of active uses on street level.</li> <li>2) Amendment report does not recognise proximity to UWA/QEII Specialised Centre and the Broadway Fair Neighbourhood Centre.</li> <li>3) Amendment report classifies Broadway – correct urban context is Mid-Rise Urban Centre, which allows for up to 6 storeys.</li> <li>4) Amendment report incorrectly classifies amendment as standard, when it is in fact complex.</li> <li>5) The existing low intensity development along Broadway is reflective of previous coding and does not necessarily reflect future desired character.</li> <li>6) Topography between Broadway and Kingsway assists with providing a transition in built form.</li> <li>7) Protection of views is not a sound planning justification.</li> <li>8) Current coding supports State dwelling target and provides for housing choice.</li> <li>9) No sound planning rationale for the amendment has been provided.</li> <li>10) The amendment report refers to an ‘as of right’ nil setback to the rear, which is inaccurate and does not reflect the performance-based nature of SPP7.3.</li> <li>11) Interim Built Form Design Guidelines for Broadway should not be given significant weight, as the policy is neither imminent or certain.</li> </ol> |  |
| <b>Response to Submission</b>   |  |
| <ol style="list-style-type: none"> <li>1) In some instances, on Hillway, this is the case.</li> <li>2) Agreed</li> <li>3) The R-Codes Volume 2 classifies a mid-rise urban centre as 6 storeys as per the density coding.</li> <li>4) Agreed</li> <li>5) Agreed - the City’s built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.</li> <li>6) Agreed, see response to point 5.</li> <li>7) Agreed</li> <li>8) Noted, and not all lots with an increased density are anticipated to be developed within the City.</li> <li>9) Agreed</li> <li>10) Agreed</li> <li>11) Noted.</li> </ol>  |  |

|  |                        |
|--|------------------------|
| <b>Submissions Received</b>  |                        |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                        |
| <b>Submitter Number:</b>   | 111                    |
| <b>Submitter Name:</b>   | Barbara and Beth Allen |
| <b>Submitter Address:</b>  | 19 Kingsway, Nedlands  |
| <b>Residence within Nedlands:</b>  | Yes                    |
| <b>Support/Object/Comment:</b>   | Support                |
| <b>Summary of Submission:</b>  |                        |
| 1) Amendment represents a better outcome for the community.  |                        |
| <b>Response to Submission</b>  |                        |
| 1) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area. |                        |

|  |              |
|--|--------------|
| <b>Submissions Received</b>  |              |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |              |
| <b>Submitter Number:</b>   | 112          |
| <b>Submitter Name:</b>   | Lara Mahon   |
| <b>Submitter Address:</b>  | Not provided |
| <b>Residence within Nedlands:</b>  | Not provided |
| <b>Support/Object/Comment:</b>   | Support      |
| <b>Summary of Submission:</b>  |              |
| 1) Current planning framework is associated with numerous amenity issues, including bulk, scale and privacy.<br>2) Proposed amendment better reflects character and amenity of the area and is consistent with the transition zones described in the Local Planning Strategy.  |              |
| <b>Response to Submission</b>  |              |
| 1) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.<br>2) The Local Planning Scheme is a legislative document, and therefore trumps the content of the Local Planning Strategy. |              |

|  |                  |
|--|------------------|
| <b>Submissions Received</b>  |                  |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                  |
| <b>Submitter Number:</b>   | 113              |
| <b>Submitter Name:</b>   | Janette Offerman |
| <b>Submitter Address:</b>  | Not provided     |
| <b>Residence within Nedlands:</b>  | Not provided     |
| <b>Support/Object/Comment:</b>   | Support          |
| <b>Summary of Submission:</b>  |                  |
| <ol style="list-style-type: none"> <li>1) Amendment will have positive impact on amenity of existing and future residents in the area and will create smooth transition between City of Perth and City of Nedlands.</li> <li>2) Amendment will ensure more appropriate transition back to lower density areas and address amenity issues associated with current density coding.</li> <li>3) Supportive of content in Rise Urban scheme amendment report.</li> </ol> |                  |
| <b>Response to Submission</b>  |                  |
| See response to submission 38.   |                  |

|  |                       |
|--|-----------------------|
| <b>Submissions Received</b>  |                       |
| Disclaimer: the following is a summary of submissions received.<br>Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br>Where two submissions were received from the same address they were summarised separately.  |                       |
| <b>Submitter Number:</b>   | 114                   |
| <b>Submitter Name:</b>   | Richard Stallard      |
| <b>Submitter Address:</b>  | 80 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>  | Yes                   |
| <b>Support/Object/Comment:</b>   | Support               |
| <b>Summary of Submission:</b>  |                       |
| <ol style="list-style-type: none"> <li>1) Amendment will balance growth with minimising adverse development impacts.</li> <li>2) Existing density is inappropriate for the area and has impacted property values.</li> <li>3) Existing density will result in numerous amenity issues, including overlooking and overshadowing.</li> <li>4) The argument that proposed developments will provide opportunity to downsize is not economically viable.</li> <li>5) Demand for high density living will decrease due to COVID-19 and changing relations between Australia and China.</li> <li>6) Amendment will allow for greater retention of trees, reduced traffic impacts, reduced stress on existing services such as electricity and sewerage and more appropriate built form.</li> </ol> |                       |
| <b>Response to Submission</b>  |                       |
| 1) The City's built form modelling work is considering the best built form outcomes for the future desired character of the area, rather than the existing, working with the current density. The built form modelling is proposing to manage the  |                       |

|  |
|--|
| <p>current transitions more appropriately through setbacks and nuanced built form, to reduce the impact of the higher density developments on the area.</p> <ol style="list-style-type: none"> <li>2) Property values are not a relevant planning consideration.</li> <li>3) See response to point 1.</li> <li>4) The market will determine the demand for smaller dwellings within Nedlands.</li> <li>5) This is not a relevant planning consideration.</li> <li>6) See response to point 1.</li> </ol> |
|--|

|   |                       |
|---|-----------------------|
| <p><b>Submissions Received</b></p> <p>Disclaimer: the following is a summary of submissions received.<br/>         Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance.<br/>         Where two submissions were received from the same address they were summarised separately.</p>   |                       |
| <b>Submitter Number:</b>  | 115                   |
| <b>Submitter Name:</b>  | Jenny Stallard        |
| <b>Submitter Address:</b>   | 80 Kingsway, Nedlands |
| <b>Residence within Nedlands:</b>   | Yes                   |
| <b>Support/Object/Comment:</b>  | Support               |
| <p><b>Summary of Submission:</b></p> <ol style="list-style-type: none"> <li>1) Amendment will balance growth with minimising adverse development impacts.</li> <li>2) Existing density is inappropriate for the area and has impacted property values.</li> <li>3) Existing density will result in numerous amenity issues, including overlooking and overshadowing.</li> <li>4) The argument that proposed developments will provide opportunity to downsize is not economically viable.</li> <li>5) Demand for high density living will decrease due to COVID-19 and changing relations between Australia and China.</li> <li>6) Amendment will allow for greater retention of trees, reduced traffic impacts, reduced stress on existing services such as electricity and sewerage and more appropriate built form.</li> </ol> |                       |
| <p><b>Response to Submission</b></p> <ol style="list-style-type: none"> <li>1) See response to submission 114.</li> </ol>   |                       |

|                |  |
|----------------|--|
| <b>PD21.21</b> | <b>Consideration of Development Application for 5 Single Houses at No. 22 Vincent Street, Nedlands</b> |
|----------------|--|

|   |  |
|---|--|
| <b>Committee</b>  | 11 May 2021  |
| <b>Council</b>  | 25 May 2021  |
| <b>Applicant</b>  | Coastview Australia Pty Ltd  |
| <b>Landowner</b>  | Lenmal Pty Ltd   |
| <b>Director</b>   | Tony Free – Director Planning & Development  |
| <b>Employee Disclosure under section 5.70 Local Government Act 1995</b> | <p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p> |
| <b>Report Type</b>  | When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.  |
| Quasi-Judicial  |  |
| <b>Reference</b>  | DA20-55087   |
| <b>Previous Item</b>  | Nil  |
| <b>Delegation</b>   | In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.   |
| <b>Attachments</b>  | 1. Applicant Justification   |
| <b>Confidential Attachments</b>   | <ol style="list-style-type: none"> <li>1. Development Plans</li> <li>2. Submissions</li> <li>3. Site Photos</li> </ol>   |

## 1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received from the applicant on the 5 October 2020, for the proposed five (5) single houses located at Lot 90 (No. 22) Vincent Street, Nedlands.

The land was approved for a five lot, freehold subdivision by the Western Australian Planning Commission (WAPC) on 16 July 2020. Although titles have not yet been issued, the City has assessed the application as five single houses as opposed to grouped dwellings given the future tenure of the land.

A demolition permit was issued on 16 December 2020 by the City of Nedlands (the City). A site inspection to the site on 23 March 2021 established that the site has been cleared and the existing single house and vegetation removed.

The application was advertised to adjoining neighbours in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. Six (6) objections were received during the advertising period.

This application is presented to Council for determination in accordance City's Instrument of Delegation, due to the application proposing five (5) single houses. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) Volume 1 and is unlikely to have a significant adverse impact on the local amenity and character.

## **Recommendation to Committee**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, Council approves the development application received on 5 October 2020 in accordance with plans date stamped 3 March 2021 and 20 April 2021 (DA20-44087) for five (5) Single Houses at Lot 90 (No. 22) Vincent Street, Nedlands, subject to the following conditions:**

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. This approval is for a 'Residential- Single House' land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 3. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the satisfaction of the City. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
- 4. All landscaping shall be installed and maintained in accordance with the approved landscaping plan dated 20 April 2021, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 5. 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 development plans dated 3 March 2021 and 20 April 2021, shall be screened in accordance with the Residential Design Codes. Screening referred to in c1.1(ii) of the Residential Design Codes Volume 1 is to be in the form of;**
  - a) Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level, or**
  - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.**
  - c) A minimum sill height of 1.60 metres as determined from the internal floor level; or**
  - d) An alternative method of screening approved by the City of Nedlands.**



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

6. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:
  - a) Face brick;
  - b) Painted render;
  - c) Painted brickwork; or
  - d) Other clean material as specified on the approved plans.

And maintained thereafter to the satisfaction of the City.

7. In accordance with the Australian Standard AS2890.1 (as amended), all car parking and vehicle manoeuvring areas are to maintain adequate circulation space, free of intrusions such as doors and storage areas which do not compromise the minimum parking dimensions required under AS2890.1.
8. 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.
9. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
10. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.
11. Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.

## Voting Requirement

Simple Majority

## 2.0 Background

### 2.1 Land Details

|  |                    |
|--|--------------------|
| <b>Metropolitan Region Scheme Zone</b> | Urban              |
| <b>Local Planning Scheme Zone</b>      | Residential        |
| <b>R-Code</b>                          | R60                |
| <b>Land area</b>                       | 1014m <sup>2</sup> |
| <b>Additional Use</b>                  | No                 |

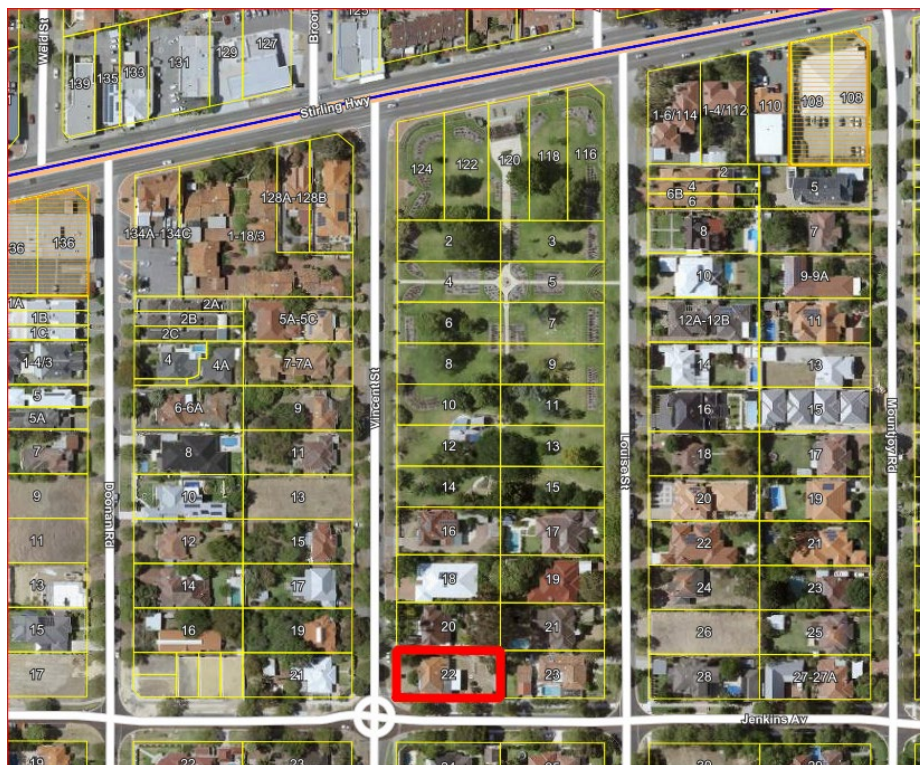
|                               |                            |
|-------------------------------|----------------------------|
| <b>Special Use</b>            | No                         |
| <b>Local Development Plan</b> | No                         |
| <b>Structure Plan</b>         | No                         |
| <b>Land Use</b>               | Residential (Single House) |
| <b>Use Class</b>              | P – Permitted              |

## 2.2 Locality Plan

The subject site currently comprises one lot at No. 22 Vincent Street, Nedlands (the subject site) which is currently vacant. The site previously contained a Single House and vegetation which have recently been removed.

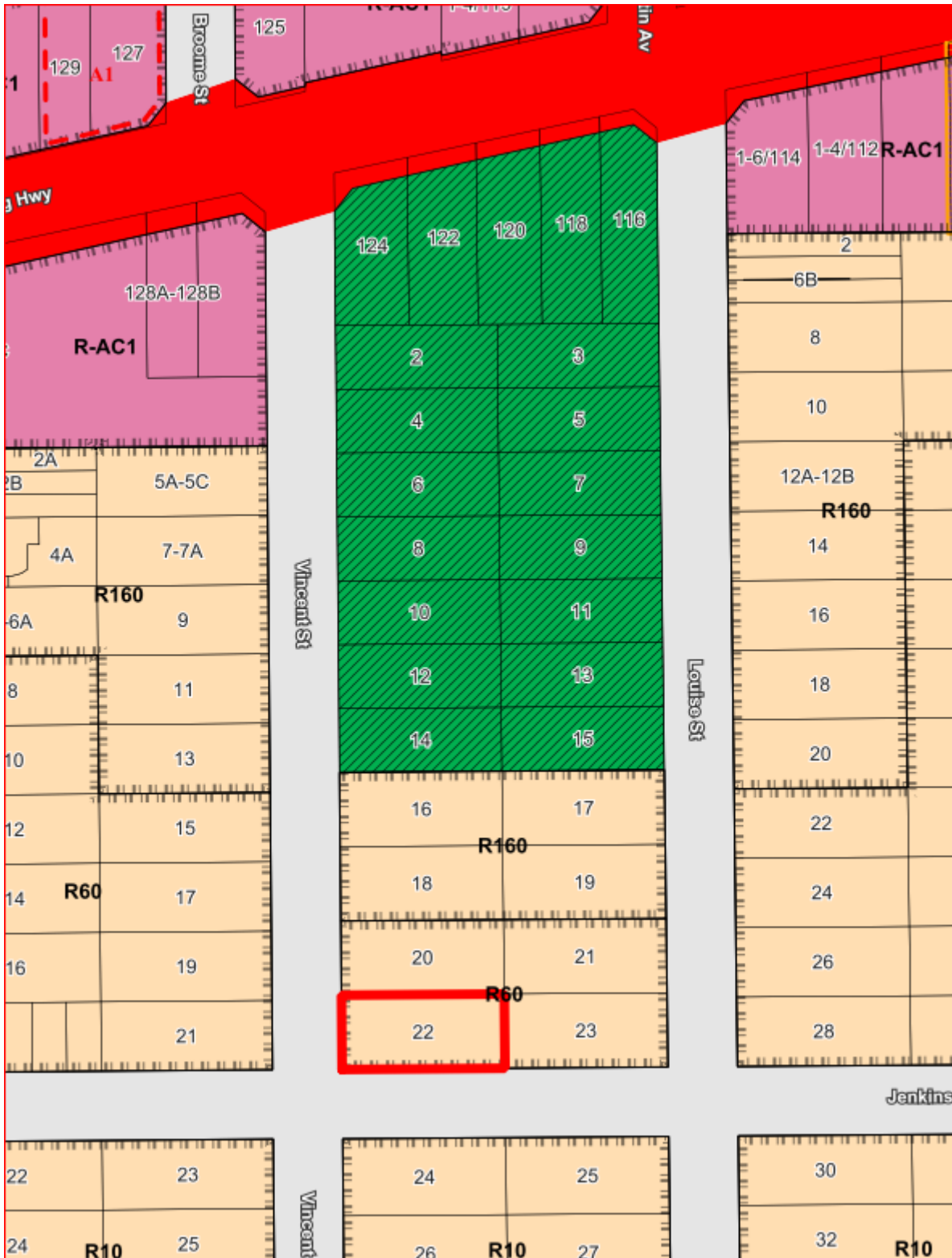
On 16 July 2021, the Western Australian Planning Commission (WAPC) approved a freehold subdivision for five (5) single lots on the subject site.

The subject site is located within the street block bounded by Stirling Highway and the Memorial Rose Garden to the north, Louise Street to the east, Jenkins Avenue to the south, and Vincent Street to the west. The subject site has primary frontage to Jenkins Avenue and secondary frontage to Vincent Street.



**Figure 1 – Aerial Map**

Within the street block, the land abutting the highway is zoned public open space with the remaining land in the street block forming a transitional growth and built form area. The subject site is coded Residential R60, which is a medium density coding that contemplates low to mid-rise apartments and grouped dwellings.



**Figure 2 – Zoning Map**

Although the surrounding area is predominated by single houses, it is not an intact streetscape. There are a number of redeveloped homes and recently subdivided lots in close proximity to the site as follows:

- On 26 November 2020, the Metro Inner-North Joint Development Assessment Panel (DAP) approved seven (7) grouped dwellings and six (6) multiple dwellings on 21 and 23 Louise Street, Nedlands. This development is located abutting the eastern lot boundary of the subject site.

- On 9 July 2020, the DAP approved 37 multiple dwellings on 17-19 Louise Street, Nedlands. This development is located adjacent to the north of 21-23 Louise Street and within 25m radius of the subject site.
- On 11 May 2020, DAP approved 15 multiple dwellings on 13 Vincent Street, Nedlands. This development is located to the north of the subject site.
- Demolition permit applications have been received by the City for 20 and 21 Vincent Street, Nedlands which are abutting the northern and western lot boundaries of the subject site.

The area is considered to be undergoing change given the recent development approvals. The predominant housing stock within the locality is a mix of grouped dwellings close to Stirling Highway and the Memorial Rose Garden, single houses and approved multiple dwellings.

The predominant landscape character of this locality is vegetated front and rear gardens and mature canopy trees within the verge area.

The site is located in the Melvista West Transition Zone. In September 2020 Council adopted for advertising a draft Local Planning Policy which seeks to define the desired future character and calibrate appropriate design and built form settings with respect of this area.

### **3.0 Application Details**

The applicant seeks development approval, for the construction of five (5) single houses, details of which are as follows:

- Each single house will have a double garage, living, dining areas, three (3) bedrooms, two bathrooms and storerooms.
- Lot 1 is a two (2) storey single house and Lots 2-5 single houses are designed to have two (2) storeys above an undercroft basement garage and storeroom.
- Lot 1 garage access from Vincent Street and Lots 2-5 garage access is from Jenkins Avenue.
- A total of seven (7) x medium sized (200L) Chinese tallow trees and two (2) x small (100L) snow pear trees are to be planted.

By way of justification in support of the development application the applicant has provided an assessment of the proposal in accordance with the planning framework, contained in **Attachment 1**.

### **4.0 Consultation**

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

- Lot boundary setbacks;
- Open space;
- Site works;
- Retaining walls; and
- Visual Privacy.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to nine (9) residents and landowners. Six (6) objections were received.

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

| Submission   | No. of times issue raised | Officer Response  | Action Taken      |
|--|---------------------------|---|-------------------|
| Concerns regarding the number of multiple crossovers proposed along Jenkin Avenue which is a safe active street.                             | 5                         | <p>Objection noted.</p> <p>On 16 July 2021, the Western Australian Planning Commission (WAPC) approved a green title subdivision for five (5) single lots. The number of crossovers is consistent with the number of single houses proposed for the subject site with one (1) being located on Vincent Street and four (4) on Jenkins Avenue. It is noted that the provision of 5 separate crossovers was considered appropriate by the WAPC when it granted subdivision approval, notwithstanding the City's concerns.</p> <p>Administration has reviewed vehicle access to and from the subject site and has determined that safety can still be maintained from Jenkins Avenue which is a safe active street.</p>  | No further action |
| Loss of one (1) mature street tree and no replacement.   | 5                         | <p>Objection noted.</p> <p>The revised site and landscape plan in Attachment 2, show that the existing street tree (Queensland Brush Box) is proposed to be removed and will be replaced with a new tree in the location between Lot 3 and 4 crossovers. In the event if Council approves the proposal, an advice note is recommended to ensure that the street tree removal and replacement for one (1) new street tree costs is funded by the applicant.</p> <p>It should be noted that the applicant is supportive of additional street trees to be planted within the verge, if the City decides to plant more trees along Jenkins Avenue and Vincent Street which will further contribute towards a 'leafy green' streetscape which Nedlands is known for.</p> | Advice Note       |
| <p>Visual Privacy</p> <p>1. Concerns over visual privacy to properties along Jenkins Avenue.</p> <p>2. Concerns over visual privacy from</p> | 4                         | <p>Objection noted.</p> <p>1. Visual privacy is compliant along the southern elevation of all 5 single houses as all balconies will face and overlook into Jenkins Avenue.</p>  | No further action |

|   |   |   |                   |
|---|---|---|-------------------|
| balconies to the northern lot boundary.<br><br>3. Concerns over visual privacy from the raised outdoor living areas above 0.5m from the Natural Ground Level (NGL). |   | 2. There are no balconies proposed along the northern elevation of the proposed development.<br><br>3. The visual privacy variation identified for Lots 2-5 raised outdoor living areas is further discussed in the Planning Assessment section in the report.  |                   |
| Concerns that the outdoor living areas for each lot does not comply.  | 3 | Objection noted.<br>The subject site requires a minimum of 16m <sup>2</sup> of outdoor living areas (OLA) for a R60 zoned site.<br><br>The OLA is compliant with the requirements of element 5.3.1 – Outdoor Living Areas of the R-Codes.   | Nil               |
| Concerns that the proposal is a three (3) level home.<br><br>The building height will compromise the amenity of the street.   | 2 | Objection noted.<br>The proposal does not exceed 8.5m high measured from the NGL for concealed roof developments.<br><br>The proposed building height is in accordance with the City's Local Planning Policy – Residential Development: Single and Grouped Dwellings (Residential Development Policy) and element 5.1.6 – Building height of the R-Codes. | No further action |
| No visitor parking bay provided.  | 1 | Objection noted.<br>Visitor car parking is not required by the R-Codes for dwellings that do not share a common driveway.   | Nil               |
| Concerns over waste collection along Jenkins Avenue as a safe active street.  | 1 | Objection noted.<br>The City has reviewed the proposal and waste collection from Jenkins Avenue can be gathered safely from Jenkins Avenue.   | No further action |

## 5.0 Assessment of Statutory Provisions

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

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

In accordance with sub-clauses (m) and (n) of the Regulations clause 67(2), 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 Local Planning Scheme No. 3

An assessment of the Scheme as they relate to this application is provided below.

| Item               | Requirement  | Proposal  | Satisfies |
|--------------------|--|---|-----------|
| 9 – Aims of Scheme | a) Protect and enhance local character and amenity                             | <p>The surrounding area is varied in terms of built form but predominated by single dwellings with several examples of grouped and multiple dwellings closer to Stirling Highway. The area's housing stock is similarly varied in terms of roof forms, height, and setbacks. The City acknowledges that over time, the existing built form character within the locality will change and a new built form will emerge.</p> <p>As viewed from surrounding streets, the development is considered to have architectural merit which uses design references such as concealed roofs, rendered walls, light colour scheme and inclusion of windows and balconies overlooking the street which will transition well with the approved seven (7) grouped dwellings approved on 21 and 23 Louise Street abutting the subject site on the eastern lot boundary.</p> | Yes       |
|                    | b) Respect the community vision for the development of the district;           | <p>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.</p> <p>The Draft Local Planning Policy – Melvista West Transition Zone seeks to establish a localised planning response for the Melvista West Transition Zone. The subject site is located within this precinct. A discussion of the policy is provided later in the report.</p>  | Yes       |
|                    | c) Achieve quality residential built form outcomes for the growing population; | The built form of the development has been assessed and is considered to achieve 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 R60 density coding.  | Yes       |
|                    | d) To develop and support a hierarchy of activity centres;                     | The medium-rise development is consistent with the intent of the R60 density code identified by Local Planning Scheme No. 3. The development will contribute to the dwelling target set out in the Local Planning Strategy for this transition zone.  | Yes       |
|                    | e) To integrate land use and transport systems;                                | The development is located approximately 250m from Stirling Highway which is serviced by a  | Yes       |

|                                    |   |   |           |
|------------------------------------|---|---|-----------|
|                                    |   | number of buses including Bus 102, 103, 107 and high frequency Bus 999.   |           |
|                                    | f) Facilitate improved multi-modal access into and around the district;   | The site is located on the Safe Active Streets Network – a pedestrian and cycle friendly boulevard.   | Yes       |
|                                    | g) Maintain and enhance the network of open space;  | The development does not impact the City's network of open space.   | Yes       |
|                                    | h) Facilitate good public health outcomes;  | The development is not considered to adversely affect the desired public health outcomes.   | Yes       |
|                                    | i) Facilitate a high-quality provision of community services and facilities;  | The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability.   | Yes       |
|                                    | j) Encourage local economic development and employment opportunities;   | The development is considered to positively contribute to the support of local businesses, during and post-construction.  | Yes       |
|                                    | k) To maintain and enhance natural resources;   | The proponent will plant a total of seven (7) x medium sized (200L) Chinese tallow trees and two (2) x small (100L) snow pear trees on the subject site.  | Yes       |
|                                    | l) Respond to the physical and climatic conditions;   | The development maintains solar access to adjoining properties by having appropriate setbacks. The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation.                                  | Yes       |
|                                    | m) Facilitate efficient supply and use of essential infrastructure;   | The development does not negatively impact this objective.  | Yes       |
| 16.2 - 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. It is noted that a multiple dwelling outcome may have achieved a smaller footprint and allowed a greater proportion of landscaping. | 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   | The development includes a undercroft basement and two storeys  | Partially |



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|  | <p>with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;</p> | <p>above it in height and setback sufficiently between 3-4m to provide some landscaped front area for the narrow lots around 9.0m wide (particularly for Lots 2-5). This has been undertaken to ensure the building sits well within the streetscape, which is characterised by front setbacks varying between 3-6m.</p> <p>The development is now considered to strike a balance between achieving the built form expectations of the R60 density code and responding appropriately to the local context.</p> <p>Furthermore, the City considers that the proposal, subject to compliance with conditions will complement the local character and amenity of the site, with the proposed height provision being consistent with the surrounding area.</p> |  |
|--|---|--|--|

### 5.3 Design of the Built Environment (State Planning Policy 7.0)

| Design Principle  | Officer Comment  |
|---|--|
| <p><b>1. Context and Character</b></p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p> | <p>In accordance with the City’s Local Planning Strategy the proposal will provide built form transition from the high-density mixed-use development that is anticipated on Stirling Highway to the low-density residential area to the south. Given that there are no acceptable outcome height limits on Stirling Highway, and a default height of five (5) storeys within the R160 zone to the north, the proposal will provide built form transition between those areas of medium density development and the lower density area to the south.</p> <p>The development proposes five (5) single houses that all address the street, have individual driveways and entries and is setback greater than the minimum 2.0m required for a R60 site by 3-4m. This is consistent along Jenkins Avenue which has a street setback that varies between approximately 3-6m.</p> <p>The development is a contemporary build, reinforcing its unique distinctiveness and responding sympathetically to local building forms and patterns such as the use of concealed roofs, rendered walls, stone feature walls, light colour scheme and inclusion of windows and balconies overlooking the street which will transition well with the approved seven (7) grouped dwellings approved on 21 and 23 Louise Street abutting the subject site on the eastern lot boundary.</p> <p>The provision of a variety of landscaping vegetation and addition of seven (7) x medium sized (200L) Chinese tallow trees and two (2) x small (100L) snow pear trees on the subject site along primary and secondary street setback areas will help contribute to the existing leafy-green streetscape of Vincent Street and Jenkins Avenue.</p> |

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|  | <p>This principle is considered to have been met as the design positively contributes to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood.</p>  |
| <p><b>2. Landscape Quality</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>   | <p>Whilst there are no ecosystems or environmental features that are specific to this site, the proposed vegetation within the development includes:</p> <ul style="list-style-type: none"> <li>• Seven (7) x medium sized Sepium Sebiferum trees (Chinese tallow tree);</li> <li>• Two (2) x small Pyrusnivals trees (snow pear tree); and</li> <li>• A variety of vegetation such as kangaroo paw bushes, grevillea plants throughout the development for each lot.</li> </ul> <p>The proposal of a variety of native vegetation is considered to provide a positive outcome for the benefit of the environment, the climate, the future residents of the single houses and the amenity of the City of Nedlands. The proposed trees when planted will ensure the development better integrates with the surrounding environment, which is considered to be 'leafy green', as the proposed trees will have a canopy diameter at maturity of a minimum 6.0m for a medium Chinese tallow tree and a minimum of 4.0m for a small snow pear tree.</p> <p>It is noted that all existing vegetation on the site has been removed to accommodate this development and one (1) street tree (Queensland Brush Box) is proposed to be removed. In the event that Council approves the proposal, an advice note will be placed to inform the applicant that the street tree removal and replacement will be funded by the applicant.</p> <p>It should be noted that the applicant is supportive of additional street trees to be planted within the verge if the City's Park Services Unit decides to plant more trees along Jenkins Avenue and Vincent Street. This will further contribute towards a 'leafy green' streetscape for which Nedlands is known for.</p> <p>This principle is considered to have been met.</p> |
| <p><b>3. Built form and scale</b></p> <p>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.</p> | <p>The single houses are 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.</p> <p>This principle is considered to have been met as the new development positively responds to the built form and topography of the surrounding buildings. The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity of the future development, the adjoining sites and the locality.</p>  |
| <p><b>4. Functionality and build quality</b></p> <p>Good design meets the needs of users</p>   | <p>The proposal includes sizable bedrooms and open plan living areas making the dwellings functional and accessible for all demographics.</p> <p>The site is accommodated with building utilities and services in an integrated manner so as not to negatively impact the amenity of the site.</p>  |

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| <p>efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</p>  | <p>All rooms are of an appropriate size and the layout is straight-forward so as to provide functional environments and spaces that are suited to their intended purpose and arranged to facilitate ease of use.</p> <p>This principle is considered to have been met as the design provides functionality and build quality without detriment to the appearance, functionality and serviceability of the dwellings.</p>   |
| <p><b>5. Sustainability</b></p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p>   | <p>Predominately north facing outdoor living areas are provided for the proposed dwellings. The design is supported as it maximises the northern aspect of the site.</p> <p>This principle is considered to have been met as the design responds to site conditions by providing appropriate orientation and natural ventilation.</p>  |
| <p><b>6. Amenity</b></p> <p>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.</p> | <p>The proposed design provides an appropriate amount of indoor and outdoor activity space, with reasonably sized bedrooms, living spaces and an outdoor living area which is orientated north. The site planning considers the impact of overshadowing and bulk by limiting boundary walls to the north.</p> <p>This principle is considered to have been met as the design delivers internal amenity with rooms and spaces that are adequately sized, comfortable, and easy to use, with good levels of daylight, natural ventilation, and outlook. This principle is considered to have been met as the site is afforded with good external amenities within close proximity.</p> |
| <p><b>7. Legibility</b></p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p>   | <p>The design provides for clear and definable pedestrian and vehicle entrances which provides for a clear delineation of spaces from the public and private realm.</p> <p>This principle is considered to have been met as the design makes the site easy to navigate, with recognisable entry and exit points and being well-connected to existing movement network to Vincent Street and Jenkins Avenue. The sight lines are well-considered and the movement through the development is logical and intuitive.</p>   |
| <p><b>8. Safety</b></p> <p>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</p>  | <p>Each dwelling has at least one major opening facing the street, providing adequate passive surveillance. Furthermore, there are no areas capable of being used for concealment.</p> <p>The City would prefer the number of crossovers to be consolidated. It is noted that the site does not have access to a laneway and there is a current green title WAPC approval for five (5) single lots on the subject site. The number of crossovers is consistent with the number of single houses proposed for the subject site with one (1) being</p>   |

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|   | <p>located off from Vincent Street and four (4) being located off from Jenkins Avenue.</p> <p>The City has reviewed vehicle access to and from the subject site and have determined that safety can be maintained from Jenkins Avenue, which is a safe active street.</p> <p>This principle is considered to have been met as safety and security is promoted by maximising opportunities for passive surveillance of public pedestrian paths and minimising areas of concealment. The design provides a positive, clearly defined relationship between public and private spaces and addresses the need to provide optimal safety and security both within a development and to the adjacent public realm.</p>   |
| <p><b>9. Community</b></p> <p>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.</p> | <p>The development provides a degree of medium density dwelling diversity within the City by improving the range of housing availability in the area and accommodating for a wider range of demographics.</p> <p>This principle is considered to have been met as the new development has the capacity to adapt to changing demographics, an ageing population where applicable, new uses, and people with disability. The design provides a housing choice for different demographics and accommodating all ages and abilities wishing to downsize.</p>  |
| <p><b>10. Aesthetics</b></p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p>                            | <p>The proposed materials are considered high-quality, and the development is consistent with the contemporary homes and buildings within the surrounding area.</p> <p>The design incorporates a mixture of materials and colours including contrasting textured stone, wood, light coloured metallic framing elements and glass.</p> <p>This principle is considered to have been met as the design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. The proposal is a well-conceived design which addresses scale, the articulation of building form with detailing of materials and building elements which enables an integrated response to the character of the locality.</p> |

#### 5.4 Precinct Design Assessment (State Planning Policy 7.2)

State Planning Policy 7.2 (SPP 7.2) and its associated guidelines have been recently introduced by the State Government. Whilst the Policy relates primarily to the creation of precinct plans, it does require subdivision and development to apply the Policy and Guidelines where a precinct plan is not in place, in particular to areas which are within a precinct boundary.

The City’s comments on the extent the development addresses the design elements is outlined below.

## Design Element 1: Urban Ecology

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|--|---|
| O1.1 To protect, enhance and respond to the ecological systems of the precinct.                        | The site has recently been demolished and is currently vacant. The development is proposing landscaped areas and a total of nine (9) trees to be planted on the subject site, which will be beneficial to precinct ecology. |
| O1.2 To enhance sense of place by recognising and response to Aboriginal, cultural and built heritage. | There is no known Aboriginal heritage on or near the site in accordance with the City's Municipal Heritage Inventory 2012.  |
| O1.3 To reduce the environmental and climate change impacts of the precinct development.               | The development outdoor living areas are orientated to benefit from the northern exposure of the site.  |

## Design Element 2: Urban Structure

|   |   |
|---|---|
| O2.1 To ensure the pattern of blocks, streets, buildings and open space responds and contributes to distinct, legible precinct character. | The development fronts onto the existing street layout.                           |
| O2.2 To promote an urban structure that supports accessibility and connectivity within and outside the precinct.                          | The development is designed to be accessible.                                     |
| O2.3 To ensure the urban structure supports the built form, public realm and activity intended for the precinct.                          | No precinct plan has been developed at this time.                                 |
| O2.4 To ensure an adaptable urban structure that can respond to and facilitate change within a precinct.                                  | The development is unlikely to be adaptable in terms of the residential land use. |

## Design Element 3: Public Realm

|  |                |
|--|----------------|
| O3.1 To ensure the public realm is designed to promote community health and wellbeing.   | Not applicable |
| O3.2 To enable local character and identity to be expressed in public realm to enhance a sense of place.                                   | Not applicable |
| O3.3 To ensure than key environmental attributes are protected and enhanced within the public realm.                                       | Not applicable |
| O3.4 To ensure the public realm is designed to be inclusive, safe and accessible for different users and people of all ages and abilities. | Not applicable |
| O3.5 To ensure public realm design is integrated with the built form, movement network and landscape of the precinct.                      | Not applicable |

## Design Element 4: Movement

|  |   |
|--|---|
| O4.1 To ensure the movement network supports the function and ongoing development of the precinct. | The development utilises the existing movement network.                                   |
| O4.2 To ensure a resilient movement network that prioritises affordable,                           | The development is located approximately 250m from Stirling Highway, which is serviced by |

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| efficient, sustainable and healthy modes of transport.   | several buses including Bus 102, 103, 107 and high frequency Bus 999.   |
| O4.3 To enable a range of transport choices that meet the needs of residents, workers and visitors.          | The site is in an area that provides transport choice from walking, cycling and public transport.                         |
| O4.4 To ensure the quantity, location, management and design of parking supports the vision of the precinct. | There is currently no precinct vision. Overall, the proposed parking provision is appropriate to support the development. |

#### Design Element 5: Land Use

|  |   |
|--|---|
| O5.1 To ensure current and planned land uses respond to the needs and expectations of the community.   | The proposed residential land use in the development is permissible by the Scheme. This objective would be more appropriate when considering land uses over an entire precinct rather than a single site. |
| O5.2 To ensure the planned land use types contribute positively to the precinct character and amenity. | The precinct character and level of amenity has not been determined. However, the proposal is generally consistent with the development expectations attributable to the R60 higher density code.         |
| O5.3 To achieve a mix of land uses and activity that supports the precinct vision.                     | Not applicable  |

#### Design Element 6: Built Form

|  |  |
|--|--|
| O6.1 To ensure that the built form is responsive to the purpose, context and intended character of the precinct.               | The bulk and scale of the development is considered to be consistent with the intent of an R60 coded lot.  |
| O6.2 To ensure building placement, scale and massing is appropriate for the intended precinct and streetscape character.       | <p>The scale of the development is considered to be appropriate as a transition from lots coded R160 to the north and lots coded R10 to the south.</p> <p>The development features single houses that are oriented to Jenkins Avenue which will positively contribute to the existing streetscape along Jenkins Avenue.</p>  |
| O6.3 To ensure that built form design reduces energy demand across the precinct by facilitating climate-responsive design.     | The development seeks to maximise the northern aspect of the site. The design responds to site conditions by providing appropriate orientation and natural ventilation.  |
| O6.4 To ensure that built form design is responsive to the streetscape and contributes to a safe and comfortable public realm. | <p>The proposal is seen to provide an appropriate built form design for an R60 density which will contribute to a safe and comfortable public realm.</p> <p>The development proposes a mix of materials and textures such as white render, light window frames, stone and wood elements and a modern contemporary design to create an aesthetic streetscape appeal.</p> <p>The orientation and articulation of the built form delivers an outcome which is suited to the character of the adjacent streetscape and positively contributes to the amenity site.</p> |

## 6.0 Policy/Local Development Plan Consideration

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

The applicant is seeking assessment under the Design Principles of the R-Codes for lot boundary setbacks, open space, site works, retaining walls and visual privacy as addressed in the following tables:

#### Element 5.1.3 – Lot boundary setback

| <b>Design Principles</b>   |
|--|
| <p>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P 3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• 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</li> <li>• positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.</li> </ul>  |
| <b>Deemed-to-Comply Requirement</b>  |
| <p>C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <ol style="list-style-type: none"> <li>i. buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b (refer to Figure Series 3 and 4);</li> </ol> <p>Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:</p> <ol style="list-style-type: none"> <li>i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;</li> <li>ii. in areas coded R20 and R25, walls not higher than 3.5m with an average of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only;</li> <li>iii. in areas coded R30 and higher, walls not higher than 3.5m with an average of 3m or less, for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only; or</li> <li>iv. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application.</li> </ol> |
| <b>Proposed</b>  |
| <p><u>Side and rear setbacks variations</u></p> <ol style="list-style-type: none"> <li>1. Lot 2- Ground floor western setback is proposed to be 1.0m in lieu of 1.5m (impact to Lot 1 only).</li> <li>2. Lot 2 - Upper floor western setback is proposed to be 1.0m in lieu of 2.0m (impact to Lot 1 only).</li> <li>3. Lot 3 - Ground floor eastern setback is proposed to be 1.0m in lieu of 1.5m (impact to Lot 4 only).</li> <li>4. Lot 3 - Upper floor eastern setback is proposed to be 1.0m in lieu of 2.0m (impact to Lot 4 only).</li> <li>5. Lot 4 - Ground floor eastern setback is proposed to be 1.0m in lieu of 1.5m (impact to Lot 3 only).</li> </ol>  |

6. Lot 4 - Upper floor eastern setback is proposed to be 1.0m in lieu of 2.0m (impact to Lot 3 only).
7. Lot 5 - Upper floor eastern setback is proposed to be 1.5m in lieu of 1.9m (impact to 23 Louise Street)

#### Building on boundary variations

8. Lot 1 - Boundary walls proposed on the northern and eastern lot boundaries in lieu of one side only (impact to 20 Vincent Street and Lot 2)
9. Lot 1 - Garage boundary wall is proposed to be 80% in lieu of 66.66% of the northern lot boundary.
10. Lot 1 - Eastern boundary wall is proposed to be 73% in lieu of 66.66% of the eastern lot boundary (abutting to Lot 2).

### **Administration Assessment**

#### C3.1 - Side and rear setbacks

The side setback variations proposed in Points 1-7, is considered to meet the Design Principle P3.1 for the following reasons:

In regard to the variations outlined in Points 1-6:

- The proposed side setback variations are between each lot internally. The proposed internal side setback variations do not impact upon building bulk to adjoining properties to the north (20 Vincent Street) or east (23 Louise Street).
- The proposed variations still allow direct sun and ventilation to Lots 2, 3, 4 and 5 as the development outdoor living areas and living/dining areas take advantage of the northern aspect of the subject site.
- The proposed side setback variations do not result in overlooking or a loss of privacy between each lot.

In regard to the variation outlined in Point 7:

- The proposed side setback variation of 0.4m is noted for the upper floor side setback for Lot 5 to the eastern lot boundary. This is not considered to have a building impact to the adjoining eastern property given that the variation is considered to be consistent with the side setbacks of the recent DAP approval for seven (7) grouped dwellings and six (6) multiple dwellings on 21 and 23 Louise Street, Nedlands.
- The proposed variations allow direct sun and ventilation to the eastern property as the development does not overshadow any outdoor living area of the adjoining property (overshadowing falls towards Jenkins Avenue).
- The proposed side setback variation does not result in overlooking or a loss of privacy to the eastern property.

#### C3.2 - Building on boundary

The building on boundary variations proposed in Points 8-10, is considered to meet the Design Principle P3.2 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 of the R20 density. Therefore, the proposal's impact on the amenity is considered lower than what is capable under the deemed to comply.
- In R60, building on boundary is permitted for two-thirds (66%) of the length of the balance of the lot boundary behind the front setback. The boundary walls along the northern (abutting 20 Vincent Street) and eastern (internal) boundaries makes effective use of space given the narrow size of Lot 1 (11m wide). This will assist in privacy for the occupants as there are no openings along the boundary walls.
- The boundary walls do not exacerbate the overshadowing as per element 5.4.2 of the R-Codes Vol. 1 to the adjoining lots, with overshadowing falling towards Jenkins Avenue. 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 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 single house contributes to the future development context and streetscape of the locality, representing an appropriate development for the R60 density code.

#### Element 5.1.4 – Open Space

| <b>Design Principles</b>   |
|--|
| <p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> <li>• reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</li> <li>• provide access to natural sunlight for the dwelling;</li> <li>• reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</li> <li>• provide an attractive setting for the buildings, landscape, vegetation and streetscape;</li> <li>• provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</li> <li>• provide space for external fixtures and essential facilities.</li> </ul>  |
| <b>Deemed-to-Comply Requirement</b>  |
| <p>The deemed to comply open space for each lot is 40%.</p>  |
| <b>Proposed</b>  |
| <p>Lots 2, 3 and 4- Open space is proposed to be 38.5% in lieu of 40% deemed-to-comply.</p>  |
| <b>Administration Assessment</b>   |
| <p>The open space provision for Units 2-4 is considered to meet the Design Principles for the following reasons:</p> <ul style="list-style-type: none"> <li>• The development as a whole is consistent with the existing and emerging streetscape character. It is noted that the 1.5% variation of open space to Lots 2, 3 and 4 does not negatively impact upon the streetscape character of Jenkins Avenue. Units 1 and 5, proposes a total of 42% open space which exceeds the deemed to comply requirement of 40% per lot.</li> <li>• A variety vegetation such as Chinese tallow trees, snow pear trees, kangaroo paw bushes and Grevillea plants are proposed in the open spaces of the site will reflect and enhance the streetscape character of Jenkins Avenue as a 'leafy green' locality.</li> <li>• Despite the minor variation to open space, the design of the development carefully considers the importance of the northern aspect of the site. All outdoor living areas and principal living spaces are orientated to take advantage of the northern aspect of the site which will improve the living amenity of the future residents.</li> <li>• The design of the development utilises multiple articulations at ground and upper floor so as to reduce the building bulk of the site onto adjoining properties where possible. With a compliant primary street setback proposed along the southern lot boundary, the City does not consider that the open space shortfall is as a result of overdevelopment of the site and this proposal is consistent with the expectations of the R60 density code.</li> <li>• As shown in the Site Plan and Landscaping Plan, the development provides an attractive setting for the buildings, nestled amongst a variety of trees, shrubs and vegetation which will improve the amenity of the future residents of the single houses.</li> <li>• The outdoor living areas which face north will provide opportunities for the residents to use these spaces for private recreation and outdoor pursuits. It is also noted that the site is within close proximity of the Peace Memorial Rose Gardens, where future residents will have access to open space for outdoor pursuits.</li> </ul> |

**Element 5.3.5 – Vehicle Access**

| <b>Design Principles</b>   |
|--|
| <p>P5.1 Vehicular access provided for each development site to provide:</p> <ul style="list-style-type: none"> <li>• vehicle access safety;</li> <li>• reduced impact of access points on the streetscape;</li> <li>• legible access;</li> <li>• pedestrian safety;</li> <li>• minimal crossovers; and</li> <li>• high quality landscaping features.</li> </ul>  |
| <b>Deemed-to-Comply Requirement</b>  |
| <p>C5.3 Driveways shall be:</p> <ul style="list-style-type: none"> <li>• located so as to avoid street trees, or, where this is unavoidable, the street trees replaced at the applicant's expense or replanting arrangement to be approved by the decision-marker.</li> </ul>  |
| <b>Proposed</b>  |
| <p>Lot 4- Proposed location of the driveway and crossover results in the removal of one (1) x Street Tree on Jenkins Avenue.</p>   |
| <b>Administration Assessment</b>   |
| <p>The street tree removal is considered to meet the Design Principles for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed driveway and crossover results in the removal of one (1) street tree (Queensland Brush Box) along Jenkins Avenue. The removal of the street tree will provide legible and safe vehicle access to and from Lot 4 for residents.</li> <li>• Whilst the City would prefer the number of crossovers to be consolidated, it is noted that the site does not have access to a laneway and there is a current freehold WAPC approval for five (5) single lots on the subject site.</li> <li>• The City has reviewed vehicle access to and from the subject site and have determined that vehicle and pedestrian safety can be maintained from Jenkins Avenue which is a safe active street.</li> <li>• The proposed street tree removal was supported by Administration, subject to the street tree being replaced at the applicant's expense. In the event that Council approves the proposal, an advice note will be placed advising the applicant that removal and replacement of the street tree will be at their cost.</li> <li>• It should be noted that the applicant is supportive of additional street trees to be planted within the verge, if the City decides to plant more trees along Jenkins Avenue and Vincent Street which will further contribute towards a 'leafy green' streetscape.</li> </ul> |

**Element 5.3.7 – Site works**

| <b>Design Principles</b>  |
|---|
| <p>P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p>   |
| <p>P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p>                              |
| <b>Deemed-to-Comply Requirement</b>   |
| <p>The Deemed to comply requirements allow filling behind a street setback line and within 1.0m of a lot boundary, not more than 0.5m above the natural ground level (NGL) at the lot boundary.</p> |
| <b>Proposed</b>   |
| <p>Lot 4- Proposed filling 0.52m high in lieu of 0.5m on the northern lot boundary from the NGL.</p>  |
| <b>Administration Assessment</b>  |
| <p>The site works is considered to meet the Design Principles for the following reasons:</p>  |

- Due to the sloping nature of the site which changes significantly from the north to the south (Jenkins Avenue) by 0.5m and from the east to the west by 2.5m. The proposed fill of a maximum 0.52m is necessary to respond to the natural topography of the site.
- The fill along the northern lot boundary for Lot 4 and does not result in any undue amenity impacts to the existing streetscape along Jenkins Avenue.

It should be noted that no submissions were received objecting to this variation when it was advertised in accordance with the City’s Consultation Policy.

### Element 5.3.8 – Retaining walls

| <b>Design Principles</b>  |
|---|
| P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.  |
| <b>Deemed-to-Comply Requirement</b>   |
| The Deemed to comply requirements allow retaining walls set back from lot boundaries in accordance with the setback provisions of Table 1.  |
| <b>Proposed</b>   |
| Lot 4- The northern retaining wall greater than 0.5m high is located on the lot boundary in lieu of being setback 1.0m.   |
| <b>Administration Assessment</b>  |
| The retaining wall is considered to meet the Design Principles for the following reasons: <ul style="list-style-type: none"> <li>• Due to the sloping nature of the site which changes significantly from the north to the south (Jenkins Avenue) by 0.5m and from the east to the west by 2.5m. The proposed retaining wall of 0.52m high located along the northern lot boundary is necessary to respond to the natural topography of the site.</li> <li>• The proposed retaining wall is designed well to respond to the changing NGLs of the site and is not considered to detrimentally affect the adjoining property at 20 Vincent.</li> </ul> It should be noted that no submissions were received objecting to this variation when it was advertised in accordance with the City’s Consultation Policy. |

### Element 5.4.1 – Visual privacy

| <b>Design Principles</b>   |
|--|
| P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul>   |
| P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul> |
| <b>Deemed-to-Comply Requirement</b>  |
| The Deemed to comply requirements for unenclosed outdoor active habitable spaces is 6.0m setback for areas coded higher than R50.  |

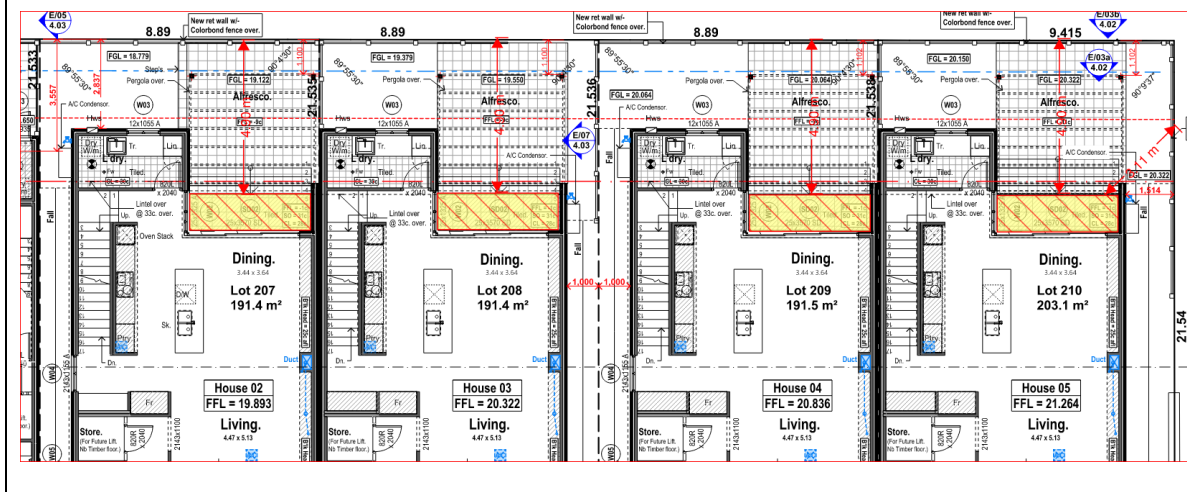
| <b>Proposed</b>   |
|---|
| <ol style="list-style-type: none"> <li>1. Lots 2, 3 and 4 proposed outdoor living area (Finished Floor Level is greater than 0.5m from Natural Ground Level) is proposed to be setback 4.9m in lieu of 6.0m from northern lot boundary.</li> <li>2. Lot 5 proposed outdoor living area (Finished Floor Level is greater than 0.5m from Natural Ground Level) is proposed to be setback 4.9m in lieu of 6.0m from northern lot boundary and 3.1m in lieu of 6.0m from northern lot boundary</li> </ol> |

**Administration Assessment**

The visual privacy is considered to meet the Design Principles for the following reasons:

- Due to the sloping nature of the site which changes significantly from the north to the south (Jenkins Avenue) by 0.5m and from the east to the west by 2.5m. There is a section adjacent to the dining area which is a landing area for residents to step out and then proceed to step down to the main alfresco area.
- The proposed landing area adjacent to the dining room forms part of the OLA is only 1.2m in width x 3.8m in length which the occupants are unlikely use as their main OLA.
- The proposal has attempted to minimise overlooking as much as possible by locating the main alfresco area lower than the dining room to reduce impacts to the northern property.
- It should be noted that 20 Vincent Street, Nedlands has a demolition permit application with the City and a new development maybe approved on the site.
- Rear setbacks of the proposed development from the northern lot boundary meet the deemed to comply as per element 5.1.3 of the R-Codes Vol. 1 to the adjoining lot.

It should be noted that no submissions were received from adjoining properties to the northern and eastern lots directly impacted by the visual privacy variation advertised.



## 6.2 City of Nedlands Peace Memorial Rose Garden Precinct Local Planning Policy

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

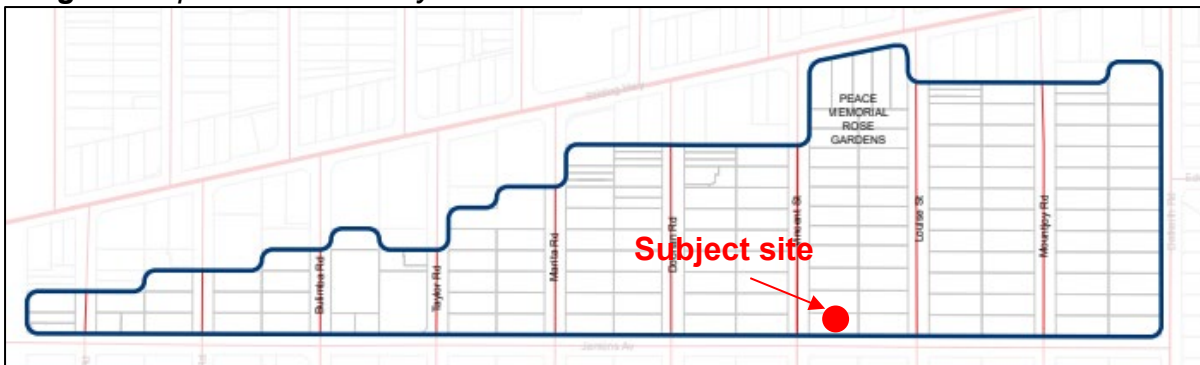


The development of the PMRG Policy does not validly form part of the City’s current planning framework, given that the policy was prepared by landowners, rather than by the City, which is not supported by the *Planning and Development Act*. For this reason, the assessment of the amended plans does not include reference to this policy.

### 6.3 Melvista West Transition Zone Draft Local Planning Policy

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

**Image:** The precinct boundary of the Melvista West Transition Zone



The draft Melvista West Policy was adopted for advertising by Council at its 3<sup>rd</sup> September 2020 Special Council Meeting. Advertising of this policy has now closed. In its report for this item, Administration noted that the draft policy will form a “starting

point” for development guidance in the precinct and will be subject to further revisions through built form modelling, legal and architectural review, external referrals, horticultural and heritage advice, as well as community engagement.

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

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

Pursuant to clause 67(2)(b) of the deemed provisions, in considering an application for development approval, due regard is to be given by the decision-maker to the requirements of any planning instrument that the local government is seriously considering adopting or approving.

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

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

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

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

Setting aside the specific development criteria, the draft Melvista West Policy contains a desired future character statement, specifically in respect to the additional consideration of the desired future character of an area. The City has considered the draft statement is tabled below:

| Desired Future Character Element   | Officer Response   |
|--|--|
| <p>Built form will respond to the streetscape and changes in development density within an appropriate building envelope, using innovative design treatments and providing appropriate massing</p> | <p>The built form is considered to be sympathetic to its surrounding development and is developing to the higher density coding potential.</p> <p>Being proximate to the edge of the transitional area, the proposal is consistent with the intention of the R60 area and for five (5) x two storey with undercroft garage single houses be located on this site. It successfully negotiates the need for infill and to transition the built form down from the intended heights on Stirling Highway to the lower density area south of Jenkins Avenue which is zoned R10.</p> <p>The development is a contemporary build, reinforcing its unique distinctiveness and responding sympathetically to local building forms and patterns as viewed from surrounding streets. The development is considered to have architectural merit which uses design references such as concealed roofs, rendered walls, light colour scheme and inclusion of windows and balconies overlooking the street which will transition well with the approved seven (7) grouped dwellings approved on 21 and 23 Louise Street abutting the subject site on the eastern lot boundary.</p> <p>The City acknowledges that the proposed built form, which responds to the Residential R60 code, is in keeping with the existing built form in that it is proposing single houses.</p> |
| <p>Appropriately dimensioned setbacks will support the retention and consolidation of canopy trees and vegetation.</p>   | <p>The site has been cleared and no trees are retained on-site. The landscape plan proposes the following vegetation on the subject site:</p> <ul style="list-style-type: none"> <li>• Seven (7) x medium sized Sepium Sebiferum trees (Chinese tallow tree);</li> <li>• Two (2) x small Pyrusnivalls trees (snow pear tree); and</li> <li>• A variety of vegetation such as kangaroo paw bushes, grevillea plants throughout the development for each lot.</li> </ul> <p>The proposed trees and native vegetation planted will ensure the development better integrates with the surrounding environment, which is considered to be 'leafy green'.</p> <p>It is noted that one (1) street tree (Queensland Brush Box) is proposed to be removed. In the event that Council approves the proposal, an advice note will be placed advising the applicant that removal and replacement of the street tree will be at their cost.</p> <p>It should be noted that the applicant is supportive of additional street trees to be planted within the verge if the City decides to plant more trees along Jenkins Avenue and Vincent Street which will further contribute towards the existing streetscape.</p>  |
| <p>Development will reference the traditional built form character of the area through the integration of design</p>   | <p>The proposed development includes concealed roofs, render, light colour scheme and a modern contemporary design, which are considered sympathetic and characteristic of the existing and new dwellings within the locality.</p>   |

|   |  |
|---|--|
| elements and a high-quality palette of materials and finishes.                                      |  |
| Open, legible and attractive streetscapes.  | <p>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.</p> <p>The design makes the site easy to navigate, with recognisable entry and exit points for all lots and being well-connected to existing movement network to Vincent Street and Jenkins Avenue.</p>  |
| Vegetated interface to the lot boundary and street.   | <p>The proposal incorporates new vegetation within the proposed development such as:</p> <ul style="list-style-type: none"> <li>• Seven (7) x medium sized Sepium Sebiferum trees (Chinese tallow tree);</li> <li>• Two (2) x small Pyrusnivals trees (snow pear tree); and</li> <li>• A variety of vegetation such as kangaroo paw bushes, grevillea plants throughout the development for each lot.</li> </ul> <p>The proposed trees are located within the primary street setbacks for all lots facing Jenkins Avenue and the secondary street setback area of Lot 1 facing Vincent Street. The inclusion of additional trees in the street setback area will provide a softer interface between the street and the development, consistent with the character of the area.</p> |
| Aesthetic of the current architectural style and form being reinterpreted in a contemporary manner. | The development is broadly consistent with this desired element.   |

## 6.0 Conclusion

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

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 is along Vincent Street and Jenkins Avenue and is consistent with the emerging streetscape character. The proposal is seen to be an appropriate type of development in a transitional zone between high density on Stirling Highway and lower density in south of Jenkins 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 (5) x single houses proposed at the subject site are considered to be consistent with the Residential R60 density code and has been designed to complement the existing streetscape. The proposal has been assessed and satisfies the design principles of the Residential Design Codes and does not prejudice the intent of the zone or objectives of the Scheme.

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



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March 2021



Job Ref: 9158  
2 March 2021

Chief Executive Officer  
City of Nedlands  
71 Stirling Highway  
NEDLANDS WA 6909

**Attention: Ms Pacey Lang – Senior Urban Planner**

Dear Ms Lang

**R-Codes Variations Justification Letter  
Lot 90 (No. 22) Vincent Street, Nedlands**

We refer to the above mentioned proposal for five (5) dwellings at Lot 90 (No. 22) Vincent Street, Nedlands (the 'subject site') and provide the following justification for the proposed development.

## Details of the Proposal

We understand that a Development Application was lodged with the City of Nedlands (the 'City') for five (5) single dwellings. The application proposes some variations to the lot boundary setbacks, provision of open space and visual privacy Deemed to Comply provisions required by the Residential Design Codes of WA (the 'R-Codes'), as detailed below.

Rowe Group provides the following review of the relevant town planning framework in relation to the proposed five (5) single dwelling development at the subject site.

We note the correspondence from Ms Clair Willey – Principal Planner at the City dated 6 November 2020 outlining the issues that arose during assessment of the proposal. Several modifications have been undertaken to the proposal in response to the issues.

## Town Planning Considerations

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

The City of Nedlands Local Planning Scheme No. 3 ('LPS 3') sets out the provisions for development and land use within the City of Nedlands. The

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subject site has an applicable density coding of 'R60' and is located within the 'Residential' Zone, which has the following objectives:

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

Rowe Group is of the view that the proposal meets the objectives contemplated by LPS 3 by providing a high quality design and streetscape outcome, contributing to providing a range of housing choices for residents, consistent with the future streetscape outcome contemplated by the scheme for R60 development in Nedlands.

## Proposed Variations

### **Lot Boundary Setbacks**

The proposal includes setbacks that vary from the Deemed to Comply setbacks as outlined in 5.1.3 of the R-Codes. These relate to the northern and eastern boundaries.

5.1.3 C.3.2 of the R-Codes allows for walls to be built up to the lot boundary behind the street setback for two thirds of the length of the balance of the lot boundary. House 1 proposes nil setbacks for the garage built up to the northern boundary wall for a length of 8 metres. Given that the property has not yet been subdivided, the proposed wall does not exceed more than two thirds of the lot boundary. As such, the proposal is technically consistent with the Deemed to Comply requirements.

We are however also of the view that the proposal would meet the Design Principles of the R-Codes if the subdivision had been completed, primarily on the basis that the wall only represents 16% of the length of the balance of the overall northern boundary of adjoining Lot 89 (8 metres out of a total length of 47 metres). No other boundary walls are proposed to the northern boundary as part of the development. The wall is located on the southern side of the adjoining property (Lot 89) and does not impact on the privacy of the adjoining lot.

The garage boundary wall reduces the impact of bulk and overlooking on the adjoining property at Lot 89 by only proposing single storey development in proximity to the boundary. The orientation of the proposed development also ensures that the secondary street frontage to Vincent Street is activated.

Proposed House 1 includes a 12.2 metre long wall of the dwelling to be built up to the future boundary of the adjoining dwelling to the east. This wall however is considered compliant with the requirements of the R-Codes as detailed in Clause 5.13 C3.2(iv) of the R-Codes below which allows walls to be built up to the lot boundary where:

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- iv. *where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently with the development application.*

The setback of House 2 from the boundary wall of House 1 assists in the articulation of the Jenkins Avenue streetscape whilst also providing separate external access to the rear outdoor area of House 2. Similarly the setbacks proposed between Houses 3 and 4 also assist in enhancing the Jenkins Avenue elevation whilst also providing both houses with separate external access to their respective rear outdoor areas. Therefore whilst boundary walls are not proposed in these locations, it is suggested that the setback of the walls results in an improved development outcome.

The variations proposed to the deemed-to-comply requirements of the R-Codes for boundary walls are considered to meet the design principles as they do not result in any adverse impact to the adjoining properties and positively contribute to the future development context of the locality and streetscape contemplated by the local planning scheme.

#### **Provision of Open Space**

We are of the view that both Houses 2 and 3 comply with the 40% open space provision, when a portion of the covered area adjacent to the dining room, excluding a setback of 1.5 metres from the existing boundary wall, is provided.

Should this area not be included then the open space area is 39.4%. This area has been calculated excluding the portion of the driveway that is covered and the front steps that are in excess of 500mm above ground level.

We are of the view that regardless of the method of calculation, the proposal is consistent with the Design Principles within 5.1.4 for the following reasons.

- The main dwellings are generously set back in excess of the 2 metres required by the R-Codes, ensuring that building bulk is reduced and ensuring compatibility with the existing streetscape.
- The development provides well landscaped and articulated frontages to provide an attractive setting for dwellings and the surrounding streetscape.
- A number of opportunities are available for residents to use space external to the dwelling for outdoor pursuits in proximity to the subject site, such as the Peace Memorial Rose Garden (67m north), College Park (680m south west) and the Swan River (1.5km south west).
- Suitable north facing outdoor living areas are provided to maximise access to sunlight for the dwellings.

In light of the above, the proposal is considered to be consistent with the R-Codes.

#### **Visual Privacy**

Clause 5.4.1 of the R-Codes requires major openings which overlook any part of another residential property to be set back, in direct line of site within the cone of vision, a minimum of 3 metres from the lot boundary. The proposed five (5) dwelling development at the subject site proposes the following variations to the deemed to comply visual privacy provisions of the R-Codes:

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### House 2

The cone of vision from the window of Bedroom 3 in House 2 appears to overlook portions of the rear open space in the adjoining dwelling (House 3). It should be noted however that the topography of the site means that House 3 is higher than House 2 resulting in the adjoining ground floor laundry shielding the view from the window into the open space. As such, anyone looking out of the window will not be able to see a person standing in the House 3 outdoor living area.

As such, the proposal is considered to be consistent with the R-Codes Design Principles.

### House 3

- The cone of vision from the Bedroom 3 window of House 3 intrudes 0.5 metres into the adjoining lot (House 4) at the eastern boundary.

The above visual privacy variation is considered minor and will result in minimal direct overlooking into neighbouring properties. The extent of the overlooking from Bedroom 3 occurs between the lot boundary and the ground floor living area and therefore does not directly overlook any active habitable spaces.

We also note that the location of the major opening to Bedroom 2 has been modified to address privacy requirements and we confirm that House 3 now meets the Deemed to Comply standards of the R-Codes with regard to the western boundary.

### House 4

The cone of vision from the window of Bedroom 3 in House 4 appears to overlook portions of the rear open space in the adjoining dwelling (House 5). It should be noted however that the topography of the site means that House 5 is higher than House 4 resulting in the adjoining ground floor laundry shielding the view from the window into the open space. As such, anyone looking out the window will not be able to see a person standing in the House 5 outdoor living area.

As such, the proposal is considered to be consistent with the R-Codes Design Principles.

### House 5

The location of the major opening to Bedroom 2 in House 5 has been modified to address privacy requirements and we confirm that House 5 now meets the Deemed to Comply standards of the R-Codes.

## Summary

After reviewing the proposal and having regard to both the Deemed to Comply and the Design Principles, Rowe Group is of the view that the proposal is consistent with the requirements of the R-Codes.



The proposed development meets the objectives of LPS 3 by providing a high quality design and streetscape outcome, contributing to providing a range of housing choices for residents, consistent with the future streetscape outcome contemplated by the scheme for R60 development in Nedlands.

Given that proposed variations to visual privacy and open space only impact adjoining lots within the development contained in the plan of subdivision, we request that advertising is only required to adjoining Lot 89 (No. 20) Vincent Street, Nedlands for the lot boundary setback variation to the northern boundary.

Should you require any further information or clarification in relation to this matter, please contact the undersigned or George Hajigabriel on 9221 1991.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Ella Compton', is written over a light blue horizontal line.

**Ella Compton**  
Rowe Group

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