

Planning and Development Reports

Committee Consideration – 13 October 2020
Council Resolution – 27 October 2020

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PD46.20	No. 60 Philip Road, Dalkeith – Residential - Single House and Ancillary Dwelling
Committee	13 October 2020
Council	27 October 2020
Applicant	Andrew James
Landowner	Sarah James
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20-48864
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the City's Administration recommending refusal for this application.
Attachments	1. Applicant Justification Letter
Confidential Attachments	1. Plans 2. Submissions 3. Assessment Sheet 4. Average Setback of Dwellings Map

1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received from the applicant on the 4 June 2020, for the proposed development of a single house and ancillary dwelling at No. 60 Philip Road, Dalkeith (the subject site).

The subject site zoned Residential R10 and the proposed dwelling and garage is setback less than 9.0m from the primary street lot boundary (Philip Road).

The application was advertised to adjoining neighbours in accordance with the City's Local Planning Policy – Consultation of Planning Proposals. At the close of the advertising period 2 submissions were received: 1 supporting and 1 objection to the development.

It is recommended that the application be refused by Council as it does not satisfy the objectives LPS3, the Local Planning Policy – Residential Development: Single and Grouped Dwellings and the design principles of the Residential Design Codes (R-Codes). The proposed primary street setbacks of the dwelling and garage are likely to have an adverse impact on the local amenity and streetscape character of Philip Road.

2.0 Recommendation to Committee

Council resolves to:

Refuse the development application dated 4 June 2020 for a Single House and Ancillary Dwelling at Lot 312 (No. 60) Philip Road, Dalkeith for the following reasons:

1. The proposed development does not comply with Clause 26 (a) of the Scheme whereby Clause 5.1.2 (Street Setback) of the R Codes is modified by replacing deemed to comply requirement C2.1 I with (i) a minimum of 9 metres.
2. The proposed development does not comply with the City of Nedlands Local Planning Policy – Residential Development: Single and Grouped Dwellings as it seeks to vary the primary street setback requirement for dwellings and garages on properties zoned under R15. This does not satisfy the objectives of this policy and would be inconsistent with the established street setbacks along Philip Road. (refer to Advice Note a))
3. The development does not satisfy Clause 9(a) and (b) – Aims of Scheme under the Local Planning Scheme No. 3 as the reduced setback of less than 9.0m proposed for the dwelling and garage will not protect and enhance the local character and amenity of the area nor protect the established streetscape of Philip Road which is characterised by properties with generous primary street setbacks .
4. The development does not satisfy the Residential Zone objectives to protect and maintain the desired and established character and streetscape of residential areas in accordance with Clause 16(b) and (d) – Residential Zone Objectives.

Advice Note:

- a. In regard to Point 2, there does not appear to be any reasonable impediment to the achievement of a compliant 9.0m primary street setback. However, that notwithstanding, the applicant has chosen to provide a 7.5m primary street setback for the dwelling and 8.28m setback for the garage.

3.0 Background

3.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R10
Land area	1163.5m ²
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No

Land Use	Residential
Use Class	P – Permitted

3.2 Locality Plan

The land subject to this application is No. 60 Philip Road, Dalkeith (the subject site).

The subject site is bound by Philip Road to the north, Gerygone Lane to the south, residential properties to the east and west. A Local Centre on the corner of Waratah Avenue and Roberts Street is located within 100m on the subject site.

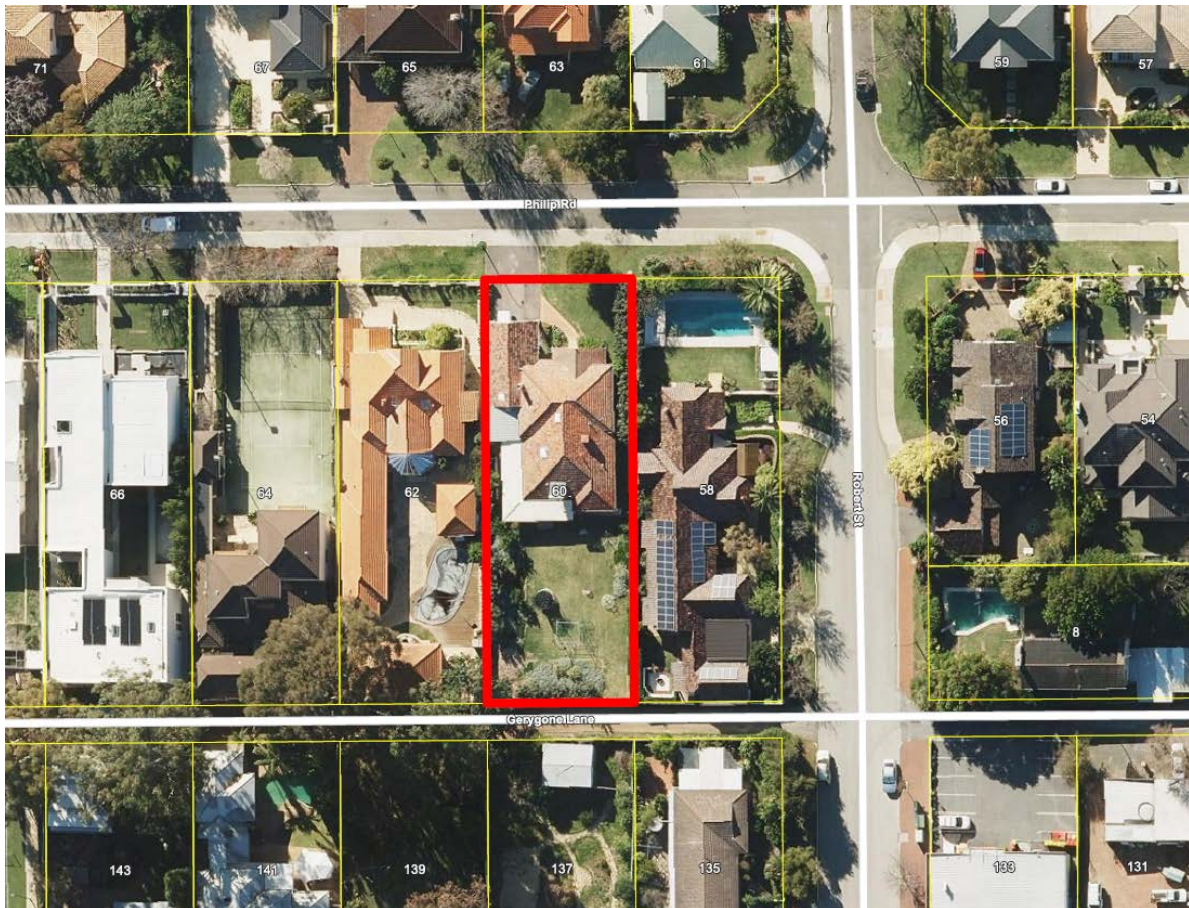


Figure 1 – Aerial Map



Figure 2 – Zoning Map

4.0 Application Details

The applicant seeks development approval, following the demolition of the existing single dwelling and construction of a new single storey dwelling and ancillary dwelling, details of which are as follows:

- The dwelling is proposed to be set back 7.5m from the primary street.
- An ancillary dwelling is proposed to be located on the south-western corner of the subject site and car parking required to facilitate the ancillary dwelling is accessed from a garage that has vehicle access from Gerygone Lane.
- A double garage attached to the single house is proposed to be set back 8.28m from Philip Road.
- A double garage attached to the ancillary dwelling is proposed to be set back 2.0m from Gerygone Lane.

By way of justification in support of the development application, the applicant has provided a justification letter. This letter has been provided as an attachment to this report (refer to Attachment 1).

5.0 Consultation

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

- Primary street setbacks;
- Lot boundary setbacks;
- Garage street setback from Phillips Road; and

- Retaining walls

The development application was advertised in accordance with the City's Local Planning Policy – Consultation of Planning Proposals to 25 occupiers and landowners between the 21 August 2020 to the 3 September 2020, for a period of 14 days. It is noted that at the close of advertising 2 submissions were received; 1 in support and 1 objecting.

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

Submission	Officer Response	Action Taken
Oppose the primary street setback variation from Philip Road. (Submission #1)	The proposed dwelling and garage are setback less than 9.0m from the primary street (Philip Road). A detailed Design Principle assessment is provided under Section 6.3.1 of this Council Report.	A recommendation to refuse the application is presented to Council for consideration
Setbacks should be limited to the NCC regulations so that everyone is treated equally. (Submission #1)	Noted. The National Construction Code – Building Code of Australia 2019 (NCC – BCA) regulations require development to be constructed to Australian building standards. NCC – BCA requirements normally require applicants to comply at the Building Permit stage once planning approval is granted for the development.	No action required.
Owners, Builders, Architects and Developers should comply with regulations and respect the neighbours. (Submission #1)	Noted.	No action required.
Double storey would at least leave more play space for children and trees which is more important. (Submission #1)	Noted.	No action required.
Concerns raised over construction dust, noise, truck access and site demolition. (Submission #1)	A Building Permit would ensure building demolition and construction are within NCC – BCA limits, to minimise disruptions to adjoining landowners. Noise levels during construction can also be monitored and investigated by the City's Environmental Health Unit if complaints are received.	No action required.
No objections to the proposed plans. (Submission #2)	Noted.	No action required.

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

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

6.2 Local Planning Scheme No. 3

6.2.1 – Clause 9: Aims of Scheme

Requirement	Proposal	Satisfies
a) Protect and enhance local character and amenity	<p>The surrounding area is characterised by residential dwellings along Philip Road. A Local Centre on the corner of Waratah Avenue and Roberts Street is located within 100m on the subject site.</p> <p>The residential dwellings along Philip Road are characterised by one and two storey, contemporary dwellings, with a mix of pitched and concealed roof forms. There are some original homes in the locality, although most homes have been designed to a contemporary style.</p> <p>Philip Road is also characterised by properties with generous primary street setbacks. There is a handful of dwellings set back greater than 9.0m from the primary street. The City considers the proposed primary street setback for the subject site is not consistent with the local character and streetscape amenity of this locality.</p>	No
b) Respect the community vision for the development of the district;	<p>The subject site is located within the Dalkeith Precinct of the endorsed Local Planning Strategy. One of the strategy objectives for this precinct is to retain and enhance the character and streetscape of existing residential areas, to protect the established character of this precinct.</p> <p>The proposed primary street setback variation is considered to not meet this strategy objective and will impact upon the established streetscape character of Philip Road.</p>	No
c) Achieve quality residential built form outcomes for the growing population;	The contemporary built form of the development and single storey dwelling is consistent with dwellings along Philip Road which is characterised by single and two storey dwellings.	Yes

d) To develop and support a hierarchy of activity centres;	The single house development is consistent with the intent of the R10 density code.	Yes
e) To integrate land use and transport systems;	The development is located on Philip Road which is categorised as a Local Distributor in the City of Nedlands Functional Road Hierarchy. Based on Transperth data, there is a bus service (Bus 24) which operates along Waratah Avenue, which is within walking distance.	Yes
f) Facilitate improved multi-modal access into and around the district;	The site can be easily accessed via footpaths existing within the surround area.	Yes
g) Maintain and enhance the network of open space	The proposed development does not impact the City's network of open space.	Yes
h) Facilitate good public health outcomes;	The development is not considered to adversely affect the desired public health outcomes.	Yes
i) Facilitate a high-quality provision of community services and facilities;	The development is not considered to adversely affect the community services or facilities and will contribute to ensuring their viability.	Yes
j) Encourage local economic development and employment opportunities;	The development is considered to positively contribute to the support of local businesses, during and post-construction and will support economic recovery efforts in Western Australia due to the COVID-19 pandemic.	Yes
k) To maintain and enhance natural resources;	The development retains one existing street trees on the verge, which is considered a positive outcome for the retention of natural resources.	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

6.2.2 – Clause 16: Residential Zone Objectives encourage similar

Requirement	Proposal	Satisfies
a) To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to positively contribute to the City's housing diversity.	Yes
b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	The development has achieved an acceptable design with an appropriate contemporary built form. However, it is considered that the primary street setback proposed for the single house development does not facilitate nor contribute to the established streetscape character of Philip Road. The prevailing streetscape is characterised with dwellings with generous street setbacks with most dwellings achieving the 9.0m primary street setback.	No
c) To provide for a range of non-residential uses, which are compatible with and	This objective is not applicable to the subject application as this application only proposes the use of the land for Residential purposes.	N/A

complementary to residential development;		
d) To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	<p>The building height, bulk and scale of the proposed single storey development is considered to complement the local character and streetscape of Philip Road.</p> <p>However, the street alignment of the proposed development is incompatible with the existing pattern of development along Philip Road. The existing streetscape is characterised with a majority of dwellings setback 9.0m from the primary street.</p> <p>Where discretion is sought for lot boundary setbacks, the proposal is considered to satisfy the Design Principles for Clause 5.1.3 – Lot Boundary Setbacks as explained in Section 6.3.1 of this report.</p>	No

6.3 Policy/Local Development Plan Consideration

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

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

Clause 5.1.2 – Street setbacks

Design Principles
<p>“P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings; • accommodate site planning requirements such as parking, landscape, and utilities; and • allow safety clearances for easements for essential service corridors. <p>P2.2 Buildings mass and form that:</p> <ul style="list-style-type: none"> • uses design features to affect the size and scale of the building; • uses appropriate minor projections that do not detract from the character of the streetscape; • minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”
Deemed-to-Comply Requirement
The R-Codes require a minimum 7.5m primary street setback for buildings. The City of Nedlands Local Planning Scheme No. 3 (LPS3) modifies the primary street setback requirements from 7.5m to 9.0m for properties zoned R10, R12.5 and R15.
Proposed
The development proposes a primary street setback of 7.5m in lieu of 9.0m from Philip Road.
The porch projects into the street setback area by 2.3m in lieu of 1.0m.

Administration Assessment
<p>The 7.5m primary street setback proposed is not supported as it does not meet the design principle for the following reasons:</p> <p>R10 zoned properties are characterised by generous primary street setbacks to their respective primary streets and neighbouring properties. The proposed development setback represents a 1.5m primary street setback shortfall as required by LPS3 which could be accommodated due to the proposal being of a new construction build and regular lot formation.</p> <p>The proposed primary street setback of 7.5m is uncharacteristic of development within the R10 density code, being more in keeping with development typologies of R20 zoned land, it is evident that most dwellings are setback 9.0m from the primary street.</p> <p>The applicant is proposing to demolish the existing dwelling and clear the land for the new development which could reasonably achieve the 9.0m primary street setback. The entire development could be recessed a further 1.5m as there are no constraints to the rear of the proposed building envelope. Potentially increasing the primary street setback would also consequently reduce the porch incursion to less than 1.0m into the primary street setback area.</p> <p>The proposed development setback of 7.5m is not characteristic of property zoned R10 or consistent with the prevailing existing streetscape of Philip Road.</p>

Clause 5.1.3 – Lot boundary setback

Design Principles
<p>“P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”
Deemed-to-Comply Requirement
<ol style="list-style-type: none"> 1. The Deemed to comply setback for the scullery and kitchen wall to the western boundary lot is 1.5m. 2. The Deemed to comply setback for the western lot boundary is 1.7m. 3. The Deemed to comply requirements allow for boundary walls in areas zoned R20 and up. 60 Philip Road is zoned R10.

Proposed
<ol style="list-style-type: none"> 1. The scullery and kitchen wall is setback 1.0m from the western lot boundary. 2. The remainder of the dwelling proposes a 1.5m setback to the western lot boundary. 3. The ancillary dwelling garage boundary wall is located on the western lot boundary.
Administration Assessment
<p>The side setbacks and boundary wall are supported and are considered to meet the design principle for the following reasons:</p> <p>The proposed setback variation of 0.5m from the scullery and kitchen and 0.2m from the dwelling from western lot boundary will not contribute towards building bulk, given that the western elevation of the development is broken up with varying setback and therefore will add visual depth to the dwelling.</p> <p>The location of the side setback variation on the western boundary does not contribute to any overlooking or overshadowing impacts, or loss of ventilation on the subject site or the adjacent lot.</p> <p>In regard to the boundary wall, the proposed location of the boundary wall on the western boundary is closer to the Gerygone Lane and will not impact overshadowing to the adjacent lot. As such, the boundary wall does not unduly compromise the direct sun and ventilation to the building and open spaces of the adjacent lot.</p> <p>The boundary wall allows for an efficient use of space, especially with respect to the outdoor living area. The proposed boundary wall does not contain any major openings on the walls and as such, will result in no overlooking and resultant loss of privacy to the adjacent western lot.</p> <p>It should be noted that the proposed setback variations and boundary wall variation was advertised to the western neighbour who did not object to the proposed variations.</p>

Clause 5.2.1 Setbacks of garages and carports

Design Principles
<p>“P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.”</p>
Deemed-to-Comply Requirement
<p>The R-Codes require a minimum 4.5m primary street setback for garages. The City of Nedlands Local Planning Scheme No. 3 (LPS3) modifies the primary street setback requirements for garages from 4.5m to 9.0m for properties zoned R10, R12.5 and R15.</p>
Proposed
<p>The garage proposes a 8.28m primary street setback.</p>
Administration Assessment
<p>The garage setback proposed is not supported. It is considered that the proposal does not meet the design principle for the following reasons:</p> <p>R10 zoned properties are characterised by generous primary street setbacks to their respective primary streets and neighbouring properties. The proposed garage setback represents a 0.7m primary street setback shortfall as required by LPS3 which could be accommodated due to the proposal being of a new construction build.</p> <p>The applicant is proposing to demolish the existing dwelling and clear the land to accommodate the new development. There are no reasonable impediments to accommodating the 9.0m primary street setback for the garage.</p>

The proposed garage setback of 8.28m is uncharacteristic of development within the R10 density code and does detract from the established streetscape of Philip Road.

Clause 5.3.8 Retaining walls

Design Principles
“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.”
Deemed-to-Comply Requirement
Retaining walls greater than 0.5m in height setback from lot boundaries in accordance with the setback provisions of Table 1. In this case the retaining walls should be setback 1.0m
Proposed
Proposed retaining walls 0.75m high and located on the eastern and southern lot boundaries.
Administration Assessment
<p>The retaining walls proposed are supported and are considered to meet the design principle for the following reasons:</p> <p>Due to the sloping nature of the site which changes significantly from the south (high) to the north (low) by 1.2m, the proposed retaining wall height of 0.75m is necessary to respond to the natural topography of the site, particularly to the south-eastern corner of the subject site where the development is excavating below the Natural Ground Level (NGL) and retaining is required.</p> <p>The proposed 0.75m high retaining wall is essentially located below the NGL on the southern and eastern lot boundaries and will not detrimentally affect the adjacent neighbour on the eastern boundary. The retaining walls is used effectively by creating more space in the outdoor living area.</p>

6.3.2 Local Planning Policy – Residential Development: Single and Grouped Dwellings

Policy Objective
<p>3.1 To enhance the amenity and aesthetics of areas within the City.</p> <p>3.2 To provide for residential development that is consistent with established or desired streetscapes.</p> <p>3.3 To reduce the dominance (scale, mass, and bulk) of buildings as viewed from the street.</p> <p>3.4 To provide for building heights which are consistent with the character of the area and the topography of the site.</p> <p>3.5 To prevent inappropriate buildings within rear setback areas in order to protect the amenity of surrounding properties and maintain the spacious green character of the City.</p>
4.1 Street Setback
<p>4.1.1 The following Local Housing Objective qualifies a ‘prevailing development context and streetscape’ as provided for under Design Principle P2.2 of 5.1.2 Street setback, to guide decision-making in the assessment of a development application for a dwelling setback less than 9m to the primary street as specified in Clause 26(1)(a)(i) of LPS 3:</p> <p>(a) Where 50% or more of dwellings (excluding carports and minor projections) on one side of a street block, bound by intersecting streets have a setback of less than 9m to the primary street boundary, a dwelling may be setback to</p>

correspond with the average setback of dwellings (excluding carports and minor projections) fronting that side of the street (refer Figure 1).

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

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

4.2 Setback of garages and carports

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

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

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

Proposed

The proposed dwelling is setback 7.5 in lieu of 9.0m from Philip Road.

The proposed garage is setback 8.28m in lieu of 9.0m from Philip Road.

Administration Assessment

The proposed dwelling and garage setback less than 9.0m from the primary street do not meet the objectives of the City's Local Planning Policy – Residential Development: Single and Grouped Dwellings (the Residential Policy) for the following reasons:

The Residential Policy seeks to protect and enhance the streetscape character and ensure future development is consistent with the established streetscape. In cases where a primary street setback is less than 9.0m, the City needs to consider Clause 4.1.1(a) of the Residential Policy to determine the 'prevailing development context and streetscape' by selecting a street block bound by intersecting streets to determine an average setback of dwellings fronting that side of the street.

The street block selected on Philip Road is between Roberts Street and Victoria Avenue and on the same side of the subject site. An assessment of the selected block demonstrates that the prevailing development context and streetscape is characterised by dwellings predominately set back 9.0m.

Consideration can also be given to a reduced primary street setback if the development site is constrained by an irregular lot configuration, topography changes or being considerably undersized for the assigned density code under clause 4.1.2(b) of the Residential Policy. In the case of 60 Philip Road, the site is not of irregular lot design, the

site area of 1163.5m² exceeds the minimum and average lot requirements for a R10 site (875m² minimum and 1000m² average under the R-Codes) and there is a slight slope of the site by 1.2m from the south to the north of the site. None of these factors would support a reduced primary street setback, given the applicant is proposing to demolish the existing dwelling and clear the land for the new development which could accommodate the 9.0m primary street requirement.

The City acknowledges that the proposed development is a single storey development and may have a less bulky appearance as compared to a two-storey development. However, the proposed setback of the dwelling and garage is considered to be a dominant intrusion and inconsistent with the established streetscape of Philip Road which is characterised by properties with generous front setbacks.

The proposed setback variation is also not considered to protect the amenity of the surrounding properties along Philip Road as it may set a precedent for future development to be located forward of the 9.0m primary street setbacks required by the LPS3. This will in turn impact upon the spacious green character of the established streetscape along Philip Road.

The proposed development is inconsistent with the existing streetscape character of Philip Road and does not meet the desired future primary street setbacks and objectives of the Residential Policy.

7.0 Conclusion

The proposed primary street setbacks of the dwelling and garage is inconsistent with the established and desired streetscape of Philip Road and is considered to be an intrusion into the street's established streetscape character.

The development does not adequately satisfy:

- The aims of the scheme under Clause 9(a) and (b) of the LPS3;
- The Residential Zone objectives under Clause 16(b) and (d) of the LPS3; and
- The objectives of the City's Local Planning Policy – Residential Development: Single and Grouped Dwellings.

It will result in adverse impact upon the local residential amenity and established streetscape along Philip Road and the Dalkeith Precinct.

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

19th August 2020

City of Nedlands
Attn; Pacey Lang
71 Stirling Hwy
Nedlands WA 6909

Andrew & Sarah James
60 Philip Rd Dalkeith
WA 6009

SUBJECT: 60 Philip Rd Dalkeith (R10 Zoning) – Development Application

To the City of Nedlands and Surrounding Residents,

Further to our development application we would like to provide some clarity to a few points raised by council as follows;

The proposed dwelling has a 7.5m setback in lieu of 9.0m from the primary street;

- Office is proposed at 7.5m
- Bedroom proposed at 7.853m
- Garage proposed at 8.38m
- Proposed Garage will be 2960mm further back then the current carport

The proposed dwelling has reduced side Lot Boundary Setbacks;

- West: Scullery and kitchen is proposed to be setback 1.0m in lieu of 1.5m.
- West: Dwelling Bulk is proposed to setback 1.5m in lieu of 1.7m.
- West: Proposed boundary rear garage wall.

An R10 lot as per Residential Design Codes Volume 1 requires only 7.5m however the City of Nedlands via Local Planning Scheme 3 has requested a 9m setback.

We are seeking reduced setbacks due to our need for a single storey home for our 2 children and more importantly our Level 2 Autistic son Jackson. Unfortunately he is unable to play by himself in the front yard as he needs to be supervised for his safety. Our proposed kitchen, living and dining overlooks our rear backyard so that he can be monitored. We would therefore like to give as much space to this area as possible for him to exercise and develop his fine motor skills.

If we were required to redesign the home to completely adhere to the setback requirements then we may have no other option but to build a 2 storey home. Our preference however, which will reduce bulk and scale, is to remain a single level home instead of a large 2 storey residence. This would also be our desired outcome for Jackson who would be easier supervised over one level rather than two.

With regards to the garage wall at the rear this also incorporates a self-contained granny flat. This we are expecting will become Jackson's space when he is older. We do not believe that he will be able to live independently and will therefore need our assistance indefinitely. Furthermore there are a number of garages already built on the boundary to the rear laneway that we hope provides some precedence.

We envisage the home finished to a similar palette as the Overton Apartment development in Cottesloe (<http://overtonterraces.com.au>).

Our family would greatly appreciate your support with this matter.

Should you have any queries or would like to discuss this matter further please do not hesitate to contact the undersigned.

Kind Regards,

Andrew James

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Email: andrew@prestigehomeswa.com.au

PD47.20 Scheme Amendment No. 4 – Fast Food Outlets	
Committee	13 October 2020
Council	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	PD24.20 – OCM 26 May2020
Attachments	1. Justification Report – Scheme Amendment No. 4 2. Summary of Submissions
Confidential Attachments	1. Full Submissions 2. Community Petition

1.0 Executive Summary

The purpose of this report is for Council to provide consent to adopt or refuse post advertising the proposed Scheme Amendment No. 4 to *Local Planning Scheme No. 3 (LPS3)*.

At the Council Meeting held on the 26 May 2020, Council initiated Scheme Amendment No. 4 for advertising. The purpose of Scheme Amendment No. 4 is to limit the locations within the City that Fast Food Outlets can be established, and to enforce built form controls where they are proposed.

It is Administration's recommendation that Scheme Amendment No. 4 is not supported post advertising, as it presents inconsistencies between Table 3 – Zoning Table and the proposed Scheme text. Inconsistencies within the Scheme text provide potential for confusion during the development application process and weakens the position of the Scheme within a judicial setting. It is further recommended that Council instruct the CEO to prepare a new Scheme Amendment and Local Planning Policy that will achieve Council's intent with the correct use of the planning instruments and processes available.

2.0 Recommendation to Committee

Council:

1. In accordance with Section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 4 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:
 - a) The amendment proposes inconsistencies within LPS3 between Table 3 – Zoning Table and the Scheme text. This inconsistency weakens the position of LPS3 and undermines its status in a judicial setting.

2. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment 4 to the West Australian Planning Commission.
3. Instruct the CEO to prepare a new Scheme Amendment that incorporates the following:
 - a) Prohibit ('X' use) Fast Food Outlets in the Mixed-Use Zone within Table 3 – Zoning table of LPS3; and
 - b) Create an Additional Use (A10) in Table 4 – Specified additional uses for zoned land in Scheme area of LPS3 and specify particular sites on Stirling Highway where 'Fast Food Outlet' shall be included as an Additional Use.
4. Instruct the CEO to prepare a Local Planning Policy - Fast Food Outlets to provide guidance for development on those sites applicable under the proposed A10 provisions, with respect to built form and general amenity.

3.0 Details/Overview

At the 28 April 2020 OCM, Administration presented Scheme Amendment No. 4 to Council, seeking their consent to initiate advertising. The report proposed that Fast Food Outlets be a non-permissible ('X' use) in all zones within the City except the Urban Development Zone. This would require modification of Table 3 – Zoning Table, which lists the permissibility of Fast-Food Outlets for the Mixed Use and Neighbourhood Centre Zones as an 'A' use. Council unanimously moved that the motion for this item be adjourned until the May 2020 OCM.

At the 26 May 2020 OCM, Council considered the item. Council chose not to endorse Administration's recommendation, instead supporting an alternate resolution proposed by Council. Through this motion Council wished to constrain the permissible size of a Fast-Food Outlet and to ensure they were not permitted on Hampden Road, Broadway, or Waratah Avenue. In keeping with this intent, Council endorsed the following amendments and subsequent advertising of Scheme Amendment No 4:

"Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, adopt an Amendment to Local Planning Scheme 3 by:

An addition of text to Clause 32.4 Mixed use, Local Centre, and Neighbourhood zones

(6) to be added

Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone shall be limited to a maximum NLA of 200sqm.

(7) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone and located on Broadway, Hampden Road or Waratah Avenue will not be permitted."

This proposed amendment is flawed as there is no capacity to restrict the permissibility of land uses under the Scheme other than via Table 3 – Zoning Table. Clause 18(1) states “The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table (Table 3) and the list of zones at the top of the zoning table (Table 3).” Furthermore, the proposed provisions of new clause 32.3(7) can be varied pursuant to clause 34 of LPS 3. Therefore, the intent and application of the proposed amendment is inoperative.

Administration understands the intent of the amendment is to permit the Fast-Food Outlet use within some areas of the Mixed-Use zone, but not others. However, attempts to modify clause 32 of the Scheme, on its own, in order to promote a hierarchy of suitable areas within the Mixed-Use and Neighbourhood Centre zones is not an appropriate use of the scheme instrument.

Administration considers that the current proposed amendment is ineffective and premature. Whilst the amendment seeks to prohibit Fast Food Outlets on land zoned Mixed Use and located on Broadway, Hampden Road and Waratah Avenue, it does not include any conditions or limitations for the use along Stirling Highway.

The entire length of Stirling Highway is zoned for Mixed Use, notwithstanding that the Nedlands Town Centre and Captain Stirling Centre are located at the approximate centre of the corridor. The homogenous zoning of the Stirling Highway corridor under LPS 3 is problematic as it does not recognise the strategic significance or specialised function of some parts of the corridor.

Whilst capacity for Fast Food Outlets may exist along Stirling Highway, Administration considers further detailed analysis is required to identify suitable sites for this use which do not otherwise undermine the strategic intent for the Nedlands Town Centre. The current (undetermined) Woolworths proposed for 80 Stirling Highway, together with the approval ALDI development approval, will push the activity centre to the upper limits of a Neighbourhood Activity Centre, and likely, a small District Centre in the future. Fast Food Outlets if located along Stirling Highway, should be carefully considered to ensure there are no suboptimal outcomes that would undermine the retail mix and purpose of the activity centre. The use should also be carefully considered in respect of built form responses and traffic and parking management impacts on Stirling Highway.

Clause 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that after advertising a Scheme Amendment and considering community submissions, a local government must elect:

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

Administration recommends that Council elect to not support this amendment and instead begin a new amendment, as set out in the resolution. This is the recommended course of action, rather than modifying the existing amendment, as further investigation and research is required prior to determining the sites to be identified for Additional Use 10 (A10). The proposed modifications would

fundamentally alter the intent and wording of the amendment, triggering the need for fresh advertising.

The Regulations require that Council make one of the three decisions under clause 50(3) as noted above and do not allow for any alternative courses of action. As the new modifications will change the intent and nature of the amendment beyond issues raised in the submissions and are dependent on investigation not yet undertaken the only feasible response for Council is to choose to not support the existing amendment and start a new Scheme Amendment.

If it is Council's intent to permit Fast Food Outlets only on specific lots located along Stirling Highway and within the Mixed-Use Zone, it is recommended that Council instruct the CEO to pursue the following:

1. Prepare a Scheme Amendment to prohibit ('X' use) Fast Food Outlets in the Mixed-Use Zone. In this Scheme Amendment, also create the Additional Use (A10) in Table 4 of LPS3. Administration will investigate which sites along Stirling Highway would be appropriate for Fast Food Outlets. Those sites will be included within A10. This proposed Scheme Amendment would also be subject to further consultation with the community.

By prohibiting Fast Food Outlets within the Mixed-Use Zone and creating an additional use for specific sites, a greater level of control is provided at clause 17 Zoning table, the correct location within the scheme to manage land use permissibility. and clause 19 Additional uses, in order to guide the appropriate location for Fast Food Outlets in the scheme area.

2. It is recommended that Council also instruct the CEO to concurrently prepare a Local Planning Policy - Fast Food Outlets to provide additional guidance for those sites listed under proposed A10 with respect to built form, traffic management, signage, noise, fumes and general amenity. This Local Planning Policy shall be presented back to Council along with the proposed Scheme Amendment as per point 3 of the recommended Resolution. A Policy is the appropriate instrument for outlining these development parameters and will sit alongside LPS3 as an instructional document for developers seeking to establish Fast Food Outlets.

4.0 Strategic Documents

Local Planning Strategy

The City's Local Planning Strategy (the Strategy) endorsed in 2017 outlines that mixed-use activity centres should be implemented in a hierarchical fashion. This proposed hierarchy would allow for different use classes to be permitted within different mixed-use areas, as appropriate to the context of the individual area or centre. The amendments made to LPS3 by the Minister prior to gazettal meant that this hierarchy was not included within the final revision of LPS3. Council's amendment appears as an attempt to re-establish some form of hierarchy within the City's mixed-use areas, by defining where Fast-Food Outlets are and are not appropriate. However, the manner in which the amendment utilises sections of LPS 3 for this purpose is incorrect, inoperative and may result in undesirable development outcomes within the City.

5.0 Consultation

Administration advertised the scheme amendment in line with the Regulations for a standard scheme amendment as resolved at the May 2020 OCM. The amendment was advertised for a period of 42 days.

During the consultation period the City received 49 submissions. Of these, 4 supported the amendment, with 39 objecting and 6 commenting. All submissions are provided in Attachment 2 of this report.

The City has also received a petition which objects to the scheme amendment and has in excess of 400 signatures. This petition request that Council amends Clause 17 of Local Planning Scheme No. 3 (Zoning Table 3) to specify Fast Food Outlet as an "X" (not permitted) use in all zones. Many of the signatures are from property owners and residents within the City of Nedlands.

6.0 Strategic Implications

How well does it fit with our strategic direction?

The intention of the scheme amendment to limit the size and location of Fast-Food Outlets is in keeping with the City's strategic direction. Encouraging commercial food outlets to busy thoroughfares such as Stirling Highway is in line with the strategic plan for the City. However, this amendment fails to address the use class permissibility within the zoning table and instead attempts to control use through clause 32 of the Scheme text which can be varied under clause 34. As clause 32 cannot override clause 17 and given the capacity for clause 32 to be varied, the amendment will not achieve its intent, leading to potentially undesirable outcomes for the City.

Who benefits?

Applicants wishing to establish Fast Food Outlets within the Mixed Use and Neighbourhood Centre zones within the City will benefit. The inconsistency in the City's planning framework risks future undesirable development outcomes in the City's Mixed Use and Neighbourhood Centre zones.

Does it involve a tolerable risk?

The risk is that Fast Food Outlets may be established in the City's quieter local centres which are zoned for Mixed Use, or within town centre locations, on Stirling Highway. The introduction of a prohibition to the land use in tandem with specific suitable sites as an additional use, and as supported by a local planning policy, provides the City with a greater level of control in terms of fast food outlet suitable locations.

Do we have the information we need?

Yes.

7.0 Budget / Financial Implications

Can we afford it?

There are no immediate costs associated with this scheme amendment. If the WAPC and the Minister approve the scheme amendment there will be a small fee associated with the publishing of the amendment.

How does the option impact upon rates?

There is no current impact upon rates.

8.0 Conclusion

Administration advises Council that Scheme Amendment No. 4 should not be supported in its current form. Scheme Amendment No. 4 will create inconsistencies within the Scheme text that render the amendment inoperative and provide no opportunity to control future applications for Fast Food Outlets, as may be deemed necessary.

The new Scheme Amendment as proposed by Administration broadly reflects the feedback received from the City's community during their submissions. It also aligns with the intent of Council's Scheme Amendment that is being considered in this report but uses appropriate available planning instruments in a manner that will not undermine the integrity of the Scheme or intent of the amendment. Administration recommends that Council adopts the Resolution as advised within this report.

9.1 Alternate Recommendation

If the Council wishes to support the amendment it will need to resolve as follows:

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports without modification Scheme Amendment No. 7 to amend Local Planning Scheme No. 3 as follows:
 - a) As detailed in Attachment 1 – Scheme Amendment No. 7 Justification Report
2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 53(1) submit 2 copies of the proposed Scheme Amendment No. 7 to the West Australian Planning Commission."



City of Nedlands
Local Planning Scheme No. 3

Amendment No. 4

Amending the text to insert new sub clauses (6) and (7) under Clause 32.4:

(6) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zones shall be limited to a maximum NLA of 200sqm.

(7) Fast Food Outlets where applied for in the Mixed Use or Neighbourhood Centre Zone and located on Broadway, Hampden Road or Waratah Avenue will not be permitted.

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

*City of Nedlands Local Planning Scheme 3
Scheme Amendment 4*

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

An addition of text to Clause 32.4 Mixed use, Local Centre and Neighbourhood Centre zones to be added as follows:

(6) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone shall be limited to a maximum NLA of 200sqm.

(7) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone and located on Broadway, Hampden Road or Waratah Avenue will not be permitted.

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

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- e) any other amendment that is not a complex or basic amendment.

Dated this _____ day of _____ 20____

(Chief Executive Officer)

City of Nedlands

Local Planning Scheme No. 3 – Scheme Amendment No. 4

Scheme Amendment Report

1.0 INTRODUCTION

Local Planning Scheme No. 3 (LPS 3) was gazetted on 16 April 2019. Modifications from the Minister for Planning changed the definition of Fast Food Outlet from that used by former Town Planning Scheme No. 2 (TPS2), namely

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

To LPS3,

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

- (a) Without further preparation; and*
- (b) Primarily off the premises.”*

Modifications from the Minister for Planning also changed Fast Food Outlet from a non-permissible (X use) in all zones except for the Development zone where it was an AA use under TPS2.

In LPS3 Fast Food outlet became a non-permissible use (X use) in the Residential, Local Centre, Service Commercial and Private Community Purposes zones, and a discretionary use requiring advertising (A use) in the Mixed Use and Neighbourhood Centre zones.

The City proposes to amend LPS 3 through the addition of text to Clause 32.4 Mixed use, Local Centre and Neighbourhood Centre zones to be added as follows:

(6) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone shall be limited to a maximum NLA of 200sqm.

(7) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone and located on Broadway, Hampden Road or Waratah Avenue will not be permitted.

The amendment is in the opinion of the City a Standard Amendment as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- e) any other amendment that is not a complex or basic amendment.

2.0 PROPOSAL AND JUSTIFICATION

The City proposes an addition of text to Clause 32.4 Mixed Use, Local Centre and Neighbourhood zones to be added

(6) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone shall be limited to a maximum NLA of 200sqm

(7) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone and located on Broadway, Hampden Road or Waratah Avenue will not be permitted.

2.1 JUSTIFICATION

The City's Local Planning Strategy, endorsed by the Western Australian Planning Commission on the 26 September 2017, includes guiding planning principles that represent best practice urban planning for the City. These planning principles include:

- Facilitate good public health outcomes
- Protect and enhance local character and amenity

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

Considering these guiding principles and requirements of the Act, the City is committed to planning for good public health outcomes for their residents. Under TPS2, the City pursued good public health outcomes through Fast Food Outlets being a not permitted use in many zones within the City. In 2019, the Mitchell Institute at Victoria University released statistics which highlighted that Nedlands has the lowest obesity rate in Australia. There may be a correlation between the absence of drive through fast food businesses and the low rates of obesity within the City.

The proposed scheme amendment relates to the City's capacity to advocate and legislate for better health and environmental outcomes for the community, as per the requirements of the *Local Government Act 1995*. It is also aligned with the guiding planning principles laid out in the City's Local Planning Strategy. For these reasons, the City considers that the proposed scheme amendment will result in positive public health outcomes for the Nedlands community.

Further to this, the built form outcomes associated with Fast Food Outlets do not satisfy the planning principal to protect and enhance the local character and amenity of the area. The built form associated with a drive through fast food outlet is incompatible with the existing and desired character of the Mixed-Use areas of the City. A stand alone, 'box' style outlet with drive through facilities will not be complementary to the proposed mix of multi storey, commercial and residential properties that will define these areas. The potential for the intensification of land use that is associated with fast food outlets, including increased noise and traffic, will have a negative impact on the amenity of the Mixed-Use zones. The City's recent experience with development applications for large box style commercial developments on major thoroughfares is that the applicant is seeking to not provide a significant residential component in their development. This inhibits the City from meeting its dwelling targets along major corridors that are zoned for Mixed Use, such as Stirling Highway, Broadway and on a smaller scale, Waratah Avenue. This potential built form outcome does not align with the objectives of the zone, or the desired future character of the area. Comparatively, a take away only food place with no drive through facility, situated as the ground floor tenancy of a mixed use building will not have an impact on the development contributing to the objectives of the zone, nor will it compromise the development potential of a site. This style of take away food use is therefore seen as far more compatible with the objectives of the zone, and is in keeping with the desired future character and amenity of the City's Mixed-Use areas

Consideration as a standard amendment

an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;	The amendment is consistent with the objectives of the Mixed-Use and Neighbourhood Centre zones as it seeks to prohibit fast food abutting residential areas. Drive through fast food facilities are not considered to be complementary development due to their impact in terms of noise and traffic increase. Fast food outlets would be likely to cause a nuisance detrimental to the amenity of the area, and therefore are not consistent with the objectives of the Mixed-Use and Neighbourhood Centre zones.
an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;	<p>The amendment is consistent with the guiding Planning Principles of the City's Local Planning Strategy, endorsed by the WAPC on the 26 September 2017. In particular, the proposed amendment aligns with the following planning principles in the strategy:</p> <p>Protect and enhance local character and amenity. Facilitate good public health outcomes.</p>

	Drive through fast food outlets are not consistent with the existing local character of the area, nor do they facilitate good public health outcomes.
an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;	The proposed amendment would result in outcomes that would have a lesser impact on the surrounding area. By not permitting this style of development, the amendment will have minimal impact on the surrounding land.
an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;	The amendment proposes to limit fast food outlets from the Mixed Use and Neighbourhood Centre zones, however it does not seek to prohibit all restaurants and other commercial uses from these areas. This amendment will have no significant negative impact on the environmental, social, economic or governance outcomes of the surrounding land in the scheme area.
any other amendment that is not a complex or basic amendment.	The proposed amendment does not meet the requirements for a basic or complex amendment, as per the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

3.0 CONCLUSION

The information and justification provided in this report is submitted to support the addition of text to Clause 32.4 of LPS3.

The proposed amendment aligns with the requirements of the *WA Local Government Act 1995*, requiring a Local Government to be actively concerned with the needs of the community, and provides an avenue to care for their wellbeing through planning legislation. It is also intended to provide development controls that will result in take away food outlets that are in keeping with the desired future character of the area and the objectives of the relevant zones. The City requests that the WAPC support the changes specified within this report and support the changes to the landscape of the Mixed-Use zones that it proposes.

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 26 day of May 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 26 day of May 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.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

SCHEDULE OF SUBMISSIONS

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	1
Submitter Name:	Max Hipkins
Submitter Address:	36 Minora Road Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Neighbourhood Centre Zones should be deleted 2) Specify Fast Food Outlet as an "X" use (not permitted) in all zones. 3) The addition of sub-clause (6) and (7) to Clause 32.4 qualify what is permitted by the Zoning Table and make the Scheme Text more complicated. When a document is in conflict with itself, there is room for legal argument and once again the decision could be taken out of Council's hands and determined by the DAP/SAT. 4) There is nothing to say that size is the most objectionable feature of Fast-Food Outlets. Other factors, such as opening hours or traffic conflict, may be more important than size. 5) (7) – while not permitting Fast Food Outlets on Broadway, Hampden Road or Waratah Avenue, they could still occur, of any size, in the Urban Development Zone. 	
Response to Submission	
<ol style="list-style-type: none"> 1) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 2) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. 3) Noted, and see Point 2, which will prevent the Scheme text from contradicting itself. 4) DA's for fast food outlets are required to provide a traffic management and parking management plan. 5) Urban Development Zone's require a structure plan for development to be approved by the City and the WAPC prior to a land use being permitted. 	

Submitter Number:	2
Submitter Name:	Jane Klobas
Submitter Address:	34 Williams Road Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Support
Summary of Submission:	
<ol style="list-style-type: none"> 1) I support the amendment, but would prefer to have no fast-food outlets anywhere in Nedlands, including on Stirling Hwy. 	
Response to Submission	

SCHEDULE OF SUBMISSIONS

- 1) Noted. Fast Food Outlets are an 'A' use in the Mixed Use and Neighbourhood Centre zones under LPS3. This proposed scheme amendment does not seek to make Fast Food Outlets an 'X' use in all zones, but it does seek to restrict the size and locations of them.

Submitter Number:	3
Submitter Name:	Jim Hancock
Submitter Address:	66 Kingsway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) I strongly object. Fast Food is not suitable for this location.	
Response to Submission	
1) Noted.	

Submitter Number:	4
Submitter Name:	Julie Clark
Submitter Address:	36 Louise Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<p>1) We strongly object to any fast-food outlets of any size in our suburb. The presence of fast-food outlets brings well documented problems to the local neighbourhood. These include:</p> <ul style="list-style-type: none"> • increased litter • increased noise (due to loud patrons and their vehicles especially late at night and mechanical plant in building) • antisocial behaviour (fighting, urinating in carparks and surrounds) • drug dealing • traffic congestion. • smells of cooking affecting nearby residents • In addition, fast food is not considered by nutritionists as healthy for children or adults. In fact, fast foods are known to be linked to obesity, a growing problem in many countries including Australia. • These problems are currently experienced in Claremont due to the presence of Hungry Jacks on Stirling Highway. 	
Response to Submission	
<p>1) All development applications for fast food outlets will be required to include waste management plans, acoustic reports, traffic management plans and odour reports.</p> <p>2) Antisocial behaviour and drug dealing are not planning considerations and are police matters.</p>	

Submitter Number:	5
Submitter Name:	Christine Cuckow

SCHEDULE OF SUBMISSIONS

Submitter Address:	39 Portland Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Fast Food Outlets present traffic hazard 2) Not compatible City's existing and proposed residential areas and 3) Proliferation of Fast Food in adjoining LGs 4) I request that City of Nedlands amends clause 17 of Local Planning Scheme No. 3 (Zoning Table 3) to specify Fast Food Outlet as an "X" (not permitted) use in all zones.	
Response to Submission	
1) All development applications for fast food outlets will be required to include traffic management plans. 2) Planning must consider future desired character of the area as well as existing character 3) Noted 4) Noted	

Submitter Number:	6
Submitter Name:	Katie Weir
Submitter Address:	59 Strickland Street Mount Claremont
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Children will frequent it, not good for public health reasons. 2) Council should be supporting small business, not multinationals.	
Response to Submission	
1) Noted. Administration propose that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools is something that can be considered through this process. 2) The Schemes definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast food restaurants to be proposed within this City.	

Submitter Number:	7
Submitter Name:	Keith Gilbride
Submitter Address:	69 Viking Road Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Comment
Summary of Submission:	

SCHEDULE OF SUBMISSIONS

<p>1) I do not support the proposal for Fast food NLA to be 200m2 as it will not achieve the desired outcome which is to limit Fast foods with Drive Thru.</p> <p>2) Small fast-food businesses cannot be compared to multinationals. The City should amend the Scheme to introduce new Fast-Food definitions to differentiate between small and large Fast Food companies.</p>
Response to Submission
<p>1) Noted – 200m2 was the Council's proposal. Administration's proposed response is not to limit the size of restaurants, but more carefully restrict the locations they can be placed by amending the zoning table and creating an additional use for Fast Food restaurants.</p> <p>2) To amend a definition in the Scheme another scheme amendment would be required to be initiated, and the WAPC's approval would be required after the amendment process. As per response to 1) re Administration's proposal.</p>

Submitter Number:	8
Submitter Name:	Bianca Martino
Submitter Address:	76b Bruce Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<p>1) Fast food outlets have current representation along Stirling Hwy in higher density retail areas and less amongst residential based areas. The restaurants present issues with waste, odour and traffic.</p> <p>2) The City should be supporting small, local takeaway establishments rather than multinational fast food corporations.</p>	
Response to Submission	
<p>1) All development applications for fast food outlets will be required to include waste management plans, acoustic reports, traffic management plans and odour reports.</p> <p>2) The Scheme's definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast food restaurants to be proposed within this City.</p>	

Submitter Number:	9
Submitter Name:	Paula Cinanni
Submitter Address:	44 Waratah Avenue Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Support
Summary of Submission:	
<p>1) Support of the proposed amendments to ban the development of fast-food outlets to three quieter town centres (Broadway, Hampden Road and Waratah Avenue).</p> <p>2) Reasons include:</p> <ul style="list-style-type: none"> increased traffic, 	

SCHEDULE OF SUBMISSIONS

<ul style="list-style-type: none"> • noise and • anti-social behaviour after hours <p>3) Provision of unhealthy foods options will impact health of the local population, particularly young people. Smaller takeaway restaurants should be supported rather than multinational companies. Fast food outlets should be limited to Stirling Highway where they are in keeping with the built environment.</p>
Response to Submission
<p>1) Noted</p> <p>2) All development applications for fast food outlets will be required to include waste management plans, acoustic reports, traffic management plans and odour reports.</p> <p>3) Noted. Administration propose that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools is something that can be considered through this process. The Schemes definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast-food restaurants to be proposed within this City.</p>

Submitter Number:	10
Submitter Name:	David Townsend
Submitter Address:	4 Broome Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Support
Summary of Submission:	
1) Fast Food Outlets will cause traffic issues within the City.	
Response to Submission	
1) Development Applications for Fast Food Outlets will be required to submit a traffic management plan, as per the requirements for all developments. The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition.	

Submitter Number:	11
Submitter Name:	Rod Durston
Submitter Address:	34 Kinninmont Avenue Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) The City has a history of not permitting Fast Food outlets and this is a stance I support.	
Response to Submission	

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- 1) LPS3 permits the consideration of Fast Food outlets within the City, and therefore these development applications must be considered by the planning team and Council. The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition.

Submitter Number:	12
Submitter Name:	Prue Edis
Submitter Address:	97 Thomas Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Fast food is unhealthy and presents public health concern, particularly for young people.	
2) Anti-social behaviour is a concern around Fast Food Outlets.	
Response to Submission	
1) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools is something that can be considered through this process.	
2) Anti-social behaviour is not a planning consideration, it is a police matter.	

Submitter Number:	13
Submitter Name:	Andrea Hewitt
Submitter Address:	10 Hobbs Avenue Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) I object to any change in local laws that allow fast food outlets in Nedlands.	
2) Public health concerns, particularly for young people.	
Response to Submission	
1) LPS 3 has provision for Fast Food Outlets to be proposed in Mixed Use and Neighbourhood Centre zones. This Scheme Amendment seeks to limit the size and location of Fast-Food Outlets. New laws and requirements permitting Fast Food Outlets are not being proposed.	
2) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools is something that can be considered through this process.	

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Submitter Number:	14
Submitter Name:	Natalie Hurworth
Submitter Address:	18 Genesta Crescent Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) I object to fast food being allowed on Waratah Avenue. Prefer local, smaller sit down venues. Fast food is more appropriate for Stirling highway where all can have easy road access. 2) Noise pollution a concern. 3) Drugs and anti-social behaviour a concern.	
Response to Submission	
1) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposed amendment is that an additional use within the Scheme can be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets in the smaller town centres such as Waratah Avenue is something that can be considered through this process. 2) All development applications for fast food outlets will be required to include waste management plans, acoustic reports, traffic management plans and odour reports. 3) Drugs and anti-social behaviour are a police matter not a planning concern.	

Submitter Number:	15
Submitter Name:	Merran Hipkins Smith
Submitter Address:	36 Minora Road Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Nedlands does not need additional fast-food outlets. There is no shortage of fast-food outlets in adjacent suburbs. Do not need multinational corporations. 2) They create issues such as additional litter, noise, advertising, traffic and potentially antisocial behaviour. The existing policy should be retained.	
Response to Submission	
1) The Scheme definition for Fast Food Outlets includes drive through establishments (such as multinationals), however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools is something that can be considered through this process.	

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- 2) All development applications for fast food outlets will be required to include waste management plans, acoustic reports, traffic management plans and odour reports.

Submitter Number:	16
Submitter Name:	Danielle Wright
Submitter Address:	60 Kingsway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Support
Summary of Submission:	
1) Support the proposal to ban fast food outlets on Broadway, Hampden Rd and Waratah Ave, preferably also ban along Stirling Hwy .	
Response to Submission	
1) The Scheme definition for Fast Food Outlets includes drive through establishments (such as multinationals), however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised within the Scheme to further limit the locations for fast food within the City. This will provide greater control over where they may be proposed.	

Submitter Number:	17
Submitter Name:	Warwick & Joanne Turton
Submitter Address:	3 Elizabeth Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) The amendment should be changed so that Fast Food Outlets are an "X" (not permitted) use in all zones. 2) Fast Food establishments are not compatible with the existing and proposed residential areas. 3) Anti-social behaviour issues will arise. 4) Increase in: <ul style="list-style-type: none"> • traffic movements • littering • cooking odours. 5) Public health concerns.	
Response to Submission	
1) Administration's response to this proposed amendment is that Fast Food outlets are an X use, and an additional use within the Scheme is created and utilised to further limit the locations for fast food to be considered within the City. 2) Fast Food outlets are an A use in Mixed Use areas and must be considered in the context of the proposed Mixed-Use areas, which will be a mix of residential and commercial development. 3) Anti-social behaviour is a police matter, not a planning concern.	

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- 4) All development applications for fast food outlets will be required to include waste management plans, acoustic reports, traffic management plans and odour reports.

Submitter Number:	18
Submitter Name:	Carmen Tutor
Submitter Address:	8A Alexander Road Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) I object to fast food outlets outside of commercial shopping areas. 2) Anti-social behaviour issues 3) Noise issues 4) Traffic and parking issues 5) Fast Food Outlet should be specified as an "X" (not permitted) use in all zones.	
Response to Submission	
1) Fast Food outlets are an A use in Mixed Use areas and must be considered in the context of the proposed Mixed-Use areas, which will be a mix of residential and commercial development. 2) Anti-social behaviour is a police matter not a planning consideration. 3) All development applications for fast food outlets will be required to include acoustic reports. 4) All development applications for fast food outlets will be required to include traffic management and parking plan in line with the parking policy. 5) Administration's response to this proposed amendment is that Fast Food outlets are an X use, and an additional use within the Scheme is created and utilised to further limit the locations for fast food to be considered within the City.	

Submitter Number:	19
Submitter Name:	Bronwyn Stuckey
Submitter Address:	26 Kingsway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) I request Council amends clause 17 of Local Planning scheme No.3 (Zoning Table 3) to specify Fast Food Outlet as an "X" (not permitted) use in all zones. Issues include opening hours, large car parks, drive through plot design, and loudspeaker ordering from vehicles. 2) LPS3 is supposed to be adding residential capacity with RAC zoning designed to have commercial interface with the street and residences above. 3) The designation "fast food outlet" applies to drive through food pick-up such as provided by large franchises, not to your local fish and chip shop or Indian curry restaurant.	
Response to Submission	

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- 1) All development applications for fast food outlets will be required to include acoustic reports, traffic management plans and parking plans in line with the City's parking LPP.
- 2) Sites within the Mixed Use zoning are required to provide a residential component to the site.
- 3) The Scheme definition for Fast Food Outlets includes drive through establishments (such as multinationals), however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition.

Submitter Number:	20
Submitter Name:	Libby Newman
Submitter Address:	22 Louise Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) I request that Nedlands Council amends clause 17 of Local Planning scheme No.3 (Zoning Table 3) to specify Fast Food Outlet not be permitted in all zones of Nedlands and Dalkeith It is confusing for the Zoning Table to include a Neighbourhood Centre Zone when no such zone occurs on the Scheme Map. 2) Public health concerns particularly for younger residents. 3) Restricting the floor area would not prevent developers combining Fast Food Outlets with other uses. Other factors, such as opening hours or traffic conflict, may be more important than size. 4) Fast Food Outlets are still able to be applied for in the Urban Development Zone. Saying a use cannot occur later in the text is in direct conflict with the earlier zoning table which specifies "A" (conditionally permitted). When a document is in conflict with itself, there is room for legal argument and once again the decision could be taken out of Council's hands and determined by the DAP/SAT. 5) The definition of Fast-Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 6) Traffic concerns related to movement in and out of Fast-Food outlets. 	
Response to Submission	
<ol style="list-style-type: none"> 1) Neighbourhood Centre zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 2) And 5) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools is something that can be considered through this process. 3) All development applications for fast food outlets will be required to include traffic management and parking plan in line with the parking policy. 4) Urban Development Zone is an area that requires a structure plan or similar to be proposed prior to being developed. This structure plan would present potential land uses which are then negotiated with the LG and WAPC. 	

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5) The Scheme definition for Fast Food Outlets includes drive through establishments (such as multinationals), however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition.
6) All development applications for fast food outlets will be required to include waste management plans, acoustic reports, traffic management plans and odour reports.

Submitter Number:	21
Submitter Name:	Roger Newman
Submitter Address:	22 Louise Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Fast Food Outlets should not be permitted in all zones. It is confusing for the Zoning Table to include a Neighbourhood Centre Zone when no such zone occurs on the Scheme Map. 2) Restricting the size of Fast Food Outlets - i.e. the floor area would not prevent developers combining Fast Food Outlets with other uses such as children's playgrounds or providing seating to increase the size and, where there is disagreement, the decision would be taken out of Council's hands and determined by the DAP/SAT. There is nothing to say that size is the most objectionable feature of Fast-Food Outlets. Other factors, such as opening hours or traffic conflict, may be more important than size. 3) Public health concerns associated with Fast Food Outlets.	
Response to Submission	
1) Neighbourhood Centre zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 2) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other uses associated with vulnerable groups something that can be considered through this process. All development applications for fast food outlets will be required to include traffic management and parking plan in line with the parking policy. 3) Answer as per point 2.	

Submitter Number:	22
Submitter Name:	Andrew Edis
Submitter Address:	72 Kingsway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Fast Food Outlet as an "X" (not permitted) use in all zones.	

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<ul style="list-style-type: none"> 2) Neighbourhood Centre Zone be removed. 3) Scheme amendment proposes conflict within existing document 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Traffic management concerns 6) Anti social behaviour concerns 7) Public health concerns
Response to Submission
<ul style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) As per point 1 4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 5) DA's for fast food outlets are required to provide a traffic management and parking management plan. 6) Anti social behaviour is a police matter not a planning concern. 7) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.

Submitter Number:	23
Submitter Name:	Simon Edis
Submitter Address:	72 Kingsway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	<ul style="list-style-type: none"> 1) Fast Food Outlet as an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone be removed. 3) Scheme amendment proposes conflict within existing document

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<p>4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant.</p> <p>5) Traffic management concerns</p> <p>6) Anti social behaviour concerns</p> <p>7) Public health concerns</p>
Response to Submission
<p>6) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p> <p>7) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this.</p> <p>8) As per point 1</p> <p>9) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p> <p>10) DA's for fast food outlets are required to provide a traffic management and parking management plan.</p> <p>11) Anti social behaviour is a police matter not a planning concern.</p> <p>12) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p>

Submitter Number:	24
Submitter Name:	Jen Edis
Submitter Address:	72 Kingsway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
	<p>1) Fast Food Outlet as an "X" (not permitted) use in all zones.</p> <p>2) Neighbourhood Centre Zone be removed.</p> <p>3) Scheme amendment proposes conflict within existing document</p>

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<ul style="list-style-type: none"> 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Traffic management concerns 6) Anti social behaviour concerns 7) Public health concerns
Response to Submission
<ul style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) As per point 1 4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 5) DA's for fast food outlets are required to provide a traffic management and parking management plan. 6) Anti social behaviour is a police matter not a planning concern. 7) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.

Submitter Number:	25
Submitter Name:	Jack Edis
Submitter Address:	72 Kingsway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ul style="list-style-type: none"> 1) Fast Food Outlet as an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone be removed. 3) Scheme amendment proposes conflict within existing document 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Traffic management concerns 6) Anti social behaviour concerns 7) Public health concerns 	

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Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) As per point 1 4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 5) DA's for fast food outlets are required to provide a traffic management and parking management plan. 6) Anti social behaviour is a police matter not a planning concern. 7) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 	

Submitter Number:	26
Submitter Name:	Julian Goldsworthy
Submitter Address:	8 Archdeacon Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet as an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone be removed. 3) Scheme amendment proposes conflict within existing document 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Traffic management concerns 6) Anti social behaviour concerns 7) Public health concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and 	

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<p>other vulnerable land uses is something that can be considered through this process.</p> <p>2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this.</p> <p>3) As per point 1</p> <p>4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p> <p>5) DA's for fast food outlets are required to provide a traffic management and parking management plan.</p> <p>6) Anti social behaviour is a police matter not a planning concern.</p> <p>7) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p>
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Submitter Number:	27
Submitter Name:	Jane Storey
Submitter Address:	104 Thomas Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<p>1) Fast Food Outlet as an "X" (not permitted) use in all zones.</p> <p>2) Neighbourhood Centre Zone be removed.</p> <p>3) Scheme amendment proposes conflict within existing document</p> <p>4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant.</p> <p>5) Traffic management concerns</p> <p>6) Anti social behaviour concerns</p> <p>7) Public health concerns</p>	
Response to Submission	
<p>1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p> <p>2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this.</p> <p>3) As per point 1</p>	

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4)	The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.
5)	DA's for fast food outlets are required to provide a traffic management and parking management plan.
6)	Anti social behaviour is a police matter not a planning concern.
7)	The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.

Submitter Number:	28
Submitter Name:	Rebecca Coghlan
Submitter Address:	37 Bulimba Road Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Fast Food Outlet as an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone be removed. 3) Scheme amendment proposes conflict within existing document 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Traffic management concerns 6) Anti social behaviour concerns 7) Public health concerns	
Response to Submission	
1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) As per point 1 4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered.	

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<p>Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p> <p>5) DA's for fast food outlets are required to provide a traffic management and parking management plan.</p> <p>6) Anti social behaviour is a police matter not a planning concern.</p> <p>7) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p>
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Submitter Number:	29
Submitter Name:	Michael Cahill
Submitter Address:	65 Melvista Avenue Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<p>1) Amendment 4 should be modified to prohibit fast food outlets anywhere in Nedlands.</p> <p>2) Traffic management concerns</p> <p>3) Public health concerns</p> <p>4) Litter concerns</p> <p>5) Future character concerns</p>	
Response to Submission	
<p>1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.</p> <p>2) DA's for fast food outlets are required to provide a traffic management and parking management plan.</p> <p>3) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process</p> <p>4) Litter and crime are police matters not planning concerns</p> <p>5) As per point 1.</p>	

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Submitter Number:	30
Submitter Name:	Graham Cuckow
Submitter Address:	39 Portland Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Antisocial behaviour and crime concerns 2) Traffic concerns 3) Public health concerns	
Response to Submission	
1) Anti-social behaviour, drugs and crime are police matters, not planning considerations. 2) Noted, and all development applications for fast food outlets will be required to include traffic management plans and parking plans in accordance with the City's parking LPP. 3) Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and vulnerable land uses is something that can be considered through this process.	

Submitter Number:	31
Submitter Name:	Katie Bourke
Submitter Address:	14 Loftus Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Anti-social behaviour and litter concerns 2) Litter concerns 3) Public health concerns	
Response to Submission	
1) Anti-social behaviour and litter are police matters, not planning considerations. 2) Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and vulnerable land uses is something that can be considered through this process.	

Submitter Number:	32
Submitter Name:	R Gibson
Submitter Address:	41 Louise Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Anti-social behaviour, litter, vandalism and crime concerns	
Response to Submission	

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| 1) Anti-social behaviour and crime are a police matter not a planning consideration. |
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Submitter Number:	33
Submitter Name:	Rebecca Faugno
Submitter Address:	74 Doonan Road Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet as an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone be removed. 3) Scheme amendment proposes conflict within existing document 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Traffic management concerns 6) Anti social behaviour concerns 7) Public health concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) As per point 1 4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 5) DA's for fast food outlets are required to provide a traffic management and parking management plan. 6) Anti social behaviour is a police matter not a planning concern. 7) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 	

Submitter Number:	34
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Submitter Name:	Paul Sharman
Submitter Address:	37 Boronia Avenue Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet as an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone be removed. 3) Scheme amendment proposes conflict within existing document 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Traffic management concerns 6) Anti social behaviour concerns Public health concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) As per point 1 4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 5) DA's for fast food outlets are required to provide a traffic management and parking management plan. 6) Anti social behaviour is a police matter not a planning concern 7) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 	

Submitter Number:	35
Submitter Name:	Emma Rose
Submitter Address:	21 Mountjoy Road Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object

SCHEDULE OF SUBMISSIONS

Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet as an "X" (not permitted) use in all zones 2) Neighbourhood Centre Zone should be removed from the Scheme. 3) Traffic management concerns 4) Public health concerns 5) Community amenity concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) All development applications for fast food outlets will be required to include traffic management and parking management plans. 4) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 5) Through restricting the use of Fast Food Outlets through the zoning table and additional use table, the Scheme will provide further controls over the location of Fast Food Outlets, allowing them to be encouraged towards more appropriate locations. 	

Submitter Number:	36
Submitter Name:	Roger Smith
Submitter Address:	29 Webster Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) I do not believe fast food outlets are needed in Nedlands. I request that Nedlands Council amends clause 17 of the LPS no 3 (Zoning table 3) to specify that fast food outlets are not permitted in all zones. 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration's response to this proposed amendment is that Fast Food Outlets should be an X use in the zoning table, and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 	

Submitter Number:	37
Submitter Name:	Kylie Passage

SCHEDULE OF SUBMISSIONS

Submitter Address:	80 Doonan Road Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet should be an "X" (not permitted) use in all zones. 2) Public health concerns 3) Neighbourhood Centre Zone should be removed from the Scheme. 4) Traffic conflict may be more important than size. 5) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 6) Ant social behaviour concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 3) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 4) DA's for fast food outlets are required to provide a traffic management and parking management plan. 5) The Scheme definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast food restaurants to be proposed within this City. 6) Anti social behaviour is a police matter not a planning concern. 	

Submitter Number:	38
Submitter Name:	Marguerite Sharman
Submitter Address:	37 Boronia Avenue Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Traffic management concerns 2) anti-social behaviour and litter concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) All development applications for fast food outlets will be required to include, traffic management and parking management plans. 	

SCHEDULE OF SUBMISSIONS

- | |
|---|
| 2) Anti social behaviour and crime are police matters, not planning considerations. |
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Submitter Number:	39
Submitter Name:	Catie Robins
Submitter Address:	10 Edward Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet should be an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone should be removed from the Scheme. 3) Nothing to say size is the most objectionable feature of Fast Food Outlets. Other factors, such as traffic conflict, may be more important than size. 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Public health concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) DA's for fast food outlets are required to provide a traffic management and parking management plan. 4) The Scheme definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast food restaurants to be proposed within this City. 5) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 	

Submitter Number:	40
Submitter Name:	Ashley McDonald
Submitter Address:	21 Mountjoy Road Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	

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1) I object to this amendment. Fast food outlets should be banned in all of Nedlands.
Response to Submission
1) Administration's response to this proposed amendment is that Fast Food Outlets should be an X use in the zoning table, and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.

Submitter Number:	41
Submitter Name:	Josh Robins
Submitter Address:	10 Edward Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet should be an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone should be removed from the Scheme. 3) Nothing to say size is the most objectionable feature of Fast Food Outlets. Other factors, such as traffic conflict, may be more important than size. 4) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Public health concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre Zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) DA's for fast food outlets are required to provide a traffic management and parking management plan. 4) The Scheme definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast food restaurants to be proposed within this City. 5) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 	

Submitter Number:	42
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SCHEDULE OF SUBMISSIONS

Submitter Name:	Sam Robins
Submitter Address:	10 Edward Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
<ol style="list-style-type: none"> 1) Fast Food Outlet should be an "X" (not permitted) use in all zones. 2) Neighbourhood Centre Zone should be removed from Scheme 3) Other factors, such as traffic conflict, may be more important than size of fast-food outlets 4) The definition of Fast-Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant. 5) Public health concerns 	
Response to Submission	
<ol style="list-style-type: none"> 1) Administration propose that Fast Food Outlets are an X use and that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 2) Neighbourhood Centre zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 3) DA's for fast food outlets are required to provide a traffic management and parking management plan. 4) The Schemes definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast food restaurants to be proposed within this City. 5) The Scheme definition for Fast Food Outlets includes drive through establishments, however does not preclude those without one. Therefore smaller, local takeaway restaurants are also included in this definition. Administration's response to this proposal is that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast-Food Outlets near schools and other vulnerable land uses is something that can be considered through this process. 	

Submitter Number:	43
Submitter Name:	Natalie Nash
Submitter Address:	Unknown
Residence within Nedlands:	Unknown
Support/Object/Comment:	Object
Summary of Submission:	
1) Objection to any fast-food outlets in Nedlands.	
Response to Submission	
1) Administration propose that Fast Food Outlets are listed as ab X use in the Zoning Table and an additional use be utilised to limit the locations for fast food	

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to be considered. Restricting the location of Fast Food Outlets will allow for more control of Fast Food Outlets being proposed in inappropriate locations.

Submitter Number:	44
Submitter Name:	Beris Carter
Submitter Address:	14A Edna Road Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Comment
Summary of Submission:	
1) Fast Food outlets would have a negative impact on amenity of Waratah Avenue	
2) Broadway, Claremont and Stirling Hwy offer fast food quite nearby.	
Response to Submission	
1) Administration propose that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets will allow for more control of Fast Food Outlets being proposed in inappropriate locations.	
2) Noted	

Submitter Number:	45
Submitter Name:	Margaret Bruce
Submitter Address:	39 Louise Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Comment
Summary of Submission:	
1) Anti social behaviour concerns	
2) Traffic management concerns.	
3) Public health concerns	
Response to Submission	
1) Anti-social behaviour is a police matter, not a planning consideration.	
2) DA's for fast food outlets are required to provide a traffic management and parking management plan.	
3) Administration propose that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools and other vulnerable land uses is something that can be considered through this process.	

Submitter Number:	46
Submitter Name:	Helen Chapman and Bruce Graham
Submitter Address:	18/87 Waratah Avenue Dalkeith
Residence within Nedlands:	Yes
Support/Object/Comment:	Comment
Summary of Submission:	
1) Public health concerns particularly for young residents.	

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2) There are already several fast-food outlets on Stirling Highway and in Subiaco.
3) Anti-social behaviour concerns.
Response to Submission
1) Administration propose that an additional use be utilised to further limit the locations for fast food to be considered. Restricting the location of Fast Food Outlets near schools is something that can be considered through this process.
2) Noted.
3) Anti social behaviour is a police matter not a planning concern.

Submitter Number:	47
Submitter Name:	Elizabeth Gibson
Submitter Address:	41 Louise Street Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Comment
Summary of Submission:	
1) Clause 16 should be amended to delete the Neighbourhood Centre Zone 2) Fast Food Outlet should be an "X" use (not permitted) in all zones. 3) Anti-social behaviour concerns 4) Litter concerns 5) Traffic concerns 6) With very little effort, I have gathered over 400 signatures agreeing to the following: Nedlands has traditionally prohibited fast-food outlets within the City, but these are now permitted by local planning Scheme No 3.	
Response to Submission	
1) Neighbourhood Centre zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this. 2) Administration response to the amendments is that it proposes that Fast Food Outlets should be an X use in all zones, with an additional use provided to control the location of Fast Food outlets throughout Nedlands. 3) Anti social behaviour is a police matter not a planning concern 4) Litter is a police matter not a planning concern 5) DA's for fast food outlets are required to provide a traffic management and parking management plan.	

Submitter Number:	48
Submitter Name:	Fergus Bennet
Submitter Address:	133 Broadway Nedlands
Residence within Nedlands:	Yes
Support/Object/Comment:	Object
Summary of Submission:	
1) Fast Food Outlets should be an X use in all zones. 2) Drive-throughs are an undesirable land use. Undesirable land uses should not be located where they become a nuisance such as a busy road with traffic problems, pedestrians and cyclists dominated areas, or anywhere near residential housing. Drive-throughs are a safety hazard and traffic concern.	

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- 3) Odour concerns.
- 4) Crime and antisocial behaviour concerns. Drive-throughs are notorious drug distribution centres where crimes and serious assaults regularly occur – well known and recognised by the police. Physical pollution from customers littering and sound pollution from excessive traffic including hoons and drag racing in local streets
- 5) Visual pollution from ugly advertising signs
- 6) Pests attracted to fast food outlets and public health concerns
- 7) Living near this kind of land use lowers the desirability and amenity of the area which directly impacts property values of the neighbours.
- 8) Land on each side of Stirling Highway has been zoned AC1 primarily to accommodate housing density targets mandated by the State government yet there is already two large developments sites in Woolworths and Aldi which have no residential component.
- 9) It is confusing for the Zoning Table to include a Neighbourhood Centre Zone when no such zone occurs on the Scheme Map.
- 10) Restricting the floor area would not prevent developers playing games by combining Fast Food Outlets with other uses.
- 11) Scheme is in conflict with itself due to the attempt to control land use through the Scheme text.
- 12) The definition of Fast Food Outlet in LPS3 refers only to food, not coffee, so reference to Rocket Fuel and drive through coffee shops is not relevant.

Response to Submission

- 6) Administration proposes that Fast Food Outlets should be an X use in all zones, with an additional use provided to control the location of Fast Food outlets throughout Nedlands.
- 7) DA's for fast food outlets are required to provide a traffic management and parking management plan.
- 8) DA's for fast food outlets are required to provide an odour management plan.
- 9) Anti social behaviour, crime, littering and hooning are a police matter not a valid planning consideration.
- 10) All signage will be considered as part of a development application.
- 11) Pests are a matter dealt with by the City's Environmental Health team.
- 12) Property values are not a valid planning consideration.
- 13) Woolworths has not yet been approved by JDAP. Aldi was approved by the JDAP, and it is the Scheme's requirement that development on a Mixed Use site has a residential component.
- 14) Neighbourhood Centre zone is an anomaly remaining after the gazettal of LPS3. Further Scheme amendments may seek to rectify this.
- 15) The City cannot pre-emptively guess what developers and design might propose to submit in a DA in terms of collaboration of land uses.
- 16) The Council's proposal would see the Scheme text and Zoning Table in conflict with themselves, and hence the amendment is not supported by Administration.
- 17) The Schemes definition of Fast Food is not limited to a multinational conglomerate, and the definition does incorporate the capacity for small and large businesses to fit within them. The Scheme provides an equal opportunity for small takeaway and large fast food restaurants to be proposed within this City.

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Submitter Number:	49
Submitter Name:	Main Roads WA
Submitter Address:	Don Aitken Centre, Waterloo Crescent, East Perth
Residence within Nedlands:	No
Support/Object/Comment:	Comment
Summary of Submission:	
1) Main Roads has no objections.	
Response to Submission	
1) Noted	

PD48.20	Scheme Amendment No. 9 – Deep Soil Planting Requirements for Single and Grouped Dwellings
Committee	13 October 2020
Council	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	PD05.20 – OCM March 2020 NOM 14.2 – OCM May 2020
Attachments	1. Scheme Amendment No. 9 Justification Report 2. Scheme Amendment No. 9 Schedule of Submissions
Confidential Attachments	1. Scheme Amendment No. 9 Full Submissions

1.0 Executive Summary

The purpose of this report is for Council to provide consent to adopt post advertising the proposed Scheme Amendment No. 9 to Local Planning Scheme No. 3 (LPS3).

At the Council Meeting held on the 26 May 2020, Council resolved to propose an amendment to add deep soil provisions for Single and Grouped Dwellings in areas coded R40, R60, R80 and R160.

The Department of Planning Lands and Heritage (the Department) is currently preparing the Medium Density Design Codes which may include provisions in relation to deep soil areas for grouped dwellings. The form in which this document will take, and the timeframe associated with it is still unknown therefore Administration would recommend that Council adopt the amendment.

2.0 Recommendation to Committee

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports without modification Scheme Amendment No. 9 to amend Local Planning Scheme No. 3 as follows:
 - a) As detailed in Attachment 1 – Scheme Amendment No. 9 Justification Report
2. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment No. 9 to the West Australian Planning Commission.

3.0 Details/Overview

At the May 2020 Ordinary Council Meeting a notice of motion was presented where Council resolved to prepare and advertise Scheme Amendment No. 9 to Local Planning Scheme No. 3 (LPS 3). The amendment was based on a section of Scheme Amendment No. 3 which was prepared by Administration and presented to Council at the March Ordinary Council Meeting which was not supported by Council.

Once Council has resolved to support or not support the amendment copies of the amendment will be sent to the West Australian Planning Commission (the Commission) in line with the Regulations. Once the Commission have received the amendment, they will then make a recommendation to the Minister. The Minister will then decide whether to support or not support the amendment.

Residential Design Codes

The Residential Design Codes Volume 1 (R-Codes Vol. 1) does not have provisions in relation to deep soil planting areas nor the retention of existing trees. The R-Codes Vol.1 applies to single and grouped dwellings; and multiple dwellings coded R40 and below. The Residential Design Codes Volume 2 Apartments (R-Codes Vol.2) which applies to multiple dwellings over R40 has provisions in relation to deep soil planting zones. This amendment has been based on the tables used within the R-Codes Vol.2 so that regardless of development typology; single, grouped, or multiple dwellings there are equivalent provisions for deep soil planting zones applicable to land in the scheme area.

The issue of tree removal and building out sites is often more prevalent with grouped dwellings. This is due to the small amount of open space required under the R-Codes Vol.1 and minimal setback requirements. Apartment designs already have provisions for deep soil areas within the R-Codes Vol.2 as well as more generous setbacks therefore they have not been included within this amendment.

Medium Density Design Codes

The Department is currently drafting the Medium Density Design Codes. This document will likely replace sections of the current R-Codes Vol.1 and will aim to create better design outcomes for grouped dwellings. It is still unknown at this stage as to when this document will be released and what provisions it will include.

4.0 Consultation

Administration advertised the scheme amendment in line with the Regulations for a standard scheme amendment as resolved at the May 2020 Council Meeting. The amendment was advertised for a period of 42 days.

During the consultation period the City received 29 submissions of these 21% supported the amendment, with 75% objecting and 4% commenting. All submissions are provided in Attachment 2 of this report.

An issue raised by the objecting submissions was that the amendment did not go far enough. Submitters suggested that a 20% landscaping provision should be applied which was originally placed in the Residential Development Policy and not supported by the Commission earlier this year. Another suggestion was that it should apply to

all density codes. The proposed provision however is only needed within the higher density codes as in the lower density codes R10, R12.5 and R15 the large setbacks and generous open space provisions encourage landscaped areas and retention of trees. Within the higher density codes however, where grouped dwellings require as little as 30% open space and can be setback as close as 1m from the rear boundary it is important to have provisions which relate to deep soil planting areas and retention of trees on site.

Issues which were raised multiple times through submissions have been summarised and responded to in the below table.

Issue Raised	Administration Response
It would be better to have a 20% landscaping provision of which 10% is for deep soil areas.	A 20% landscaping provision was proposed in the Residential Development Policy which was referred to and refused by the West Australian Planning Commission. The amount of deep soil areas proposed in the amendment is in line with the Residential Design Codes Volume 2 Apartments. Going beyond what is required for apartments will likely appear onerous and is unlikely to be supported by the Commission.
The amendment should apply to all density codes across the City.	The lower density codes such as R10, R12.5 and R15 have large 6m rear setbacks and generous open space provisions of 50-60% of the site. The issue that the amendment is seeking to achieve is the lack of open space required for single and grouped dwellings in those properties coded R40 and higher where the entire site is often built out to lot boundaries due to minimal requirements in the Residential Design Codes Volume 1.
Deep soil areas which are less than 2 square meters in size should not be counted.	As stated above the requirements set out in the amendment are in line with the Residential Design Codes Volume 2. It would be onerous to go above these requirements for single and grouped dwellings. A developer would have to satisfy the requirements of Table 8 and 9 of the amendment in order to qualify the deep soil provisions of the scheme.
Deep soil areas which are overshadowed by more than 50% should only contribute 50% towards deep soil areas.	The definition for deep soil areas used by the amendment in the Residential Design Codes Volume 2 states that there must be no building structure or feature above and that the area is open to the sky. The City cannot predict whether future developments on other sites will overshadow the deep soil area at the time of the application, therefore the addition of this provision is not supported.
Root systems should be taken into account.	Rootable areas and soil zones are taken into account through Table 9 of the amendment.
Small and medium trees are encouraged over large trees through the amendment.	Medium trees are often more appropriate for the smaller lot sizes due to their rootable area and ability to grow in the space. On larger properties over 500 square meters where you provide a large tree you only need one as opposed to 3 medium trees.
Focus should be on retention of existing over planting of new.	The amendment encourages the retention of existing vegetation by only requiring 7% deep soil planting area for retention as oppose to 10% for new plantings. There is currently inadequate statutory provisions and head of power to require mandatory retention of trees on private property.

5.0 Strategic Implications

How well does it fit with our strategic direction?

The amendment is in line with the overall desired character of the City of Nedlands as a leafy green area and the desire to maintain the character of the City whilst having more density.

Who benefits?

The proposed scheme amendment seeks to benefit the wider City of Nedlands as more trees on site maintains the leafy green character of Nedlands.

Does it involve a tolerable risk?

There is a risk in adopting the Scheme Amendment that the Medium Density Design Codes could be released and contradict or introduce similar provisions to that of the amendment. Although as stated previously there has not been any commitment by the Department as to when this document will be released and what provisions will be included.

Do we have the information we need?

All current information is provided within this report. The only information which is missing is what provisions will be included within the Medium Density Design Codes and when they will be released.

6.0 Budget / Financial Implications

Can we afford it?

There are no immediate costs associated with this scheme amendment. If the WAPC and the Minister approve the scheme amendment there will be a small fee associated with the publishing of the amendment.

How does the option impact upon rates?

There is no current impact upon rates.

7.0 Conclusion

Administration advise Council that Scheme Amendment No. 9 is a necessary tool in the protection of existing mature vegetation on sites and the mandating of deep soil areas for grouped and single dwellings within the higher density codes of the City. Although the amendment may appear premature in light of the State Governments Medium Density Design Codes it is still unknown as to when the state planning policy will be released, what provisions it will include and ultimately when it will be finally adopted by the Commission. Therefore, in order to encourage tree retention, deep soil areas and planting within single and grouped dwelling re-development, as a result of intensification of land use in LPS3, the Scheme Amendment is supported.

7.1 Alternate Recommendation

In the event that Council wishes to not support the amendment it will need to resolve as follows:

“Council:

1. In accordance with section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 9 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:
 - a) The amendment is not based on sound town planning principles in accordance with Schedule 2, Part 2 Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions; and
 - b) The proposed scheme amendment is premature of the Department of Planning Lands and Heritage Medium Density Codes document.
2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 53(1) submit 2 copies of the proposed Scheme Amendment 9 to the West Australian Planning Commission.”



City of Nedlands Local Planning Scheme No. 3

Amendment No. 9

Amending the Scheme Text to insert new sub-clause (4) under clause 26 Modification of R-Codes:

4. In relation to land coded R40, R60, R80 or R160:

(a) For development of single and grouped dwellings in accordance with SPP 7.3 R Codes Volume 1, clause 5.3.2 (Landscaping) is modified by including an additional deemed-to-comply requirement C2.1:

C2.1 i) includes deep soil areas and trees in accordance with Tables (8) and (9) below:

Table 8 Minimum deep soil area and tree provision requirements for single and grouped dwellings in R40, R60, R80 and R160 transitional density areas				
Proposed Site Area	Minimum deep soil area ²	Minimum requirements for trees ¹ behind front setback area	Minimum requirements for trees ¹ in front setback area	Retention of existing on-site trees criteria as part of the deep soil area.
Less than 200m ²	10% OR 7% if existing	1 medium tree OR small trees to suit area	A minimum of 2 small trees or 1 medium tree located within the front setback area, co-located	- healthy specimens with ongoing viability AND - species is not included on a State or local area weed register AND
200 - 500m ²		2 medium trees OR		

	tree(s) retained on site	1 medium tree and small trees to suit area	where possible with existing trees on site or adjoining properties trees.	<ul style="list-style-type: none"> - height of at least 4m AND/OR - trunk diameter of at least 160mm, measured 1m from the ground AND/OR - average canopy diameter of at least 4m.
>500m ²	(% of site area)	1 medium tree and small trees to suit area OR 3 medium trees OR 1 large tree and small trees to suit area		

¹Minimum requirement for trees includes retained or new trees. Refer Table 9 for tree sizes.

²Definition for Deep soil area is as per Residential Design Codes Volume 2

Table 9 Tree sizes

Tree Size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided ¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m	6m	4.5m (DSA) + 1.5m (RSZ)	500L

¹Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA. Definition for Rootable soil zone is as per Residential Design Codes Volume 2

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

Local Planning Scheme No. 3 Scheme Amendment No. 9

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

Amending the Scheme Text to insert new sub-clause (4) under clause 26 Modification of R-Codes:

4. In relation to land coded R40, R60, R80 or R160:

(a) For development of single and grouped dwellings in accordance with SPP 7.3 R Codes Volume 1, clause 5.3.2 (Landscaping) is modified by including an additional deemed-to-comply requirement C2.1:

C2.1 i) includes deep soil areas and trees in accordance with Tables (8) and (9) below:

Table 8 Minimum deep soil area and tree provision requirements for single and grouped dwellings in R40, R60, R80 and R160 transitional density areas				
Proposed Site Area	Minimum deep soil area ²	Minimum requirements for trees ¹ behind front setback area	Minimum requirements for trees ¹ in front setback area	Retention of existing on-site trees criteria as part of the deep soil area.
Less than 200m ²	10% OR 7% if existing tree(s) retained on site (% of site area)	1 medium tree OR small trees to suit area	A minimum of 2 small trees or 1 medium tree located within the front setback area, co-located where possible with existing trees on site or adjoining properties trees.	<ul style="list-style-type: none"> - healthy specimens with ongoing viability AND - species is not included on a State or local area weed register AND - height of at least 4m AND/OR - trunk diameter of at least 160mm, measured 1m from the ground AND/OR - average canopy diameter of at least 4m.
200 - 500m ²		2 medium trees OR 1 medium tree and small trees to suit area		
>500m ²		1 medium tree and small trees to suit area OR 3 medium trees OR 1 large tree and small trees to suit area		

¹Minimum requirement for trees includes retained or new trees. Refer Table 9 for tree sizes.

²Definition for Deep soil area is as per Residential Design Codes Volume 2

Table 9 Tree sizes

Tree Size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided ¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m	6m	4.5m (DSA) + 1.5m (RSZ)	500L

¹Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA. Definition for Rootable soil zone is as per Residential Design Codes Volume 2

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

- the proposed amendment relates to the Residential zone and is consistent with the objectives identified in the scheme for that zone;
- the proposed amendment is consistent with a local planning strategy which has been endorsed by the WAPC; and
- the proposed amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area

Dated this _____ day of _____ 20____

(Chief Executive Officer)

Intent of Clause 26 (4) (a)

The intent of proposed clause 26 (4) (a) of Scheme Amendment No. 9 is to ensure that regardless of the choice of development typology made by an applicant (i.e. single, grouped or multiple dwellings), development design incorporates appropriate quality landscaping requirements that provides for mandatory tree planting and supports tree growth, which will assist in responding to the City of Nedlands traditional leafy character and soften single and grouped development outcomes in the density transitional areas.

Existing Planning Framework

Land within the transitional density areas (R40, R60, R80 and R160) has the potential to be developed as single dwellings, grouped dwellings or multiple dwellings. Single and grouped dwellings are assessed against the R Codes Volume 1 (and the City's Local Planning Policy – Residential Development: Single and Grouped Dwellings), while multiple dwellings are assessed in accordance with R Codes Volume 2.

Volume 1 of the R Codes does not include requirements for deep soil areas or minimum tree requirements, which represents a gap in the planning framework for single and grouped dwellings. When compared with multiple dwelling development, R-Codes Volume 2 already sets out requirements in relation to these issues. It is noted that the DPLH is currently in the scoping stage for better managing medium density development, the so called the "missing middle" in particular targeting grouped dwelling outcomes, which are likely to incorporate similar landscaping aims as provided in the R-Codes Volume 2.

Proposed Clause 26 (4) (a)

Clause 26 (4) (a) requires that single and grouped dwelling developments in R40, R60 and R160 require deep soil areas and trees across the development site. The requirements are outlined within two new Tables 8 and 9.

"Table 8 – Minimum deep soil area and tree provision requirements for single and grouped dwellings in R40, R60 and R160 transitional density areas" requires a minimum of 10% of deep soil areas per proposed site area and a minimum number of trees. The proposed site areas within Table 8 have been altered from what is required in R-Codes Volume 2 to be proportional to the smaller lot sizes associated with single and grouped dwelling developments. Where existing trees are proposed to be retained, there is a reduction in the percentage of required deep soil area to 7%, to encourage the retention of established trees. The table also highlights the criteria for the retention of trees.

Table 8 also proposes a minimum number of trees per proposed new site behind and forward of the front setback to ensure both the interior areas of the site and the streetscape benefits. The two tables 8 and 9 make reference to the following R-Codes Volume 2 definitions which will apply for single and grouped dwelling development:

"Deep soil area – soft landscape area on lot with no impending building structure or feature above or below, which supports growth of medium to large canopy trees and meets a stated minimum dimension. Used primarily for landscaping and open to the

sky, deep soil areas exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.”

"Rootable soil zone – areas beyond the primary deep soil area under adjacent pavements that are engineered and constructed to support tree root penetration. This is achieved by the use of structural soil and structural cells which are materials for creation of rootable soil zone beneath pavements and other structures. Structural soil involves the use of structural materials such as rock, that interlock under specified compaction loads while leaving macro spaces that provide rootable soil zone for tree roots. Structural cells are similar but utilise a plastic cell structure to meet the required compaction and loading.

Local Planning Scheme No. 3 (LPS3) was gazetted on the 16th April 2019, which included new zones and density upcoding along the strategic activity corridors (also known as Urban Growth Zones) of Stirling Highway, Hampden Road and Broadway.

The transitional density areas are in place to provide a physical buffer or transition between the urban growth zones and the nearby adjacent existing lower coded areas. However, comprehensive controls are not yet in place primarily for single and grouped dwellings and in some circumstances for multiple dwellings.

To adequately protect the amenity of affected streetscapes and localities, therefore supplementary R-Code development controls need to be inserted into the Scheme. Accordingly, Scheme Amendment No. 9 proposes to strengthen the City's existing planning framework to facilitate high quality development outcomes within the transitional density areas relating to requiring minimum deep soil areas for single and grouped dwelling developments.

The loss of urban tree canopy on single and grouped dwelling developments is already occurring with approvals of 14-16 Webster St (R60 grouped dwellings) occurring without any existing trees retained, no planting of large trees as part of landscaping and only minimum landscaping requirements met. This was despite 35 objections to the development including concern for loss of urban tree canopy. The latest Development Application for grouped dwellings to attract objections based on loss of urban tree canopy is 9 dwellings proposed for 130 Waratah Avenue. Residents in Leon Rd Dalkeith (behind the development) have specifically complained about the potential loss of mature trees and lack of landscaping proposed to replace what will be lost.

Now that development is occurring under LPS3 various residents across Nedlands and Dalkeith are raising concerns about loss of urban tree canopy. Research suggests a 5 – 10-degree cooling effect in suburbs that have an existing, substantial urban tree canopy. Further to this a report completed by CSIRO for the DPLH in 2019 identified a 58% loss in tree canopy on developed lots in the City of Nedlands between 2009 and 2016. This is before the introduction of higher densities under LPS3.

<https://www.dplh.wa.gov.au/getmedia/8dc052b3-9153-4156-8f38-0c4b5a92e59b/PRJ-Statistical-Report-The-urban-forest-of-Perth-and-Peel-Feb2019>

This Scheme Amendment applies the same policy guidance for deep soil planting for single and grouped dwellings, as it does for apartments. This ensures consistency in approach across all development types.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Local Planning Scheme No. 3

Scheme Amendment No. 9

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

Amending the Scheme Text to insert new sub-clause (4) under clause 26 Modification of R-Codes:

4. In relation to land coded R40, R60, R80 or R160:

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200 - 500m ²		2 medium trees OR 1 medium tree and small trees to suit area		
>500m ²		1 medium tree and small trees to suit area OR 3 medium trees OR 1 large tree and small trees to suit area		
¹ Minimum requirement for trees includes retained or new trees. Refer Table 9 for tree sizes. ² Definition for Deep soil area is as per Residential Design Codes Volume 2				

Table 9 Tree sizes

Tree Size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided ¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m	6m	4.5m (DSA) + 1.5m (RSZ)	500L

¹Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA. Definition for Rootable soil zone is as per Residential Design Codes Volume 2

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 26 day of May 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 26 day of May 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.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

SCHEDULE OF SUBMISSIONS

Submissions Received	
Disclaimer: the following is a summary of submissions received. Submitter numbers do not relate to the date order in which submissions were received, nor do they relate to any hierarchy of importance. Where two submissions were received from the same address they were summarised separately.	
Submitter Number:	1
Submitter Name:	Christine Cucklow
Submitter Address:	39 Portland Street Nedlands WA 6009
Support/Object/Comment:	Support
Summary of Submission:	
a) Prefer more trees and large deep soil areas for all developments. b) Current removal of trees will affect amenity, heat issues, loss of bird life.	
Response to Submission	
a) Noted. b) Noted.	

Submitter Number:	2
Submitter Name:	Max Hipkins
Submitter Address:	36 Minora Road, Dalkeith
Support/Object/Comment:	Object
Summary of Submission:	
a) If the scheme was precinct based and site controls were prepared for the precinct despite the density this amendment would not be needed. b) Residential aged care development issues. c) Allowable density should be based on what is appropriate in the precinct. d) Landscaping is easier to provide in lower density but is more needed in higher density. e) It would be better to state that 20% landscaping to be provided of which half is deep soil for all densities.	
Response to Submission	
a) Site controls are based on the density assigned and are generally not blanket for all densities. The City is currently conducting built form modelling for site controls as a separate body of work. b) This scheme amendment does not apply to commercial developments such as the Residential Aged Care Development. c) This amendment does not seek to alter the density that has been set by LPS 3. d) Noted. e) Noted.	

Submitter Number:	3
Submitter Name:	Michael Cahill
Submitter Address:	65 Melvista Ave, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
a) Extend Table 8 to calculate total deep soil area for each proposed site area. b) Currently developers will be encouraged to provide small and medium trees instead of larger trees. c) Table 9 should be shown in meters squared not meters.	
Response to Submission	

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

- a) Noted, this is calculated through Table 8 of the amendment already.
- b) Noted, developers have multiple options similar to that of the Residential Codes Volume 2. Where they are providing smaller or medium trees more are generally required than that of a larger tree.
- c) The table is the same of that in the Residential Design Codes Volume 2.

Submitter Number:	4
Submitter Name:	Simon Edis
Submitter Address:	72 Kingsway, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
<p>a) All density codes across the City should be protected by the amendment.</p> <p>b) Deep soil areas which are less than 2 square meters in size should be considered as fragments and not counted.</p> <p>c) Deep soil areas which are overshadowed by more than 50% should only contribute 50% towards deep soil areas.</p> <p>d) The location of deep soil areas on the site should be taken into account.</p> <p>e) Root systems should be taken into account.</p> <p>f) Deep soil areas should have no built form directly above to allow for the tree to grow.</p> <p>g) Water conservation should be considered.</p> <p>h) Space occupied by stormwater management systems should not be counted towards the deep soil area.</p> <p>i) The deep soil area must be designed to allow deep soil infiltration of water to the superficial aquifer. Irrigation and stormwater infrastructure must be designed not to exceed the deep soil water infiltration capacity of the area, taking into account the soil, geology and hydrogeology in the vertical ground space below.</p> <p>j) Deep soil areas should be designed to be enjoyed as public open space, private open space, or otherwise used to enhance amenity and support environmental values.</p>	
Response to Submission	
<p>a) The City has chosen to only apply these provisions to the higher density codes as the lower codes have large setback and open space requirements within the residential design codes which allow for open areas already on the site.</p> <p>b) The amendment is based on the Residential Design Codes Volume 2 where a Deep Soil Area would have to meet the criteria of Table 9.</p> <p>c) The definition of deep soil area referred to in the amendment is from the Residential Design Codes Volume 2 and states that there must be no building structure or feature above and that the area is open to the sky.</p> <p>d) Noted this would be considered through the assessment but cannot be prescribed through the amendment as it is a case by case basis.</p> <p>e) Rootable soil zones are taken into account through Table 9 of the amendment and the Residential Design Codes Volume 2 definition.</p> <p>f) The definition of deep soil area referred to in the amendment is from the Residential Design Codes Volume 2 and states that there must be no building structure or feature above and that the area is open to the sky.</p> <p>g) Water conservation is not part of this amendment.</p> <p>h) Stormwater management systems would not count towards a deep soil area.</p> <p>i) Noted.</p>	

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

j) Noted.

Submitter Number:	5
Submitter Name:	Jen Edis
Submitter Address:	72 Kingsway, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	6
Submitter Name:	Jack Edis
Submitter Address:	72 Kingsway, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	7
Submitter Name:	Andrew Edis
Submitter Address:	72 Kingsway, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	8
Submitter Name:	Julian Goldsworthy
Submitter Address:	8 Archdeacon Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	9
Submitter Name:	Jane Elizabeth Storey
Submitter Address:	104 Thomas Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
b) No credible incentives for retaining mature vegetation.	

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

c) Loss of bird life.
Response to Submission
a) Same as submission 4. b) The retention of vegetation through the amendment is encouraged by requiring less deep soil area when retaining. c) The City hope that by encouraging deep soil areas for single and grouped dwellings that trees and bird life will be maintained.

Submitter Number:	10
Submitter Name:	Councillor Rebecca Coghlan
Submitter Address:	37 Bulimba Road
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	11
Submitter Name:	Graham Cucklow
Submitter Address:	39 Portland Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Object in the current form but would support is appropriate changes were made. b) Deep soil areas to be a minimum of 10%. c) Tree canopy currently has been reduced beyond requirements. d) Trees which are overshadowed should only have a portion count towards deep soil requirements. e) Developments should incorporate water conservation – e.g. rainwater used for deep soil areas. f) Tree canopy reduces local climate temperatures.	
Response to Submission	
a) Noted. b) This is in line with Table 8 it is only reduced where existing vegetation remains. c) Currently when developing single or grouped dwellings there are no retention requirements for trees within private property. At present there are only deep soil requirements for apartment designs which are captured by the Residential Design Codes Volume 2. d) Overshadowing of trees by developments would be hard to police as overshadowing is dependant on times of the year and day. e) Water Management and Conservation requirements are required for apartments through the Residential Design Codes Volume 2. f) Noted.	

Submitter Number:	12
Submitter Name:	Trina Mahon
Submitter Address:	17 Kingsway, Nedlands
Support/Object/Comment:	Comment

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

Summary of Submission:
a) Minimum landscaping requirement of 20% of the site of which at least half should be deep soil in all uses in all densities.
Response to Submission
a) The amendment percentages are in line with the current requirements for apartments stated in the Residential Design Codes Volume 2.

Submitter Number:	13
Submitter Name:	Katie Bourke
Submitter Address:	14 Loftus Street
Support/Object/Comment:	Object
Summary of Submission:	
	a) Deep soil areas should be designed to be used as private or public open space. b) Developments currently removing all vegetation on site. c) Root system must be taken into account. d) Many of these developments use non-native vegetation which often results in the tree dying.
Response to Submission	
	a) Noted. b) At present only apartment developments are mandated to have deep soil areas in line with the Residential Design Codes Volume 2. The City hopes that this amendment will discourage removal for grouped and single dwellings also. c) This will be taken into account as per the size requirements of the vegetation. d) The City currently does not mandate the species in which developers must use.

Submitter Number:	14
Submitter Name:	Kylie Passage
Submitter Address:	80 Doonan Road, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
	a) Same as submission 4. b) Tree canopies contribute to reduction in temperature, natural cooling and shading. c) There should be a financial penalty on developments that cause a loss of existing verge trees or damage root systems of neighbouring existing trees.
Response to Submission	
	a) Same as submission 4. b) Noted. c) The City has a strict application process on the removal of street trees if these trees are removed without the City's permission fines apply. Damaging neighbouring property such as trees is a civil dispute between neighbours.

Submitter Number:	15
Submitter Name:	Rebecca Faugno
Submitter Address:	74 Doonan Road, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

a) Same as submission 4.
Response to Submission
a) Same as submission 4.

Submitter Number:	16
Submitter Name:	Roger Smith
Submitter Address:	29 Webster Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) All development codes should require 20% landscaping and of that 10% deep soil planting.	
Response to Submission	
a) The amendment percentages are in line with the current requirements for apartments stated in the Residential Design Codes Volume 2.	

Submitter Number:	17
Submitter Name:	Emma Rose
Submitter Address:	21 Mountjoy road
Support/Object/Comment:	Support
Summary of Submission:	
a) Mature trees increase property prices, provide cooling effects and contribute to character.	
b) Many grouped dwellings have resulted in canopy loss.	
c) Should be for all density codes.	
d) Same as submission 4.	
Response to Submission	
a) Noted.	
b) The City agrees that grouped dwellings often result in tree loss and this is why the amendment has been put forward.	
c) Due to the large setbacks provided in the lower density codes of the City and the lack opportunity for densification of the land the City has chosen to just apply the provisions to the higher density codes.	
d) Same as submission 4.	

Submitter Number:	18
Submitter Name:	Cate Robins
Submitter Address:	10 Edward Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	19
Submitter Name:	Linley Kaye Macpherson-Smith
Submitter Address:	29 Webster Street, Nedlands

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

Support/Object/Comment:	Object
Summary of Submission:	
a) Submission based on Fast Food Scheme Amendment No. 4.	
Response to Submission	
a) Fast food outlets are not related to this amendment.	

Submitter Number:	20
Submitter Name:	Josh Robins
Submitter Address:	10 Edward Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	21
Submitter Name:	Sam Robins
Submitter Address:	10 Edward Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	22
Submitter Name:	Bronwyn Stuckey
Submitter Address:	26 Kingsway Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Objects to the minimalist approach of this amendment, needs more robust policies to protect mature vegetation.	
Response to Submission	
a) Noted.	

Submitter Number:	23
Submitter Name:	Kaye Macpherson-Smith
Submitter Address:	29 Webster Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) I request that Council ensures no less than 20% of a scheme amendment code is allocated to landscaping and of this at least 10% is allocated to deep soil planting.	
Response to Submission	
a) The amendment percentages are in line with the current requirements for apartments stated in the Residential Design Codes Volume 2. Open space requirements will also apply as per the Residential Design Codes.	

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

Submitter Number:	24
Submitter Name:	Tim Robins
Submitter Address:	10 Edward Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	25
Submitter Name:	Ashley McDonald
Submitter Address:	21 Mountjoy Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
a) Same as submission 17.	
Response to Submission	
a) Same as submission 17.	

Submitter Number:	26
Submitter Name:	Peter Robins
Submitter Address:	10 Edward Street, Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) Same as submission 4.	
Response to Submission	
a) Same as submission 4.	

Submitter Number:	27
Submitter Name:	Ted Graham
Submitter Address:	42 Marita Road, Nedlands
Support/Object/Comment:	Support
Summary of Submission:	
a) All codes should require these provisions.	
b) Deep soil areas that are less than 2m wide should not count towards the deep soil requirement.	
c) Spaces occupied by stormwater management should also not count towards the deep soil requirements.	
d) The deep soil area must be designed to allow deep soil infiltration of water to the superficial aquifer.	
Response to Submission	
a) The City has chosen to only apply these provisions to the higher density codes as the lower codes have large setback and open space requirements within the residential design codes which allow for open areas already on the site.	
b) The amendment is based on the Residential Design Codes Volume 2 where a Deep Soil Area would have to meet the criteria of Table 9.	

ATTACHMENT 2 – SCHEDULE OF SUBMISSIONS

- | |
|---|
| c) Stormwater management systems would not count towards a deep soil area.
d) Noted. |
|---|

Submitter Number:	28
Submitter Name:	Councillor Fergus Bennett
Submitter Address:	133 Broadway Nedlands
Support/Object/Comment:	Object
Summary of Submission:	
a) This amendment does not adequately protect Nedlands desirable urban forest. b) Should be across the whole City covering all densities. c) Focus should be on large trees as they provide benefit to the amenity, shade, privacy, and support bird life. d) Relocation of existing mature trees should be encouraged as opposed to new planting. e) Same as submission 9.	
Response to Submission	
a) Noted. b) The City has chosen to only apply these provisions to the higher density codes as the lower codes have large setback and open space requirements within the residential design codes which allow for open areas already on the site. c) Different tree sizes and species are desired for different reasons. d) Noted. e) Same as submission 9.	

Submitter Number:	29
Submitter Name:	Yamini Preetham
Submitter Address:	25 Leon Road, Dalkeith
Support/Object/Comment:	Support
Summary of Submission:	
a) I am generally in support of Scheme Amendment No.9 – Deep Soil Planting Requirements for Single and Grouped Dwellings as proposed, with the exception of the stipulation for “minimum requirements for trees in front setback area”. b) Tree suitability and its effect on visibility for the road may not be appropriate. c) Will the volume of planting proposed in the front setback prejudice additional deep soil plantings on side and rear setbacks, and throughout the site?	
Response to Submission	
a) Noted. b) All applications will be refereed to the City’s traffic engineer to make sure that visibility for vehicles is suitable. c) There are requirements for both behind the front setback and in front they will not prejudice each other.	

PD49.20	Local Planning Scheme 3 – Amendments to Local Planning Policy Short Term Accommodation – Final Adoption
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Committee	13 October 2020
Council	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	PD30.20 – OCM 23 June 2020
Attachments	1. Draft amended version - Short Term Accommodation LPP 2. Summary of Submissions
Confidential Attachments	1. Full Submissions

1.0 Executive Summary

The purpose of this report is for Council to consider submissions on the proposed amendments to the Short-Term Accommodation Local Planning Policy (the Policy). The recommended amendments are:

- Remove clause 4.6(a):

Applications for Serviced Apartments shall be subject to the siting and design requirements applicable to the site for Multiple Dwellings under the Residential Design Codes (excluding Plot Ratio requirements), and any relevant Precinct Policy, Local Planning Policy or Local development Plan applicable for the area;

- Insertion of Clause 4.6 (b):

Separate entrances shall be provided for permanent and temporary residents where Serviced Apartments and Multiple Dwellings are proposed within the same development;

- Insertion of Clause 4.6 (c):

Separation shall be provided between the Serviced Apartment and Multiple Dwelling uses, either by containing the uses on different floors or through spatial separation i.e. hallway and dividing doors between residential uses at the rear of the building and serviced apartments at the front of the building;

- Insertion of Clause 4.6 (d):

The rear interface of buildings shall not feature balconies or habitable room windows appurtenant to Serviced Apartments.

It is recommended that the proposed amendments to the Policy be adopted with modification. A copy of the draft Policy is included as Attachment 1.

The purpose of this policy is to provide development provisions to guide Short Term Accommodation developments within the City of Nedlands.

If Council chooses to adopt this Policy, it must be taken into consideration by the decision maker in determining a Development Application. The Policy recommended for adoption in this report will have effect once the notification of adoption is published in a local newspaper.

2.0 Recommendation to Committee

Council proceeds to adopt the amendments to the Short Term Accommodation - Local Planning Policy, with modifications as set out in Attachment 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(ii).

3.0 Background

At the Council Meeting 27 August 2019 Council resolved to prepare and advertise the Short Term Accommodation Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4.

The Policy was amended through Council's resolution at the Council Meeting, prior to being advertised, to:

- add an additional clause (k) in section 7.0 Management Plan 7.1 to provide details of waste disposal; and
- remove clauses 4.2(b) and 4.4(b) which required short term accommodation uses to be located within 250m of a high frequency bus stop or 800m of a high frequency train station or 400m from a hospital or university.

At the Council Meeting 26 November 2019 Council resolved to adopt the Policy post advertising. The Council's Resolution was as follows:

- adopts the Short-Term Accommodation Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4;
- approves a 6-month amnesty period from December 2019 until May 2020 (inclusive) for any retrospective change of use applications received for short-term accommodation uses as defined in the Short Term Accommodation Local Planning Policy where they will be charged the standard change of use fee rather than the retrospective (3 times) fee; and
- instructs the CEO when the State Government makes amendments to the deemed provisions, the CEO is to review and amend the relevant Local Planning Policy as required for presentation to Council for approval.

The Policy was first tested against a complex development application with the submission of a Mixed-Use development proposal at 135 Broadway Nedlands. This application was approved by the Metro West JDAP on the 3 April 2020. During the application consideration process, several key built form elements were identified that were not addressed by the Policy.

Amendments to the Policy to address the identified built form elements were presented to Council at the 23 June 2020 OCM. Council resolved as follows:

Council prepares, and advertises for a period of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Division 2, Clause 5(1) the amendments to the Local Planning Policy - Short Term Accommodation as included in Attachment 1 subject to clause 4.6(a) not being removed.

The Policy was advertised consistent with the June 2020 Council resolution, with clause 4.6(a) not being removed. The amended Policy is now presented to Council for final endorsement.

4.0 Detail

During the application process for the approved Mixed Use development at 135 Broadway Nedlands, the applicant provided the City with advice that highlighted legal weaknesses with Clause 4.6(a) of the Policy. Clause 4.6(a) requires Serviced Apartments to comply with built form standards for Multiple Dwellings. As a commercial land use, Serviced Apartments cannot be required to conform with Residential Design standards.

Despite this, Council resolved at the 23 June 2020 OCM that clause 4.6(a) remain in the Policy, and that it be advertised with only the additional changes relating to visual privacy and separation of uses. The Policy was advertised with clause 4.6(a) remaining.

5.0 Recommended Modifications to the Policy

As per Administration's previous report on this Policy, it is Administration's recommendation that clause 4.6(a) be removed from the Policy:

1. Removal of clause 4.6 (a):

The current requirement of clause 4.6(a) is that:

Applications for Serviced Apartments shall be subject to the siting and design requirements applicable to the site for Multiple Dwellings under the Residential Design Codes (excluding Plot Ratio requirements), and any relevant Precinct Policy, Local Planning Policy or Local development Plan applicable for the area;

Legal advice provided to the City outlines that clause 4.6 (a) of the Policy is not based on sound town planning principles, as it seeks to apply residential development standards to a different land use, which is non-residential, being in this scenario, Serviced Apartments. Little weight can therefore be applied to this requirement in a judicial setting, for instance if the application were to be presented to SAT because

the R Codes do not apply to non-residential land uses. It is therefore recommended that clause 4.6(a) be removed from the LPP.

6.0 Consultation

This policy was advertised for a period of 21 days from the 18 July to the 8 August 2020, in accordance with the City's Consultation Local Planning Policy and Schedule 2, Part 2, Clause 4 of the Regulations. A notice was published in the newspaper, and details were included on the City's Your Voice engagement portal and the City's social media accounts.

One (1) submission was received during the advertising period, being an objection. A summary of submissions is included as Attachment 2.

7.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

Administration recommends that the Council proceed with the Policy with modification, by removing clause 4.6(a).

8.0 Strategic Implications

How well does it fit with our strategic direction?

The Policy establishes built form and development requirements for various forms of Short-Term Accommodation within the City. The amendments to the Policy provide further guidance to applicants wishing to establish short term accommodation, in line with community feedback and legal advice. This will allow the City to guide applicants to design high quality developments that are in keeping with the City's strategic direction for key Mixed-Use areas.

Who benefits?

The community, Council and Administration will benefit from the additional guidance in the amended Policy that will inform improved built form outcomes and a stronger policy framework.

Does it involve a tolerable risk?

The proposed amendments to the Policy are considered to reduce the risk associated with proposed Short-Term Accommodation developments through the provision of a more robust and targeted planning framework.

Do we have the information we need?

Yes.

9.0 Budget/Financial Implications

Can we afford it?

The amendments to the Policy will have no impact upon the budget. The forecast cost associated with this proposal is for advertising costs only.

How does the option impact upon rates?

Nil.

10.0 Conclusion

The Short-Term Accommodation Local Planning Policy provides the City with an operative local planning framework to govern the operation of Short-Term Accommodation uses. The amendments proposed to the Policy will result in a more robust and targeted framework to control the built form outcomes of future Short-Term Accommodation proposals.

It is recommended that Council endorses Administration's recommendation as set out in the resolution.



LOCAL PLANNING POLICY – SHORT TERM ACCOMMODATION

1.0 PURPOSE

- 1.1 The purpose of this policy is to provide guidance and development provisions for operators seeking to establish short-term accommodation within the City of Nedlands.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to all short-term accommodation proposals captured by the following land use categories as defined in Local Planning Scheme No. 3, within all zones:
- Bed and breakfast;
 - Holiday house;
 - Holiday accommodation; and
 - Serviced apartments.
- 2.2 Where this Policy is inconsistent with a Local Development Plan or Local Planning Policy that applies to a specific site, area or R-Code, the provisions of that specific Local Development Plan or Local Planning Policy shall prevail.

3.0 OBJECTIVES

- 3.1 To ensure the location and scale of short-term accommodation uses are compatible with the surrounding area.
- 3.2 To maintain a high standard of amenity for the surrounding neighbourhood through required management controls.
- 3.3 To ensure properties used for a short-term accommodation uses do not have an undue impact on the residential amenity of the area by way of noise, traffic, or parking.
- 3.4 To establish a clear framework for the assessment and determination of applications for short-term accommodation.

4.0 POLICY MEASURES

Holiday House

- 4.1 Applications for Holiday House where a keeper resides on-site are generally supported in all zones where allowed under the scheme.
- 4.2 Applications for Holiday House, where a keeper does not reside on-site may be supported where:
- (a) The number of guests is limited to 6 persons; and
 - (b) Bookings must be for a minimum stay of 2 consecutive nights.

Notes: A Holiday house land use relates to short term accommodation within a single house. Where a variation is sought, Clause 11.1 of this policy applies.



Holiday Accommodation

- 4.3 Applications for Holiday Accommodation where a keeper resides on-site are generally supported in all zones where allowed under the scheme.
- 4.4 Applications for Holiday Accommodation, where a keeper does not reside on-site may be supported where:
- (a) The occupancy is limited to 6 persons or less; and
 - (b) Bookings must be for a minimum stay of 2 consecutive nights.

Notes: A Holiday Accommodation land use relates to short term accommodation within grouped or multiple dwellings.

Where a variation is sought, Clause 11.1 of this policy applies.

Bed and Breakfast Requirements

- 4.5 Management:
- (a) The keeper of the bed and breakfast accommodation must always reside at the premises while the Bed and Breakfast is in operation;
 - (b) Breakfast is required to be provided to guests;
 - (c) Breakfast (and other meals if provided) are provided to bed and breakfast guests only;
 - (d) Access to a separate bathroom must be provided for bed and breakfast guests; and
 - (e) Access to a dining area and laundry facilities should be provided for bed and breakfast guests.

Serviced Apartments

4.6 Design:

~~Applications for Serviced Apartments shall be subject to the siting and design requirements applicable to the site for Multiple Dwellings under the Residential Design Codes (excluding Plot Ratio requirements), and any relevant Precinct Policy, Local Planning Policy or Local development Plan applicable for the area; and~~

- (a) Applications for Serviced Apartments shall include within the entrance, foyer or lobby a reception desk which shall always be attended by staff when apartment check-ins and check-out can occur;
- (b) Separate entrances shall be provided for permanent and temporary residents where Serviced Apartments and Multiple Dwellings are proposed within the same development;
- (c) Separation shall be provided between the Serviced Apartment and Multiple Dwelling uses, either by containing the uses on different floors or through spatial separation i.e. hallway and dividing doors between residential uses at the rear of the building and serviced apartments at the front of the building;
- (d) The rear interface of buildings shall not feature balconies or habitable room windows appurtenant to Serviced Apartments.

Commented [FA1]: Propose to remove this requirement, original Clause 4.6(a) as per legal advice provided by the applicant during the 135 Broadway Nedlands application.

Commented [FA2]: No changes proposed to this Clause, but it becomes Clause 4.6(a).

Commented [FA3]: New Clauses (b) and (c) dealing with separation of serviced apartments and multiple dwellings where both uses are proposed within the same building.

Commented [FA4]: New Clause (d) dealing with rear interface issues, as these were a concern during the 135 Broadway Nedlands application.



4.7 Servicing Strategy:

- 4.7.1 In addition to the Management Plan in accordance with Clause 7.1, all applications for Serviced Apartments shall include a Servicing Strategy detailing the level of servicing containing, but not limited to the following:
- (a) Opening hours for guest check-ins and checkouts;
 - (b) Method of reservations/bookings;
 - (c) Means of attending to guest complaints;
 - (d) Cleaning and laundry services, where available;
 - (e) Company name and relevant experience of management/operator; and
 - (f) Management and accommodation of servicing vehicles within the context of the overall car parking for the development.

5.0 CAR PARKING

- 5.1 Car parking is to be in accordance with the requirements of the Parking Local Planning Policy.

6.0 SIGNAGE

- 6.1 Signage is limited to, 1 x Name Plates and wall signs and 1 x Portable sign (within property boundary) and is to be in accordance with the requirements of the Signs Local Planning Policy.

7.0 CONSULTATION

- 7.1 Consultation with affected landowners will be undertaken in accordance with the City's Consultation of Planning Proposals Local Planning Policy.
- 7.2 Applications where a short-term accommodation uses are listed as 'A' in the Zoning Table of the Scheme or where a variation is proposed to this Policy are to be advertised in accordance with the requirements of the Consultation of Planning Proposals Local Planning Policy.



8.0 MANAGEMENT PLAN

8.1 The Management Plan report is to include the following, **as a minimum**:

- (a) Establishing the maximum number of guests which will stay, in addition to (if applicable) those which reside at the property on a permanent basis.
- (b) Establishing a code of conduct detailing the expected behaviour and obligations of guests. The code of conduct shall be displayed in a prominent position within the premises.
- (c) Details of how complaints regarding anti-social behaviour, car parking and noise, amongst other matters, will be managed by the landowner(s).
- (d) The contact details of the landowner(s) if a neighbour wants to lodge a complaint.
- (e) Details regarding guest check-in and check-out procedures (i.e. days and times).
- (f) Details of how car parking for those staying at the property and (if applicable) those residing at the property on a permanent basis, will be managed by the landowner(s). The measures proposed are to ensure vehicles will always have easy access to on site car parking spaces.
- (g) Details of how the guests will be informed of the requirements for parking.
- (h) Details regarding how guests are expected to maintain the property.
- (i) Details whether pets and guests associated with those staying at the property will be permitted, and if so, how this will be managed.
- (j) Details of compliance with Strata By-laws (if applicable) in the form of a Statement of Compliance.
- (k) To provide details of waste disposal.

Notes: An example of a Management Plan is shown in Appendix 1.

9.0 BUSHFIRE MANAGEMENT

9.1 Where a property is within a designated Bushfire Prone Area, applications for Development approval will be required to comply with State Planning Policy (SPP 3.7) Planning in Bushfire Prone Areas, and any building requirements as required by the Building Code of Australia.

9.2 Short term accommodation is a vulnerable land use under SPP3.7 and may require a Bushfire Management Plan (BMP) submitted by a certified Level 2 or 3 Bushfire Management Consultant to the satisfaction of the City. Where a property is within a Bushfire Prone Area the application may require a referral to the Department of Fire and Emergency Services (DFES). The City will take into consideration comments from DFES in making their determination.

10.0 OTHER CONSIDERATIONS – HEALTH AND BUILDING APPROVAL

10.1 The applicant is advised to consult with the City's Building Services & Environmental Health Services to determine if a Building Permit, Food Business Registration or Aquatic facilities approval is required for a short-term accommodation use.



11.0 APPROVAL PERIOD

- 11.1 The City may grant temporary development approval for short-term accommodation uses for an initial 12-month period.
- 11.2 Following this initial 12-month period, a subsequent development approval will be required to be submitted for the renewal of the approval for the short-term accommodation which may then be on a permanent basis.
- 11.3 As part of considering a renewal, the City will give regard to any substantiated complaints against the operation of the short-term accommodation in accordance with the conditions of its development approval. Should a subsequent approval be granted, this may also be for a time limited period if the City is not satisfied that the use has not caused amenity impacts on neighbouring properties.

12.0 VARIATIONS TO POLICY

- 12.1 Where a variation to this policy is sought, consideration shall be given to objectives of the policy.

13.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 13.1 In addition to the general requirements for an application for development approval, the following are required:
- (a) Detailed management plan, as per clause 9.1.
- 13.2 In Strata Title situations the consent of the Strata Company is required in accordance with the provisions of the Strata Titles Act 1985 and associated By-Laws. The Strata Company are to complete and sign the landowner section of the City's Development Application Form prior to lodgement.

14.0 RELATED LEGISLATION

- 14.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 14.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
- Planning and Development (Local Planning Schemes) Regulations 2015
 - Local Planning Scheme No. 3
 - State Planning Policy 7.3 – Residential Design Codes
 - State Planning Policy 3.7 – Planning in Bushfire Prone Areas
 - Parking Local Planning Policy
 - Consultation of Planning Proposals Local Planning Policy
 - Signs Local Planning Policy

15.0 DEFINITIONS

15.1 For this policy the following definitions apply:

Definition	Meaning
Bed and breakfast	Means a dwelling - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and, (b) containing not more than 2 guest bedrooms.
Grouped dwelling	As per the R-Codes, being, a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise and includes a dwelling on a survey strata with common property.
Guest	Means a person who accommodates a short-term accommodation for a fee.
Keeper	Means a person who permanently resides on site and is responsible for its upkeep and management of the accommodation.
Holiday accommodation	Means 2 or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot.
Holiday house	Means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
Multiple dwelling	As per the R-codes, being, a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio of the dwelling is vertically above any part of the plot ratio area of any other but: <ul style="list-style-type: none"> • does not include a grouped dwelling; and • includes any dwellings above the ground floor in a mixed-use development.
Serviced Apartment	Means a group of units or apartments providing- (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreation facilities.
Single house	As per the R-Codes, being, a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.
Self-contained	Means accommodation having its own kitchen, bathroom and bedroom facilities.
Short term accommodation	Means temporary accommodation provided either continuously or from time to time with no guest/s accommodated for periods totalling more than 3 months in any 12-month period.
Strata Company	Means a body corporate constituted under section 32 of the Strata Titles Act 1985 whether for a strata scheme or a survey-strata scheme. Council of Owners means an elected representative council of a strata company constituted or deemed to have been constituted under the Strata Titles Act 1985.

Council Resolution Number	PD47.19
Adoption Date	OCM 26 November 2019
Date Reviewed/Modified	



Appendix 1 – Management Plan Template

Note: When developing a Management Plan, the headings below are to be followed as a minimum guide in terms of level of detail required by the City of Nedlands.

1.0 Introduction

Property address and overview of the short-term accommodation you wish to conduct at the property.

2.0 Check In

Check in time for guests.

3.0 Check out

Check out time for guests.

4.0 Complaints Management

How will you deal with complaints how do you wish for complaints to be received and whom to?

5.0 Use of Premises

How many people will the property be rented to at any given time and for how long?

6.0 On-Site Register

An onsite register should be provided for all residents to provide their full name, usual place of residence and check in and out dates.

7.0 Maintenance

Refers to both maintenance of the gardens and the buildings.

8.0 Guest Guide

Information to be provided in the Guest Guide e.g.:

- *Manager and contact details*
- *Code of Conduct*
- *Wi-Fi Device name and password*
- *Key lockbox code*
- *TV Information*
- *Air Conditioner operation*
- *Location of the first aid kit*
- *Extra towels and sheets*
- *Hot water systems operation*
- *Rubbish bin location*
- *Check in time*



- *Check out time*
- *Local restaurant and shopping*
- *Local parks and recreation services*
- *Important contact numbers*
- *Other major attractions*
- *Any other information required*

9.0 Managers Guide

A guide shall be prepared for the manager and kept in a folder by the manager, documenting tasks and processes for the following:

- *General hosting (Including liaisons with clients, providers and Local Government)*
- *Cleaning information between occupants*
- *Laundry requirements*
- *Garden preventative maintenance*
- *Building preventative maintenance*

10.0 Code of Conduct for Guests and Visitors

Provide information under all below headings to show how each of these requirements will be adequately managed.

10.1 General Principles

Short term Accommodation is a unique experience and the guiding principles of this Code of Conduct are as follows.

10.2 General Requirements

General Requirements Guests must adhere to.

10.3 Noise and Residential Amenity

Noise requirements for guests.

10.4 Visitors

Will visitors other than those who have booked be able to stay or visit the property?

10.5 Gathering or Functions

Are gatherings or functions allowed at the property?

10.6 Parking

How much parking is provided for guests?

10.7 Garbage and Recycling

How will rubbish and recycled goods be disposed of?



10.8 Security

What security measures will be at the property?

10.9 Smoking

Will smoking be tolerated at the property?

10.10 Pets

Will pets be allowed at the property?

10.11 Damages and Breakages

How will damages and breakages be dealt with at the property?

10.12 Compliance

How will breaches of this code of conduct be dealt with?

Submissions Received

Disclaimer: the following is a summary of submissions received.

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

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

Submitter Number:	1
Submitter Name:	Eng Lee
Submitter Address:	Nedlands address – no stated
Residence within City of Nedlands?	Yes
Support/Object/Comment:	Object

Summary of Submission:

I/We hereby strongly object to allowing Short Term Accommodation in Nedlands particularly in residential homes and areas zoned for residential purposes.

Response to Submission

This Policy does not seek to determine new requirements for where Short-Term Accommodation may be considered. This advertising process is consulting on proposed changes to the Short-Term Accommodation LPP, which included built form requirements for this type of use in Nedlands.

PD50.20	Local Planning Scheme 3 – Draft Local Planning Policy - Melvista East Transition Zone
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Committee Date	13 October 2020
Council Date	27 October 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	1. Draft LPP – Melvista East Transition Zone

1.0 Executive Summary

The purpose of this report is for Council to prepare (adopt for advertising) Local Planning Policy – Melvista East Transition Zone (the Policy).

This policy seeks to establish the local planning framework for the Melvista East Transition Zone (Melvista East). To do this the City of Nedlands (City) is required to establish what the future desired context and character is for this area and to provide design guidance and certainty for decision makers, the community, and developers in this area. It should be noted that Melvista East was subject to significant up-coding in density as a result of Local Planning Scheme No.3 being introduced.

The policy seeks to provide design guidance and built form requirements for development within Melvista East that align with the desired future character of the precinct. The built form guidelines aim to balance the preservation of valued character elements with the requirements of the existing local planning framework and associated zoning. The Policy will provide a planning instrument to facilitate best practice design in delivering housing diversity that is appropriate to the context of Melvista East.

This policy is being presented to Council for consent to advertise to the community in draft format. Further built form modelling is required to be undertaken to test the existing planning framework as well as test the draft policy provisions being presented. This will be undertaken prior to finalising the policy and will be brought back to Council with the associated testing and modelling in its final version for adoption. The built form modelling will provide the necessary information to ascertain the most effective built form controls for this area. However, Administration also wishes to seek feedback on this draft concept from Council and the City's residents which may involve several rounds of consultation.

2.0 Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4, Local Planning Policy – Melvista East Transition Zone.

3.0 Background

With the gazettal of the Scheme in April 2019, density code increases were implemented across sections of the City of Nedlands. The density increases are concentrated around the areas of the City now known as Precincts, being Town Centre, Stirling Highway East and West, Broadway, Hampden Road and Waratah Avenue.

The City's Local Planning Strategy identifies the areas directly adjacent to these Precincts as 'Transition Zones', and states their intention as:

"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."

Administration have identified several locations bordering the Precincts that have medium to high density coding that function as 'Transition Zones' for low density areas. A suite of Local Planning Policies is being prepared to provide guidance on the preferred built form for these 'Transition Zones'. These Local Planning Policies aim to ensure that the desired future character of these areas is identified and considered by future development.

Transition Zones Local Planning Policy Preparation Process

To understand the existing character of the area, Administration conducted built form character surveys in Melvista East and other 'Transition Zones'. City staff and volunteers from the Urban Planning and Architecture departments at Curtin University and the University of Western Australia undertook the survey. Each street within the various 'Transition Zones' was walked, with each dwelling photographed and its features documented.

The data from this survey was collated into spreadsheets, and now offers meaningful information regarding the existing built form and streetscape of the Melvista East. This data provides insight into the predominant aspects of the street and built form that contribute to its character. The Policy aims to place value on predominant built form and streetscape elements identified in the surveys. Examples of predominant features surveyed include significant front setbacks, mature vegetation, and generous landscaping. The Policy has been developed utilising the information produced from this data.

The preparation of the Policy and other 'Transition Zone' policies was discussed between Administration and the Department of Planning, Lands and Heritage (DPLH). The DPLH advised Administration that the proposed requirements of the 'Transition Zone' policies will need supported by rigorous built form modelling. Built form modelling will provide a sound strategic planning framework to support policy preparation and provide it with statutory weight, which is vital in the event that the policy is tested in a legislative environment such as the State Administrative Tribunal.

Further advice has been provided by the DPLH to the effect that built form controls, once developed, should be incorporated into Local Planning Scheme No.3. The appropriate time to undertake scheme amendments will be once built form modelling and consultation have been finalised. Once provisions via scheme amendment have then been adopted and gazetted, those provisions can be removed from the local planning policies.

Community Engagement

A key element in formulating the Policy will be feedback received from the Nedlands community. The initial step in the community engagement program for the Policy and other 'Transition Zone' policies has been the Transition Zones – Planning for the Future Your Voice page going live. This page includes a survey that community members can complete to share their thoughts on what they believe the valued elements of their local area are. This page also contains information on what 'Transition Zones' and Precincts are, statements about the character of the 'Transition Zones', and FAQ's in relation to the local and state planning framework.

The feedback collected from this community survey will be considered in conjunction with the feedback received during the proposed advertising period of the draft Policy.

Once built form modelling and peer reviews have been completed, a community engagement program will be prepared by Administration. This program will bring the communities feedback, along with the built form modelling results, together to be presented to Council and the community in an interactive format. The end result of the community engagement program will be that the Policy has been through several rounds of engagement with both the Council and the community, maximising the transparency of the process.

4.0 Detail

This policy applies to all residential developments within Melvista East, located within the Melvista Ward. Melvista East is located south of the Nedlands Town Centre Precinct and Stirling Highway East Precinct policy areas, and west of the Broadway Activity and Transition Area Precinct. Melvista East is bound by Bruce Street in the east, Edward Street in the south, Dalkeith Road to the west and by existing residential properties to the north (zoned R-AC1).

Melvista East comprises land zoned Residential R160 and R60. To the south of Melvista East, on the other side of Edward Street (outside the policy area) land is zoned a mix of R10, R12.5 and R20 with pockets of R60 'Local Centre'.

A map showing Melvista East in the context of the other Precincts and 'Transition Zones' is provided as Figure 1.

A map showing the zoning of Melvista East is provided as Figure 2.

Figure 1 – Precincts and Transition Zones Context Plan

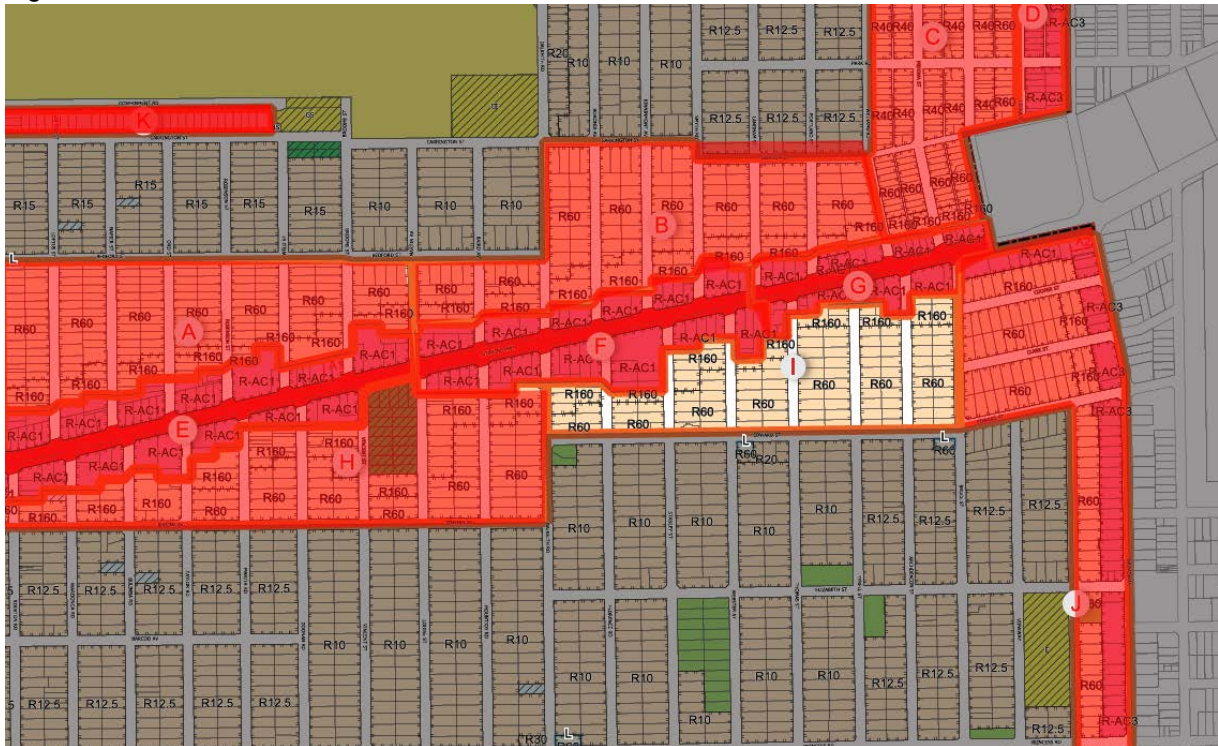
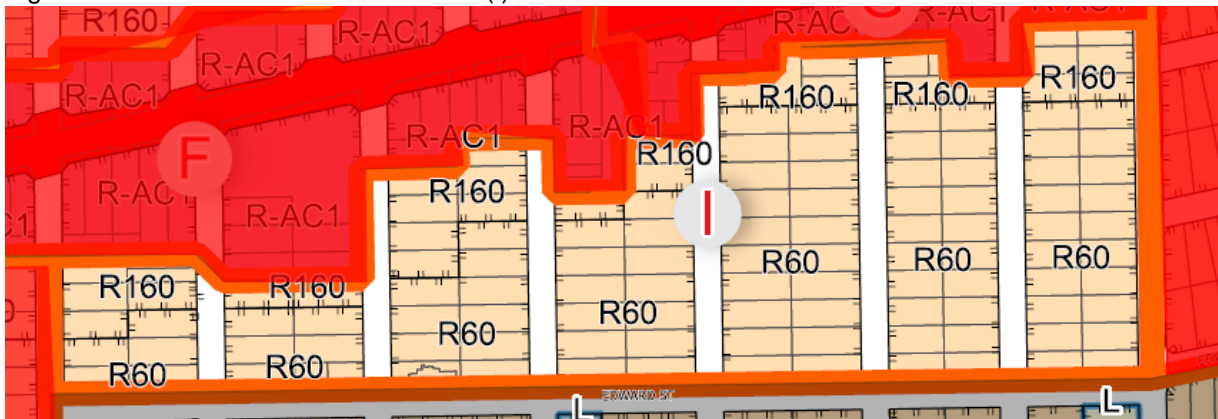


Figure 2 - Melvista East Transition Zone (I)



The Policy aims to provide design guidance and impose built form controls for development within Melvista East, aligned with the desired future character of the area. The design guidance and controls aim to balance the preservation of valued character elements in the Policy area with the requirements of the existing planning framework and associated zoning. Examples of proposed guidance in the Policy include controls and design principles relating to primary street, secondary street, and lot boundary setbacks; provision of landscaping and vegetation; building heights; vehicle access and façade design.

The Policy aims to provide a planning instrument which facilitates best practice design in delivering housing diversity that is appropriate to the context of Melvista East. The Policy will be supported by the built form modelling that test the proposed controls and ensure they function as intended.

The City has engaged consultant Hames Sharley to present the Policy in a professional typeset format, including mapping of the Policy area and illustrations. The mapping provides a visual and locational representation of the proposed planning controls. The illustrations demonstrate the expected pattern and form of development, in response to the proposed controls and design guidance. Presenting the Policy in this manner is intended to make it simpler for Council, community members and applicants to understand the desired outcomes of the Policy and how they translate into real world development outcomes.

5.0 Consultation

If Council resolves to prepare the draft Local Planning Policy - Melvista East Transition Zone, it will be advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Regulations, and the City's Local Planning Policy – Consultation of Planning Proposals. This will include a notice being published in the newspaper and details being included on the City's website (Your Voice engagement portal), a letter posted to all residents and property owners in the Policy area and a social media post.

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

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

6.0 Strategic Implications

How well does it fit with our strategic direction?

The City's Local Planning Strategy identifies urban growth areas and transition zones within the City, which have been reflected in rezoning and up-coding through the Scheme. This Policy provides design guidance for Melvista East and facilitates urban growth as identified in the Strategy. This Policy aims achieve urban growth in a manner that minimises undue impact on the existing streetscape and character of the Melvista East area.

Who benefits?

The City and its residents will benefit from this Policy. The Policy is intended to manage the impact of grouped and multiple dwellings developments on the existing streetscape and will establish the desired future character for the area. This Policy work is critical in balancing the transition from low density to medium/high density without undue impact on the existing character of Melvista East.

Does it involve a tolerable risk?

The Policy is proposed to mitigate the risks to the City and its residents associated with uncontrolled infill development.

Do we have the information we need?

Further information is required to ensure the policy provisions are sound. This can be achieved through built form modelling of the proposed Policy provisions.

7.0 Budget/Financial Implications

Can we afford it?

The costs associated with this Policy relate to advertising, community engagement and built form modelling, all of which are included in the current year budget.

How does the option impact upon rates?

Nil.

8.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

9.0 Conclusion

The draft Local Planning Policy – Melvista East Transition Zone proposes to implement design guidance and built form provisions that will establish the desired future character of the area in response to survey work undertaken by the City.

Local Planning Policy – Melvista East Transition Zone aims to accommodate the necessary dwelling diversity and urban growth identified in the Local Planning Strategy and Local Planning Scheme No.3 in a manner sympathetic to the existing built form character and streetscape of Melvista East.

In accordance with advice received from the DPLH, built form modelling is required to provide a sound strategic planning framework to support the policy and provide it with statutory weight, prior to final endorsement.

With the inclusion of thorough built form modelling and community consultation, the Policy will provide a robust strategic and statutory planning framework to guide development within Melvista East.

It is recommended that Council endorses Administration's recommendation to prepare (consent to advertise) the Local Planning Policy – Melvista East Transition Zone.



Draft Local Planning Policy – Melvista East Transition Zone

15 September 2020



Melvista East...

City of Nedlands

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1.0

Introduction

1.1 Introduction

1.1.1 PURPOSE

The purpose of this policy is to define a local planning framework that identifies the desired elements of local character for the Melvista East Transition Zone (Transition Zone). The policy is divided into two parts to provide built form guidance for single dwellings, grouped dwellings and multiple dwellings within this area, and promote the desired elements of local character. The first part augments the provisions of State Planning Policy 7.3 - Residential Design Codes – Volume 1, the second part augments State Planning Policy 7.3 - Residential Design Codes – Volume 2.

1.1.2 APPLICATION OF POLICY

1. This policy applies to all applications for residential developments within the Transition Zone. Transition zones are to function in accordance with the intent outlined in the City of Nedlands Local Planning Strategy, being:

“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.”

2. In accordance with Clause 7.3 of the R-Codes Volume 1, this Policy contains provisions that augment, replace and supplement the Deemed to Comply criteria set out in the R-Codes Volume 1. The Design Principles of the R-Codes Volume 1 remain and apply with some additional Design Guidance/Housing Objectives. If an element of the R-Codes Volume 1 is not included in this policy, it is not amended or replaced by this Policy and the Deemed to Comply provisions in the R-Codes Volume 1 remain and apply. Where single house and grouped dwelling developments are proposed all terms and definitions contained within Local Planning Scheme No. 3 and the R-Codes Volume 1 remain and apply.
3. In accordance with Clause 1.2 of the R-Codes Volume 2 this Policy contains provisions that augment, replace and supplement the Acceptable Outcomes set out in the R-Codes Volume 2. This Policy contains provisions that add to the Intent Statements, Design Guidance and Planning Guidance set out in the R-Codes Volume 2. The Element Objectives of the R-Codes Volume 2 remain and apply. If an element of the R-Codes Volume 2 is not included in this policy, it is not amended or replaced by this Policy and the Acceptable Outcomes in the R-Codes Volume 2 remain and apply. Where multiple dwelling developments are proposed all terms and definitions contained within Local Planning Scheme No. 3 and the R-Codes Volume 2 remain and apply.
4. Where this Policy is inconsistent with a Local Development Plan, Local Planning Policy or Precinct Plan that applies to a specific site, area, or element, the provisions of that specific Local Development Plan, Local Planning Policy or Precinct Plan shall prevail.

1.1.3 OBJECTIVES

1. To define the future character of the Transition Zone in context with the higher density codings and provide guidance for new development to include valued elements outlined in the Desired Character Statement.
2. To ensure new development is respectful of and contributes to the desired future character of the Transition Zone.
3. To ensure new development within the Transition Zone provides a gradual transition from the planned mixed-use, high-intensity, high-rise development abutting Stirling Highway, to the low-rise single residential housing to the south.
4. To facilitate high-quality residential development that has an appropriate interface to the street, which maximises residential amenity, maintains the landscape character of the area and minimises adverse impacts on the streetscape.
5. To ensure the design of new development considers and respects the identified heritage significance of the Transition Zone.



2.0

Part One

Implementation

DRAFT

2.1 Existing Character

2.1.1 LOCATION

The Melvista East area (first developed during the early 20th century) is predominated by large residential lots with a mix of original early to mid-1900s and modern residential development. The Transition Zone is located south of the Nedlands Town Centre and Stirling Highway East Precinct policy areas, and west of the Broadway Activity and Transition area. The Transition Zone is bound by Bruce Street in the east, Edward Street in the south, Dalkeith Road to the west and by existing residential properties to the north (zoned R-AC1). The Transition Zone comprises land zoned Residential R160 and R60. The topography of the Transition Zone gently slopes downwards towards the south-west from Stirling Highway to Edward Street. The topography also slopes downwards in a south-east direction before returning to a natural high point at the intersection of Edward Street and Bruce Street.

2.1.2 MELVISTA EAST TRANSITION ZONE MAP

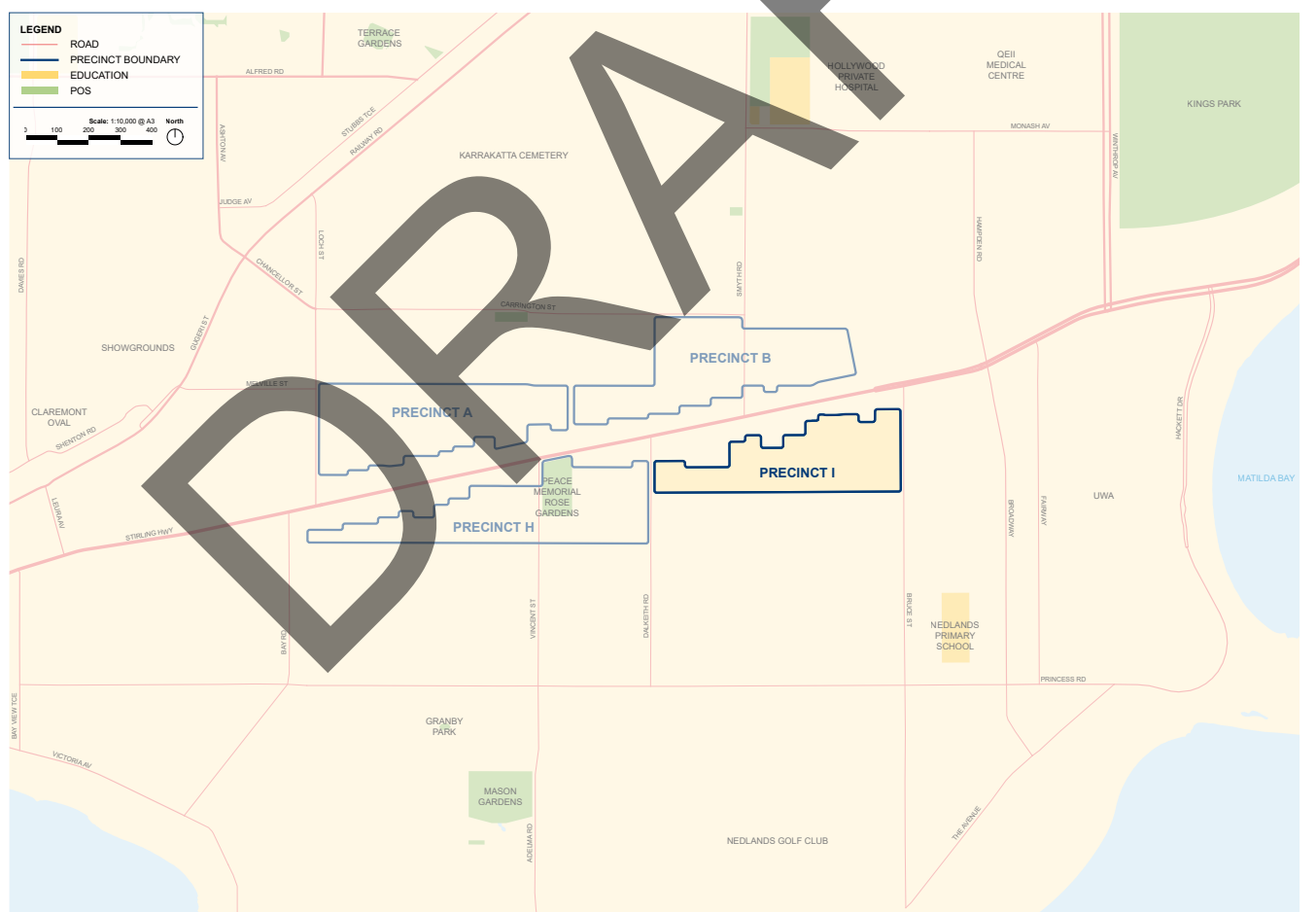


Figure 1. Melvista East TZ Individual Precinct Context Map

2.1.3 PREDOMINANT FEATURES

Due to the mixed nature of development in the area, only some built form characteristics are deemed predominant (apparent in approximately 60% of lots). These predominant characteristics are:

CURRENT LOT CHARACTERISTICS

- Regular, grid like pattern of subdivision.
- Relatively large parent lots, ranging between approximately 800m²-1000m².
- Lots orientated east-west.
- Street blocks running in a north-south direction.

CURRENT DWELLING TYPOLOGY

- Overwhelmingly detached single dwellings.
- Some examples of grouped dwelling arrangements.

CURRENT SETBACKS

- Primary street setbacks ranging between 3 to 9 metres.
- Side setbacks of approximately 0.5-2m, providing vegetated boundary interfaces.

CURRENT BUILDING HEIGHTS

- 1 - 2 storey(s)

CURRENT ARCHITECTURAL STYLE AND FORM

- A mix of traditional and modern building forms are observed, with no predominant housing style. Attributes related to the California Bungalow, a popular style of housing in the Inter-war years (1920-1945) are evident. The California bungalow is noted for its generous verandahs, open gardens, gabled roof and balanced composition.
- Rendered façade.
- Verandas.
- Tiled roofing.

CURRENT STREETSCAPE AND LANDSCAPE

- Street front vehicle access with driveways located to the side of the lot.
- A mix of enclosed garages, open carports, and hard-stand parking areas within primary street setback areas.
- Low-height front fencing.
- The verges are predominately lawn and are lined with a mix of endemic and exotic, mature canopy trees, generally spaced at 1-2 per property.
- Generous front gardens within the lot boundary that are heavily vegetated with a mix of mature canopy trees, shrubs and groundcovers.
- Footpaths on one side of the street.
- Generous rear yards with soft landscaping.

2.2 Desired Future Character Statement

The Transition Zone will provide for more diverse housing options for residents whilst maintaining the existing open, high amenity, attractive and leafy-green streetscapes. 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. Appropriate setbacks will support the retention and consolidation of vegetation. Careful consideration will be given to ensure retention of existing mature trees, particularly within the verge. Development will reference the traditional built form character of the area through the integration of design elements and a high-quality palette of materials and finishes.

The following are valued elements in the desired future character of Transition Zone:

1. Open, legible and attractive streetscapes;
2. Vegetated interface to the lot boundaries and primary street;
3. Mature trees within the verge; and
4. Aesthetic of the current architectural style and form being reinterpreted in a contemporary manner.

2.3 Augmented Provisions - Single Houses and Grouped Dwellings

Streetscape contexts and character	Medium Rise	Higher density urban residential
Site R-Coding	R60	R160
Minimum Primary Street setback	4m	4m
Minimum secondary street	1m	1m
Building height ¹	Wall height 8.5m (Overall height 10m)	Wall height 8.5m (Overall height 10m)
Boundary wall height	4m	4m
Side setbacks	Table 2a and 2b of R-Codes Volume 1	Table 2a and 2b of R-Codes Volume 1
Average Rear Setback	3m	3m

¹ Indicatively two storeys

Note: All other provisions applied in Tables 1, 2a and 2b of the Residential Design Codes Volume 1 apply.

Table 1. Augmented site requirements for single houses and grouped dwellings

2.3.1 STREET SETBACK

The following provisions relate to Element 5.1.2 - Street Setback of the Residential Design Codes Vol. 1

INTENT

To ensure that street setbacks allow for the retention of significant vegetation on-site and deep soil area to establish mature trees.

To ensure that the street setback of new development does not unreasonably impact the streetscape.

To encourage contemporary designs that respond to, and interpret, the articulation and detail of the existing dwellings of the area and avoid 'faux' or 'mock' heritage style design or bulky / boxy designs that are unsympathetic to the area.

OBJECTIVE

The objectives in clause 5.1 - Context of the Residential Design Codes Vol. 1 apply

DESIGN PRINCIPLES

Design Principles P2.1 and P2.2 of the Residential Design Codes - Volume 1 apply.

DEEMED-TO-COMPLY

Deemed-comply-criteria C2.2, C2.3 and C2.4 of Residential Design Codes Volume 1 apply.

Clause C2.1 of the Residential Design Codes – Volume 1 is augmented in the following way:

- Buildings are to be set back from the primary street boundary -
 - i. in accordance with Table 1 of this policy or at a minimum of 3m where an average street setback of 5m is provided; or
 - ii. the street setback may be reduced to 2m, or 1.5m to a porch, verandah, balcony or the equivalent where single houses or grouped dwellings result from the subdivision of an original corner lot, have their main frontage to the original secondary street and make provision for a right-of-way; or
 - iii. the street setback may be reduced to 1m for single houses or grouped dwellings that have their main frontage to a communal street, laneway, or right-of-way, subject to the requirements of any other element of the R-Codes or Building Code of Australia.

In addition to augmented C2.1 of this policy, and C2.2-C2.4 of the Residential Design Codes – Volume 1, the following supplementary deemed to comply criterion applies:

- With respect to grouped dwellings, buildings mass and form to achieve the following:
 - i. development is to incorporate a palette of materials, consistent with the valued elements of this policy; and
 - ii. facade articulation.

ADDITIONAL DESIGN GUIDANCE/HOUSING OBJECTIVES

- In addition to P2.1 and P2.2 the following supplementary Design Guidance is provided:
 - Roof form design shall respond to the existing streetscape character.
 - Street setbacks of buildings to be sympathetic of the desired future character of the Transition Zone, consistent with the density code and the objectives of this policy.
 - To ensure that street setbacks allow for the retention of significant vegetation on site and provide deep soil areas to establish medium and large trees with canopies.
 - Examples of façade articulation include the use of verandahs, variation in materials and finishes, feature walls and staggered setbacks. Façade articulation should be focused towards the primary street to avoid the dominance of blank walls on the streetscape.

ILLUSTRATION/IMAGE



Figure 2. Single House and Grouped Dwellings - Setback Map

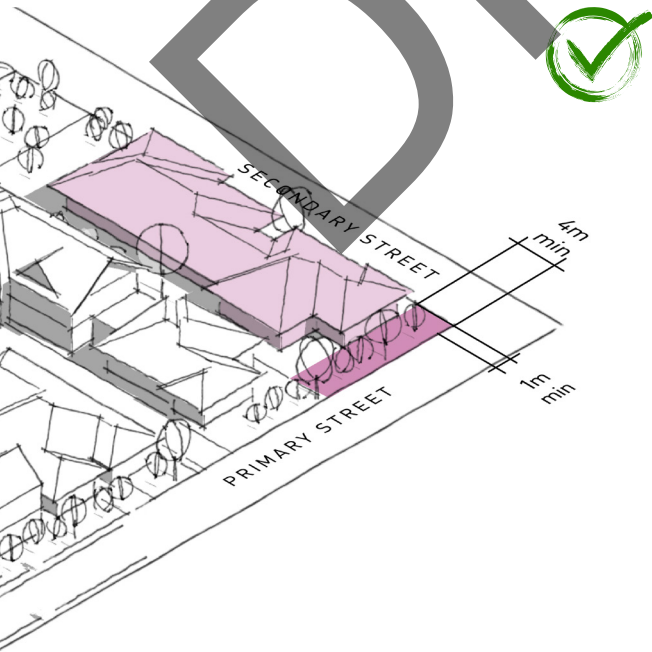


Figure 3. Single House and Grouped Dwellings - Street Setback Example Diagram

2.3.2 LOT BOUNDARY SETBACK

The following provisions relate to Element 5.1.3 - Lot Boundary Setback of the Residential Design Codes Vol. 1

INTENT

The side and rear setbacks are important in maintaining the leafy-green aspect of the existing streetscape and responding to the desired future character. These setbacks allow for vegetated buffers to be retained and for new vegetation to be provided. The provision of vegetation has a lasting effect in softening the perceived or real impact of new built form on streetscape amenity and privacy.

OBJECTIVE

The objectives in clause 5.1 - Context of the Residential Design Codes Vol. 1 apply

DESIGN PRINCIPLES

Design Principles P3.1 and P3.2 of Residential Design Codes - Volume 1 apply.

DEEMED-TO-COMPLY

C3.1(ii-iv), C3.2 and C3.3 of the Residential Design Codes – Volume 1 apply.

Clause C3.1(i) of the Residential Design Codes – Volume 1 is augmented in the following way:

- Buildings that are setback from lot boundaries in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes Volume 1:
 - Buildings set back from lot boundaries in accordance with Table 1 of this policy; and
 - Buildings set back from lot boundaries in accordance with Table 2a and 2b of the Residential Design Codes Volume 1.

ADDITIONAL DESIGN GUIDANCE/HOUSING OBJECTIVES

In addition to P3.1 and P3.2, the following supplementary Design Guidance is provided:

- Lot boundary setbacks are to respect the desired future character of the Transition Zone.
- Lot boundary setbacks are to maximise the retention of existing healthy trees, where appropriate

ILLUSTRATION/IMAGE



Figure 4. Single House and Grouped Dwellings - Setback Map

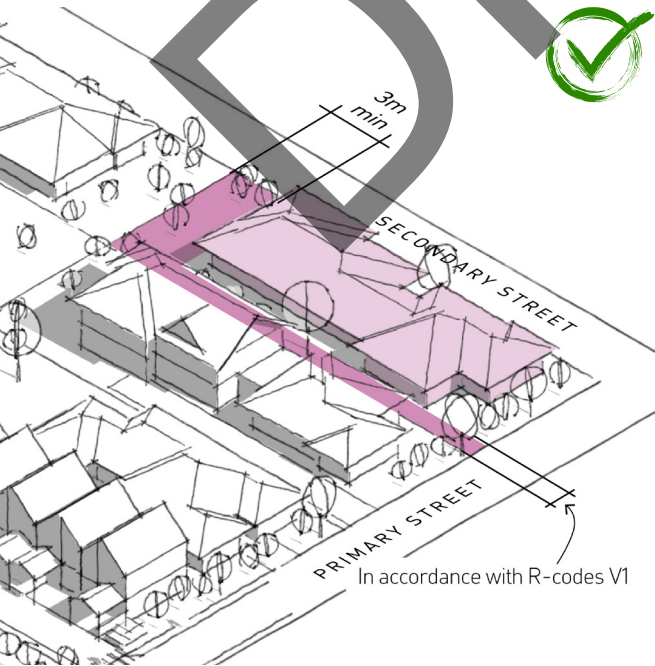


Figure 5. Single House and Grouped Dwellings - Lot Boundary Setback Example Diagram

2.3.3 BUILDING HEIGHT

The following provisions relate to Element 5.1.6 - Building Height of the Residential Design Codes Vol.

INTENT

Maintaining an appropriate scale of development is a key factor in achieving the desired future character for the Transition Zone. Therefore, building height should be sympathetic to the desired future character, with a particular focus on how it impacts neighboring properties and the established streetscape.

OBJECTIVE

The objectives in clause 5.1 - Context of the Residential Design Codes Vol. 1 apply

DESIGN PRINCIPLES

Design Principle P6 of Residential Design Codes - Volume 1 applies.

DEEMED-TO-COMPLY

Clause C6 of the Residential Design Codes – Volume 1 is augmented in the following way:

Building height of development to be in accordance with Table 1 of this policy, except where varied below:

- i. Buildings with a maximum wall height up to 10.5m (indicatively 3 storeys) and an overall height of up to 12m are permitted where they adjoin an existing three storey or higher building and/or a higher density code and where any of the following are demonstrated:
 - high-quality design as determined by a Design Review Panel; or
 - basement parking; or
 - the top floor of the front dwelling is recessed 3m from the street interface; or
 - a healthy medium to large tree is retained and supported by an arborist report, or a medium to large tree is proposed on the relevant lot; or
 - where Deep Soil Area exceeds 12% of the site area.
- ii. Where provision 5.1.6 (i) above applies to R160 coded lots, the prerequisite to adjoin an existing three storey or higher building and/or higher density code does not apply. The development must still achieve one of the additional design requirements listed under 5.1.6 (i).

ADDITIONAL DESIGN GUIDANCE/HOUSING OBJECTIVES

In addition to P6 the following supplementary Design Guidance is provided:

- Building height is respectful of the desired future character of the Transition Zone, consistent with the applicable density code.
- The building height of development should avoid bulky or 'box-like' built forms that dominate the streetscape.
- The building height of development is encouraged to be consistent with the relevant density code and provide a gradual transition in the built form.

ILLUSTRATION/IMAGE

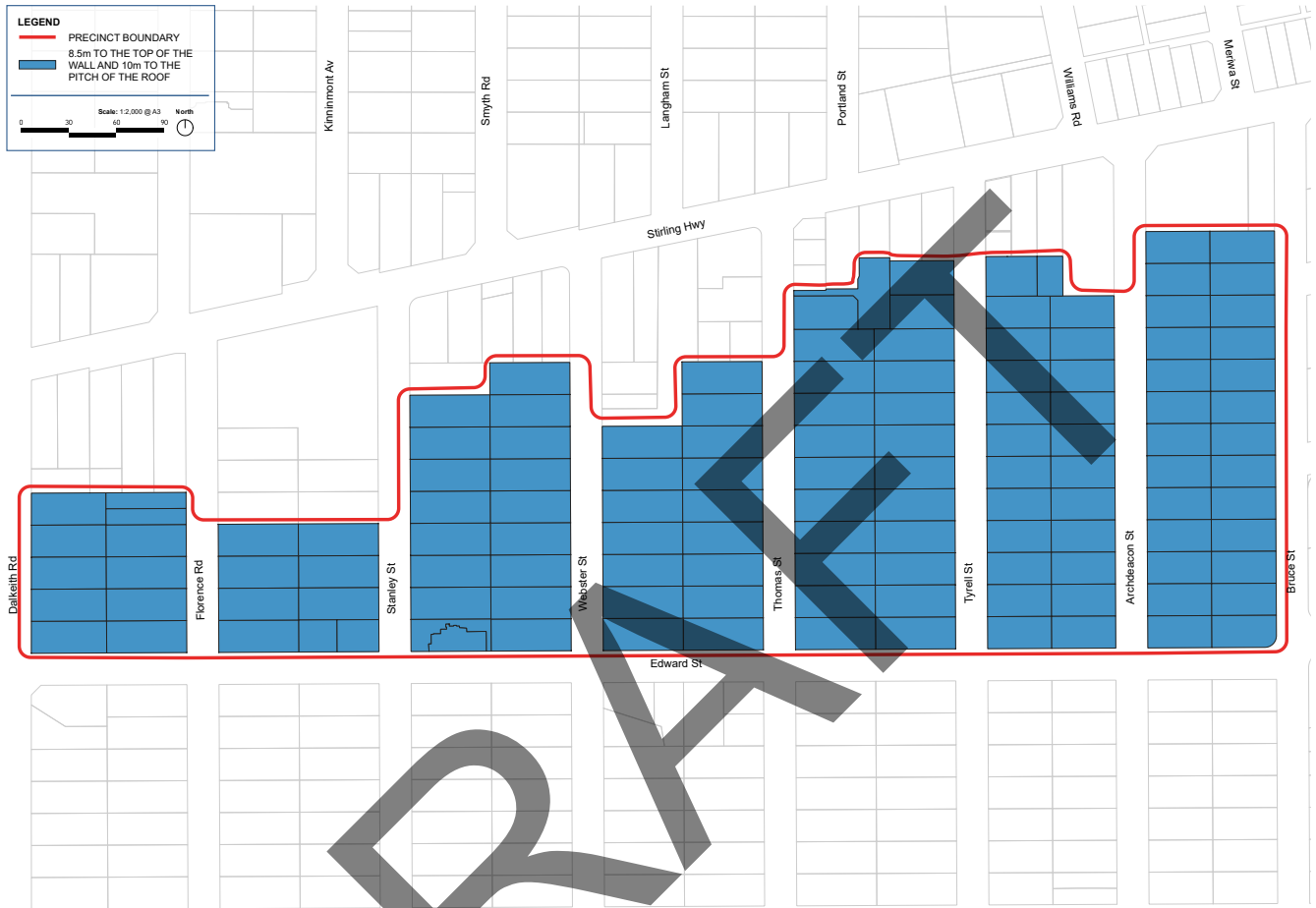


Figure 6. Single House and Grouped Dwellings - Building Height Map

Maximum wall height of 10.5m and overall height of 12m may be permitted under certain circumstances.

10m max

8.5m max

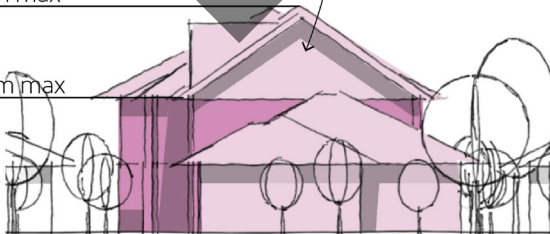


Figure 7. Single House and Grouped Dwellings - Building Height Example Diagram

2.3.4 SETBACK OF GARAGES AND CARPORTS

The following provisions relate to Element 5.2.1 - Setback of Garages and Carports of the Residential Design Codes Vol. 1

INTENT

Consideration of the broader streetscape context when designing and locating car parking spaces can minimize negative visual impacts on amenity and the streetscape. Moreover, the location of garages and carports is often critical in the retention and provision of mature vegetation.

OBJECTIVE

The objectives in clause 5.2 - Streetscape of the Residential Design Codes Vol. 1 apply

DESIGN PRINCIPLES

Design Principle P1 of Residential Design Codes - Volume 1 applies.

DEEMED-TO-COMPLY

Clause C2.1 of the Residential Design Codes – Volume 1 is augmented in the following way:

- Carports to single houses set back from the primary street in accordance with clause 5.1.2 C2.1(i) of this policy and C2.1(ii-iv) of the Residential Design Codes Volume 1.

ADDITIONAL DESIGN GUIDANCE/HOUSING OBJECTIVES

In addition to P1 the following supplementary Design Guidance is provided:

- That the location of car parking is consistent with the desired future character of the Transition Zone, consistent with the applicable density code.
- That car parking structures, and associated driveways do not dominate the streetscape.

ILLUSTRATION/IMAGE

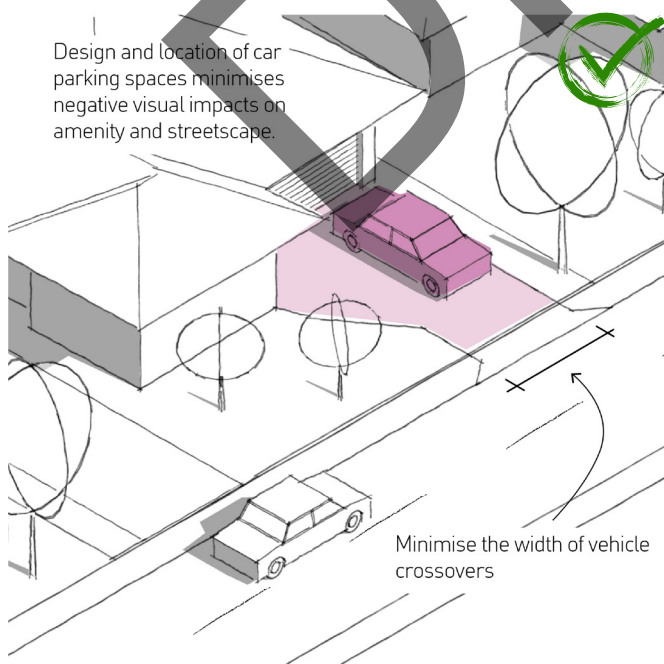


Figure 8. Single House and Grouped Dwellings - Setback of Garages and Carports Example Diagram

2.3.5 LANDSCAPING

The following provisions relate to Element 5.3.2 - Landscaping of the Residential Design Codes Vol. 1

INTENT

Pursuant to SPP7.0 – Design of the Built Environment, development is to incorporate landscaping to reinforce the existing leafy-green character of the transition zone.

A valued element of the Transition Zone is the extent of vegetation within both private and public land. As such, the provision of soft landscaping with tree planting is encouraged, whilst limiting unnecessary hard-stand spaces where possible.

OBJECTIVE

The objectives in clause 5.3 - Site Planning and Design of the Residential Design Codes Vol. 1 apply

DESIGN PRINCIPLES

Design Principle P2 of Residential Design Codes - Volume 1 applies.

DEEMED-TO-COMPLY

In addition to C2 of the Residential Design Codes – Volume 1 the following additional deemed to comply criteria apply:

- A landscaping plan completed by a qualified, practicing landscape architect or landscape designer is to be submitted with each grouped dwelling application. This plan is to include or demonstrate the following:
 - a planting schedule that is consistent with the City's preferred species list, that details the common and botanical species names, exotic/native classification, the height and width at maturity, number of plants proposed and pot sizes (where relevant).
 - a minimum of 40% of the front and rear setback area shall be provided as soft landscaping.
 - Deep soil area (DSA) and tree canopy to achieve the tables below:

Minimum deep soil area and tree provision requirements for single and grouped dwellings in R60 and R160 transitional density areas

Proposed Site Area	Minimum deep soil area ²	Minimum requirements for trees ¹ behind front setback area	Minimum requirements for trees ¹ in front setback area	Retention of existing on-site trees criteria as part of the deep soil area.
Less than 200m ²		1 medium tree OR small trees to suit area		<ul style="list-style-type: none"> • healthy specimens with ongoing viability AND • species is not included on a State or local area weed register AND • height of at least 4m AND/OR • trunk diameter of at least 160mm, measured 1m from the ground AND/OR • average canopy diameter of at least 4m.
200 - 500m ²	10% OR 7% if existing tree(s) retained on site	2 medium trees OR 1 medium tree and small trees to suit area	A minimum of 2 small trees or 1 medium tree located within the front setback area, co-located where possible with existing trees on site or adjoining properties trees.	
>500m ²	(% of site area)	1 medium tree and small trees to suit area OR 3 medium trees OR 1 large tree and small trees to suit area		

^{1.} Minimum requirement for trees includes retained or new trees. Refer "Table 3. Tree Sizes" below.

^{2.} Definition for Deep soil area is as per Residential Design Codes Volume 2

Table 2. Deep Soil Area

Tree sizes						
Tree Size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided ¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m	6m	4.5m (DSA) + 1.5m (RSZ)	500L

^{1.} Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA. Definition for Rootable soil zone is as per Residential Design Codes Volume 2

Table 3. Tree Sizes

ADDITIONAL DESIGN GUIDANCE/HOUSING OBJECTIVES

In addition to P2 the following supplementary Design Guidance is provided:

- Development is to prioritise the retention of existing significant trees and maintain the urban canopy.
- Landscaping is to be designed to minimise the impact of development on adjoining residential land and streetscape.
- Ensure that primary street setback areas contain healthy and appropriate trees that contribute to the desired future character of the Transition Zone.
- Landscape design for common property, communal open space and private property is to contribute to the desired future character of the Transition Zone.
- Development is to minimise impermeable and hardstand areas within front and rear setbacks.
- Deep soil areas identified in the landscaping plan are to be appropriately located and dimensioned to support optimal growing conditions for the selected tree species.
- Site planning is to consider existing significant tree canopy and utilise preferred plant species, that are 'waterwise' or otherwise appropriate to the Western Australian climatic conditions.

ILLUSTRATION/IMAGE

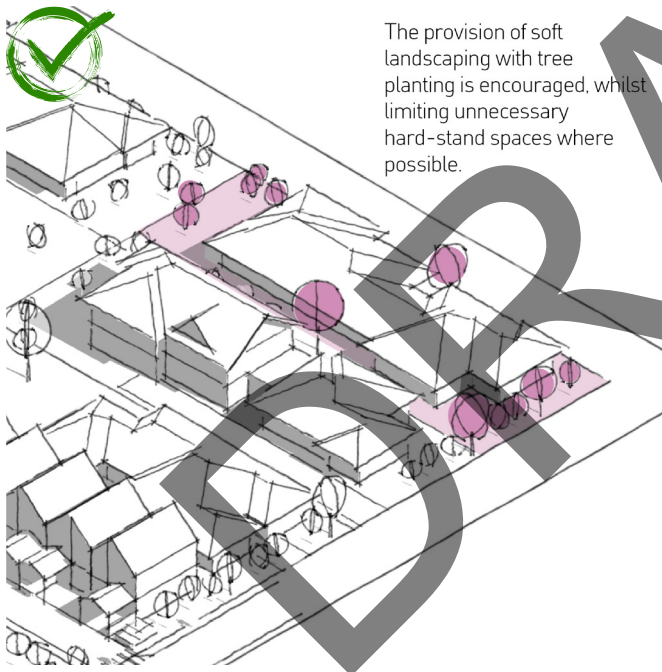


Figure 9. Single House and Grouped Dwellings - Landscaping Example Diagram

2.3.6 DESIGN OF CAR PARKING SPACES

The following provisions relate to Element 5.3.4 - Design of Car Parking Spaces of the Residential Design Codes Vol. 1

INTENT

Consideration of the broader streetscape context when designing and locating car parking spaces can minimize negative visual impacts on amenity and the streetscape. Moreover, the location of garages and carports is often critical in the retention and provision of mature vegetation.

OBJECTIVE

The objectives in clause 5.3 - Site Planning and Design of the Residential Design Codes Vol. 1 apply

DESIGN PRINCIPLES

Design Principle P4 of Residential Design Codes - Volume 1 applies.

DEEMED-TO-COMPLY

In addition to C4.1-C4.3 the following deemed-to-comply criteria apply:

- Car parking areas are to be integrated into the building design and screened from view from the street and adjoining properties.
- Where parking spaces are located forward of the dwelling(s), permeable paving treatments and soft landscape screening to be provided.

ADDITIONAL DESIGN GUIDANCE/HOUSING OBJECTIVES

In addition to P4 the following supplementary Design Guidance is provided:

- To ensure that the design and location of car parking spaces is consistent with the desired future character of the Transition Zone.
- Design should seek to ameliorate the impact of car parking spaces on the streetscape.

ILLUSTRATION/IMAGE

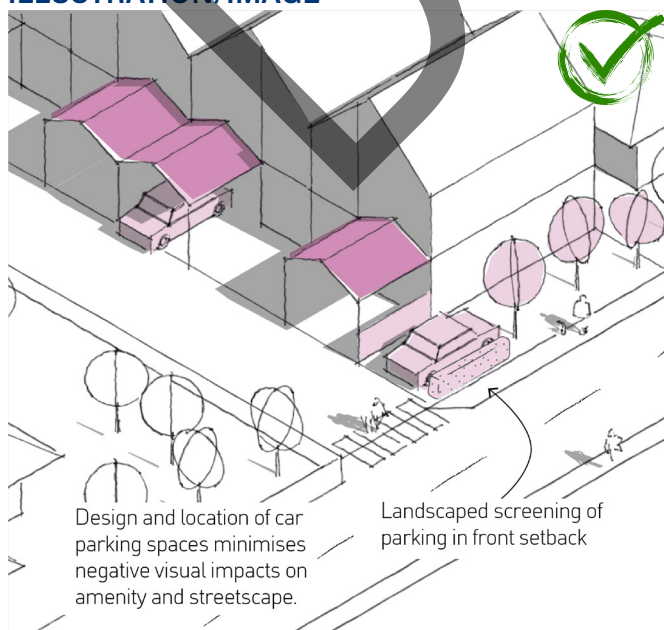


Figure 10. Single House and Grouped Dwellings - Building Height Example Diagram

2.3.7 VEHICULAR ACCESS

The following provisions relate to Element 5.3.5 - Vehicular Access of the Residential Design Codes Vol. 1

INTENT

The location and design of vehicular access points is important in minimising the loss of street trees and maximising appropriate space for new vegetation to be provided. Consolidated vehicular access also creates a safer and more visually appealing streetscape.

OBJECTIVE

The objectives in clause 5.3 - Site Planning and Design of the Residential Design Codes Vol. 1 apply

DESIGN PRINCIPLES

Design Principle P5.1 and P5.2 of Residential Design Codes - Volume 1 applies.

DEEMED-TO-COMPLY

C5.2 – C5.7 of the Residential Design Codes - Volume 1 apply.

C5.1 of the Residential Design Codes - Volume 1 is augmented in the following way:

- Access to on-site car parking spaces to be provided:
 - Where available, from a laneway/ right-of-way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;
 - From a secondary street where no right-of-way exists;
 - From a primary street frontage where no secondary street, communal street or right-of-way exists; or
 - Where a laneway (secondary street) is identified in accordance with Clause 32.3 (1) of the Scheme, access to on site car parking spaces is to be provided from the ceded and constructed section of the laneway.

In addition to augmented C5.1 of this policy and C5.2 – C5.7 of the Residential Design Codes – Volume 1, the additional deemed-to-comply criteria apply:

- Car parking for grouped dwellings is to be accessed via a consolidated access point.
- Low voltage bollard lighting or similar, and wayfinding signage is to be provided to communal driveway access and rights of way to provide additional safety.

ADDITIONAL DESIGN GUIDANCE/HOUSING OBJECTIVES

In addition to P5.1 and P5.2 the following supplementary Design Guidance is provided:

- To ensure that vehicle access is consistent with the desired future character of the Transition Zone.
- Existing crossover locations should be used to minimize any undue impact on the streetscape, particularly to ensure the retention of mature trees.

ILLUSTRATION/IMAGE

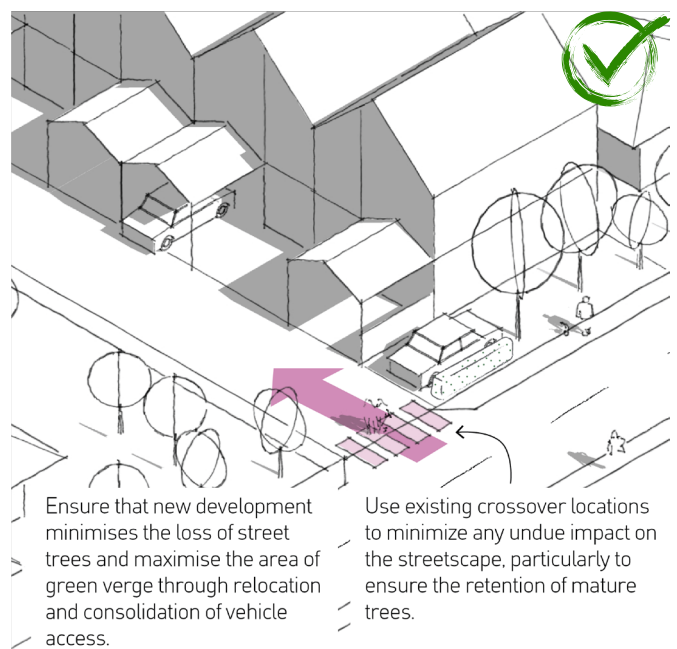


Figure 11. Single House and Grouped Dwellings - Vehicular Access Example Diagram



2.4 Augmented Provisions - Multiple Dwellings

Streetscape contexts and character	Medium Rise	Higher density urban residential
Site R-Coding	R60	R160
Maximum Building height (storeys) ¹	3 (indicatively 12m)	5 (indicatively 18m)
Maximum height of street wall/podium (storeys) ²	2	3
Boundary wall height ^{3,4}	1 storey (up to a maximum height of 4m)	1 storey (up to a maximum height of 4m)
Minimum primary street setbacks	4m	4m
Minimum secondary street setbacks	1.5m	1.5m
Average street setbacks where building width exceeds 16m	6m	6m
Minimum side setbacks ^{3,4,5}	3m	3m
Average side setback where building length exceeds 16m	3.5m	4m
Minimum rear setbacks ⁵	6m	6m
Plot ratio ⁶	0.8	2.0

Notes:

- ^{1.} Indicatively the height per storey is 3m, with 2m provided for roof articulation. Rooftop habitable rooms (communal dining, gyms etc.) constitute a storey.
- ^{2.} Development above the street wall/podium is to be set back a minimum of 3m from the street wall/podium.
- ^{3.} Boundary walls are only permitted on one boundary and shall not exceed 2/3 length.
- ^{4.} Walls may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions
- ^{5.} Boundary setbacks will also be determined by provisions for visual privacy and building separation provisions within the Residential Design Codes Vol. 2.
- ^{6.} Refer to definitions for calculation of plot ratio in the Residential Design Codes Vol. 2.

Table 4. Augmented Primary Control Table - Multiple Dwellings

2.4.1 BUILDING HEIGHT

The following provisions relate to Element 2.2 - Building Height of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Building height applies, with the following additional consideration provided:

- Building height is to achieve a gradual built form transition, sympathetic to the streetscape and adjoining properties and consistent with the desired future character of the transition zone.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O 2.2.1, O2.2.2, O2.2.3 and O2.2.4 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A2.2.1 is augmented in the following way:

A2.2.1 – Development complies with the building height provisions set out in Table 2 of this policy, except where modified by the supplementary Acceptable Outcomes below.

Supplementary Acceptable Outcomes:

A 2.2.2 - Development design to include street walls or podiums consistent with Table 2 of this policy.

A 2.2.3 - Development up to one (1) additional storey above the maximum building height provided for in Table 2 of this policy may be supported where the development site directly abuts land with a higher residential density code. The additional storey is to be:

- set back a further 3m than the primary and secondary street, side and rear setbacks set out in Table 2 of this policy; and
- The additional storey achieves the objectives of Element 3.2 – Orientation, Element 3.5 – Visual Privacy, Element 4.1 – Solar and daylight access.

DESIGN GUIDANCE

The following Design Guidance is provided in relation to Building height:

- Lightly framed, unenclosed balconies that do not contribute to bulk may extend forward of the required setback in A2.2.2 and A2.2.3.
- The indicative building height noted in Table 2 of this policy allows for 2m of roof articulation. This height is not to be used for the purpose of creating an additional storey (habitable dwellings).
- Building height is to be respectful of the desired future character of the transition zone, consistent with the applicable density code to achieve a gradual built form transition.
- Where a street wall or podium is not provided, development design is to be of pedestrian scale.
- Roof top communal open space is encouraged where it is sensitively located, away from adjoining properties and oriented towards the street.
- Contemporary roof forms that reference or reinterpret existing character elements and integrate with the streetscape are encouraged.
- Unarticulated, imposing or 'boxy' buildings are not consistent with the desired future character of the transition zone.

ILLUSTRATION/IMAGE



Figure 12. Multiple Dwellings - Building Height Map

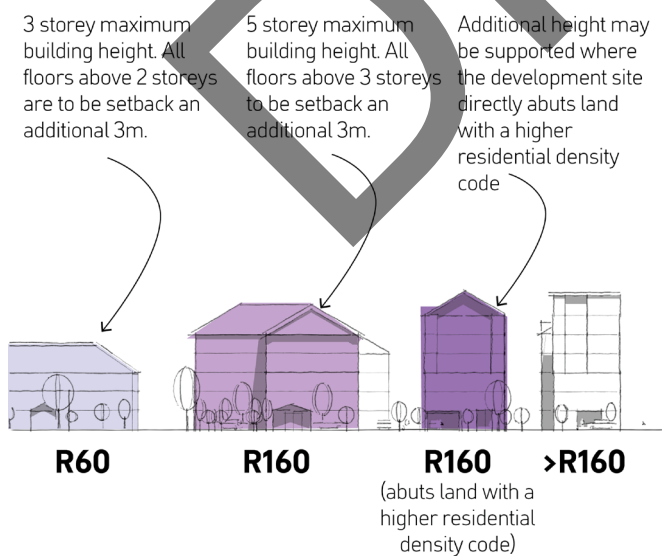


Figure 13. Multiple Dwellings - Building Height Example Diagram

2.4.2 STREET SETBACK

The following provisions relate to Element 2.4 - Street Setback of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Street setback applies with the following additional consideration provided:

- Consistent, generous street setbacks will provide designated areas for tree planting with access to midday winter sun.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O 2.3.1, O 2.3.2, O 2.3.3 and O 2.3.4 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A2.3.1 is augmented in the following way:

A 2.3.1 - Development complies with the street setback provisions set out in Table 2 of this policy, except where modified by the supplementary Acceptable Outcome below.

Supplementary Acceptable Outcomes:

A 2.3.2 - Development is set back from the street boundary in order to achieve the Objectives outlined in Element 3.2 – Orientation, Element 3.3 – Tree canopy and deep soil areas of the R-Codes Volume 2.

DESIGN GUIDANCE

The following Design Guidance is provided in relation to Street setback:

- Street setbacks are to be sympathetic to the desired future character statement of the transition zone.
- Appropriate street setbacks and/or arboricultural intervention are needed to ensure the retention of healthy significant trees close to the street boundary.
- Street setbacks are to maximise the provision of soft landscaping within the street setback and limit the extent of hardstand elements (paving, vehicle access, parking bays) where possible.
- Development is to be appropriately set back to maintain adequate midday winter sunlight to southern site's street setback area.

ILLUSTRATION/IMAGE



Figure 14. Multiple Dwellings - Setbacks Map

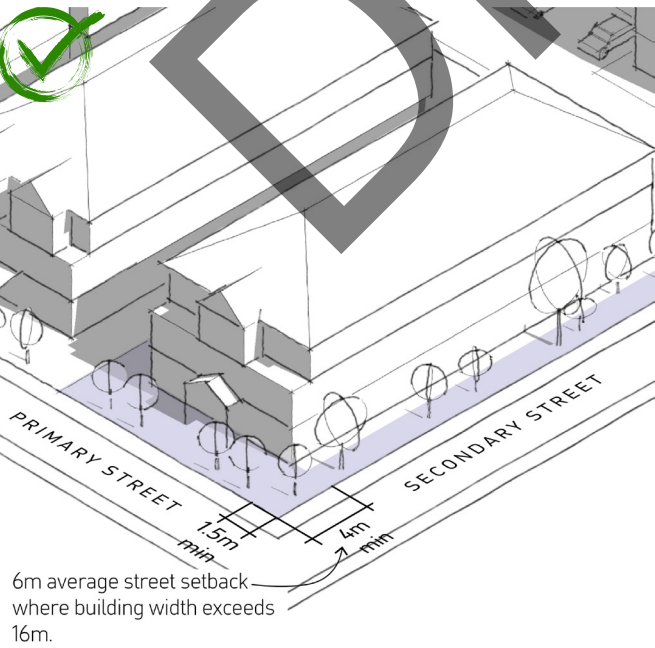


Figure 15. Multiple Dwellings - Street Setbacks Example Diagram

2.4.3 SIDE AND REAR SETBACKS

The following provisions relate to Element 2.4 - Side and Rear Setbacks of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Side and rear setbacks applies, with the following additional consideration provided:

- The side and rear street setbacks of the development are important places to locate deep soil areas, landscaping, tree canopy and maintain visual privacy. The side and rear setbacks of development within transition zone are to maintain the open and leafy-green character of the area. Generous rear setbacks throughout transition zone will ensure consistent designated areas for tree planting with access to winter sun.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O 2.4.1, O 2.4.2, O 2.4.3 and O 2.4.4 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A 2.4.1 and A 2.4.2 are replaced with the following:

A 2.4.1 - Development complies with the side and rear setbacks set out in Table 2 of this policy

A2.4.2 –Where the development is proposed to be four storeys or higher, the top floor building wall (excluding private and or communal open space) shall be set back 3m greater than the required side and/or rear setbacks of Table 2 of this policy where it is adjacent to:

- land with a lower residential density code; or
- buildings that are unlikely to change.

Supplementary Acceptable Outcomes:

A 2.4.3 - Notwithstanding the requirements of A2.4.1 and A2.4.2 of this policy, development must also comply with the visual privacy setbacks set out in Table 3.5a of the R-Codes Volume 2.

A2.4.4 – Development is set back from the boundary in order to achieve the Objectives outlined in Element 2.7 Building separation, Element 3.5 Visual privacy, Element 3.3 Tree canopy and Deep soil areas, Element 4.1 Solar and daylight access and Element 4.11 Landscape design.

DESIGN GUIDANCE

The following Design Guidance is provided in relation to side and rear setbacks:

- Buildings are to be set back from the side and rear boundary, consistent with the desired future character of the Transition Zone.
- Development is to be designed to minimise the impact of bulk and scale of future development on adjoining land with a lower density code or existing development that is unlikely to change.
- Due to the predominant east-west lot arrangement of lots, overshadowing is difficult to avoid. Development is to maintain generous front and rear setbacks to provide consistent designated areas for tree canopy and landscaping opportunity with access to winter sunlight.

ILLUSTRATION/IMAGE



Figure 16. Multiple Dwellings - Setbacks Map

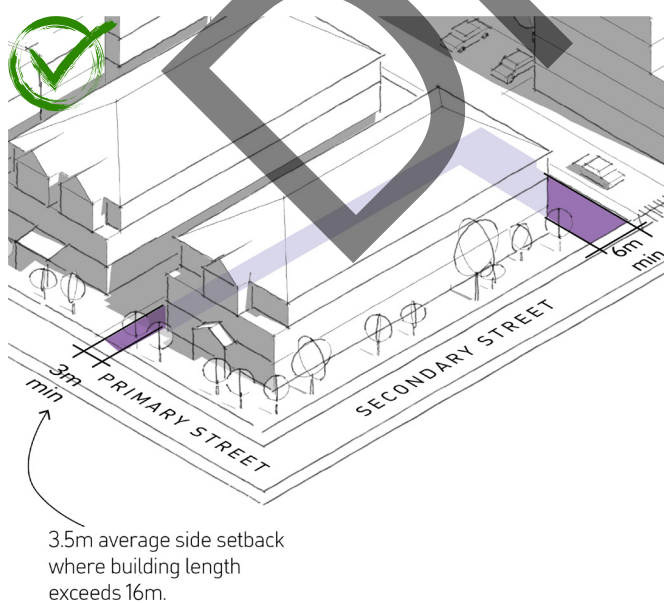


Figure 17. Multiple Dwellings - Side and Rear Boundary Example Diagram

2.4.4 TREE CANOPY AND DEEP SOIL AREAS

The following provisions relate to Element 3.3 - Tree Canopy and Deep Soil Areas of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Tree Canopy and Deep Soil Areas applies with the following additional consideration provided:

- Mature canopy trees soften the bulk and visual privacy impact of apartment buildings, offer attractive outlook for residents, habitat for fauna and improve the urban heat island effect. There is an expectation that new development will feature existing or a new medium-to-large, mature canopy tree(s) species suited to the location within the street, side and rear ground level setback areas.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O3.3.1, O3.3.2, O3.3.3 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A3.3.1, A3.3.2, A3.3.3, A3.3.4, A3.3.5, A3.3.6, A3.3.7 apply.

DESIGN GUIDANCE

Residential Design Codes Volume 2 Design Guidance DG3.3.1, DG3.3.2, DG3.3.3, DG3.3.4, DG3.3.5, DG3.3.6, DG3.3.7 apply.

Supplementary Design Guidance:

- Tree species are provided in accordance with the City's preferred tree species list.
- Table 3.3a of R-Codes Vol.2 sets out the minimum number of trees to be provided. Depending on the lot size, scale of development, tree age and species, additional canopy trees may be required to achieve the desired future character of the transition area.

ILLUSTRATION/IMAGE



Figure 18. Multiple Dwellings - Tree Canopy and Deep Soil Areas Example Diagram

2.4.5 VEHICLE ACCESS

The following provisions relate to Element 3.8 - Vehicle Access of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Vehicle access applies, with the following additional consideration provided:

- Vehicle entry points are a defining feature of the façade. Vehicle entry and access should be consistent with the scale of development and should avoid dominating elements which affect the overall façade design and / or streetscape.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O 3.8.1 and O 3.8.2 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A3.8.2, A3.8.3, A3.8.4, A3.8.5, A3.8.6, A3.8.7 apply.

A3.8.1 is augmented in the following way:

A 3.8.1 - Vehicle access point limited to one opening with a maximum width of 6m per 20m street frontage that is visible from the street.

Supplementary Acceptable Outcomes:

A3.8.8 - Where a secondary street, including laneways, abuts the rear or side of the development site, vehicle access shall be gained via the existing laneway/secondary street.

A3.8.9 – Vehicle entries to be provided with doors or gates.

A3.8.10 – Vehicle entries are kept to a functional minimum relative to the traffic volumes, with in-built passing points where necessary.

A3.8.11 - Existing crossover locations should be used to minimize any undue impact on the streetscape, particularly to ensure the retention of mature trees.

DESIGN GUIDANCE

Residential Design Codes Volume 2 Design Guidance DG3.8.1, DG3.8.2, DG3.8.3, DG3.8.4 and DG3.8.5 apply.

Supplementary Design Guidance:

- Wayfinding cues, such as low-voltage bollard lighting, are to be provided to communal driveway access and rights of way to provide additional safety.
- Vehicle access and entry are to be designed to be consistent with the scale of development.

ILLUSTRATION/IMAGE

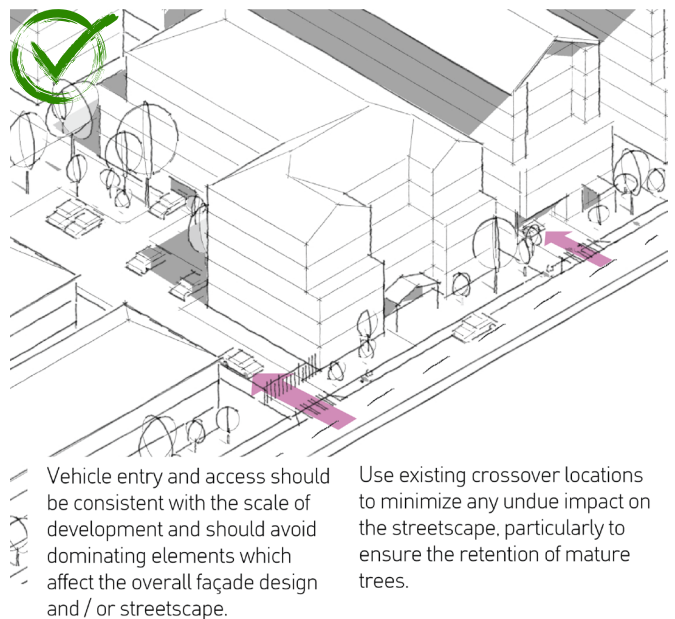


Figure 19. Multiple Dwellings - Vehicle Access Example Diagram

2.4.6 CAR AND BICYCLE PARKING

The following provisions relate to Element 3.9 - Car and Bicycle Parking of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Car and bicycle parking applies.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O 3.9.1, O3.9.2, O3.9.3 O3.9.4 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A3.9.1, A3.9.2, A3.9.3, A3.9.4, A3.9.6, A3.9.8, A3.9.9, A3.9.10 apply.

A3.9.5 is augmented in the following way:

A3.9.5 - Car parking areas, including visitor bays, are not to be located within the street setback area and are not to be visually prominent from the street.

A3.9.7 is augmented in the following way:

A3.9.7 - Visitor parking is clearly visible from the vehicle entry point to the car parking area.

Supplementary Acceptable Outcomes:

A3.9.11 - At-grade and/or upper floor resident car parking areas are to be sleeved, integrated into the overall design and not visually obtrusive from the street.

A3.9.12 - Car parking space provision should not limit the provision of tree canopy and landscaping to the site.

DESIGN GUIDANCE

Residential Design Codes Volume 2 Design Guidance DG3.9.1, DG3.9.2, DG3.9.3, DG3.9.4, DG3.9.5, DG3.9.6, DG3.9.7 apply.

Supplementary Design Guidance:

- To ensure that the location and design of car parking spaces is consistent with the desired future character of the transition zone.
- Car parking areas to be designed to avoid nuisance, including acoustic and light emissions to adjoining properties.
- The provision of parking should be incorporated as part of the development design, with the aim of avoiding large areas of hardstand which detract from the quality of the streetscape.

ILLUSTRATION/IMAGE

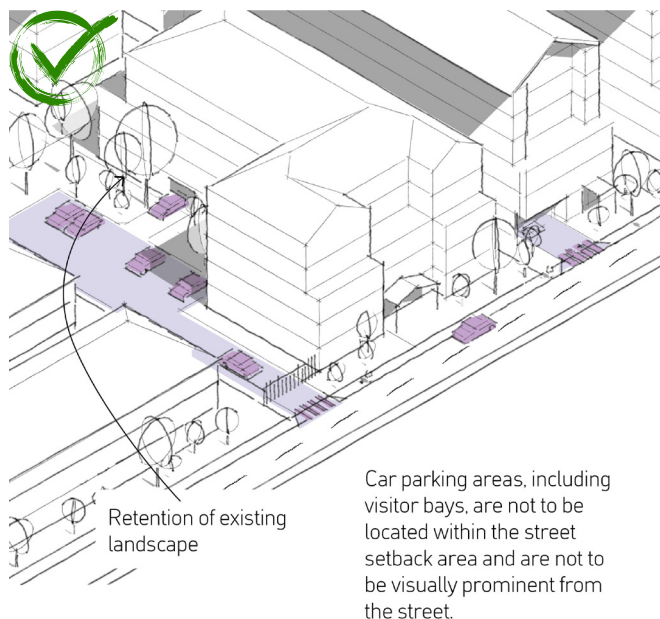


Figure 20. Multiple Dwellings - Car and Bicycle Parking Example Diagram

2.4.7 FAÇADE DESIGN

The following provisions relate to Element 4.10 - Facade Design of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Façade Design applies.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O4.10.1 and O4.10.2 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A4.10.2, A4.10.3, A4.10.4, A4.10.5, A4.10.6 apply.

A4.10.1 is augmented in the following way:

A4.10.1

- Scaling, articulation, materiality and detailing that reflect the scale, character and function of the public realm and the desired future character.
- streetscape rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.
- responding to the desired future character by incorporating high quality materials and finishes that are sympathetic to the desired future neighbourhood character.

Supplementary Acceptable Outcomes:

A4.10.7 – Façade design is to be coherent, with a balanced composition of building elements to achieve scale, texture and rhythm, including expressions of horizontal and vertical elements in the streetscape.

A4.10.8 – Façade design is to include well defined entries that are integrated into the overall design.

A 4.10.9 - Development is to achieve pedestrian scale by incorporating podiums/street walls, with the remaining upper floors set back consistent with Element 2.2 – Building height.

DESIGN GUIDANCE

Residential Design Codes Volume 2 Design Guidance DG 4.10.1, DG 4.10.2, DG4.10.3, DG4.10.4, DG4.10.5 apply.

Supplementary Design Guidance:

- Development to incorporate fine-grain design elements to reduce the impact of building mass and scale, such as the development presenting as a collection of smaller buildings within a single building envelope.
- Contemporary design is encouraged, with building materials, colours and finishes to reference the desired future character.
- Design elements sympathetic to the existing locality are encouraged, 'faux' character details are not.

ILLUSTRATION/IMAGE

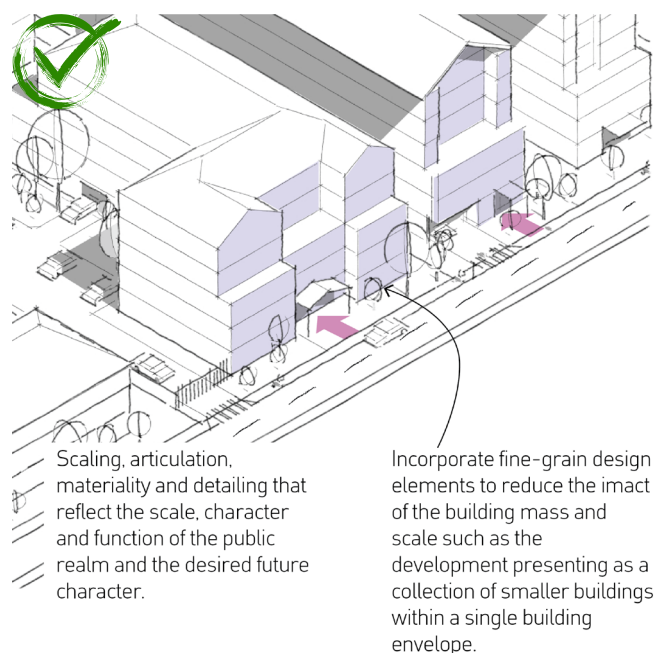


Figure 21. Multiple Dwellings - Façade Design Example Diagram

2.4.8 ROOF DESIGN

The following provisions relate to Element 4.11 - Roof Design of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Roof design applies.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O4.11.1 and O4.11.2 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A4.11.2, A4.11.3 apply.

A4.11.1 is augmented in the following way:

A4.11.1 - The roof form or top of building complements the façade design and the desired future character of the Transition Zone.

DESIGN GUIDANCE

Residential Design Codes Volume 2 Design Guidance DG 4.11.1, DG 4.11.2, DG4.11.3, DG4.11.4 apply.

ILLUSTRATION/IMAGE

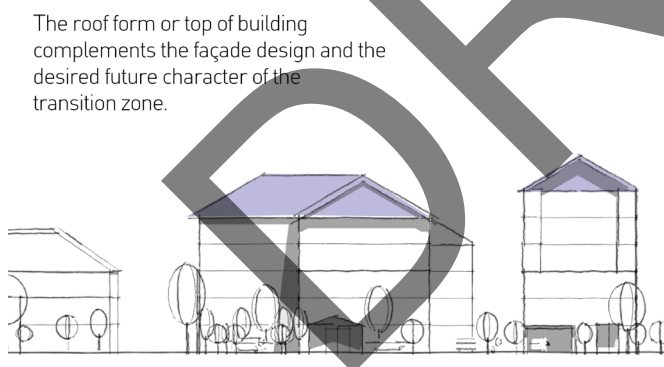


Figure 22. Multiple Dwellings - Roof Design Example Diagram

2.4.9 LANDSCAPE DESIGN

The following provisions relate to Element 4.12 - Landscape design of the Residential Design Codes Vol. 2

INTENT

Residential Design Codes Volume 2 Intent Statement for Landscape design applies.

ELEMENT OBJECTIVE

Residential Design Codes Volume 2 Element Objectives O4.12.1, O4.12.2, O4.12.3, O4.12.4 apply.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Acceptable Outcomes A4.12.2, A4.12.3, A4.12.4 apply.

A4.12.1 is augmented in the following way:

A4.12.1 – The submission of a landscaping plan prepared by a qualified, practicing landscape architect or landscape designer is to be submitted with each multiple dwelling application. The plan is to include a species list and irrigation plan demonstrating achievement of the Waterwise design principles. Vegetation selection is to include endemic and/or water wise, medium to large tree species, as per the City's list of preferred species and be suited to their location.

Supplementary Acceptable Outcomes:

A4.12.5 – Landscaped areas are designed and located to soften the visual privacy and bulk impact of new development.

DESIGN GUIDANCE

Residential Design Codes Volume 2 Design Guidance apply.

Supplementary Design Guidance:

- The use of appropriately sized planter boxes at the external edge of balconies is encouraged to soften the visual privacy impact of upper floor balconies on adjoining dwellings, irrespective of compliance with Table 3.5a of the R-Codes Volume 2.
- Where development is not able to achieve DSA in accordance with Table 3.3a of the Residential Design Codes Volume 2 due to the provision of basement parking, sufficient information, in relation to soil volume, depth and area and irrigation plan is to be included in the landscape plan to determine the viability of planting on structure.
- To maintain a leafy green desired future character soft landscaping is to be provided within setback areas that includes the planting or retention of significant canopy trees. Where this cannot be achieved due to basement car parking, tree planting to be provided with the minimum soil standards outlined in Table 4.12 may be considered as an alternative method to achieving a significant canopy on site.

ILLUSTRATION/IMAGE



Landscaped areas are designed and located to soften the visual privacy and bulk impact of new development.

Figure 23. Multiple Dwellings - Landscape Design Example Diagram

2.4.10 DEVELOPMENT INCENTIVES FOR COMMUNITY BENEFIT

INTENT

Residential Design Codes Volume 2 Intent Statement for Development Incentives for Community Benefit.

ACCEPTABLE OUTCOMES

Residential Design Codes Volume 2 Design Guidance PG2.8.1 and PG2.8.2 apply.

Supplementary Planning Guidance:

PG 2.8.3 - Where development:

- exceeds the intended building height A2.2.1 or A2.2.3 by up to a maximum of one storey; and/or
- is proposed on land coded R60 and has an assessed plot ratio of between 1.05:1 to a maximum of 1.3:1, or is proposed on land coded R160 and has an assessed plot ratio of between 2.25:1 to a maximum of 2.5:1 **all** of the following is to be demonstrated:
 - i. A development lot size area is in excess of 2000m²; and
 - ii. The additional building height is designed and set back so as not be substantially visible from the street or adjoining properties; and
 - iii. Basement car parking; and
 - iv. For sites with existing significant tree(s), the retention of one viable medium or large mature significant tree;
 - v. Deep soil areas measuring 15% of the site area; and
 - vi. Dwelling diversity – the provision of:
 - Minimum 10% of 3-bedroom dwellings across the development and/or
 - 30% of dwellings achieving Silver requirements as defined in the Liveable Housing Design Guidelines and/or
 - 15% of dwellings designed to Platinum Level as defined in the Liveable Housing Design Guidelines;
 - vii. the additional building height meets the Objectives of Element 3.2; and
 - viii. High-quality design in respect to context and character, built form and scale, materials and finishes as considered by a Design Review Panel; and
 - ix. Achieves a 5 Green star energy efficiency measures (or equivalent to the City's satisfaction), confirmed by a qualified sustainability consultant; and
 - x. Additional water conservation measures, confirmed by a qualified sustainability consultant, demonstrating exceptional water management and conservation and a significant reduction in mains water use, consistent with the Tables below

Accepted Rating Framework	Specification / Compliance Requirements	Minimum Requirement	Evidence
Green Building Council of Australia's Green Star Rating System	Current Design and As-Built rating tool	5-star Green Star rating	Preliminary Sustainable Design Report prepared by a Green Star Accredited Professional using the current Green Star Design and As-Built rating tool scorecard to be demonstrated eligibility for 5-star Green Star rating.
Life Cycle Assessment in Accordance with EN15978- Sustainability of construction works – Assessment of environmental performance of buildings – Calculation method.	System Boundary must include all Life Cycle Modules (A1-2, B1-7, C1-4 and D) in addition to non-integrated energy (plug loads)	Global Warming Potential and Net Fresh Water Use Performance Reduction as per Table 6 below.	Independently Reviewed EN15978 Compliant Target Setting LCA with a 20% factor of safety applied to improvement strategies

Table 5. Green Star Rating and Life Cycle Assessment

	Performance Requirement	
	Global Warming Potential	Net Fresh Water Use
Residential (BCA Class 1-3)	< 2,250 kgCO ₂ e / Occupant / Year (50% saving against Perth statistical average residences)	< 57m ³ / Occupant / Year (50% saving against Perth statistical average residences)

*The City accepts sustainability assessment frameworks and mechanisms that are nationally or internationally recognised, compliant with applicable Australian/international standards and subject to oversight by a certifying body.

Table 6. Global Warming Potential and Net Fresh Water Use Performance Reduction



3.0

Part Two

Explanatory Report

DRAFT

3.1 Map of Melvista East Zone

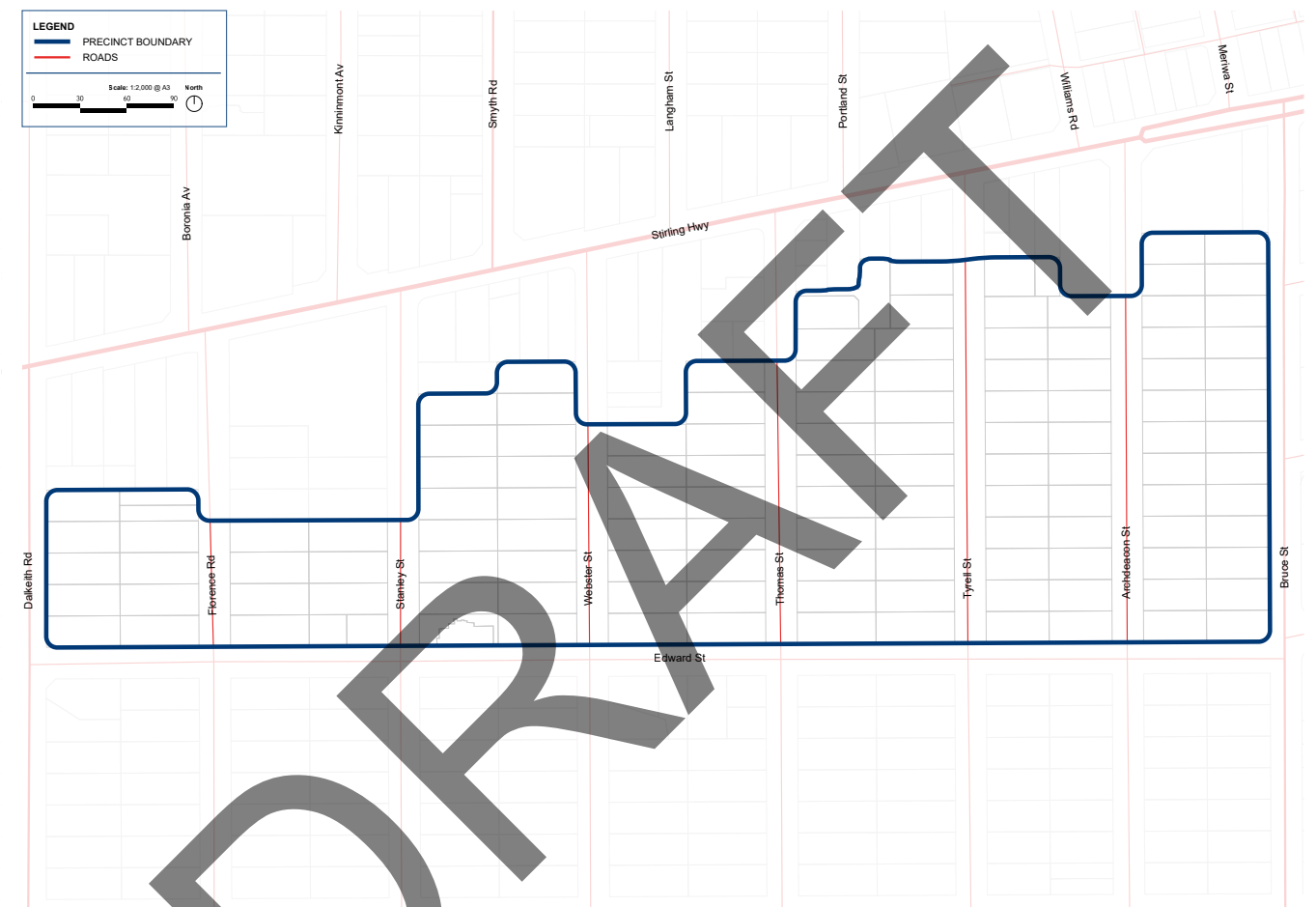


Figure 24. Melvista East Precinct

3.2 Methodology

3.1.1 DEFINITION OF CHARACTER

The basis of neighbourhood character is that every place has character regardless of its age or appearance. The character of an urban area is defined by the built form and the age of the built environment in a specific place. The manner in which the built environment interacts with the topography, vegetation, land uses, demographics and streetscapes all contribute to the creation of a 'local character'.

Developments that respond sensitively to the surrounding existing context and valued elements of neighbourhood character are more likely to 'sit' comfortably within a place, and gain acceptance more easily from the local community.

By studying these elements of a place, we are able to gain an understanding of the local character. We are then able to use this understanding to guide the design of new developments so that they respond in a sensitive manner to the existing character.

3.1.2 METHODOLOGY USED TO COLLECT AND COLLATE DATA

To better understand the neighbourhood character of the Melvista East Transition Zone, the City undertook the following steps to collect quantitative and qualitative data to inform the final policy document:

- Built Form Audit: A lot by lot audit was undertaken that itemised the built form character of each dwelling in the precinct, including elements such as roof style, building materials, setbacks, and vegetation. This audit provided a statistical understanding of the range of characteristics that are evident in each street, which of these are most prevalent, and provided a numerical understanding of the existing character of the streetscape.
- Determination of Predominant Characteristics: The Cambridge English Dictionary defines predominant as: "more noticeable or important, or larger in number, than others". In the context of a streetscape, the City has determined that a predominant characteristic, to be larger in number than others, should be present in 60% or more of the dwellings on the street.
- Desktop Research: Some basic historical research was undertaken to provide an understanding of when and how the area evolved.

The City has used the quantitative (numerical data) and qualitative (qualities that are descriptive) information collected to inform built form design guideline requirements for the Transition Zone. These built form design guidelines seek to guide development to achieve the character identified in the Future Desired Character Statement.

3.3 Context

3.3.1 REGIONAL CONTEXT

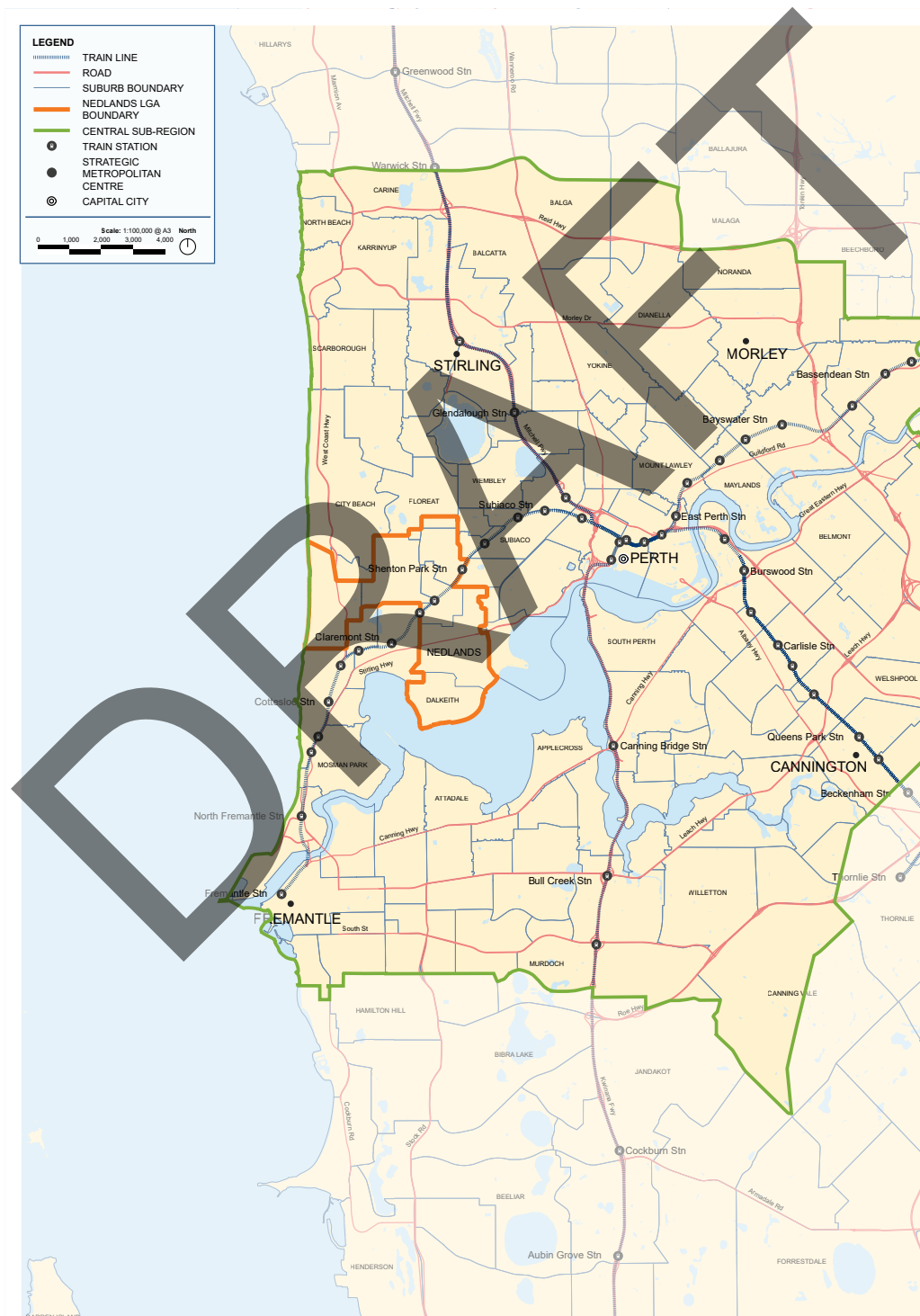


Figure 25. Regional Context

3.3.2 LOCAL CONTEXT

From 1985 until 2019 the City of Nedlands' former Town Planning Scheme No. 2 provided for a low residential density development pattern throughout the City's suburbs. In April 2019, the City adopted the new Local Planning Scheme No 3 (LPS3). While the majority of the City of Nedlands has retained the traditional low-density pattern, LPS3 does provide for significant density increases around major activity corridors including Stirling Highway, Broadway, Hampden Road and Waratah Avenue. Transitional Density Zones, as defined in the City's Local Planning Strategy, were provided by LPS3 to assist in achieving transitional height and density outcomes between the new high coded areas and the established lower coded areas.

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3.4 Local Future Context

3.4.1 CITY OF NEDLANDS LOCAL PLANNING STRATEGY

The City of Nedlands Local Planning Strategy sets out the long-term strategic direction for land use and development within the City of Nedlands and has been prepared to reflect the community and Council vision for the future of the City.

The Local Planning Strategy specifies that Transition Zones shall exist immediately adjacent to Urban Growth Areas for the purposes of creating a buffer between high intensity and low intensity development. The suite of Transitional Zone Local Planning Policies will provide built form guidance for these Transition Zones.

3.4.2 PERTH AND PEEL @ 3.5 MILLION

Along with 18 other Local Government Areas, the City of Nedlands forms part of the 'Central sub-region' identified as part of the State Government's Perth and Peel @ 3.5 Million planning and infrastructure framework. This document provides a long-term growth strategy for land use and infrastructure provision for the Perth and Peel regions, based on the vision of Directions 2031 and Beyond, which provided residential dwelling targets for both greenfield and established areas.

The Central sub-region includes the central business district (CBD) of Perth, has the highest population and employment densities and is the focus of the metropolitan public transit network.

3.5 Contextual Maps

3.5.1 SUB - REGIONAL CONTEXT MAP

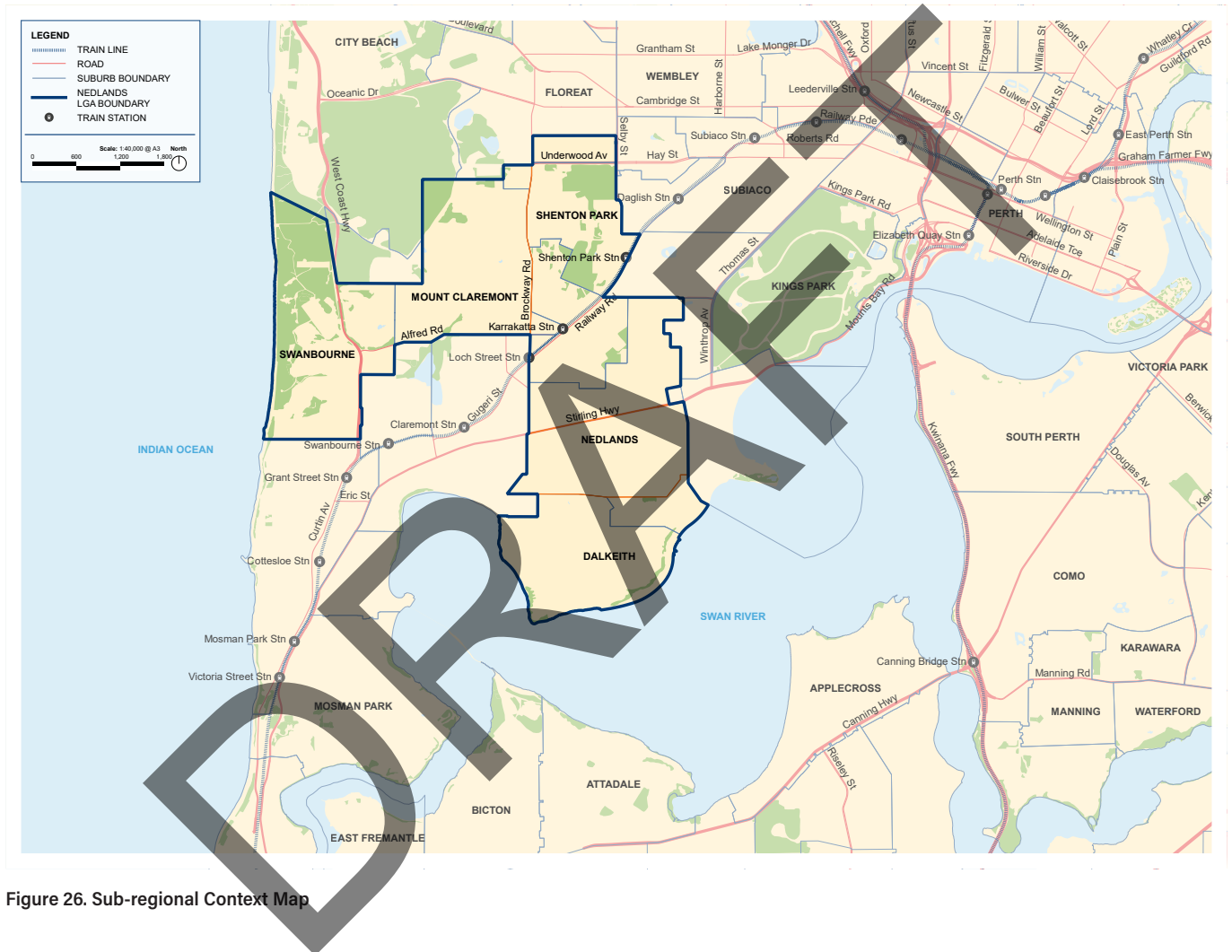


Figure 26. Sub-regional Context Map

3.5.2 ADOPTION OF LOCAL PLANNING SCHEME (APRIL 2019)

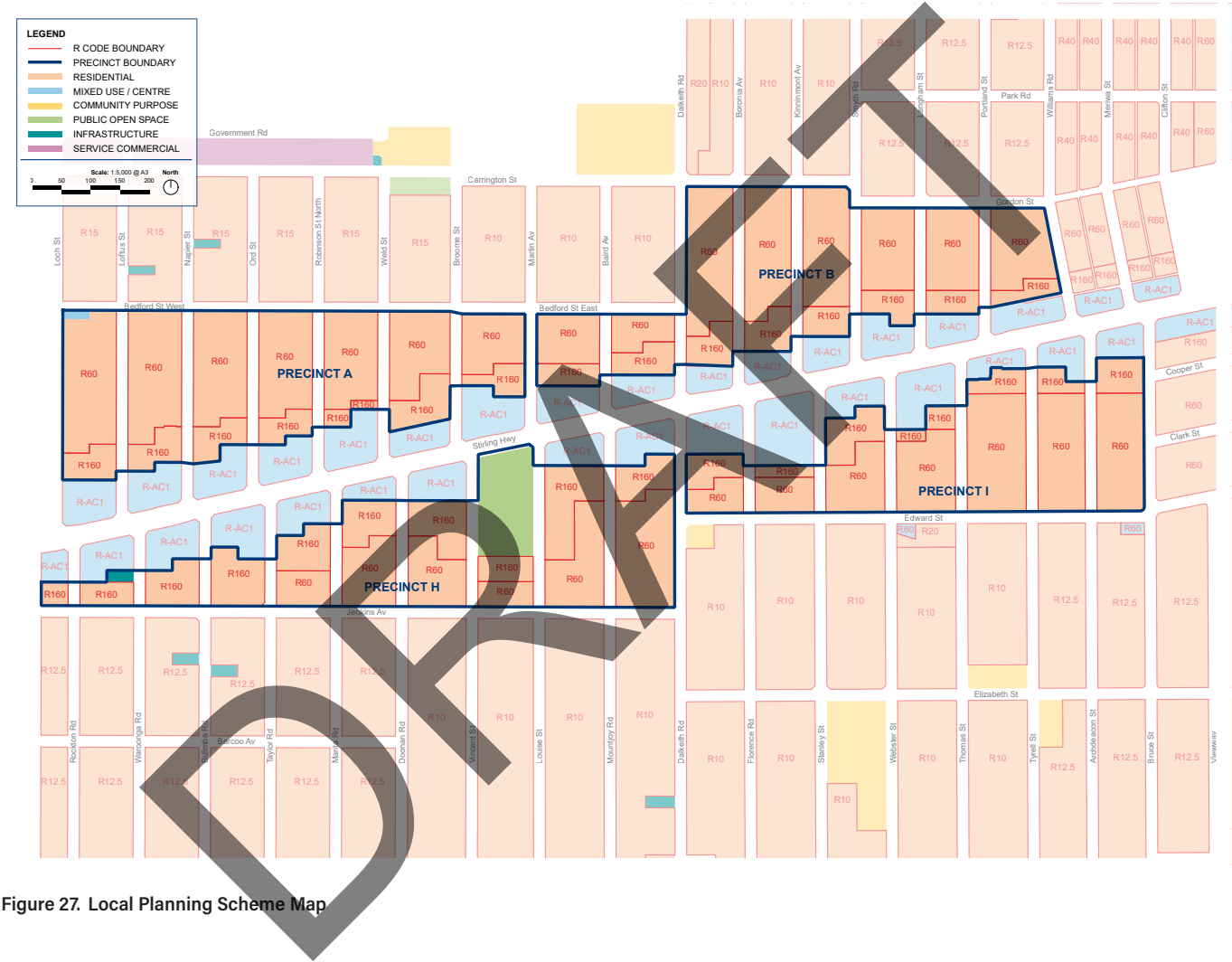


Figure 27. Local Planning Scheme Map

[illegible]

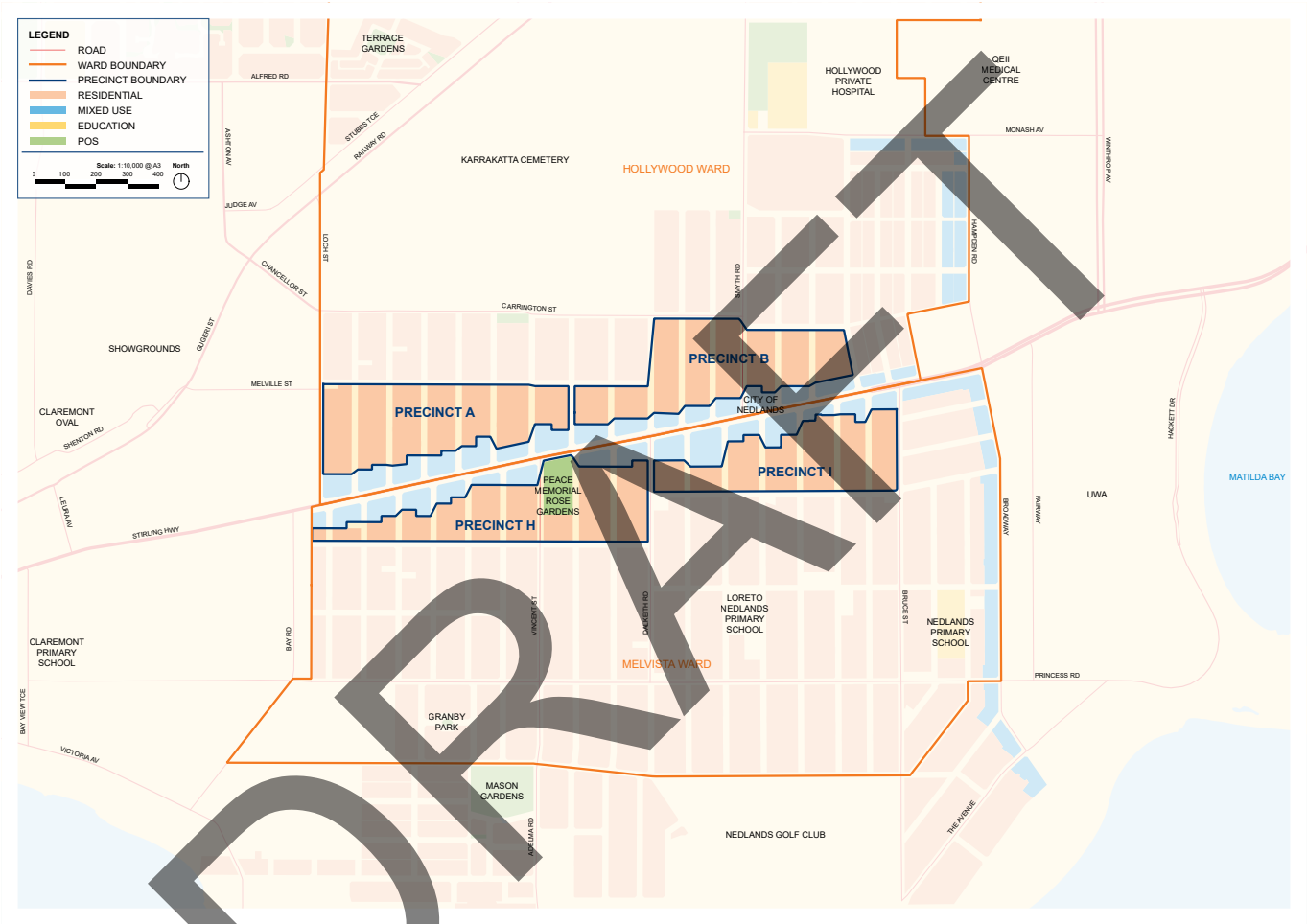


Figure 29. Transitional Zones Context Map

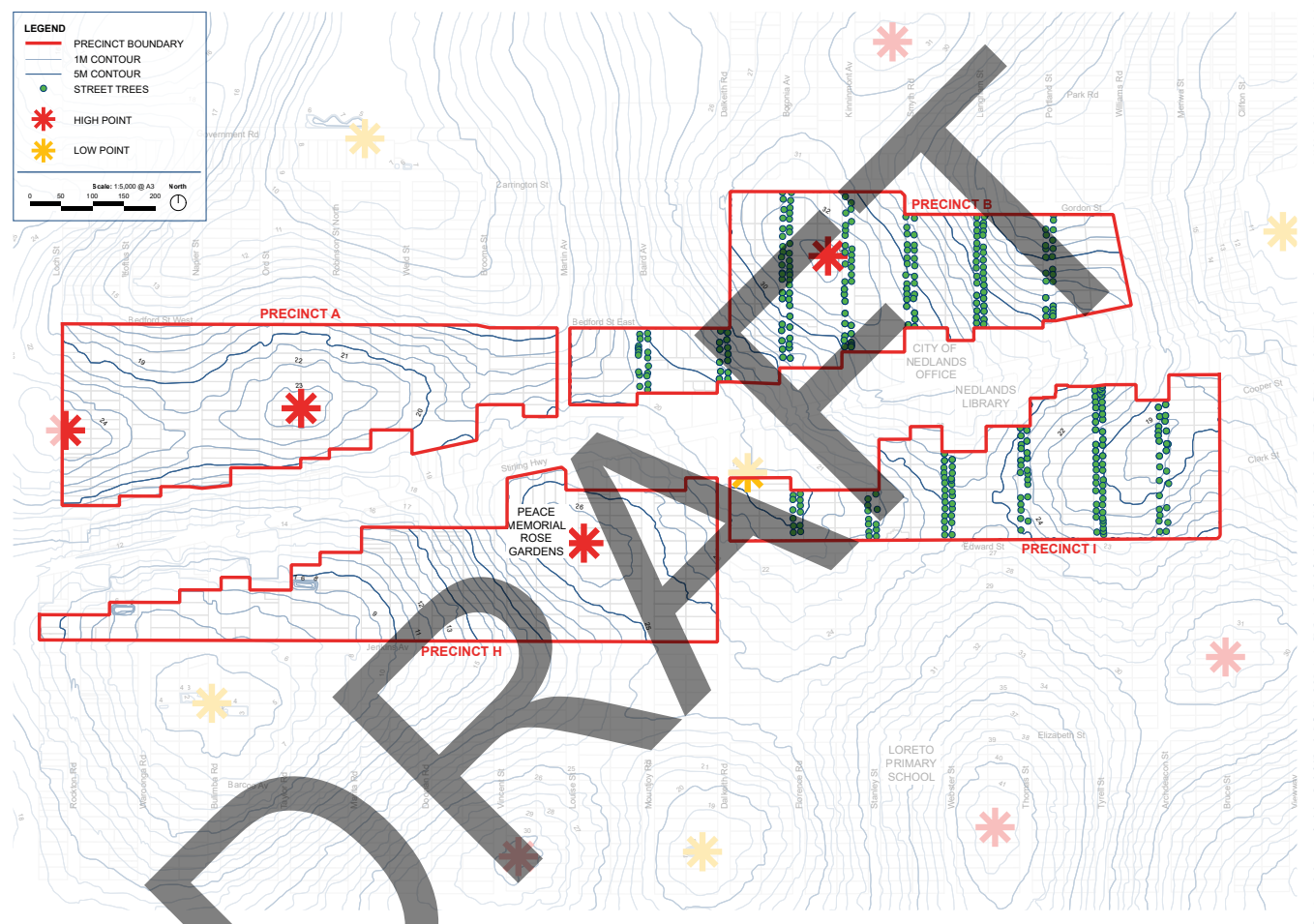


Figure 30. Site Analysis Map

3.6 Related Legislation

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

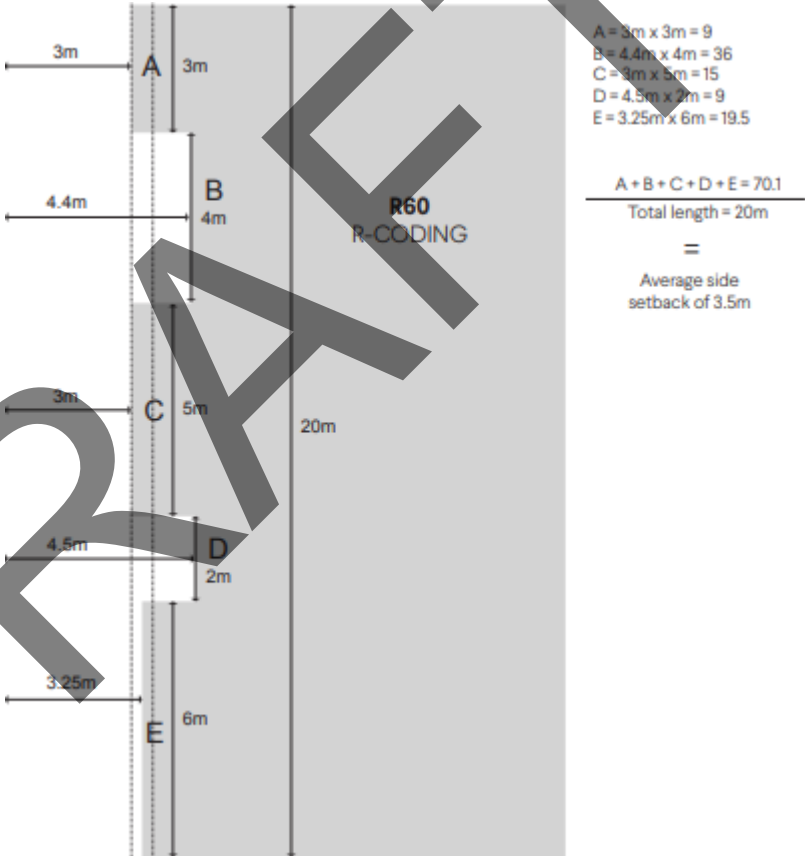
This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3
- State Planning Policy 7.3 - Residential Design Codes - Volume 1
- State Planning Policy 7.3 - Residential Design Codes - Volume 2

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3.7 Definitions

For this policy the following definitions apply:

Definition	Meaning
Average setback	<p>The aggregate of all individual wall lengths multiplied by the setback and setback, divided by the overall wall length:</p>  <p>A = 3m x 3m = 9 B = 4.4m x 4m = 36 C = 3m x 5m = 15 D = 4.5m x 2m = 9 E = 3.25m x 6m = 19.5</p> <p>$A + B + C + D + E = 70.1$ Total length = 20m = Average side setback of 3.5m</p>
Deep Soil Area	<p>Soft landscape area on lot with no impeding building structure or feature above or below, which supports growth of medium to large canopy trees and meets a stated minimum dimension. Used primarily for landscaping and open to the sky, deep soil areas exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.</p>
High-Quality	<p>A design element that is considered excellent by design review panel.</p>
Overall height	<p>The vertical distance between the highest point of a building's roof and the natural ground level directly below it, excluding minor projections.</p>

Definition	Meaning
Predominant characteristics	More noticeable or important, or larger in number, than others. For the purposes of this policy, a characteristic present in 60 per cent or more of the properties on a street.
Quantitative Data	Relating to information that can be measured and shown in numbers or amounts.
Qualitative Data	Relating to information that cannot be easily measured, such as people's opinions and feelings, rather than on information that can be shown in numbers.
Significant Tree	<p>Trees that meets the following criteria:</p> <ul style="list-style-type: none"> • healthy specimens with ongoing viability AND • species is not included on a State or local area weed register AND • height of at least 4m AND/OR • trunk diameter of at least 160mm, measured 1m from the ground AND/OR • average canopy diameter of at least 4m
Sleeved parking	Sleeved parking is parking with part or all of the external edges featuring active uses such as residential units.
Transition Zones	<p>The City of Nedlands Local Planning Strategy identifies transition zones as:</p> <p>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.</p>
Unlikely to be changed	A site that contains three multiple dwellings, or three grouped dwellings or a parent lot that has been subdivided into three or more single houses.

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

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...Melvista East



PD51.20	Local Planning Scheme 3 – Local Planning Policy Community Engagement on Planning Proposals
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Committee	13 October 2020
Council	27 October 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Peter Mickleson – Director Planning & Development
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Draft Local Planning Policy – Community Engagement on Planning Proposals 2. Local Planning Policy – Consultation of Planning Proposals with tracked changes 3. Summary of other amendments to the Local Planning Policy – Consultation of Planning Proposals

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. 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.

2.0 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).

3.0 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 localised 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 localised 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 May 2019 and was subsequently amended by a Notice of Motion at the 24 September 2019 Council Meeting (24 September 2019 Notice of Motion). The 24 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 did flag some other potential amendments to the Consultation LPP. These are discussed in further detail in the Discussion section below.

At the 28 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 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 relevant planning instruments. Part of Council's 26 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.

4.0 Discussion

4.1 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.

4.2 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. A template for the Community Engagement Plan is included as an appendix to the Community Engagement LPP.

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.

4.3 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 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 statutory 21-day 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.

4.4 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.

4.5 Notice of Motion - 24 September 2019

The 24 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 this amendment was as follows:

- The 100m extent did not specify a unique number of properties; and
- The requirement was excessive and created extra demands on the planning staff resources.

Administration considers that advertising a front setback variation to properties within 100m of the subject site may be excessive. However, it is noted that for areas with larger lot frontages (20m), which are typical throughout the Melvista and Dalkeith wards of the City, advertising to five properties either side of the subject site is the equivalent of the 100m advertising extent (5 x 20m frontage = 100m advertising extent). Therefore, Administration proposes to reduce this requirement to three properties either side of the subject site. This advertising extent is considered to be more proportionate to the extent of the amenity impact of a residential front setback variation.

The justification provided for the 24 September 2019 Notice of Motion, together with the comment provided by Administration, foreshadowed a number of 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 is the development of toolkit of consistent guidelines on consultation and engagement on planning proposals. Subsequently, proposed amendments to the 2015 Regulations were released for comment. The proposed amendments include new provisions to improve consultation practices and make them consistent across local governments. Such provisions relate to (but are not limited to):

- Specific advertising requirements for complex development applications;
- Increased focus on online and digital engagement, rather than traditional methods such as newspaper advertisements; and
- Longer consultation periods for all structure plans.

Submissions for the proposed amendments to the 2015 Regulations closed 25 September 2020. There is no certainty as to when the proposed amendments will be approved and incorporated into the 2015 Regulations. The nature of the amendments may also change as a result of submissions received during the consultation period. As such, the proposed amendments to the 2015 Regulations have not been incorporated into the Community Engagement LPP. Once these amendments are finalised, the policy can be reviewed, as necessary.

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.

4.6 Community Working Group

In accordance with Council's 28 April and 26 May 2020 Resolutions relating to CWGs, 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 referral to the CWG for the following planning proposals:
 - Structure plans;
 - Scheme amendments;
 - Local planning policies;
 - Activity centre plans;
 - Other strategic proposals; and
 - Complex development applications.
- Engagement with the CWG has been added as an option for engagement at Level 3 'Involve' and Level 4 'Collaborate'.

4.7 Community Information Sessions

The 28 April 2020 Notice of Motion discussed earlier in this report called for CWGs to replace Community Information Sessions (CIS).

The intent of CIS 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, CIS 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 CISs.

Administration acknowledges several 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 CIS Procedure, which is included as an appendix to the Community Engagement LPP.

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.

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 point in time.

4.8 Other Amendments

In addition to the amendments and additions described above, there are also a number of 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 3.

5.0 Consultation

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 a notice being published in the newspaper and 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:

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

6.0 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 localised 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 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.

7.0 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.

8.0 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.

9.0 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

1.0 PURPOSE

- 1.1 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

- 2.1 This policy applies to all planning proposals within the City of Nedlands and includes strategic planning proposals, scheme amendments, activity centre plans, 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:


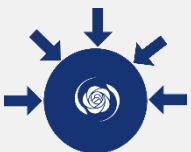
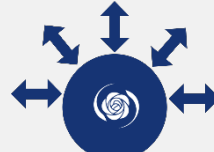

Planning Proposal Definitions	
Complex Development Application	A Development Application for: (a) Development that is assessed against the Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2); or (b) Any other development for which the City deems there is wider community significance requiring a greater level of consultation.
R-Codes Volume 1 Development Application	A Development Application for development that is assessed against the Residential Design Codes Volume 1 (R-Codes Volume 1).
Other Development Application	A Development Application that is not a Complex Development Application or an R-Codes Volume 1 Development Applications.
Strategic Planning Proposal	Means planning proposals of a strategic nature, including (but not limited to) proposed, and amendments to: (a) Local planning scheme; (b) Local planning policies (including precinct-based local planning policies); (c) Structure plans (including precinct structure plans); and (d) Activity centre plans.
Other Definitions	
Consultation Period	The designated time given for a planning proposal to be publicly advertised.

5.0 POLICY MEASURES

5.1 Levels of community engagement

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)

	 Level 1 - INFORM	 Level 2 - CONSULT	 Level 3 - INVOLVE	 Level 4 - COLLABORATE
Public participation goal	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.
Promise to the public	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.
This means	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.
Examples (guide only -	<ul style="list-style-type: none"> Revocation of local planning policy Local planning scheme amendment (basic) 	<ul style="list-style-type: none"> Development applications Local planning policy (issue-based) Local planning scheme amendment (standard) Local Development Plan Activity Centre Plan 	<ul style="list-style-type: none"> Local planning policy (precinct-based) Local planning scheme amendment (complex) Strategic planning documents Precinct plans (including precinct structure plans) 	<ul style="list-style-type: none"> New local planning strategy New local planning scheme

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

5.2 In addition to the requirements of 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		Minimum consultation period	Minimum advertising radius for letters to owners and occupiers	Letters to owners and occupiers	Sign on site	Local newspaper notice	Notice boards	Website notice (YourVoice)	Community information sessions	Social media	Nedlands News	Community Working Group
Structure Plans		Min. 14 days Max. 28 days*	200 metres	▲▲	▲▲	▲▲	Yes	▲▲	Yes	▲	Yes	Yes
Scheme Amendment	Basic	Nil* Unless directed by the Minister for Planning										▲
	Standard	42 days*	▲	▲	No	Yes*	Yes*	Yes*	▲	Yes	▲	Yes
	Complex	60 days*	▲	▲	No	Yes*	Yes*	Yes*	▲	Yes	Yes	Yes
Local Planning Policy		21 days*	▲	▲	No	Yes*	Yes	Yes	▲	Yes	▲	Yes
Activity Centre Plan		Min. 14 days Max. 28 days*	200 metres	▲▲	▲▲	▲▲	Yes	▲▲	Yes	Yes	Yes	Yes
Local Development Plan		14 days*	▲	▲▲	▲▲	▲▲	Yes	▲▲	▲	▲	▲	Yes
Strategic Proposals (Other)		21 days	▲	▲	▲	▲	▲	Yes	▲	▲	▲	Yes
Complex Development Applications		21 days	200 metres	Yes	Yes	Yes	Yes	Yes	Yes	Yes	▲	Yes
R-Code Volume 1 Development Applications		14 days*	Refer to 5.4	▲▲	▲▲	▲▲	N/A	▲▲	N/A	N/A	▲	No
Other Development Applications		14 days*	100m	Yes	▲	▲	▲	▲	▲	▲	▲	No

* Required under the 2015 Regulations

▲ At the Discretion of the City of Nedlands

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



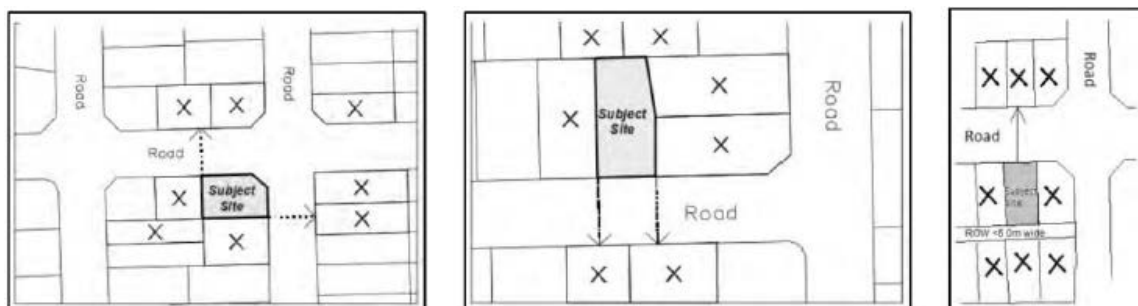
5.4 R-Code Volume 1 development applications

- 5.4.1 Where a development application is required to be assessed under the R-Codes Volume 1, consultation will be limited to those properties, which in the opinion of the City, are likely to be directly affected by the proposal, as outlined in Table 3 and Figure 1 below
- 5.4.2 In respect to 5.4.1, a planning assessment is a matter of technical opinion and where in the opinion of the City there is no adverse impact on an adjoining residential property owner/occupier, consultation will not be undertaken.
- 5.4.3 Where not specified in Table 3, Elements or Parts of the R-codes will not be consulted on, unless in the opinion of the City, the proposal is considered to have an adverse impact on adjoining properties.

Table 3 – Consultation extent for R-Code Volume 1 development applications

Variation to deemed-to-comply provision for:	Advertising requirement
5.1.2 Street setback	To affected adjoining landowner/s/ occupiers in the same street a maximum of 3 properties in either direction of the subject site on both sides of the street.
5.1.3 Lot boundary setback (including boundary wall height/length)	To affected adjoining landowner/s and/or occupiers only including diagonally to the rear if a rear setback variation is proposed.
5.1.4 Open space	To affected adjoining landowner/s and/or occupiers only.
5.1.6 Building height	
5.4.1 Visual privacy	
5.3.7 Site works	To affected adjoining landowner/s and/or occupiers directly adjacent and across the street if the site works variation is within the front setback area as per Figure 1 below.
5.4.2 Solar access for adjoining sites	To affected adjoining landowners and/or occupiers only.
5.4.4 External fixtures, utilities and facilities	To affected adjoining landowners/ occupiers directly adjacent and across the street as per Figure 1 below.

Figure 1 – Adjoining / adjacent landowners/occupiers





5.5 Community Working Group

- 5.5.1 The Community Working Group, established in accordance with the Community Working Group Terms of Reference (Appendix 6), is to be consulted on certain planning proposals, as outlined in Table 2.

5.6 Minor amendments to local planning policies structure plans, and activity centre plans

- 5.6.1 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, structure plan or activity centre 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 and activity centre plans to be considered minor and not require advertising.

5.7 Online Engagement Platforms

- 5.7.1 In accordance with Table 2, the City will provide broadcast of a planning proposal via online engagement platforms (including social media). Comments or posts through these online engagement platforms will not be considered submissions or formal responses. For submissions to be valid, they must be made in the form prescribed in Clause 5.12 of this Policy.

5.8 Community Information Sessions

- 5.8.1 Community Information Sessions are to be run in accordance with the Community Information Session Procedure (Appendix 1).

5.9 Signs on site

- 5.9.1 Table 2 references planning proposal types which require a sign to be placed on the subject site(s). Where this is required, the following shall apply:

- (a) The sign shall be in the form and location prescribed to the applicant by the City following lodgement of a development application. Appendix 2 contains a template for on-site signage.
- (b) The sign shall be printed to A0 size.
- (c) The sign/s shall be erected wholly within the property boundaries in a prominent location that can be easily viewed by passers-by from the adjoining street(s). In the case of corner sites, two signs may be required, one to each street frontage.



- (d) In accordance with Clause 49(1)(a) of the Planning and Development Regulations 2009 (2009 Regulations), the applicant is responsible for the cost, including removal costs, of on-site signage as required by this Policy.
- (e) Once erected, the applicant is to provide the City with photographs of the sign/s in situ to confirm that they have been erected.
- (f) The sign/s shall remain on site for the entirety of the advertising period.
- (g) The sign/s shall be removed by the applicant within 7 days of the conclusion of the consultation period.

5.10 Consultation period

- 5.10.1 For consultation periods that do not involve notifications in the newspaper, the commencement date of consultation is to be two days after the date notification letters are sent to the community. Otherwise, the commencement date for the consultation period will be the date that the notice is published in the newspaper.
- 5.10.2 Submissions are deemed to have closed at 5pm (close of business) on the date shown on the notification relating to the planning proposal.
- 5.10.3 The minimum number of days for consultation specified in this Policy are taken to be days in succession and not to be taken as business days.
- 5.10.4 A development application may not be progressed until the consultation period has ended regardless of whether submissions have been received from neighbours, stakeholders or other affected parties.

5.11 Additional consultation period for proposal previously advertised

- 5.11.1 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).
- 5.11.2 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.

5.11.3 Additional public notice 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.

5.11.4 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.

5.12 Form and content of submissions

5.12.1 For comments to have validity, submissions shall be in the following format:

- (a) Submissions must be in writing, either submitted in electronic format in via a dedicated online “Your Voice” submission form or in hard copy format (using the submission template included as Appendix 3) delivered in person to the City’s offices or via the post. Email submissions will not be accepted;
- (b) Submissions must be legible, signed by all submitters, dated and include the submitters’ full name/s, affected property address, email address and/or the capacity in which they make the submission (e.g.: visitor/business owner/resident) and postal address (if different to the impacted property address);
- (c) If the submission is objecting to the proposal, the submission is to clearly state the reason for objection, such as any perceived impact the development will have on the submitter.

5.12.2 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 Clause 67, Schedule 2 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.

5.13 Consideration of submissions

5.13.1 Where submissions are received on a planning proposal, the City will have regard to these submissions in accordance with Clause 67, Schedule 2 of the 2015 Regulations. In response to valid planning considerations raised in submissions, the City may:

- (a) Request that the applicant make modifications to the proposal;
- (b) Impose or recommend conditions of approval;
- (c) Refuse (or recommend refusal of) an application, where valid planning considerations raised in submissions have not been sufficiently addressed, as determined by the City.

5.13.2 Where submissions are received on a planning proposal, the City's officers will compile a summary of submission themes which upon request will be provided to the applicant and invite the applicant to provide a response to submissions and/or revised plans to address any issues raised during the consultation period. If the applicant elects to provide a response to the submissions and the application is referred to Council for determination or referral to Joint Development Assessment Panel (JDAP) or Western Australian Planning Commission (WAPC; where applicable), this response will be included in the assessing officer's report on the application (as either report content or an attachment).

5.14 Submission reporting

5.14.1 Where a planning proposal is referred to Council or JDAP for consideration or determination, the assessing officer's report will include an attachment



summarising the submissions received and officer comments relating to the issue / theme raised.

- 5.14.2 For development applications, the submitter's name and address of affected property will not be identified.
- 5.14.3 For strategic planning proposals, the submitter's name and address of affected property may be identified.
- 5.14.4 Full copies of submissions will be made available to Elected Members as a confidential attachment but will not be available to members of the public unless required by law.
- 5.14.5 In the event that a development application is referred to the State Development 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.



5.15 Consultation periods over weekends and holiday periods

5.15.1 Consultation periods over weekends and holiday periods are to comply with Table 4.

Table 4 - Consultation periods over weekend and holiday periods

Weekend/ Holiday Period	Consultation Period
Weekends	Consultation period includes weekend days
Public Holidays	Consultation period excludes public holidays. Where a consultation period prescribed by this Policy includes declared public holidays, the consultation period will be extended by the number of public holidays during this prescribed period.
Easter period (one week prior to and one week following Easter Sunday)	Where a consultation period falls over the Easter period, an additional 14 days will be added to the prescribed consultation period.
Christmas & New Year Holiday period (15 December - 15 January)	Where a consultation period falls over the Christmas holiday period, an additional 30 days will be added to the prescribed consultation period.

5.15.2 Due to reporting timeframes, applications to be determined by the JDAP may not always be able to comply with the requirements of 5.15.1 of this Policy. Where possible, however, the City will seek to extend consultation periods for JDAP applications in accordance with 5.15.1 of this Policy.

5.16 Landowners and occupiers

5.16.1 The City will send correspondence to both landowners and occupiers in accordance with the requirements of Table 2 of this Policy.

Note: Landowners and occupiers can register to receive electronic notifications only by subscribing to electronic community engagement via the City of Nedlands Planning Department.

5.17 Late submissions

5.17.1 The City will consider late submissions only when a request is made in writing prior to the closure of the advertising period. The request will be accepted if the additional time required for the submitter is able to be accommodated with reporting time frames (Council or JDAP). All other late submissions will either be rejected or noted as late if able to be received prior to reporting deadlines.

5.18 Availability of documents for viewing by the public

5.18.1 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.

5.18.2 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.



5.18.3 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.

5.19 Applicant-conducted consultation

5.19.1 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 undertaken a preliminary assessment of the development application and has identified all elements which require consultation; and
- (b) Consultation is required to a maximum of three properties.

5.19.2 Where the City agrees to waive the consultation requirements in accordance with 5.19.1, the City will provide the applicant with a proforma letter (Appendix 4), with which to seek neighbour comments.

5.19.3 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.

5.19.4 Verification of the response received will be made by the City to the neighbouring impacted property landowner/s and/or occupiers via telephone.

5.20 Consultation involving adjoining local authority

5.20.1 In the instance that a planning proposal is required to be advertised to an adjoining local authority (City of Perth, City of Subiaco, Town of Cambridge, Town of Claremont and Town of Cottesloe), the City will notify the adjoining local authority/authorities of the proposal and request a list of properties they would like the application to be advertised to.



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

5.21 Methods of engagement at Level 3 'Involve' and Level 4 'Collaborate'

- 5.21.1 The City may engage external engagement facilitators to run engagement activities at Level 3 'Involve' and Level 4 'Collaborate'.
- 5.21.2 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'.
- 5.21.3 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.
- 5.21.4 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, in the format set out in Appendix 5.
- 5.21.5 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 6). 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.
- 5.21.6 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 7) and Terms of Reference (template provided in Appendix 8). The purpose of the Community Reference Group is to engage with a particular group of the community on discrete projects.

5.22 Extent of engagement at Level 3 'Involve' and Level 4 'Collaborate'

- 5.22.1 For strategic planning proposals within 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).
- 5.23 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.

5.24 Pre-lodgement engagement for scheme amendments and complex development applications

5.24.1 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.

5.24.2 Applicants conducting community engagement in accordance with 5.19.1 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.

5.24.3 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 (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 Information Session Procedure

The following procedure provide guidelines for Community Information Sessions pertaining to Statutory and Strategic Planning proposals. The responsibilities and expectations of attending community members, staff and applicants are covered by this procedure.

Objectives

1. 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.
2. Community Information Sessions provide the opportunity to clarify matters pertaining to development applications (DAs) and strategic planning proposals.
3. The City will provide balanced and unbiased information in response to queries concerning DAs and proposals.

Procedures

Information Session Details

1. Community Information Sessions will be comprised of two separate components: the Councillor Information component and the Community Information component.
2. Councillor Information component:
 - Held at City of Nedlands Administration Building or otherwise designated location as agreed by the City.
 - Maximum one hour, including 30-minute presentation from applicant.
 - Community members are not permitted to attend.
3. Community Information component:
 - Held at City of Nedlands Administration Building or otherwise designated location as agreed by the City.
 - The City's technical officers will be available to answer questions, take questions on notice and provide information on specific details of the application.
 - No formal presentation on the proposal will be provided.
 - No entry without prior RSVP; details included in advertising letter.
 - Administration may organise for timed slots within the session, to ensure appropriate allocation of the City's technical officers to the number of community members present.
 - If a session reaches the venue capacity, those community members who have not RSVP'd will not be admitted but will be given the opportunity to book a private appointment with the City's Planning Team.
 - A City Ranger may be present to assist in vacating the venue in a timely manner.



Roles in Participating in Community Information Component

4. Councillors

- Attend in the capacity of observers, to listen to concerns from attending community members.

5. Administration

- Identify and introduce themselves.
- Register attendance.
- Be identifiable by City of Nedlands uniform and/or name badges.
- Answer questions about planning proposals, including the submission and assessment processes, but not provide a recommendation on any element of the application.
- Provide, and assist in interpreting, the relevant plans, maps and documentation required to make a submission.
- Planning Officers will not be providing a formal presentation about the subject proposal. Officers are present at the Community Information Session solely to answer questions raised by attending members of the community.

6. Applicant

- Identify and introduce themselves.
- Answer questions raised by attending members of the community.
- Provide, and assist in interpreting, the relevant plans, maps and documentation required to make a submission.
- Will be clearly separated from Administration. An Applicant area will be established in another room or at a considerable distance from Planning staff and attending community members to enable private discussions to take place.

7. Community Members

- Remain respectful and calm throughout the session.
- Complete the register of attendance, providing all pertinent details.
- Restrict comments to the subject proposal.
- Communicate in a civil manner;
- Allow other participants to express their views.

Related documentation

Local Planning Policy – Community Engagement on Planning Proposals

Related Local Law/legislation

Nil.

Related delegation

Nil.

Review History



Appendix 2 – Sign on Site Template



City of Nedlands

Development Application available for inspection

<Development Description> – <Development Address>

In accordance with the City's Local Planning Policy
– Consultation of Planning Proposals, notice is hereby
given of the abovementioned Development Application for
<development description>, **i.e. a six storey, 10 x Multiple
Dwelling Development.**

Plans and supporting documentation are available on the
City's website for inspection up to and including **<day
month year>**. To view in detail and to make a submission,
please visit:

<website link>

Submissions on this matter will be received
until 5pm, <day month year>.

Mark Goodlet
Chief Executive Officer

<insert perspective drawing of
development, as viewed from the
primary street, or as otherwise
determined by the City>

<insert site plan of development>



Appendix 3 – Hard Copy Submission Template

Proposal details:

Proposal:

Proposal address (*if relevant*):

Submitter details:

Name:

Email (*please note: if an email address is not provided, communications from the City will be via posted letters, which may face delays due to Australia Post timeframes*):

Affected property address:

Postal address (if different to above):

Interest of submitter (i.e. landowner/occupier, business owner, visitor etc.)

Submission:

Position on proposal:

- ☐ Objects to proposal
- ☐ Supports proposal
- ☐ Supports proposal subject to modifications
- ☐ Neither support nor object, however comments/concerns provided below

Please note: valid planning considerations include:

- Matters to be considered by the City under Clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015;
- The requirements of Local Planning Scheme No. 3 or applicable Planning Instrument (Structure Plan, Local Development Plan or Local Planning Policy) which requires the decision maker to exercise judgement; and/or
- Any provision requiring the decision maker to exercise judgement against the design principles of the Residential Design Codes – Volume 1.



Body of submission (*Provide your comments in full and any arguments to support them*):

.



Signature:

Date:

**Appendix 4 - Proforma Letter for Applicant-Conducted Consultation**

I/We, _____, the landowner/s of _____ have viewed the plans for the proposed _____, dated _____, Revision ____ at _____. We understand that the application requires neighbour consultation due to the development requiring assessment under the Design Principles of the Residential Design Codes as follows (~~the following will be provided~~be provided by City of Nedlands Planning Department):

Clause _____ – _____ of Residential Design Codes Volume 1

Proposed
Design Principles
Deemed to comply

To the above, I advise the following (please circle):

I have no objections

I have objections

I have comments/concerns

.....

Signed:

Signed:

Name:

Name:

Date:

Date:

Contact no.:

Contact no.:

*If name is different to name on certificate of title, please attach authority to sign on behalf of the landowner.



Appendix 5 – Community Engagement Strategy Template

Project Details

[illegible]

Engagement Details

Engagement Extent
<detail which groups/stakeholders will be invited to participate>
Engagement Methods
<e.g. workshops with various groups, one-on-one meetings with key stakeholders etc.>
Intended Engagement Dates



Appendix 6 – 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

CWG members agree to speak to the media only on their own behalf, not as a member of the CWG. A member of the CWG will be selected to speak to the media on behalf of the CWG if required. If the nominated person is approached by the media for an interview or comment, the CWG member agrees to notify the City of Nedlands prior to providing a response. No member may discuss views expressed by another member without their knowledge and consent. The City of Nedlands will not publicly identify any CWG members in the media without their knowledge and consent.

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 reference group members are confidential and not to be shared outside the reference group.

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



Appendix 7 – 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 <i>should be</i> used	When a Community Reference Group should <i>not</i> be used
<ul style="list-style-type: none">• When a collaborative approach to community engagement is desirable or required.• When a specific issue would benefit from greater community input.• If an issue is substantial and the resourcing required for a Community Reference Group justifies the benefits and outcomes achieved.• If specific or expert input is required and this can be sourced from key stakeholders in the City of Nedlands.• Where collaboration with stakeholders is desirable to enhance outcomes for a specific issue.• When increased community awareness of an issue is required.	<ul style="list-style-type: none">• When statutory processes exclude input from such a group.• 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.• When alternate collaborative forms of consultation are identified as being more effective.• When informing, consulting, and involving are more effective methods of engagement for the specific issue.



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 8 – 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.



LOCAL PLANNING POLICY – ~~CONSULTATION OF~~ COMMUNITY ENGAGEMENT ON PLANNING PROPOSALS

1.0 PURPOSE

~~1.1 This Policy provides guidance on the exercise of discretion under Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and Local Planning Scheme No. 3 (Scheme) in terms of when public consultation is undertaken for planning proposals, and the means and duration of public consultation periods where these are not prescribed by the Deemed Provisions or the Scheme. The Policy also provides guidance on the exercise of discretion under the Regulations in terms of the means of public consultation for scheme amendments and strategic proposals (e.g. public open space strategy) where not expressly prescribed by the Regulations. 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

2.1 This policy applies to all planning proposals within the ~~Scheme area of the~~ City of Nedlands and includes strategic planning proposals, scheme amendments, activity centre plans, 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 and determination~~ 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 ~~public consultation~~engagement with the community.

~~3.3.3~~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:



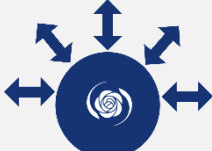
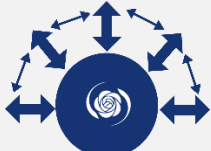
<u>Planning Proposal Definitions</u>	
Complex Development Application	<p>A Complex Development Application is defined by the following criteria: <u>A Development Application for:</u></p> <ul style="list-style-type: none"> (a) Involves multiple dwellings; or <u>Development that is assessed against the Residential Design Codes Volume 2 – Apartments (R-Codes Volume 2); or</u> (b) Where Any other development for which <u>the City deems there is wider community significance requiring a greater level of consultation.</u>
<u>R-Codes Volume 1 Development Application</u>	<u>A Development Application for development that is assessed against the Residential Design Codes Volume 1 (R-Codes Volume 1).</u>
<u>Other Development Application</u>	<u>A Development Application that is not a Complex Development Application or an R-Codes Volume 1 Development Applications.</u>
<u>Strategic Planning Proposal</u>	<p><u>Means planning proposals of a strategic nature, including (but not limited to) proposed, and amendments to:</u></p> <ul style="list-style-type: none"> <u>(a) Local planning scheme;</u> <u>(b) Local planning policies (including precinct-based local planning policies);</u> <u>(c) Structure plans (including precinct structure plans); and</u> <u>(d) Activity centre plans.</u>
<u>Other Definitions</u>	
<u>Consultation Period</u>	<u>The designated time given for a planning proposal to be publicly advertised.</u>

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)

	 Level 1 - INFORM	 Level 2 - CONSULT	 Level 3 - INVOLVE	 Level 4 - COLLABORATE
Public participation goal	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.
Promise to the public	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.
This means	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.
Examples (guide only -	<ul style="list-style-type: none"> Revocation of local planning policy Local planning scheme amendment (basic) 	<ul style="list-style-type: none"> Development applications Local planning policy (issue-based) Local planning scheme amendment (standard) Local Development Plan Activity Centre Plan 	<ul style="list-style-type: none"> Local planning policy (precinct-based) Local planning scheme amendment (complex) Strategic planning documents Structure plans (including precinct structure plans) 	<ul style="list-style-type: none"> New local planning strategy New local planning scheme

Engagement at Level 1 'Inform' and Level 2 'Consult'

5.2 In addition to the requirements of ~~2015 Regulations~~Regulations, ~~Scheme LPS 3~~, ~~Residential Design Codes (R-Codes)~~R-Codes Volume 1 and 2, and any relevant ~~Local~~local ~~Planning~~planning ~~Policy~~policy, consultation of planning proposals shall be undertaken in accordance with Table ~~4~~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.

~~5.15.3~~5.3 ~~In addition to the requirements of Regulations, Scheme, Residential Design Codes (R-Codes) and any relevant Local Planning Policy, consultation of planning proposals shall be undertaken in accordance with Table 1.~~

Table ~~1-2~~2 – ~~Consultation of planning proposals~~ Methods of engagement at Level 1 'Inform' and Level 2 'Consult'

Planning Proposal Type		Minimum advertising consultation period	Minimum advertising radius for letters to owners and occupiers	Letters to owners and occupiers	Sign on site	Local newspaper notice	Notice boards	Website notice (YourVoice)	Community information sessions	Social media	Nedlands News	Community Working Group
Structure Plans		Min. 14 days Max. 28 days*	200 metres	#2▲▲	#2▲▲	#2▲▲	Yes	#2▲▲	Yes	#1▲	Yes	Yes
Scheme Amendment	Basic	Nil* Unless directed by the Minister for Planning										▲
	Standard	42 days*	100 metres▲	Yes▲	YesNo	Yes*	Yes*	Yes*	#4▲	Yes	▲	Yes
	Complex	60 days*	200 metres▲	Yes▲	YesNo	Yes*	Yes*	Yes*	Yes▲	Yes	Yes	Yes
Local Planning Policy		21 days*	N/A▲	N/A▲	N/ANo	Yes*	Yes	Yes	#4▲	Yes	▲	Yes
Activity Centre Plan		Min. 14 days Max. 28 days*	200 metres	#2▲▲	#2▲▲	#2▲▲	Yes	#2▲▲	Yes	Yes	Yes	Yes
Local Development Plan		14 days*	#1▲	#2▲▲	#2▲▲	#2▲▲	Yes	#2▲▲	#4▲	#1▲	▲	Yes
Strategic Proposals (Other)		21 days	▲	▲	▲	▲	▲	Yes	▲	▲	▲	Yes
Complex Development Applications		21 days	200 metres	Yes	Yes	Yes	Yes	Yes	Yes	Yes	▲	Yes
R-Code Volume 1 Development Applications		14 days*	Refer to Clauses 5.2.3 & 5.3.15.4	#2▲▲	#2▲▲	#2▲▲	N/A	#2▲▲	N/A	N/A	▲	No
Other Development Applications		14 days*	100m	Yes	▲	▲	▲	▲	▲	▲	▲	No

* Required under the Planning and Development (Local Planning Schemes) Regulations 2015 2015 Regulations

#1▲ At the Discretion of the City of Nedlands

#2▲▲-A minimum of one consultation communication method is to be used - as prescribed by the 2015 Regulations

**Supplementary information to Table 1**

~~5.2.5.4~~ 5.4.1 R-Code Volume 1 Development applications (R-Codes)

~~5.2.15.4.1~~ 5.4.1 Where a development application is required to be assessed under the R-Codes Volume 1, ~~it will be advertised~~ consultation will be limited to ~~only~~ those properties, which in the opinion of the City, are likely to be directly affected by the proposal, as outlined in Table 3 and Figure 1 below.

~~5.2.25.4.2~~ 5.4.2 In respect to ~~this 5.4.1~~, a planning assessment is a matter of technical opinion and where in the opinion of the City there is no adverse impact on an adjoining residential property owner/occupier, ~~advertising consultation~~ will not be undertaken.

~~5.2.3~~ Table 2 3 and Figure 1 contains the method and distance for ~~advertising consultation~~ in relation to R-Code proposals.

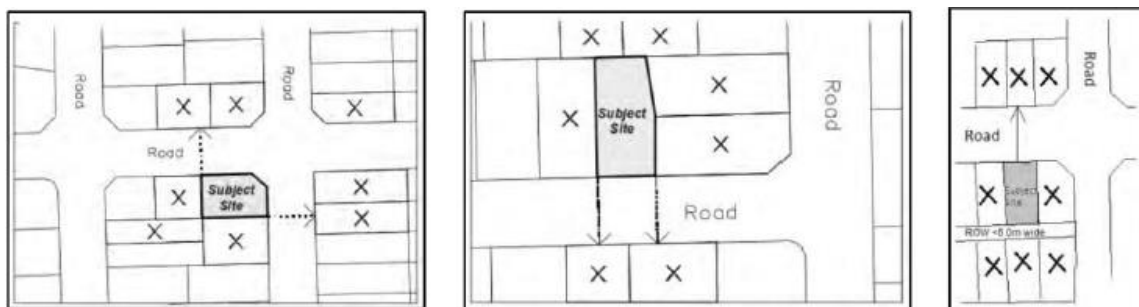
~~5.2.45.4.3~~ 5.4.3 Where not specified in Table ~~23~~, Elements or Parts of the R-codes will not be ~~advertised~~ consulted on, unless in the opinion of the City, the proposal is considered to have an adverse impact on adjoining properties.

Table 2—3 – Development application advertising requirements—R-Codes
Consultation extent for R-Code Volume 1 development applications

<u>Proposal Variation to deemed-to-comply provision for:</u>	Advertising requirement
<u>5.1.2 Front Street setback</u>	To affected adjoining landowner/s or occupiers, within 5 properties in either direction of the subject site, on both sides of the street. To affected adjoining landowner/s/ occupiers in the same street a maximum of 3 properties in either direction of the subject site on both sides of the street.
<u>5.1.3 Lot boundary setback (including boundary wall height/length)</u>	To affected adjoining <u>landowner/s and/or occupiers</u> only <u>including diagonally to the rear if a rear setback variation is proposed.</u>
<u>5.1.4 Open space</u>	To affected adjoining <u>landowner/s and/or occupiers</u> only.
<u>5.1.6 Building height</u>	
<u>5.4.1 Visual privacy</u>	
<u>5.3.7 Site works</u>	To affected adjoining landowner/ s and/or/s/ occupiers directly adjacent and across the street if the site works variation is within the front setback area as per Figure 1 below.
Overshadowing- 5.4.2 Solar access for adjoining sites	To affected adjoining <u>landowners and/or occupiers</u> only.
Boundary fence	To affected adjoining landowner/s and/or occupiers only.
Lot boundary setbacks	To affected adjoining landowner/s and/or occupiers only including diagonally to the rear if a rear setback variation is proposed.
<u>5.4.4 External fixtures, utilities and facilities</u>	At officer discretion and to <u>To</u> affected adjoining landowners/ occupiers directly adjacent and across the street as per Figure 1 below.



Figure 1 – Adjoining / adjacent landowners/occupiers



5.3 ~~Development applications (Other)~~

~~5.3.1 Development applications that require community engagement, other than those assessed under the R-Codes, are to be advertised for a minimum radius of 100m. These include (but are not limited to) the following applications:~~

- ~~• Changes to a non-conforming use;~~
- ~~• Variations to site and development requirements of the Scheme or a Local Planning Policy requirement;~~
- ~~• Uses not specified in the Zoning Table of the Scheme; and~~
- ~~• A proposed land use which is identified as 'A' in the Zoning Table of the Scheme.~~

5.5 Community Working Group

~~5.5.1 The Community Working Group, established in accordance with the Community Working Group Terms of Reference (Appendix 6), is to be consulted on certain planning proposals, as outlined in Table 2.~~

~~5.4.5.6~~ Minor amendments to local planning policies structure plans, and activity centre plans

~~5.4.15.6.1~~ Under Schedule 2, Part 2, Clause 5 (2), Schedule 2, Part 4, Clause 29(3) and Part ~~65~~, Clause 45 (3) of the 2015 Regulations, the City will consider an amendment to an approved local planning policy, structure plan or activity centre plan as minor and not requiring consultation where the proposed amendment does not:

- (a) Materially alter the purpose and intent of the plan; ~~and/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 and activity centre plans to be considered minor and not require advertising.

~~5.5.7~~ Social media Online Engagement
Platforms



~~5.5.1~~ In accordance with Table ~~4~~2, the City will provide broadcast of a planning proposal via ~~social media outlets~~online engagement platforms (including social media). Comments or posts ~~on Social Media~~through these online engagement platforms ~~are will~~not be considered submissions or formal responses. ~~For submissions to be valid, they must be made in the form prescribed in Clause 5.12 of this Policy.~~

5.65.8 Community information sessions

~~5.6.15.8.1~~ The City, where a proposal is deemed to be complex or of community significance, will undertake a Community Information Session for the community and elected members. The information session consists of the following: Community Information Sessions are to be run in accordance with the Community Information Session Procedure (Appendix 1)

- ~~(a) 1-hour information drop-in session, held at the City of Nedlands Administration Building or otherwise designated location as agreed to by the City.~~
- ~~(b) Plans and details of the proposal to be made available by the applicant for display.~~
- ~~(c) City's technical officers to be available to answer any questions, take questions on notice and/or to explain and educate the community on specific details of an application.~~
- ~~(d) Meeting to provide the community and elected members the opportunity to hear what the community has to say, to discuss issues and to direct questions towards the applicant (when present).~~
- ~~(e) No presentations are required for Community Information Sessions.~~

~~5.6.2~~ Information session to be held outside of business hours, usually between 5pm-7pm on a nominated weeknight.

5.75.9 Signs on site

~~5.7.15.9.1~~ Table ~~4~~2 references planning proposal types which require a sign to be placed on the subject site(s). Where this is required, the following shall apply:

- ~~(a)~~ The sign shall be in the form and location prescribed to the applicant by the City following lodgement of a development application. Appendix 2 contains a template for on-site signage.
- ~~(b)~~ The sign shall be printed to A0 size.
- ~~(a)~~(c) The sign/s shall be erected wholly within the property boundaries in a prominent location that can be easily viewed by passers-by from the adjoining street(s). In the case of corner sites, two signs may be required, one to each street frontage.



~~(b)~~(d) In accordance with Clause 49(1)(a) of the Planning and Development Regulations 2009 (2009 Regulations), the applicant is responsible for the cost, including removal costs, of on-site signage as required by this policy.

(e) Once erected, the applicant is to provide the City with photographs of the sign/s in situ to confirm that they have been erected.

~~(c)~~—The sign/s shall remain on site for the entirety of the advertising period.

(f) The sign/s shall be removed by the applicant within 7 days of the conclusion of the consultation period.

General requirements

5.8.10 Advertising Consultation period

5.8.15.10.1 For consultation periods that do not involve notifications in the newspaper, the commencement date of consultation is to be two days after the date notification letters are sent to the community. Otherwise, the commencement date for the consultation period will be the date that the notice is published in the newspaper.

5.8.25.10.2 Submissions are deemed to have closed at 5pm (close of business) on the date shown on the notification relating to the planning proposal.

5.8.35.10.3 The minimum number of days for consultation specified in this Policy are taken to be days in succession and not to be taken as business days.

5.8.45.10.4 A development application may not be progressed until the consultation period has ended regardless of whether submissions have been received from neighbours, stakeholders or other affected parties.

5.9.11 Additional public notice of consultation period for proposal previously advertised

5.9.15.11.1 Additional public notice may be given where 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 additional variations arise from the modificationthe 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)additional variations arise from the proposed amendments.

5.11.2 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.

5.9.25.11.3 Additional public notice 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.

5.11.4 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.

5.105.12 Form and content of submissions

5.10.15.12.1 For comments to have validity, submissions shall be in the following format:

(a) Submissions must be in writing, either submitted in electronic format in a "Your Voice" submission ~~(preferred by the City) or an email~~ or in hard copy format (using the submission template included as Appendix 3) delivered in person to the City's offices or via the post. Email submissions will not be accepted; and

(b) Submissions must be legible, signed by all submitters, dated and include the submitters' full name/s, ~~impacted~~ affected property address, email address and/or the capacity in which they make the submission (e.g.: visitor/business owner/resident) and postal address (if different to the impacted property address):

~~(b)(c)~~ If the submission is objecting to the proposal, the submission is to clearly state the reason for objection, such as any perceived impact the development will have on the submitter.

5.12.2 The City has a duty to ~~take into account~~ consider all valid planning considerations and to ensure that any irrelevant considerations do not influence the decision.

Valid planning considerations include:

- (a) ~~m~~ Matters to be considered by the City under Clause 67, ~~of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)~~ 2015 Regulations; and/or
- (b) The requirements of Local Planning Scheme No. 3 LPS 3 or applicable Planning planning Instrument instrument (structure plan, local



development plan or local planning policy) which requires the decision maker to exercise judgement; and/or

- (c) Any ~~development standard~~provision requiring the decision maker to exercise judgement against the ~~Design design~~ Principles 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.

~~5.145.13~~ 5.13 ~~Applicant opportunity to respond to submissions~~ Consideration of submissions

5.13.1 Where submissions are received on a planning proposal, the City will have regard to these submissions in accordance with Clause 67, Schedule 2 of the 2015 Regulations. In response to valid planning considerations raised in submissions, the City may:

- (a) Request that the applicant make modifications to the proposal;
- (b) Impose or recommend conditions of approval;
- (c) Refuse (or recommend refusal of) an application, where valid planning considerations raised in submissions have not been sufficiently addressed, as determined by the City.

~~5.14.15.13.2~~ 5.13.2 Where submissions are received on a planning proposal, the City's officers will compile a summary of submission themes which upon request will be provided to the applicant and invite the applicant to provide a response to submissions and/or revised plans to address any issues raised during the consultation period. If the applicant elects to provide a response to the submissions and the application is referred to Council for determination or referral to Joint Development Assessment Panel (JDAP) or Western Australian Planning Commission (WAPC;where applicable), this response will be included in the ~~report to Council~~assessing officer's report on the application (as either report content or an attachment).



5.125.14 Submission reporting

5.14.1 Where a ~~planning proposal~~ application is referred to Council or JDAP for ~~consideration or~~ determination, the ~~assessing officer's~~ report ~~or Responsible Authority Report (RAR)~~ will include an attachment summarising the submissions received and officer comments relating to the issue / theme raised.

5.14.2 For development applications, ~~The authors~~ submitter's personal details ~~name and address of affected property~~ will not be identified.

5.14.3 For strategic planning proposals, the ~~submitter's name and address of affected property~~ may be identified.

5.14.4 Full copies of submissions will be made available to Elected Members as a confidential attachment but will not be available to members of the public unless required by law.

5.14.5 In the event that a development application is referred to the State Development 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.

5.135.15 ~~Holiday periods~~ consultation exclusion period(s) ~~Consultation periods over weekends and holiday periods~~

5.15.1 Consultation periods over weekends and holiday periods are to comply with Table 4.

Table 4 - Consultation periods over weekend and holiday periods

<u>Weekend/</u> <u>Period</u>	<u>Holiday</u>	<u>Consultation Period</u>
<u>Weekends</u>		<u>Consultation period includes weekend days</u>
<u>Public Holidays</u>		<u>Consultation period excludes public holidays. Where a consultation period prescribed by this Policy includes declared public holidays, the consultation period will be extended by the number of public holidays during this prescribed period.</u>
<u>Easter period (one week prior to and one week following Easter Sunday)</u>		<u>Where a consultation period falls over the Easter period, an additional 14 days will be added to the prescribed consultation period.</u>
<u>Christmas & New Year Holiday period</u> <u>(15 December - 15 January)</u>		<u>Where a consultation period falls over the Christmas holiday period, an additional 30 days will be added to the prescribed consultation period.</u>

~~5.13.1~~ ~~The City will not undertake consultation of planning proposals during the following dates:~~

- ~~• December 15th – January 15th~~
- ~~• Between one (1) week prior to, and (1) week after, Easter Sunday.~~



~~5.13.2 Where advertising is due to commence during these periods, consultation will begin at the last day of the exclusion period. No advertising time frames will be permitted to close or commence during the exclusion period(s).~~

~~5.13.3 An exception to this requirement may be applied at the discretion of the City upon receipt of a request for extenuating circumstance. In such circumstances the advertising period may begin before the exclusion period and recommence once the exclusion period has lapsed. Days during the advertising period will not be counted towards number of days advertised.~~

~~Where a consultation period falls over a declared public holiday, additional advertising days shall be added to the prescribed period, equal to the number of public holidays.~~

~~5.13.45.15.2 Due to reporting timeframes, applications to be determined by the JDAP may not always be able to comply with the requirements of 5.15.1 of this Policy. Where possible, however, the City will seek to extend consultation periods for JDAP applications in accordance with 5.15.1 of this Policy.~~

5.145.16 Landowners and occupiers

~~5.14.15.16.1~~ The City will send correspondence to both landowners and occupiers in accordance with the requirements of Table ~~4-2~~ of this Policy.

Note: Landowners and occupiers can register to receive electronic notifications only by subscribing to electronic community engagement via the City of Nedlands Planning Department.

5.155.17 Late submissions

~~5.15.25.17.2~~ The City will consider late submissions only when a request is made in writing prior to the closure of the advertising period. The request will be accepted if the additional time required for the submitter is able to be accommodated with reporting time frames (Council or JDAP). All other late submissions will either be rejected or noted as late if able to be received prior to reporting deadlines. ~~where these are received in sufficient time to allow for their reporting. Where this occurs, the City will note submissions which have been received after the closing of the advertising period.~~



5.16.5.18 Availability of documents for viewing by the public

5.16.15.18.1 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.

5.16.25.18.2 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.

5.16.35.18.3 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.

~~7.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS~~

5.19 Applicant-conducted consultation

5.16.15.19.1 Notwithstanding the above, the ~~city~~ City may waive the consultation requirements in respect of ~~residential planning applications~~ planning proposals involving the exercise of discretion under the R-Codes Volume 1 or this Policy in cases where:

~~(a) The applicant provides a copy of the plan including certification by the owners and occupiers of the adjoining property stating that they have no objections to the proposal. Signatures should include all persons shown as owners on the Certificate of Title. The certification must include:~~

- ~~• The full name of the owner/s and occupier/s certifying non-objection clearly printed with their signature;~~
- ~~• A printed statement of no objection to the proposal;~~
- ~~• A copy of the proposed development plans signed by the owner/s and occupier/s; and~~
- ~~• A current contact address and a contact telephone number.~~

~~(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.~~

5.19.2 ~~Where the City agrees to waive the consultation requirements in accordance with 5.19.1, the City will provide the applicant with a proforma letter (Appendix 4), with which to seek neighbour comments.~~

5.19.3 ~~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.~~

5.19.4 ~~As part of assessment of the application, the assessing officer will confirm by phone to verify the non-objection. Verification of the response received~~



will be made by the City to the neighbouring impacted property landowner/s and/or occupiers via telephone.

5.20 Consultation involving adjoining local authority

5.20.1 In the instance that a planning proposal is required to be advertised to an adjoining local authority (City of Perth, City of Subiaco, Town of Cambridge, Town of Claremont and Town of Cottesloe), the City will notify the adjoining local authority/authorities of the proposal and request a list of properties they would like the application to be advertised to.

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

5.21 Methods of engagement at Level 3 'Involve' and Level 4 'Collaborate'

5.21.1 The City may engage external engagement facilitators to run engagement activities at Level 3 'Involve' and Level 4 'Collaborate'.

5.21.2 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'.

5.21.3 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.

5.21.4 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, in the format set out in Appendix 5.

5.21.5 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 6). 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.

5.21.6 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 7) and Terms of Reference (template provided in Appendix 8). The purpose of the Community Reference Group is to engage with a particular group of the community on discrete projects.

5.22 Extent of engagement at Level 3 'Involve' and Level 4 'Collaborate'



5.22.1 For strategic planning proposals within 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).

5.23 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.

5.24 Pre-lodgement engagement for scheme amendments and complex development applications

5.24.1 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.

5.24.2 Applicants conducting community engagement in accordance with 5.19.1 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.

5.24.3 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 (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 Information Session Procedure

The following procedure provide guidelines for Community Information Sessions pertaining to Statutory and Strategic Planning proposals. The responsibilities and expectations of attending community members, staff and applicants are covered by this procedure.

Objectives

1. 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.
2. Community Information Sessions provide the opportunity to clarify matters pertaining to development applications (DAs) and strategic planning proposals.
3. The City will provide balanced and unbiased information in response to queries concerning DAs and proposals.

Procedures

Information Session Details

1. Community Information Sessions will be comprised of two separate components: the Councillor Information component and the Community Information component.
2. Councillor Information component:
 - Held at City of Nedlands Administration Building or otherwise designated location as agreed by the City.
 - Maximum one hour, including 30-minute presentation from applicant.
 - Community members are not permitted to attend.
3. Community Information component:
 - Held at City of Nedlands Administration Building or otherwise designated location as agreed by the City.
 - The City's technical officers will be available to answer questions, take questions on notice and provide information on specific details of the application.
 - No formal presentation on the proposal will be provided.
 - No entry without prior RSVP; details included in advertising letter.
 - Administration may organise for timed slots within the session, to ensure appropriate allocation of the City's technical officers to the number of community members present.
 - If a session reaches the venue capacity, those community members who have not RSVP'd will not be admitted but will be given the opportunity to book a private appointment with the City's Planning Team.



- A City Ranger may be present to assist in vacating the venue in a timely manner.

Roles in Participating in Community Information Component

4. Councillors

- Attend in the capacity of observers, to listen to concerns from attending community members.

5. Administration

- Identify and introduce themselves.
- Register attendance.
- Be identifiable by City of Nedlands uniform and/or name badges.
- Answer questions about planning proposals, including the submission and assessment processes, but not provide a recommendation on any element of the application.
- Provide, and assist in interpreting, the relevant plans, maps and documentation required to make a submission.
- Planning Officers will not be providing a formal presentation about the subject proposal. Officers are present at the Community Information Session solely to answer questions raised by attending members of the community.

6. Applicant

- Identify and introduce themselves.
- Answer questions raised by attending members of the community.
- Provide, and assist in interpreting, the relevant plans, maps and documentation required to make a submission.
- Will be clearly separated from Administration. An Applicant area will be established in another room or at a considerable distance from Planning staff and attending community members to enable private discussions to take place.

7. Community Members

- Remain respectful and calm throughout the session.
- Complete the register of attendance, providing all pertinent details.
- Restrict comments to the subject proposal.
- Communicate in a civil manner;
- Allow other participants to express their views.

Related documentation

Local Planning Policy – Community Engagement on Planning Proposals

Related Local Law/legislation

Nil.



Related delegation

Nil.

Review History

DRAFT



Appendix 2 – Sign on Site Template



City of Nedlands

Development Application available for inspection

<Development Description> – <Development Address>

In accordance with the City's Local Planning Policy
– Consultation of Planning Proposals, notice is hereby
given of the abovementioned Development Application for
<development description>, **i.e. a six storey, 10 x Multiple
Dwelling Development.**

Plans and supporting documentation are available on the
City's website for inspection up to and including **<day
month year>**. To view in detail and to make a submission,
please visit:

<website link>

Submissions on this matter will be received
until 5pm, <day month year>.

Mark Goodlet
Chief Executive Officer

<insert perspective drawing of
development, as viewed from the
primary street, or as otherwise
determined by the City>

<insert site plan of development>



Appendix 3 – Hard Copy Submission Template

Proposal details:

Proposal:

Proposal address (if relevant):

Submitter details:

Name:

Email (please note: if an email address is not provided, communications from the City will be via posted letters, which may face delays due to Australia Post timeframes):

Affected property address:

Postal address (if different to above):

Interest of submitter (i.e. landowner/occupier, business owner, visitor etc.)

Submission:

Position on proposal:

- ☐ Objects to proposal
- ☐ Supports proposal
- ☐ Supports proposal subject to modifications
- ☐ Neither support nor object, however comments/concerns provided below

Please note: valid planning considerations include:



- Matters to be considered by the City under Clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015;
- The requirements of Local Planning Scheme No. 3 or applicable Planning Instrument (Structure Plan, Local Development Plan or Local Planning Policy) which requires the decision maker to exercise judgement; and/or
- Any provision requiring the decision maker to exercise judgement against the design principles of the Residential Design Codes – Volume 1.

Body of submission (Provide your comments in full and any arguments to support them):

DRAFT



DRAFT

Signature:



Date:

Appendix 4 - Proforma Letter for Applicant-Conducted Consultation

I/We, _____, the landowner/s of _____ have viewed the plans for the proposed _____, dated _____, Revision _____ at _____. We understand that the application requires neighbour consultation due to the development requiring assessment under the Design Principles of the Residential Design Codes as follows (the following will be provided by City of Nedlands Planning Department):

Clause _____ – _____ of Residential Design Codes Volume 1

Proposed

Design Principles

Deemed to comply

To the above, I advise the following (please circle):

I have no objections I have objections I have comments/concerns

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

Signed:

Signed:

Name:

Name:

Date:

Date:

Contact no.:

Contact no.:

*If name is different to name on certificate of title, please attach authority to sign on behalf of the landowner.



Appendix 5 – Community Engagement Plan Template

Project Details

Project Title

Project Area

<if defined area, include map>

Purpose of Engagement

Engagement Details

Engagement Extent

<detail which groups/stakeholders will be invited to participate>

Engagement Methods

<e.g. workshops with various groups, one-on-one meetings with key stakeholders etc.>

Intended Engagement Dates



Appendix 6 – 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.



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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

CWG members agree to speak to the media only on their own behalf, not as a member of the CWG. A member of the CWG will be selected to speak to the media on behalf of the CWG if required. If the nominated person is approached by the media for an interview or comment, the CWG member agrees to notify the City of Nedlands prior to providing a response. No member may discuss views expressed by another member without their knowledge and consent. The City of Nedlands will not publicly identify any CWG members in the media without their knowledge and consent.

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 reference group members are confidential and not to be shared outside the reference group.

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



Appendix 7 – 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:

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



- | | |
|--|--|
| <ul style="list-style-type: none">• <u>When increased community awareness of an issue is required.</u> | |
|--|--|

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 8 – 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.

Consultation LPP – Summary of other amendments

Section	Change	Justification
Title	Rename policy: Consultation 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 and
	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.
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 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

Consultation LPP – Summary of other amendments

		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.
5.4 Development applications (R-Codes)	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.
	Rename Table 2 to Table 3, 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	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	Rename to Online Engagement Platforms	Captures other online platforms, inclusive of social media.
5.8 Community Information Sessions	Delete details and replace with reference to Appendix 1 - Community Information Session Procedure	The procedure contains all required information about the operation of Community Information Sessions.
5.9 Signs on site	Add extra guidance on size, including a template as an appendix	Gives City greater control over signs on site being installed. The sign template requires a site plan and perspective of the proposal, to better inform the community about what is being proposed.
5.11 Additional	Rename to 'Addition consultation period for planning proposal previously advertised'	Consistent with new planning proposal definitions.

Consultation LPP – Summary of other amendments

public notice period for proposal previously advertised	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	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 outlining how submissions are considered.	Provide greater clarity to submitters as to how submissions are considered.
5.14 Submission reporting	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 Assessment Unit after being dealt with, and advertised, by the City as a Development Assessment Panel application, the City will provide a summary	Following the State Development Assessment Unit (SDAU) process came into effect in mid-2020, a situation arose where a development application was first 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.

Consultation LPP – Summary of other amendments

	of submissions received on the City's website.'	
5.15 Holiday periods – consultation exclusion periods	Rename to 'Consultation periods over weekends and holiday periods'	New heading is consistent with restructuring of this section, as discussed below.
	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	Clarify requirements for requesting a late submission	Ensure that all submissions are received during consultation period, unless by agreement from the City.
5.19 Applicant - conducted consultation	Provide template for proforma letter and clarify requirements around when applicants can conduct consultation themselves	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).
5.20 Consultation involving adjoining	New provision outlining process for consultation where required to properties outside of the City of Nedlands	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.

Consultation LPP – Summary of other amendments

local authorities		
Engagement at Level 3 'Involve' and Level 4 'Collaborate'	New sections outlining methods and extent of engagement at these higher levels of the IAP2 engagement spectrum	<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 Appendix 5 (Community Engagement Plan Template), Appendix 6 (Community Working Group Terms of Reference), Appendix 7 (Community Reference Group – Guidelines) and Appendix 8 (Community Reference Group – Terms of Reference Template).</p>
	New section providing guidance on applicant-conducted pre-lodgement engagement on scheme amendments and complex development applications	<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> <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>

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

1.0 Executive Summary

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

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

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

2.0 Recommendation to Committee

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

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

Advice Notes specific to this proposal:

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

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

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

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

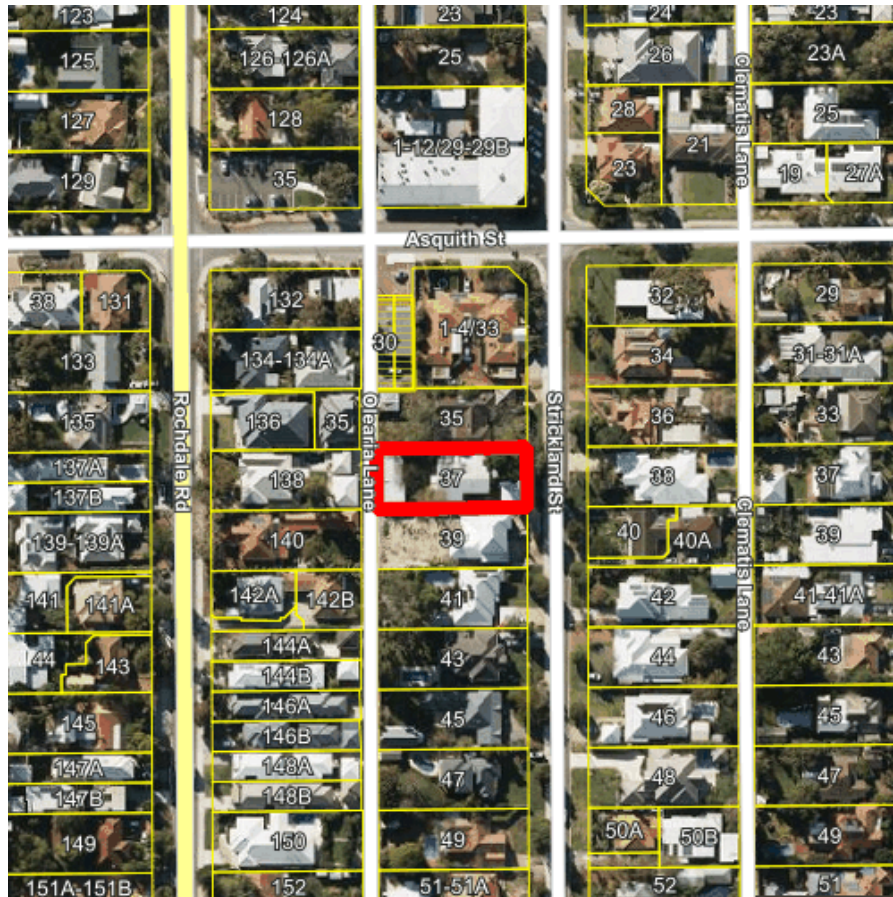
3.0 Background

3.1 Land Details

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

3.2 Locality Plan

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



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



4.0 Application Details

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

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

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

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

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

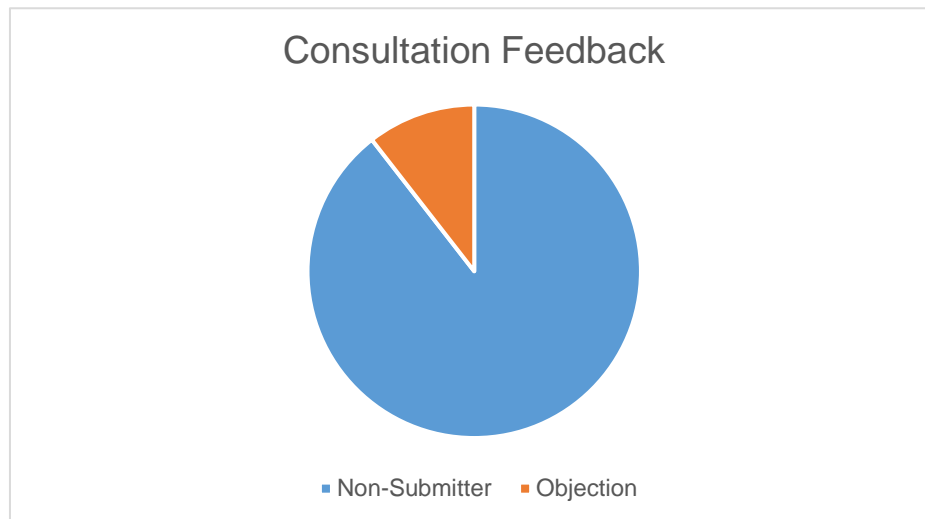
In the Management Plan contained as Confidential Attachment 2 of this report, the applicant has explained:

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

5.0 Consultation

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

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



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

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

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

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

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

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

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

6.2 Local Planning Scheme No. 3 – Residential Zone Objectives

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

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

6.3 Local Planning Policy

6.3.1 – Short Term Accommodation Local Planning Policy

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

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

6.3.2 – Parking Local Planning Policy

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

7.0 Conclusion

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

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

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

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

City of Nedlands
Received
3 August 2020

RESPONSE TO SUBMISSIONS

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

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

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

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

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

1. Devaluing Property value:

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

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

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

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

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

2. Parties and unknown regular strangers

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

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

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

Parties and gatherings are not permitted.

Prospective guests are advised of the rules prior to arrival.

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

3. Noise

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

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

4. Parking

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

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

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

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

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

We do not intend to run it any other way.

6. Concern over rubbish

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

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