

Planning and Development Reports

Committee Consideration – 13 September 2016 Council Resolution – 27 September 2016

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Council: 27 September 2016

PD43.16 (Lot 735) No. 161 Broadway, Nedlands – Proposed Increase to Seating Area

Committee	13 September 2016
Council	27 September 2016
Applicant	Little Way – Amelia Walker
Owner	Mr Z C & Mrs J J Norman
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	1 mobiles
File Reference	DA16/178
Previous Item	October 2015 – PD13.7
Attachments	 Site Plan Seating Plan Floor Plan Applicant justification Applicant's response to submissions

1.0 Executive Summary

This application is for the extension of the dining area by 65m² at the 'Little Way' restaurant. The increased dining area does not propose any additional seating, with existing seating to be relocated to the proposed rear herb garden courtyard.

However, the car parking provisions of the City's Town Planning Scheme no. 2 requires car parking to be provided based either on the number of seats or the dining area – whichever results in the greater car parking bay requirement. The increase in the dining area, results in the car parking now being assessed based on overall dining area instead of the number of seats and therefore an addition 23 car bays are required. No additional car parking bays are proposed to be provided on site.

The development application was advertised to residents and landowners with 16 submissions received - 5 comments or non-objections and 11 objections. The application has been referred to Council for determination, as officers do not have the delegation to determine an application under instrument of delegation 6A, where objections have been received.

Although there is no increase to the number of seats proposed to be provided, on balance after taking into account a number of factors, the application is recommended for refusal for the following reasons:

 The relocation of the seating and increase in the dining area offers greater opportunity for increased number of patrons (i.e. standing) which may increase the demand for car parking in the locality. It is expected to be difficult to adequately monitor the number of seats provided especially during the busy periods:

- b) The applicant has not further explored avenues to obtain access to the rear area for the provision of on-site car parking;
- c) The use of the rear herb garden courtyard for dining area will further decrease the likelihood of provision of on-site car parking to the rear in the future as this would require the reduction in the dining area;
- d) The submissions received provide anecdotal evidence of a car parking problem in the locality;
- e) The City is currently conducting the Broadway Parking Review which includes reviewing the time periods for car parking on Broadway and determining if the purchase of land to provide public car parking is feasible. The City should have more information later this year, and if the later proves feasible, the City may have a strategy in place to accept cash-in-lieu to facilitate this increase in dining area at a later stage;
- f) The determination of this application is considered to be more suitable after the Broadway Parking Review is finalised as this review will determine if there is a car parking problem in the locality and if it is found there is no problem, then this request can be holistically considered; and
- g) The applicant has not provided a traffic impact statement by a suitably qualified person to demonstrate where their patrons and staff are parking, how reciprocal access/parking could be achieved and how traffic is impacted in the locality as a result of the current operations in order for the City to support further expansion of the dining area.

2.0 Recommendation to Committee

Council refuses the development application to increase the seating area of the Restaurant at (Lot 735) No. 161 Broadway, Nedlands, for the following reasons:

- 1. The proposal does not comply with Clause 5.4.1.4 and Schedule III (car parking requirements) of the City's Town Planning Scheme No. 2, and as such has potential to exacerbate the car parking problems in the locality.
- 2. The proposal does not satisfy Clause 5.5.1 of the City's Town Planning Scheme No. 2 as the increase in car parking will have a detrimental impact on the amenity of the locality in terms of traffic congestion and safety.
- 3. The proposal does not comply with Clause 67 (s) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as there is inadequate access to the site and no arrangements for loading, unloading, manoeuvring and parking of vehicles.
- 4. Under the provisions of Clause 67 (b) of the *Planning and Development* (Local Planning Schemes) Regulations 2015, the requirement for orderly and proper planning is not observed as the proposal can be considered more holistically once the City has completed the Broadway Parking review to understand the current and future car parking situation of the locality.

3.0 Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the design requirements of TPS 2, contributing to well-planned and managed development in the City of Nedlands.

4.0 Legislation

- Planning and Development Act 2005 (Act).
- Metropolitan Region Scheme (MRS).
- Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Council Policy Neighbour Consultation.

5.0 Budget / Financial Implications

The proposal is for works to be constructed on a private lot, and therefore has no immediate budget or financial implications for the City.

6.0 Risk management

The proposal is for works to be constructed on a private lot, and therefore has no immediate risks for the City, however should Council refuse the application, there may be costs incurred through an appeal of Council's decision.

7.0 Background

Lot area	768.9m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Retail Shopping
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	Yes

The subject site has frontage to Broadway to the east and the existing building is located on the City's Municipal Heritage Inventory. The subject property is located within a strip of commercial properties which includes offices, multiple dwellings, shops and restaurants. The other side of Broadway is located within the City of Perth.

The restaurant premises is currently known as 'Little Way' but was formerly known as Greco's on Broadway then the Curry Tree. The Restaurant use was approved in 1991 with 142 seats, contingent on 16 car parking bays being provided at the rear of the property. Access to the 16 car bays at the rear of the site was via the neighbouring property at 165 Broadway, Nedlands (Broadway Pizza). However, there was never a formal reciprocal access agreement in place for rights of carriageway over this property and the informal agreement for access ceased

approximately 15 years ago. Therefore the restaurant has been operating without any on-site car parking since this time.

In October 2015, the continuation of the Restaurant land use for 'Little Way' was approved without any on-site car parking with 120 seats and 151m² of dining area.



8.0 Application Details

The restaurant operates Monday to Sunday, 7.30am to midnight, with a maximum of 6 staff on site at any one time. A total of 120 seats are available on the premises for customers within an existing dining area of $151m^2$. The proposal is to start using the rear herb garden courtyard as an additional dining area. The herb garden courtyard is $65m^2$ and will increase the dining area to $213m^2$ and therefore will increase the car parking demand by 23 bays as discussed further later in this report.

The proposal does not comply with the City's TPS2 for Clause 5.5.1 (amenity provisions), Clause 5.4.1.4 and Schedule 3 which stipulates the on-site car parking requirements for proposed developments and changes of use. Additionally the proposal is not considered to be compliant with Clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

The applicant has provided justification in support of the development application provided as an attachment to this report (Attachment 4).

9.0 Consultation

The development application was advertised to landowners and residents within 100m of the subject property for comment for 21 days for the car parking variation and also as the property is within the controlled development area. In total 16 submissions were received – 5 non-objections/comments and 11 objections.

The following is a summary of the comments and objections received:

- a) During the evening hours there is increased demand for car parking and therefore it would be highly desirable if 161 Broadway obtains access to parking at the rear of its property, or behind neighbouring properties.
- b) The city's officers should provide adequate policing so that the restaurant does not use more than the 65m² proposed and no more than 120 seats are provided.
- c) Residents with no on-site car parking have to acquire a parking permit and due to the demand in car parking within the area some residents are forced to park substantial distances from where they live. There should be no increase to the demand in car parking to ensure that the distances walked for residents are not increased further.
- d) Existing car parking problems will be further exacerbated.
- e) The premises should not be allowed to operate without any on-site car parking.
- f) Patrons on the facility are parking illegally within the area on verges and on private property.
- g) Other businesses were required to and have car parking provided on their properties.
- h) Other businesses will be disadvantaged by the lack of available car parking within the area as a result of the increase in car parking demand.
- i) Council must apply a parking scheme either paid by the landlord or tenants of 161 Broadway to build new car parking bays to assist in the growing problem. Other businesses had to pay for car parking within the verge and road reserves to facilitate on-site car parking shortfalls and this requirement should be applied to all businesses applying for car parking shortfalls.
- j) An increase in the size of dining area will surely result in an increase in patrons which will increase car parking demand.
- k) Broadway and The Avenue has become too congested as a result of all the additional car parking.

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

The applicant has addressed these submissions which has been provided as an attachment to this report (Attachment 5). The impact the additional dining area may have on the local area's amenity and the potential car parking issues are discussed in the following sections of this report.

10.0 Statutory Provisions

The relevant provisions of Town Planning Scheme No. 2 (TPS 2) which are <u>not</u> being met by the proposal are addressed in the following sections.

10.1 Town Planning Scheme No. 2

10.1.1 Car Parking

A total of 120 seats are available on the premises for customers within an existing dining area of 151m². The proposal is to start using a 65m² portion of the rear courtyard area as additional dining area whilst not exceeding 120 seats on the premises (including the alfresco area in front of the restaurant), with seating relocated from other parts of the restaurant to the rear courtyard.

In accordance with schedule III of the City's TPS2, the required car parking is to be determined by either 1 bay per 2.6m² dining area or 1 bay per 2 seats – whichever is the greater.

	Currently	Proposed
Dining area	151m²	216m ²
Number of seats	120	120
1 bay per 2.6m ² of dining	58 bays required	83 bays required
area		
1 bay per 2 seats	60 bays required	60 bays required
Bays provided	0	0
Shortfall	60	83

As seen in the above table, the increase in the floor area increases the shortfall from 60 bays to 83 bays, increasing the existing shortfall by 23 bays.

The relocation of the seating and increase in the dining area offers greater opportunity for standing patrons which may increase the demand for car parking in the locality. Although the number of seats approved are capped at 120, it is expected it would be difficult on a busy night to know exactly how many seats will be provided, making monitoring the number of seats provided difficult.

The change of licencing of the venue as a small bar or similar with the same number of seats would not require development approval as the land use would still comply with the restaurant land use within the City's TPS2. The change in licencing would mean that patrons would not need to sit down to drink at the premises and could permit an increase in patronage standing.

The applicant believes there will be no increase in demand for car parking as a result of the increase to dining area, however the applicant has not provided a traffic assessment prepared by properly qualified person to support this.

In order to support the provision of an increase dining area, on site car parking can be provided at the rear of the property with access obtained through a neighbouring property. The applicant has not provided any supporting information detailing how rear access has been investigated. Rear access should be considered by the applicant further before any increase in dining area or patronage. Additionally the use of the herb garden as a dining area will reduce the area available to the rear of the building for the future provision of on-site car parking.

As there is currently no ability to provide car parking on site until access is legally obtained from another property, Cash in Lieu may be provided to accommodate the shortfall. However, Clause 3.9 (Cash in Lieu of Providing Car Parking) of TPS 2 stipulates that before Council agrees to accept a cash payment in lieu of the provision of car bays, it must have an adopted plan in place where additional car bays can be constructed nearby. As no such plans have been adopted to date for the locality, it would be inappropriate for a requirement for a cash in lieu payment to be made at this stage (see other matters of concern section of this report).

The car parking shortfall is discussed in greater detail in the below 2015 Regulations discussion.

10.1.2 Amenity

TPS 2 Provision	Assessment/Comment
Under clause 5.5.1 Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.	Given the number of staff, seating, lack of any off-street car parking and demand for on-street car parking, it is considered that there is inadequate car parking available for the proposal. The lack of on-street car bays has resulted in vehicles parking in the residential streets adjacent to Broadway, which creates safety issues for pedestrians and other road users.
	There is no documentation from the applicant to support any claim that the car parking provided within the locality is adequate for the proposal or that traffic movements will not be disruptive to normal traffic movements or safe traffic flow (i.e. such as a traffic impact assessment by suitably qualified person/s). A traffic impact statement would greatly increase the City's understanding of where their patrons and staff are parking, how reciprocal access/parking could be achieved and how traffic is impacted in the locality as a result of the current operations in order for the city to support further expansion of the dining area.

The submissions received from the community were in majority against the proposal namely due to car parking and traffic concerns. The content of the submissions also provide anecdotal evidence of a car parking problem in the locality with a preference for the restaurant to provide on-site car parking.

10.2 Planning and Development (Local Planning Schemes) Regulations 2015

Regulations Clause

Clause 67 under Schedule 2 (Deemed Provisions) of the Regulations stipulates that in considering a development application due regard is to be given to the following matters, amongst others:

- s) The adequacy of
 - The proposed means of access to and egress from the site; and
 - Arrangements for the loading, unloading, manoeuvring and parking of vehicles.
- t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic flow and safety.
- v) The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.
- y) Any submissions received on the application.

Assessment Comment

The site has no on-site car parking available and therefore rely solely on the on-street car parking in the locality. It should be noted that the majority of other businesses and dwellings within the area have a combination of both off-street car parking and also utilise on-street car parking. The demand for car parking generated from the business will need to be supplied wholly from onstreet car parking which will decrease the available on-street car parking in the locality for other businesses and residents.

Additionally the lack of any off-street car parking requires the businesses to have delivery and service trucks also rely on on-street car parking which may cause inconvenience for patrons of the businesses and other businesses within the locality with these vehicles using the on-street bays directly outside the premises.

From the submissions received, it seems that the increased demand for car parking has resulted in additional on-street car parking down the residential streets within the locality. Some of the submissions have stated that local traffic is required to weave through parked vehicles either side of the road – reducing effective traffic flow and increasing the chance of traffic collision.

The increased demand for on-street car parking from only one business, can result in a loss of business opportunity for other businesses in the area which may also partially rely on convenient car parking for their patrons also within the onstreet car parking bays.

The submitters' comments and objections raised are based on the current operations with any increase in dining area likely to exacerbate the existing car parking problems within the locality.

11.0 Other Matters of Concern

In the October 2015 retrospective approval, Council instructed administration to review the time restrictions for on-street car parking on Broadway (between The Avenue and Hillway). The City will undertake the Broadway Parking Review within this financial year. The initial findings of the review is that in the short term the City can only address parking availability through improved restrictions, or in a longer term plan to buy freehold land to provide public car park.

If the latter is considered a viable option then there may be scope to consider this application in the future when the City has the ability to take Cash in Lieu of car parking. The City should have more information available towards the end of this year.

In the submissions received on the application concern was raised in relation to the increase the densities along Broadway proposed as part of the Local Planning Strategy and the potential increased demand this will have on the on-street car parking in the locality. The redevelopment of sites along Broadway will be larger scale developments which will require comprehensive documentation to support development applications which will include car parking and traffic impact assessments to ensure that the site can accommodate the development. Additionally the City does not have the ability under the TPS2 and the 2015 Regulations to take into consideration future developments which have not yet commenced.

12.0 Conclusion

The application seeks to increase the dining area of the 'Little Way' restaurant by 65m². Although the applicants are not proposing to increase the approved 120 seats, the proposal will increase the dining area and hence increase the required number of on-site car parking bays under the City's TPS2 from 60 bays to 83 bays.

This report has outlined a number of reasons for the application's refusal summarised as follows:

- a) The relocation of the seating and increase in the dining area offers greater opportunity for standing patrons which may increase the demand for car parking;
- b) The applicant has not further explored avenues to obtain access to the rear area for the provision of on-site car parking;
- c) The use of the rear herb garden courtyard for dining area will further decrease the likelihood of provision of on-site car parking to the rear in the future;
- The applicant has not provided a traffic impact statement to support their claim that car parking demand will not be increased as a result of the increase dining area;

- e) The submissions received provide anecdotal evidence of a car parking problem in the locality; and
- f) The City is currently conducting the Broadway Parking Review which will provide the City more information regarding the current car parking situation and the ability to provide more public car parking. This information will enable this application to be considered more holistically in the future.

It is therefore recommended that the application be refused by Council.

12.1 Recommended Conditions if Application is Approved

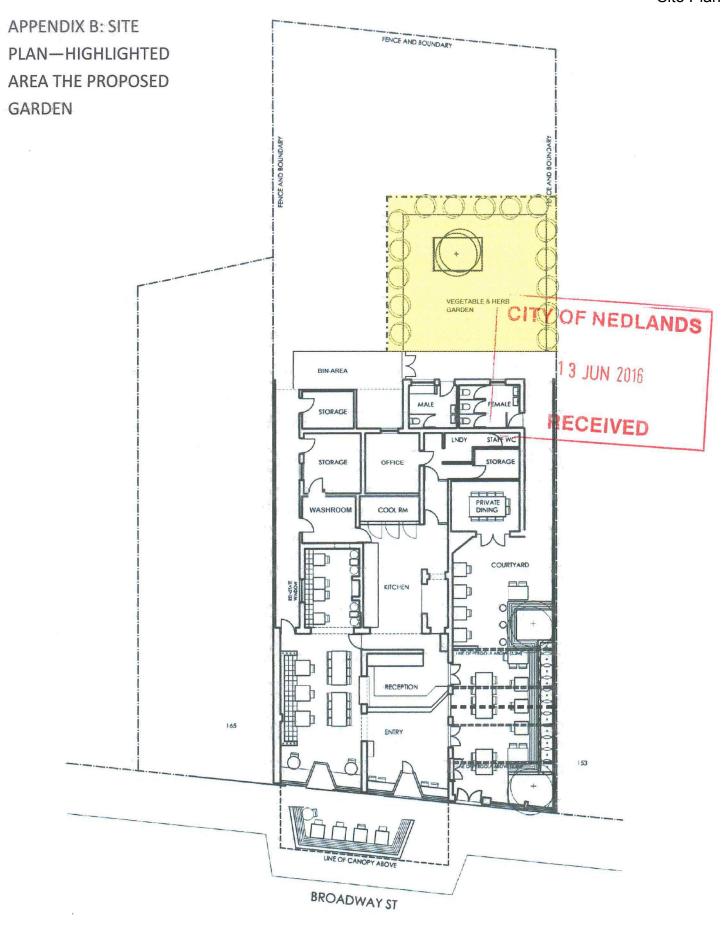
If Council chooses to approve the development application to increase the dining area, the following wording and conditions are recommended:

Council approves the development application to increase the dining area of the restaurant at (Lot 735) No. 161 Broadway, Nedlands, subject to the following conditions and advice:

- 1. This development approval pertains to the extension of the dining area into the rear courtyard area only.
- 2. The new dining area shall not exceed 65m²;
- 3. The seating is limited to 120 seats in total, with no more than 24 being in the verge area adjacent to the subject property. Further increases to seating will require further planning approval (refer to Advice Note 1).
- 4. The operating hours of the restaurant are restricted to Monday to Sunday 7:30am 12 midnight.

Advice Notes specific to this approval:

- 1. With regard to condition 3, the landowners/applicants are advised that should any further seats or seating be proposed to the restaurant, there will be a requirement for on-site car bays to be provided.
- 2. Prior to using the rear dining area, all necessary approvals are obtained from the City's Environmental Health services.
- 3. Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays in order to meet the *Environmental Protection (Noise) Regulations* 1997.



161BROADWAY ST, NEDLANDS (LOT: 735 D/P: P002948 735)

DA

EXISTING SITE 1:200

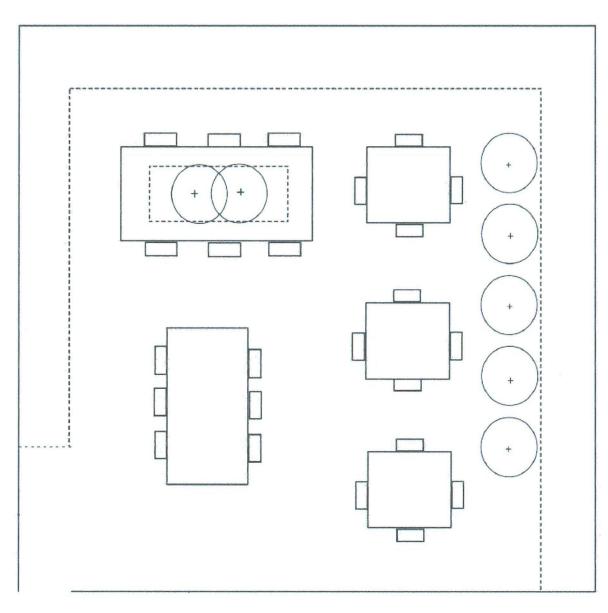
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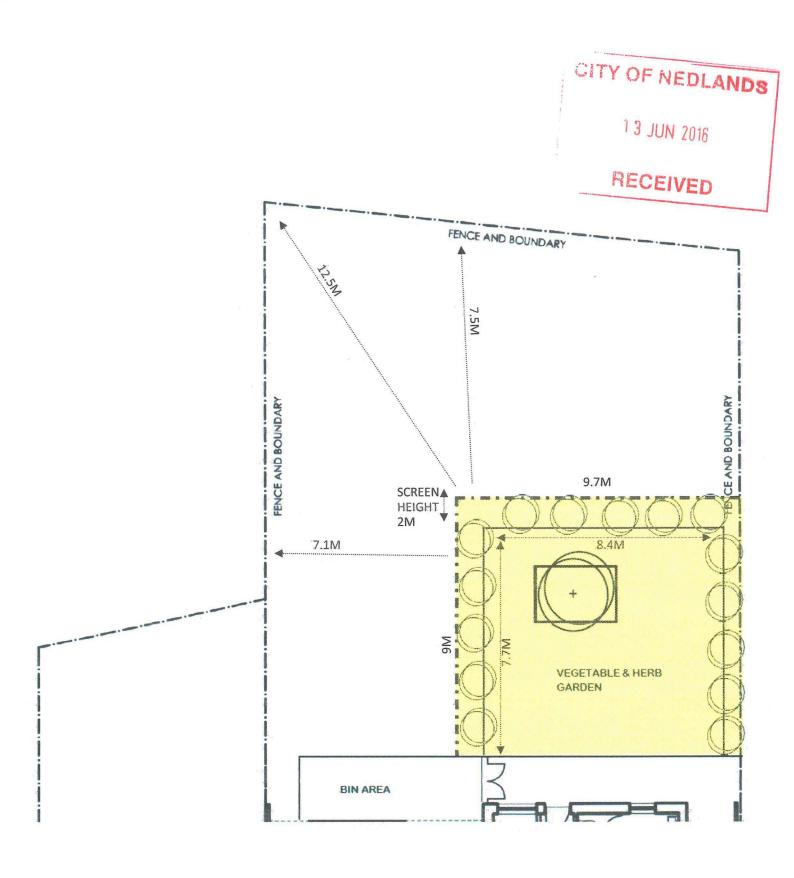


APPENDIX C: SITE
PLAN—PROPOSED
SEATING PLAN OF 24
SEATS





APPENDIX D: SITE PLAN—SHOWING AREA DIMENSIONS + SUBSTANTIAL VACANT AREA BETWEEN PROPOSED DINING AREA AND BOUNDARIES





CITY OF NEDLANDS

13 JUN 2016

RECEIVED

31st May 2016

To whom it may concern;

RE: Development Application 161 Broadway Nedlands – We are seeking to extend the dining area to include an existing alfresco area at the rear of the building. We are NOT seeking an increase in capacity nor changes to our licence.

THE PROPOSAL

The area we are seeking to utilise for dining is an existing citrus and herb garden (recently approved by the Council in January 2016). See Appendix A for photos of the area. We are not seeking an increase in guest capacity (maximum of 120), simply to extend the dining are.

We are seeking to have 24 seats within this area (spread across 5 small tables). The proposed area is enclosed by a 2m screen, and sits tightly to the building. There are substantial plantings within the area, plus a large area of vacant land between the proposed garden area and the nearest neighbouring boundaries.

From the garden screen, there is approx. 7.5m of additional land to the rear boundary, 7.1m to the east boundary and 12.5m to the corner boundary (see Appendix D).

We have attached an independent Noise Report further addressing any noise concerns. The report has found that the use of the back garden area does not expect to exceed statutory environmental requirements.

WHY?

We are requesting to utilise this area in response to our customer requests – we are asked on a daily basis if guests can dine in this area. The Nedlands community have warmly welcomed and utilised our existing garden areas, and these have quickly become a favourite dining area. We believe the positive response to our existing garden areas, and subsequent request to utilise the additional area, is a true reflection of the communities desire to enjoy the great outdoors and sense of wellbeing that comes from a garden. Guests simply like the idea of dining amongst the herbs!

We have the opportunity to really create a sustainable and unique dining experience for our local area. The area currently grows a variety of herbs, has a large central olive tree and a border of citrus trees – all of which are picked and cooked in our kitchen. Our intention is to keep and increase the 'working' garden, and offer guests a chance to dine amongst it. We are proposing to offer bench seating around the olive tree which we envisage will be a popular spot for morning coffee drinkers.

The area will be focused on offering a casual dining area, and we believe this will be particularly

popular with families and guests of all ages.

CITY OF NEDLANDS

13 JUN 2016

OPERATIONS

RECEIVED

We are proposing this area would follow the same operating hours and licensing conditions as the existing venue. We currently hold a Restaurant Licence plus an Extended Trading Permit (ETP): Liquor without a Meal.

It is essential to note that we do NOT seek an increase in our capacity of 120 guests. It is also important to note that we recently reduced the venue's overall capacity in early January 2016 from 142 guests to 120. It is not our intention to trade as a small bar or tavern.

Our existing full breakfast, lunch and dinner menus, along with coffees, juices and drinks, would be made available to this area.

PARKING

We are not seeking an increase in capacity, therefore this will not have an impact on parking.

The Nedlands Council approved our previous DA in January 2016, addressing any car parking issues at the time. It was found that with the existing capacity, there was no car parking issues and as proven, historically, there had been no car parking complaints.

Since operating from January, we have been warmly welcomed by the Nedlands community. We are a busy venue and car parking has not been an issue. Many of our regular customers are nearby residents and often walk or cycle to the venue. We have not had any customer or neighbour complaints regarding parking, and on the contrary we feel many surrounding businesses and residents are thrilled to have a new facility in Nedlands.

Our aim is to answer customer demand to utilise the additional area, and to further provide a truly unique garden-setting. This additional garden area will help to create a venue that is sustainable and positive, and allow us to continue being a popular drawcard for the Nedlands area.

There will not be an increase to the number of guests attending our venue at any one time, nor the number of staff required.

NOISE

We have attached a full Noise Report addressing any concerns here. Key factors to note are:

- The existing area is surrounded by substantial plantings which will help absorb the noise
- We are seeking a total of 24 seats, all made up of smaller groups of 4-6 max. This will simply spread out our seating capacity, not increase it.
- We are not seeking any structural changes to the existing area
- There still remains a large distance between the proposed area and our nearest boundaries,
 offering ample buffer between the dining area and any neighbours.

We thank you for your time and genuinely hope that this simple extension be granted to allow us to create a truly unique and vibrant addition to the Nedlands community.

Kind Regards,

Michael & Amelia Walker

Directors - Little Walk Pty Ltd

CONTACT DETAILS

Amelia Walker - 0408 938 413

Michael Walker - 0450 292 229

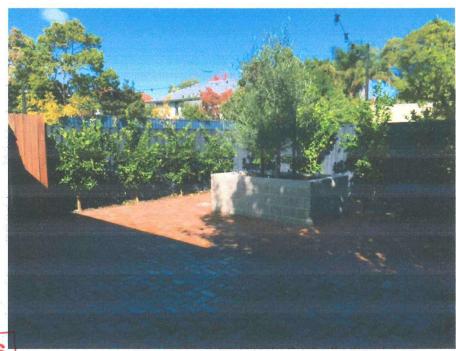
info@littleway.com.au

CITY OF NEDLANDS

13 JUN 2016

RECEIVED

APPENDIX A: PHOTOS OF EXISTING AREA



CITY OF NEDLANDS

1 3 JUN 2016

RECEIVED





City of Nedlands Received 11/8/2016

8th August 2016

Response to the Summary of Neighbour Consultation.

We are writing in response to the neighbour consultation and feedback conducted by the Council.

OVERVIEW

- All of the objections are in regards to car parking an issue that was resolved before the Council in October 2015 (see below for further details).
- We are NOT seeking an increase in capacity nor changes to our license, so logically there should be no need for extra car parking. No extra people = no extra cars.
- Positively, no objections are in regards to Noise. Furthermore, our independent Noise Report found that the use of the additional garden area does not expect to exceed statutory environmental requirements.
- We have the opportunity to create a truly unique dining experience and to offer a one-off venue that becomes a positive addition to Nedlands. Our intention is to offer a sustainable, forwardthinking restaurant and working garden that follows global desires and trends to create true urban spaces.
- We are asked on a daily basis by guests if they can dine in the mentioned garden area.
- Over just a few days, we received a further 205 signatures in support of our DA (attached). On hearing our plea, the response from patrons was extremely passionate and we strongly believe that those in support hugely outweigh the 10 objections received.

Please find following direct responses to the Comments & Objections as provided:

COMMENTS

1) During the evening hours there is increased demand for car parking and therefore it would be highly desirable if 161 Broadway obtains access to parking at the rear of its property, or behind neighbouring properties.

Rear access to the property was extensively explored and addressed during our previous Development Application in 2015. This matter was resolved before the Council on 27th October, and we refer to the below extract from the Council minutes which states that access to the rear of the property is not possible and was based on a private agreement made over 15 years ago:

Car Parking

The restaurant received development approval from the Council in 1991 to operate 142 seats with a requirement that 16 on site car bays be provided. These 16 car bays were accessed via a private agreement with the neighbouring premise. Approximately 15 years ago, the private agreement ceased and therefore access to the rear of the subject property was no longer possible. The Restaurant land use has continued to operate without any on-site car parking until very recently when the Curry

Tree operations ceased.

The applicants are seeking to reduce the number of approved seats down to 120. Therefore compared with how the restaurant has been operating previously at the property the demand for car bays within the locality is not expected to increase should the application be approved by Council.

It has been suggested Cash in Lieu be provided in this case. However, Clause 3.9 (Cash in Lieu of Providing Car Parking) of TPS 2 stipulates that before Council agrees to accept a cash payment in lieu of the provision of car bays, it must have an adopted plan in place where additional car bays can be constructed nearby. No such plans have been adopted to date for the locality, it would be inappropriate for a requirement for a cash in lieu payment to be made at this stage.

City of Nedlands Minutes, Point 13.7, Page 95.

2) The city's officers should provide adequate policing so that the restaurant does not use more than the 65m2 proposed and no more than 120 seats are provided.

As regulated and experienced licensees, we have not, and never would infringe on neither our maximum capacity or red-lined areas regardless of Council policing. We stringently abide by the regulations governed to us by both the City of Nedlands and Racing, Gaming & Liquor WA so this is not an issue. We welcome any policing from either governing bodies.

OBJECTIONS

1) Resident with no on-site car parking have to acquire a parking permit and due to the demand in car parking within the area some residents are forced to park substantial distances from where they live. There should be no increase to the demand in car parking to ensure that the distances walked for residents are not increased further.

We are not seeking an increase in capacity so logically we cannot accommodate any more guests than our current 120, regardless of the dining area. By simply spreading out our guest seating to include the existing back rear garden, we do not see how this would place further demand on car parking. We would also like to make note that upon opening in January 2016, we actually decreased the capacity from 142 seats to 120 – and again referring to the Council Minutes, it was resolved that 'compared with how the restaurant has been operating previously at the property the demand for car bays within the locality is not expected to increase'. Furthermore, the outcome referenced that the existing street car bays are better used by surrounding businesses:

Notwithstanding this, to ensure that existing street car bays are better utilised by those visiting commercial properties within the vicinity, it is recommended that the current car parking time restrictions for on-street car parking be reviewed by Administration and improved where possible.

City of Nedlands Minutes, Point 13.7, Page 95.

2) Existing car parking problems will be further exacerbated.

Once again, We are not seeking an increase in capacity so existing car parking problems should not be further exacerbated. We believe it is far to comment that any such car parking issues come from a combination of surrounding businesses, but largely from the University. Simply spreading out our dining area will not have an impact on the car parking within the area.

3) The council has limited ability to police the parking within the area and number of seats provided for the restaurant at all times.

Whilst the regulation of Council parking is not for us to comment on, we once again state that we have not, and never would infringe on either our maximum capacity regardless of Council policing. As experienced operators we are regulated at all times by the maximum capacity of 120 as imposed to us by both Racing, Gaming & Liquor and the City of Nedlands.

4) The premises should not be allowed to operate without any on-site car parking.

We further reiterate that the matter of car parking was addressed and resolved before the Council Meeting of 27 October 2015. Our venue has been warmly welcomed by Nedlands community and we feel very confident that the vast majority of residences feel we have been a valuable and positive addition to the area.

5) Patrons on the facility are parking illegally within the area on verges and on private property.

We are unable to comment on behalf of our patrons activities, and feel it is difficult to apportion the said activity solely to our business. We do feel very that confident that the City of Nedlands parking rangers regulate any illegal activity by all visitors to the area.

Other businesses were required to and have car parking provided on their properties.

Once again we refer to the matter of car parking has addressed in October 2015, and to previous points addressed on this matter. We would also like to reiterate that being able to provide onsite parking would be beneficial for our business, and an avenue we explored at great length and cost. Since opening, we have continued to approach neighbouring venues in the hope of being able to access the rear of our property, however all suitable candidates continue to decline any such options. So in short, it is not our opposition to providing onsite car parking, it is a matter that the rear of our property is now physically unable to be accessed.

7) Other businesses will be disadvantaged by the lack of available car parking within the area as a result of the increase in car parking demand.

We believe that on the contrary, our venue has increased vibrancy and visitation to the area and therefore brings more potential customers to all businesses in the area.

8) Council must apply a parking scheme either paid by the landlord or tenants of 161 Broadway to build new car parking bays to assist in the growing problem

9) Other businesses had to pay for car parking within the verge and road reserves to facilitate onsite car parking shortfalls and this requirement should be applied to all businesses applying for car parking shortfalls

We refer to both objections 8 & 9. Once again, we have extensively explored the opportunity for onsite parking and tried to worked with the Council to find a solution. All suitable neighboring properties continue to decline us to allow access, and cash-in-lieu was previously explored but found to be an unsuitable solution. We fully support any Council initiatives regarding parking in the area, including the review of redundant and historically-outdated parking signage and timing limitations.

10) An increase in the size of dining area will surely result in an increase in patrons which will increase car parking demand

An increase in patrons will not be permissible as we are legally regulated to allow no more than 120 guests onsite at any one time, regardless of the size of the dining area. We are seeking to ulitise this existing garden area as a direct request from patrons and to create an urban space truly unique to Nedlands. We would like to offer a positive dining space and one we hope that the Council could be proud of.

11) Broadway and The Avenue has become too congested as a result of all the additional car parking

We feel this objection is too general to properly address. Any parking issues are the result of all combined businesses and suburb facilities, not a direct result of our one venue.

12) The Local Planning Strategy proposes to increase densities along Broadway which will further increase the demand for car parking within the area in the future.

Whilst we are not fully across the Local Planning Strategy to increase density along Broadway, we warmly welcome and support any additions which aim to bring vibrancy, unique experiences and dwellings and breathe new life into the area. Any potential 'future' residential parking should be addressed directly with developers, and is not for us to hypothesise.

PD44.16 (Lot 133) No. 58 Kirwan Street, Floreat – Additions to Dwelling

Committee	13 September 2016
Council	27 September 2016
Applicant	C and J Hill
Landowner	C and J Hill
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	1 mobiles
File Reference	DA2016/161 – KI6/58
Previous Item	Nil.
Attachments	 Site Plan Front Elevation and Floor Plan West and Rear Elevations Photograph of 58 Kirwan Street from primary street

1.0 Executive Summary

The proposal is for extensions to the western side of an existing single storey dwelling at the property which is compliant with the design principle provisions of the Residential Design Codes (R-Codes) with the exception of the proposed side setback of a garage and store.

The application was advertised to nearby residents for comment. During the advertising period 1 non-objection was received.

The application has been referred to Council for determination, as officers do not have the delegation to refuse an application where discretion exists for Council to approve the variation(s).

The side setback variation of the garage is considered to not comply with the deemed-to-comply provisions of the R-Codes, as the boundary wall for the garage and store would not positively contribute to the streetscape and its approval would set an undesirable precedence for low density coded properties. As a result, the garage and store component of the application is recommended to be refused by Council.

The proposed bedroom and verandah additions of the dwelling comply with the design principles of the R-Codes and therefore are recommended to be approved by Council.

2.0 Recommendation to Committee

Council:

- 1. Refuses the garage and store component of the development application for (Lot 133) No.58 Kirwan Street, Floreat, received on 7 June 2016, for the following reasons:
 - a) The proposal not satisfying the design principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed nil boundary setback of the garage and store not positively contributing to the streetscape and prevailing development context.
 - b) The proposal setting an undesirable precedence in terms of a boundary wall being visible from the primary street on a low density property.
 - c) The garage and store boundary wall in the R10 zone does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.
 - d) The proposal not satisfying provisions (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 cl.67, as the proposal for a boundary wall is incompatible with low density zone and will negatively impact the character of the locality.
- 2. Approves the bedroom and verandah component of the development application for (Lot 133) No.58 Kirwan Street, Floreat, received on 7 June 2016, subject to the following conditions and advice:
 - a) The development shall at all times comply with the approved plans.
 - b) This development approval pertains to the proposed bedroom and verandah only.
 - c) All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

Advice Notes specific to this approval:

- 1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
- 2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

- a) Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.
- b) Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
- 3. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

3.0 Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the design requirements of TPS 2 and the R-Codes.

4.0 Legislation / Policy

- Planning and Development Act 2005 (Act).
- Metropolitan Region Scheme (MRS).
- Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Residential Design Codes of WA 2015 (R-Codes).
- Council Policy Neighbour Consultation.

5.0 Budget / Financial Implications

Within current approved budget:	Yes 🗌	No 🗌	N/A 🔀
Requires further budget consideration:	Yes	No 🗌	N/A 🖂

6.0 Risk management

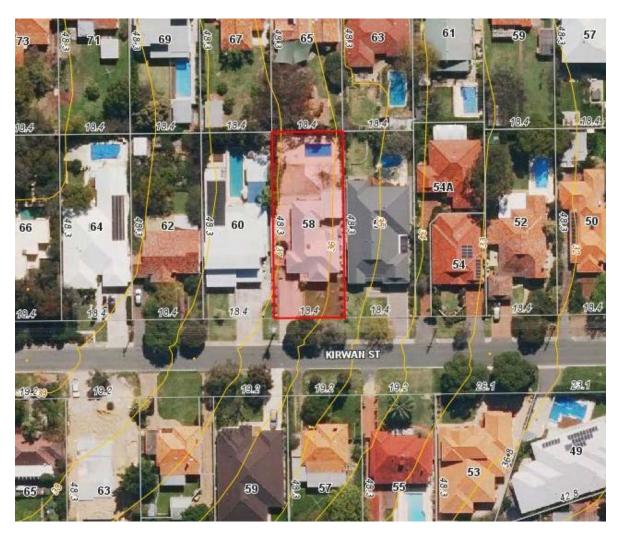
The proposal is for works to be constructed on a private lot, and therefore has no immediate budget or financial implications for the City, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

7.0 Background

Lot area	888m²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential – R12.5
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The subject property contains a single storey dwelling and its topography falls eastwards, as shown on the locality plan below (refer to Attachment 4 for a photograph of the property as seen from Kirwan Street).

In November 2014, approval was granted for a swimming pool on the property. As part of this application an existing single vehicle garage was proposed to be removed. According to the City's records the existing garage was setback 3 feet (0.91m) from the western boundary.



8.0 Application Details

The application seeks approval to construct extensions to western side of the existing single storey dwelling as depicted in the submitted plans (refer to Attachments 1 to 3 for the site plan, floor plan and elevations). Details of which are the following:

- a) The extensions shall contain a garage, store, verandah and bedroom.
- b) The garage and store are proposed to have a nil setback in lieu of 1.5m from the western boundary, and be setback 9.6m from the street boundary.
- c) The bedroom is proposed to be situated towards the rear of the garage and be setback 1.7m from the western boundary.
- d) The verandah is proposed to be setback 10.2m from the street boundary and 4.3m from the western boundary.
- e) The boundary wall for the garage and store is proposed to be 11.3m in length and 2.7m in height above natural ground level.

By way of justification is support of the proposal the applicant has advised the following:

"Extending our (still-single-car) garage to the boundary:

- Presents a more attractive addition to the house facade.
- Provides balance to the facade of the house.
- Provides better liveability, adding storage options to a house devoid of storage (finally somewhere for Dad to do woodwork and a place for the kids to keep their bikes out of the weather).
- Avoids adding a narrow, dead-end space of minimal use.
- Eliminates the need to add an unattractive zincalume shed to the yard.
- Does not affect privacy, light or liveability of our neighbour,
- Is fully supported by our neighbour David Kenare at #60.
- Enhances street-appeal for the neighbourhood."

Note: A full copy of the applicant's justification received by the City has been given to the Councillors prior to the Council meeting.

9.0 Consultation

The development application was advertised to affected landowners by the City for 14 days for comment. One non-objection was received during the consultation period.

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

The potential impact the extensions may have on the local amenity is discussed in the following sections.

10.0 Statutory Provisions

The relevant provisions of the *Planning and Development (Local Planning Schemes)* Regulations 2015 (Regulations), Town Planning Scheme No. 2 (TPS 2) and the local planning policies (LPPs) which are not being met by the proposal are addressed in the following sections.

10.1 State Planning Policy 3.1 – Residential Design Codes

10.1.1 Lot Boundary Setback

Deemed-to-Comply	Proposed
Requirement	
The garage and store are required to be setback a minimum of 1.5m from the western boundary in accordance with Table 2a of the R-Codes.	The garage and store are proposed to be located on the side boundary.

Variations to the Deemed-to-Comply requirements can be considered subject to satisfying the following Design Principle provisions:

Design Principles	Assessment/Comment
Impact of Building Bulk	If the boundary wall was approved, it would set an undesirable precedence which may result in a proliferation of boundary walls usually associated with areas of higher residential density coding's.
	In accordance with AS 2890-1 a minimum width of 3m is adequate for a single car bay which is enclosed on both sides, the proposed 4.3m wide garage can therefore be reduced in width so as to be at least 1m setback from the side boundary.
	The subject property is 888m², has a front setback of 10.2m and shall have a rear setback to the dwelling of 17m. Therefore as an alternative, a carport could be constructed within the street setback area and a store at the rear, or a garage could be constructed to the rear of the property.
Positively contributes to the prevailing development context and streetscape.	The proposed boundary wall will not positively contribute to the streetscape.
	The vast majority of properties facing Kirwan Street do not have boundary walls visible from the street. Those which do have been constructed directly adjacent to a boundary wall which exists on the adjoining property.

Access to direct sunlight and ventilation	As the garage shall be to the east of 60 Kirwan
	Street and the garage shall be single storey in
	nature, the proposal complies with the
	overshadowing requirements of the R-Codes.
Overlooking and privacy loss	The garage is not a habitable room and has no
	windows, therefore no visual privacy concerns
	exist.

10.2 Town Planning Scheme No. 2

TPS 2 Provision	Assessment/Comment
5.5.1 Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having	Properties within the locality (zoned R10) are not permitted to have boundary walls under the current legislation.
regard to the likely effect on the locality in terms of the external appearance of the development.	If the boundary wall was approved, it would have an unacceptable impact on the amenity of streetscape and set an undesirable precedence which may result in a proliferation of boundary walls within low density zones.
	The subject property is 888m², has a front setback of 10.2m and shall have a rear setback to the dwelling of 17m. Considering this, there is the ability to locate parking and the store elsewhere on site.

10.3 Planning and Development (Local Planning Schemes) Regulations 2015

Clauses	Assessment Comment
Planning and Development (Local Planning Schemes) Regulations 2015 Under Schedule 2 Part 9 clause 67 (Matters to be Considered by Local Government) the following provisions are to be taken into consideration: a) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development. b) The amenity of the locality.	As discussed throughout this report the construction of a boundary wall within the R10 zone is incompatible with the provision of the R-Codes and TPS 2. The appearance of the wall on the boundary will negatively impact the character of the locality and set an undesirable precedence within the area for more boundary walls to be constructed in the future.

11.0 Conclusion

The proposal is for extensions to the western side of the existing single storey dwelling at the subject property. The proposal involves variations to the deemed-to-comply provisions of the R-Codes being the reduced side lot boundary setback for a garage and store. This component of the application is considered to not be compliant with the relevant design principles of the R-Codes, whereas the bedroom and verandah components comply with the deemed-to-comply provisions of the R-Codes.

Accordingly, the garage and store component of the application is recommended to be refused by Council, and the bedroom and verandah component is recommended to be approved by Council.

11.1 Recommendation if Application is Approved

If Council resolves to approve the garage and store component of the application the following wording and conditions are recommended.

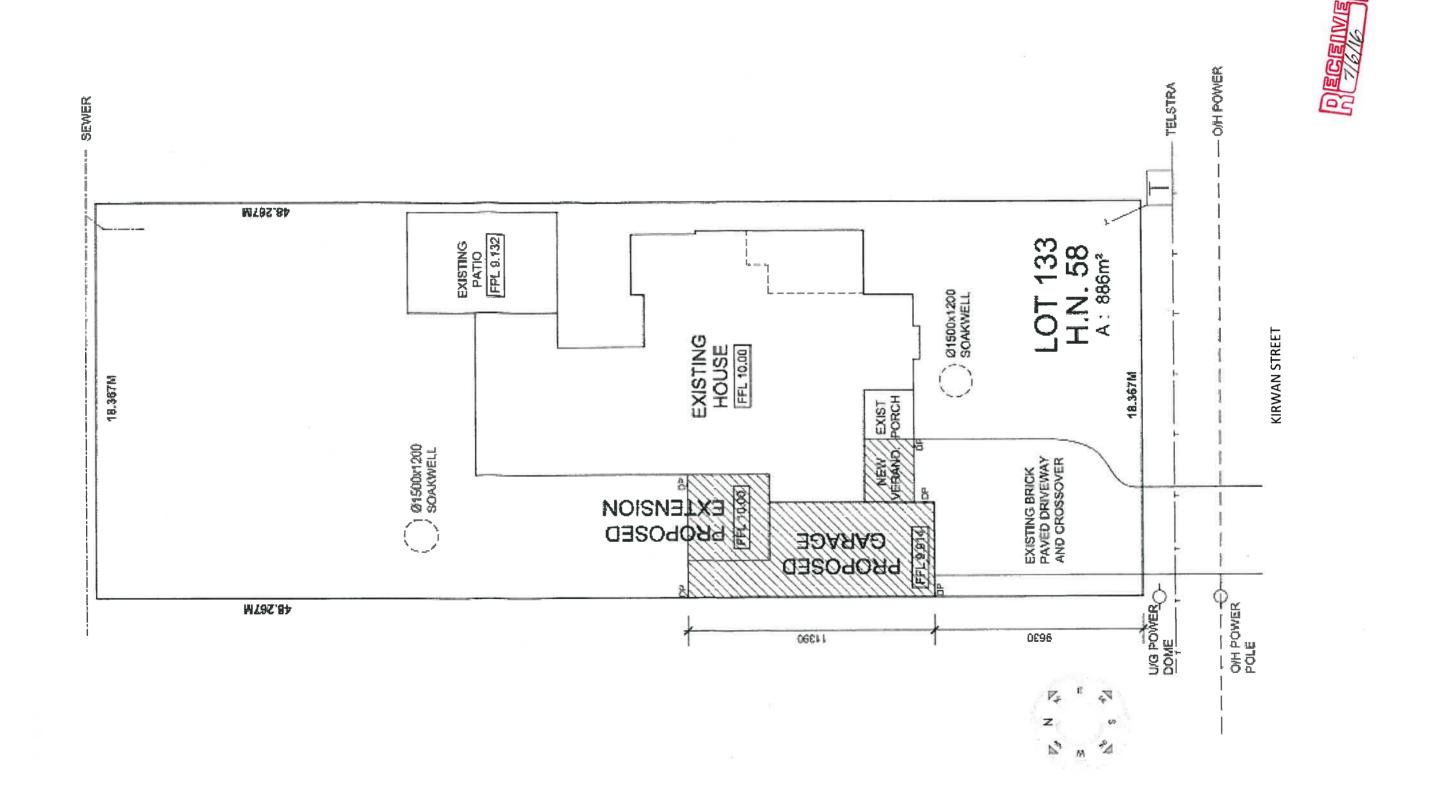
Council approves the development application to construct a garage, store, bedroom and verandah at (Lot 133) No. 58 Kirwan Street, Floreat, subject to the following conditions and advice:

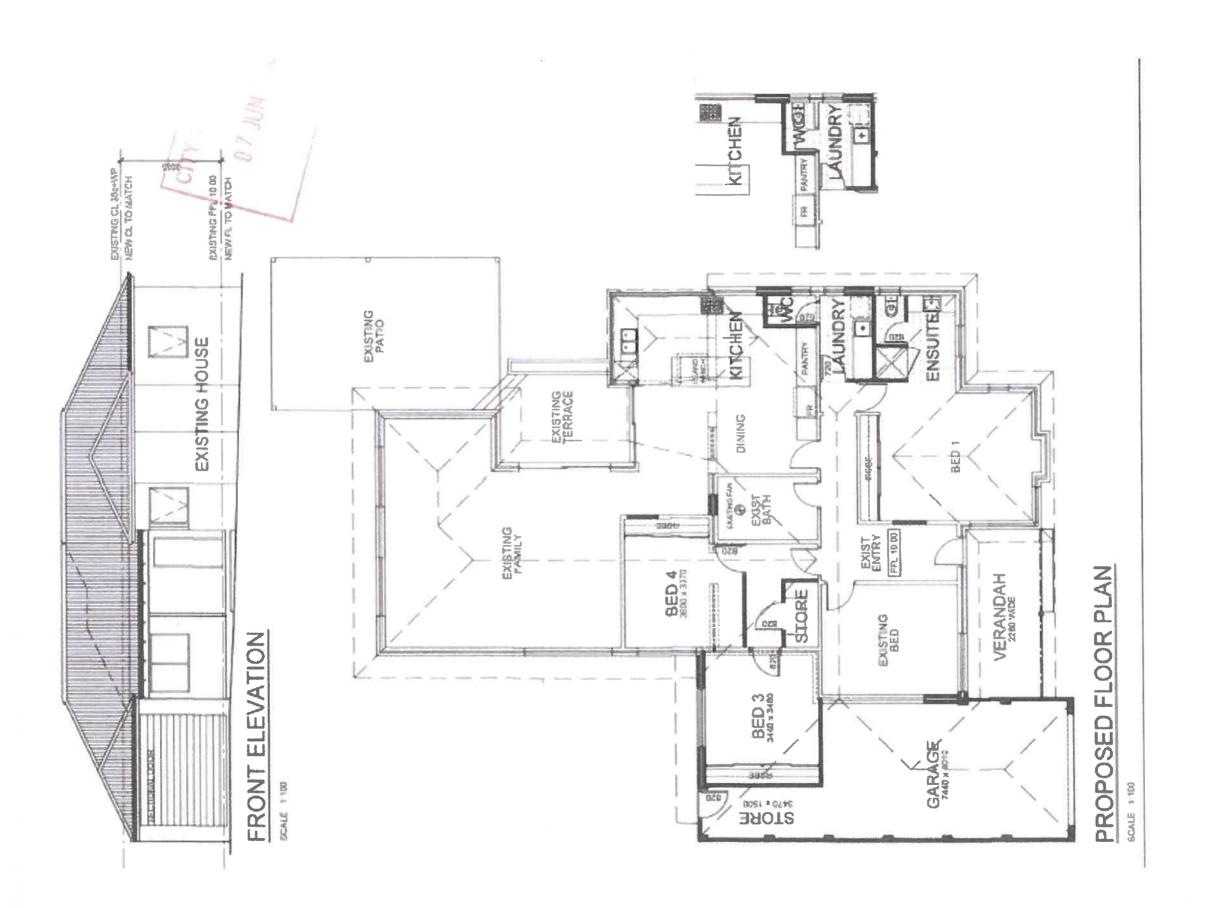
- 1. The development shall at all times comply with the approved plans.
- 2. This development approval pertains to the garage, store, bedroom and verandah only.
- 3. The parapet wall being finished to a professional standard within 14 days from its practicable completion and being maintained thereafter by the landowner to the satisfaction of the City.
- 4. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the Certificate of Title.
- 5. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

Advice Notes specific to this approval:

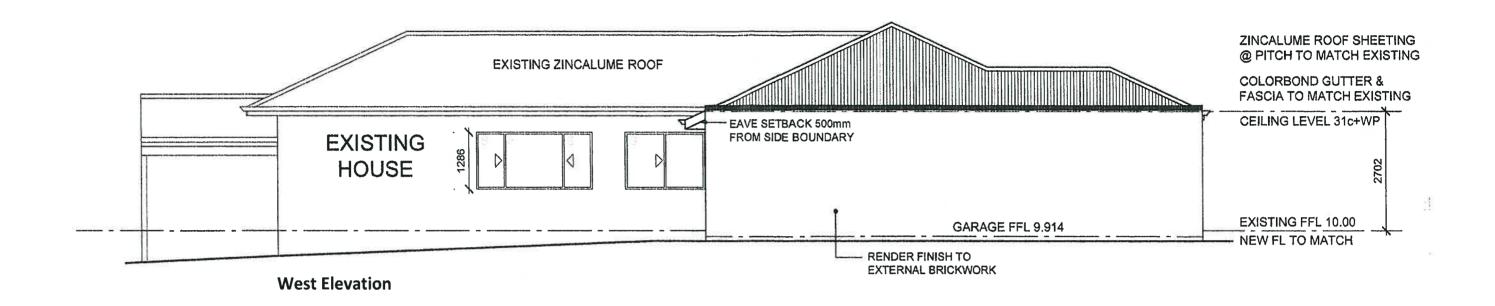
- All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
- 2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.
 - a) Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal

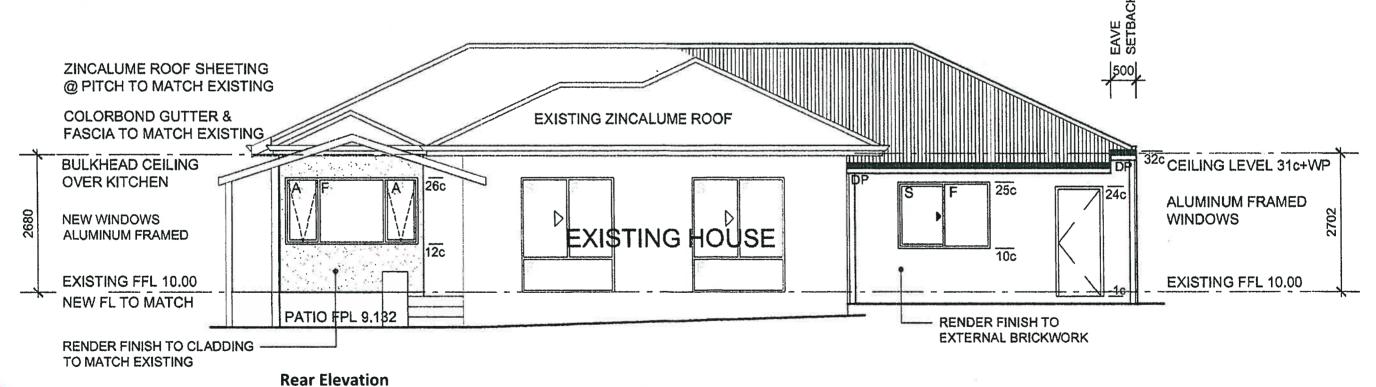
- of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.
- b) Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
- This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.















PD45.16 Proposed Scheme Amendment No. 210 – Rezone Lot 389 Carrington Street, Nedlands from 'Service Station' to 'Light Industry'

Committee	13 September 2016
Council	27 September 2016
Applicant	Rowe Group
Landowner	Lot 389 Carrington Street, Nedlands
Officer	Holly White – Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	1 mobiles
File Reference	PLAN-025404
Previous Item	Nil.
Attachments	Applicant Submission Scheme Amendment 210 – Carrington Street

1.0 Executive Summary

The purpose of this report is for Council to consider a proposed scheme amendment to Town Planning Scheme No. 2 (TPS 2). The application is to rezone Lot 389 Carrington Street, Nedlands from 'Service Station' to 'Light Industry'.

The *Planning and Development* (Local Planning Schemes) Regulations 2015 (Regulations) which came into effect on 1 October 2015, has created three streams of amendments being 'complex', 'standard' and 'basic'. The proposed amendment is deemed to be a 'complex' amendment as it is 'an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission'. This is because there is no adopted local planning strategy for TPS 2.

In accordance with the Regulations cl. 37(1) Council must resolve:

- To proceed to advertise the amendment to the local planning scheme without modifications; or
- b) To proceed to advertise the amendment to the local planning scheme; or
- c) Not to proceed to advertise the amendment to the local planning scheme.

At the May 2015 Council resolved to 'not initiate' further amendments to TPS 2 to allow for the new local planning scheme to be completed. The new Regulations

have changed the legislative wording from 'initiate' to proceed to 'adopt' in relation to scheme amendments.

Although the proposed amendment aims to bring the subject lot into conformity with surrounding lots within the Carrington precinct, the amendment is seen to conflict with the previous Council resolution. It is also in conflict with the draft Local Planning Strategy Intentions for the Carrington precinct.

Over time, the Carrington precinct has evolved from light industry, evident through current zoning, to a more mixed business precinct. This shift is further encouraged through the draft Local Planning Strategy.

The City will be implementing the appropriate zoning in the Carrington precinct to allow the draft Local Planning Strategies Intention of 'mixed business' to evolve. The proposed amendment, is seen to be 'ad hoc' and premature considering the imminent nature of draft Local Planning Scheme No. 3 (LPS 3).

For the above reasons the proposed scheme amendment is recommended not to be adopted.

2.0 Recommendation to Committee

Council resolves:

- 1. In accordance with *Planning and Development (Local Planning Schemes)*Regulation 2015 r.35(1) not to adopt the proposed Scheme Amendment
 No. 210 to rezone Lot 389 Carrington Street, Nedlands from 'Service Station' to 'Light Industry'.
- 2. In accordance with *Planning and Development (Local Planning Schemes)*Regulation 2015 r.35(2) the amendment is considered a Complex Amendment because the "(a) amendment is not consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission" cl. 34 Complex Amendment.
- 3. In accordance with *Planning and Development (Local Planning Schemes)*Regulation 2015 r.37, not to proceed to advertise an Amendment to Town
 Planning Scheme No. 2 to rezone Lots 389 Carrington Street, Nedlands
 from 'Service Station' to 'Light Industry' for the following reasons:
 - a) Council resolved at its May 2015 Ordinary Meeting not to initiate further amendments to Town Planning Scheme No. 2 due to the preparation of Local Planning Scheme No. 3.
 - b) The proposed amendment is not consistent with the draft Local Planning Strategy.

3.0 Strategic Community Plan

KFA: Natural and Built Environment

The proposed scheme amendment concerns the Natural and Built Environment in regards to amending the controls set out in TPS No. 2. This will effect land use planning, development approvals, streetscape and compliance.

4.0 Background

Site Description

Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Service Station
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The lot subject to this proposed scheme amendment is zoned 'Service Station' shown in the below Figures 1 and 2, boarded in yellow.



Figure 1 – Aerial

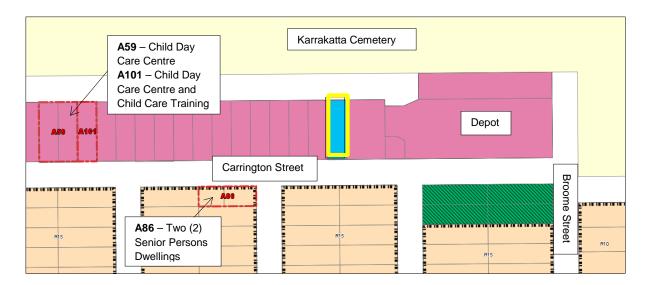


Figure 2 – Town Planning Scheme No. 2

The commercial strip to the north of Carrington Street is predominantly zoned 'Light Industry' with two lots subject to additional uses (Child Care).

The south side of Carrington Street is primarily a low density 'Residential' zone. The Carrington Dog Park is also shown on Figure 2 in green. The City of Nedlands Depot is located opposite this, identified on both Figures 1 and 2.

Over time the Carrington Street commercial strip has evolved from a light industrial area into a highly diverse mixed business precinct, which still contains many service industrial uses as well as non-industrial uses.

The subject lot is located towards the eastern end of Carrington Street. Refer to Figure 1 and 2.

Lot 389 (subject lot) and Lot 388 have been developed in conjunction with each other yet only the subject lot was zoned 'Service Station'.

The Service Station on the subject lot ceased operation in 2002 when the fuel pumps were removed. In 2013, the petrol and diesel underground storage tanks were excavated and removed, together with pipework. An environmental report was undertaken and is attached to the Scheme Amendment Report.

5.0 Legislation

- Planning and Development Act 2005 (Act).
- Planning and Development (Local Planning Schemes) Regulations 2015.
- Directions 2031 and Beyond and Central Metropolitan Sub-Regional Strategy.
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- City of Nedlands draft Local Planning Strategy.

6.0 Budget / Financial Implications

Within current approved budget:	Yes 🗌	No 🗌	N/A 🔀
Requires further budget consideration:	Yes 🗌	No 🗌	N/A 🔀

This proposed scheme amendment has no budget or financial implications for the City. The applicant is responsible for meeting the costs associated with the processing of this application.

7.0 Risk management

If Council does not adopt Scheme Amendment

If Council resolves not to adopt this proposed scheme amendment, the Minister for Planning may instruct that the amendment be adopted. Section 76 of the *P&D Act* states that where the Minister is satisfied on any representation that the local government has failed to adopt a proposal which "ought to be adopted", the Minister may order the local government to do so.

8.0 Consultation

Before the scheme amendment is adopted, there is no requirement for public consultation.

Required by legislation:	Yes 🗌	No $oxed{ extstyle imes}$
Required by City of Nedlands policy:	Yes 🗌	No 🔀

If Council adopts this amendment there is a statutory process to follow that requires environmental review, referrals to agencies likely to be affected by the proposed scheme amendment and advertisement of the proposed scheme amendment for public inspection in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015.*

9.0 Planning Context

State Planning Framework

Directions 2031 and Beyond and Central Metropolitan Sub-Regional Strategy

Directions 2031 and Beyond is a high-level spatial framework and strategic plan to guide the delivery of housing, infrastructure and services necessary to accommodate the future growth of the metropolitan Perth and Peel region.

The Central Metropolitan Perth Sub-Regional Framework provides limited reference to small industrial centres located within existing sites. Below is the only section considered relevant:

'The smaller industrial centres are primarily focused on the provision of general and light industrial services and products to meet the business, household and transport

needs of the population. These centres provide an essential local service, although some are under increasing pressure for redevelopment.'

The <u>existing</u> zoning within the Carrington Street precinct is consistent with the above strategy, yet the future of the Carrington Street precinct is evolving towards a 'mixed business' form.

The proposed amendment is consistent with the state framework yet the justification may not be relevant as Carrington Street is evolving from a light industrial area to a mixed business precinct.

Local Planning Framework

Draft Local Planning Strategy

The City's current local planning framework consists largely of a range of outdated and/or draft documents. When the draft Local Planning Strategy is endorsed by the Commission, these documents will be superseded. Due to the imminent nature of the draft Local Planning Strategy and its progression, it is considered more appropriate to assess the proposed scheme amendment in accordance with the intentions and strategies of the draft Local Planning Strategy.

The relevant intention and strategy has been provided with a summary of its intended application below.

Carrington

Precinct Specific Strategies:

 Facilitate the natural evolution of the Carrington Street commercial strip as a mixed business area and encourage a reasonably high standard of redevelopment.

The draft Local Planning Strategy includes an Activity Centres Planning Strategy, which includes reference to Carrington Street:

Over time the Carrington Street precinct has evolved from a service industrial area into a highly diverse mixed business area, which still contains many service industrial uses as well as non-industrial uses. The suggested strategy for Carrington Street is to continue to let it evolve but to zone it "Mixed Business" or similar rather than "Light Industry" in order to more formally acknowledge the transition taking place and encourage a reasonably high standard of redevelopment.

The strategy recommends a shift away from industrial uses towards a more mixed business precinct. This has been identified through the Activity Centres Planning Strategy which audited the existing uses within the Carrington precinct and analysed the future need for this type of development.

The new Regulations (model scheme text) do not provide a 'Mixed Business' zone and it is therefore more appropriate to zone Carrington Street 'Service Commercial'.

The applicant provides, within the amendment report (attachment 1), the following justification:

"... the Scheme Amendment is not proposing to introduce a new zone or allowing for new additional land uses. Alternatively, it proposes to bring the zoning of the land into conformity with the prevailing zone along Carrington Street. On this basis the proposed Scheme Amendment is consistent with the intentions of the City's Draft Local Planning Strategy."

The Scheme Amendment is not consistent with the draft Local Planning Strategy as the City does not foresee Carrington Street zoned 'Light Industry' but more likely 'Service Commercial'.

As the proposed scheme amendment does not reflect the evolving nature of the Carrington Street precinct from the 'Light Industry' zone to a more 'mixed business' precinct (Service Commercial zone), it is considered not consistent with the intentions of the draft Local Planning Strategy.

Local Planning Scheme No. 3

The City is currently undertaking work using the new *Planning and Development* (Local Planning Schemes) Regulations 2015 to develop a new Local Planning Scheme No. 3 (LPS 3). Administration is committed to drafting a new local planning scheme to be presented to Council by December 2016.

Although the proposed amendment aims to bring the subject lot into conformity with the surrounding Carrington Street Precinct, it is a 'spot rezoning' and should be considered holistically within the preparation of LPS No. 3.

The City's vision from the draft Local Planning Strategy outlines the Carrington precinct is evolving away from light industry to a mixed business precinct. The new Regulations make the inclusion of new zones difficult and would need to be justified. Service Commercial zone is envisioned to incorporate all facets of a mixed business type zone and is currently being proposed within LPS 3.

If the proposed amendment is gazetted, the 'Light Industry' zone within the current TPS 2 may permit Administration to approve certain uses which may not be compatible with LPS 3's zoning of 'Service Commercial'. This conflicts with the envisioned mixed business zone pertinent to the draft Local Planning Strategy.

If the subject lot was re-zoned 'Light Industry' under TPS 2, it may allow land uses that would become 'non-conforming' under the future 'Service Commercial' zone of LPS 3.

10.0 Conclusion

Administration does not support the rezoning of this proposed scheme amendment on the basis that Council resolved at its May 2015 Ordinary Meeting not to initiate further amendments to Town Planning Scheme No. 2 due to the preparation of Local Planning Scheme No. 3.

The proposed amendment is consistent with the State Planning Framework, yet as it is fairly silent on light industrial areas within the central sub-regional area, is of little relevance to this decision.

The proposed amendment is not consistent with the Local Planning Framework, as the precinct is evolving with more mixed business as opposed to light industrial. This has been identified throughout the draft Local Planning Strategy. If the proposed scheme amendment is requesting conformity with the surrounding zones within the precinct, then this will be realised holistically with the imminent LPS 3.

The proposed amendment is considered ad hoc and premature considering the imminent nature of LPS 3 and may also trigger non-conforming uses which are not consistent with the intent of the area as indicated in the draft Local Planning Strategy.

ROWEGROUP

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Applicant Submission Scheme Amendment 210 - Carrington Street

PAID II 07 16

OITY B# 47.6.987

Pachasent #
File # 11 JUL 2015

Finding ACK NAM OTHER Enclosed

Job Ref: 8553 11 July 2016

City of Nedlands PO Box 9 NEDLANDS WA 6909

Attention: Christie Downie - Senior Strategic Planning Officer

Dear Ms Downie

Proposed Scheme Amendment request Lot 389 (No.25) Carrington Street, Nedlands

I refer to our recent telephone discussions regarding the above.

In accordance with our discussions, please find attached one hard copy and one electronic copy (via USB) of our Scheme Amendment request which provides a detailed assessment of the current planning controls relating to the property in support of our request. We note that the request is subject to an application fee of \$2,500 and confirm that the property owner will attend the City's offices shortly after lodgement to attend to this aspect.

We trust that the City will assist in the prompt and favourable consideration our request by by Council. Should you require any further information or clarification in relation to this matter, please contact Jeremy Hofland on 9221 1991.

Yours faithfully,

\\
Jeremy Hofland

Rowe Group

Page 1 8553_16july01L_jh

SCHEME AMENDMENT REQUEST

LOT 389 (NO.25) CARRINGTON STREET NEDLANDS



OUR REF: 8553 21/06/2016



Printed 08 July 2016 8553_16July01R_jh

Version	File Name	Prepared by	Approved by	Date
1	8553_16July01R_jh	Tony Naumoski	Jeremy Hofland	6 July 2016

This report has been authorised by;



CONTACT PERTH OFFICE

p 9221 1991 e info@rowegroup.com.au w rowegroup.com.au a 3/369 Newcastle Street, Northbridge 6003

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- 1. Regional Location
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- 1. Scheme Amendment Map
- 2. Certificate of Title
- 3. Rear Tenancy Floor Plans
- 4. UST Removal and Soil Validation Report

01

Introduction

Rowe Group acts on behalf of Mr John & Mrs Helen Becher ('Client'), the owners of Lot 389 (No. 25) Carrington Street, Nedlands (herein referred to as the 'Amendment Site').

We have been instructed by our Client to formally request that Council, pursuant to Section 75 of the *Planning and Development Act 2005*, amend the City of Nedlands Town Planning Scheme No. 2 ('TPS2') by:

i. Rezoning the Amendment Site from "Service Station" to "Light Industry" as depicted on the Scheme Amendment Map.

Refer Attachment 1 – Scheme Amendment map.

The present 'Service Station' zoning is extremely restrictive in the range of uses which can be approved, being limited to the uses of a Service Station and associated automotive repairs, Car Wash Station, and the incidental uses of Office – General and Shop. In addition, the 'Service Station' zoning of Lot 389 does not reflect the established development form which occurs in an unimpeded manner across Lots 388 and 389, with the former Service Station canopy, pumps and shop being partly within Lot 388.

The purpose of the proposed Scheme Amendment is to allow the site to be used and/or developed in a manner which is consistent with neighbouring lots, including the neighbouring Lot 388 which forms part of the development parcel, and in a manner which is considerate of surrounding land uses.

This report has been prepared in support of the amendment request. It provides background information on the Amendment Site and surrounding area, and addresses all town planning, environmental, servicing and other considerations relevant to the Amendment Site and the proposed Amendment.

The existing and proposed zoning for the Amendment Site is illustrated in the Scheme Amendment Map contained within Attachment 1 of this report.

O2 Description of Site

2.1 Location

The Amendment Site is located in the Municipality of the City of Nedlands ('City'), approximately six kilometres east of the Perth Central Area.

Refer Figure 1 - Regional Location.

The Amendment Site is situated in the locality of Nedlands and has road frontage to Carrington Street to the south (front) and Government Road to the north (rear) of the site. All of the aforementioned roads are sealed, gazetted roads.

Refer Figure 2 - Local Location.

2.2 Cadastral Information

The Amendment Site is legally described as follows:

Address: 25 Carrington Street, Nedlands

Lot Number:

Volume/Folio: 1441/111

Plan: 112 Total Lot Area: 696m²

Refer to Attachment 2 - Certificate of Title.

Existing Improvements

Lot 389 has been developed in conjunction with Lot 388. At the Carrington Street frontage, a Service Station, Workshop and Shop was developed which is known as 'Nedlands Auto Repairs'. The premises are still in operation, though the Service Station component ceased in 2002.

At the rear of both lots exists a workshop with storage and incidental office which was previously occupied by an automotive machining and engine reconditioning business known as 'Hine Motors'. This operation ceased trading several years ago and the premises are now vacant.

Further detail on the existing development on site is illustrated within:

- Figure 3 Site Plan;
- Figure 4 Existing Development and Zoning; and
- Attachment 3 Rear Tenancy Floor Plans.

Decommissioning and Remediation of Service Station

As previously noted, the fuel pumps associated with the Service Station operation were removed in 2002, with the underground storage tanks also being decommissioned at this time.

In 2013, the petrol and diesel underground storage tanks were excavated and removed, together with the associated pipework. As part of this process, soil sampling was undertaken by Aurora Environmental which verified that there was no evidence of fuel leakage from the tanks.

Refer to Attachment 4 - UST Removal and Soil Validation Report by Aurora Environmental.

2.5 Surrounding Land Uses and Development

The Amendment Site is located within existing light industrial precinct on the northern side of Carrington Street, extending from Loch Street to the west through to Broome Street to the east. Presently, the following activities are in operation within this area:

- Motor repair shop;
- Auto electrician;
- Child care centre:
- Wedding equipment hire shop;
- ▲ Home appliances shops;
- Plumbing supplier;
- ■ Warehouses:
- ▲ Australia Post;
- Offices etc.

Over time the "Light Industry" zoned area of Carrington Street has evolved from a service industrial area into a highly diverse mixed business area, which still contains many service industrial uses as well as non-industrial uses.

Refer Figure 2 – Local Location.

2.6 Site Specifications

2.6.1 Topography

The 696m² Amendment Site is considered to be relatively flat with minimal undulation.

2.6.2 Vegetation

The Amendment Site contains no vegetation within the property boundaries.

2.6.3 Heritage

2.6.3.1 European Heritage

A review of the City's TPS2 and website confirms that the Amendment Site is not identified as a site with European heritage significance.

2.6.3.2 Aboriginal Heritage

A desktop investigation of the Amendment Site was undertaken using the Department of Aboriginal Affairs online mapping system. The investigation indicated that the site is not identified as a site of Aboriginal heritage significance.

03

Proposed Scheme Amendment

3.1 Details of Proposed Scheme Amendment

Pursuant to Section 75 of the *Planning and Development Act 2005*, Council is requested to amend TPS2 by:

i. Rezoning the Amendment Site from "Service Station" to "Light Industry" as depicted on the Scheme Amendment Map.

Refer Attachment 1 – Scheme Amendment Map.

3.2 Purpose and Objectives

The purpose of the proposed Scheme Amendment is to allow the site to be used and/or developed in a manner which is consistent with neighbouring lots and considerate of surrounding land uses.

The present "Service Station" zoning is extremely restrictive in the range of uses which can be approved, being limited to the uses of a Service Station and associated automotive repairs, Car Wash Station, and the incidental uses of Office – General and Shop.

The Amendment Site is positioned adjacent to existing "Light Industry" zoned land to the west and east on the northern side of Carrington Street and, as such, this Amendment proposes a land zone which is consistent with the locality.

U4 Town Planning Considerations

Zoning

4.1.1 Metropolitan Region Scheme

Under the provisions of the Metropolitan Region Scheme ('MRS') the Amendment Site is zoned "Urban".

4.1.2 City of Nedlands Town Planning Scheme No.2

Under the provisions of the City of Nedlands Town Planning Scheme No. 2 ('TPS2') the Amendment Site is zoned "Service Station". Immediately to the west and east of the Amendment Site is land zoned "Light Industry".

4.1.2.1 Service Station zone

Under the provisions of TPS2, Table 1 – Use Class Table outlines the following land uses as being capable of approval within the "Service Station" zone applicable to the Amendment Site:

	Permitted 'P' Uses	Discretionary 'AA' Uses	'IP' Uses
Land Uses	Car Park; Car Wash Station; Service Station	Public Utility	Office – General; Shop

"P" a use that is permitted under TPS2;

a use that is not permitted unless approval is granted by the Council; and "AA"

a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.

As shown above, the present zoning of the Amendment Site limits its use to a Car Park, Service Station and/or Car Wash Station. Within TPS2 these uses are defined as follows:

Car Park - means any land or building used primarily for the parking of private vehicles or taxis whether open to the public or not but does not include any part of a public road which is used for the through movement of traffic or any land or building on or in which vehicles are displayed for sale;

Car Wash Station - means any land or building used for mechanical vehicle washing. Such uses may or may not be associated with a service station and may include such other uses considered by Council to be ancillary to the predominant use of the land;

Service Station - means land and buildings used for the supply of petroleum products and automotive accessories and for carrying out greasing, tyre repairs, and minor mechanical repairs to motor vehicles but does not include panel beating, spray painting, major repairs or wrecking, and may include a roadhouse in a predominantly rural area;

4.1.2.2 Light Industry zone

With the exception of the Amendment site, under the provisions of TPS2 the northern side of Carrington Street, extending from Loch Street to the west through to Broome Street to the east is zoned "Light Industry". The following uses are able to be approved within the zone:

	Permitted 'P' Uses	Discretionary 'AA' Uses	'IP' Uses
Land Uses	Car Park; Construction	Auction Mart; Boat Sales Yard; Caravan or	Caretaker's
	Yard; Industrial – Light;	Trailer Yard: Car Sales Yard; Car Wash	Dwelling; Showroom

Permitted 'P' Uses	Discretionary 'AA' Uses	'IP' Uses
Milk Depot; Warehouse; Woodyard	Station; Fuel Depot; Funeral Parlour; Hire Service; Industrial – General; Industrial – Service; Lunch Bar; Motor Vehicle Assembly; Nursery; Office – General; Office – Professional; Public Utility; Recreation – Private; Recreation – Public; Salvage Yard; Shop; Storage Yard; Trade Display; Transport Depot; Veterinary Hospital	

The types of uses which are capable of approval within the "Light Industry" zone is very broad, ranging from activities which are industrial in nature through to administrative, service and retail activities such as offices, shops, veterinary hospitals and nurseries. Of the 31 uses which are able to be approved, the majority (25) are 'AA' uses which enables Council to give consideration to the suitability of the proposed use before granting any approval.

The only uses which are capable of approval within both the "Service Station" zone and the "Light Industry" zone as a stand-alone use (ie: not an incidental use) are 'Car Park' and 'Car Wash Station'. The use of 'Service Station' is a Prohibited 'X' use within the "Light Industry" zone.

4.1.2.3 Suitability of the site for Service Station use

There are a number of factors which would directly affect the development of Lot 389 as a Service Station, which are detailed below:

- As demonstrated above, the use of 'Service Station' is a Permitted 'P' use within the "Service Station" zone, whilst it is listed as a Prohibited 'X' use within the "Light Industry" zone. The effect of this is that the previous Service Station activity which operated from Lots 388 and 389 is not capable of recommencing at the site, as it is a prohibited use on Lot 388. Based upon the present development controls and also the limited site area and frontage of Lot 389, we are of the view that it would be extremely difficult to accommodate all structures and vehicle manoeuvring associated with a Service Station entirely within the land specifically zoned for this purpose.
- ✓ Since the initial development of the site, the nature of Service Station operations has changed in that the sale of petroleum products is more likely to occur in conjunction with the sale of convenience items rather than the servicing and repair of vehicles. As a consequence, the activity is more likely to be developed on major transport routes in order to maximise opportunities for passing traffic, and are usually open up to 24 hours a day 7 days a week. The characteristics of the site and location would not support the development of a Service Station in a contemporary form.
- The operation of a Service Station at the site would be likely to result in considerable detrimental impacts to the adjacent residential locality due to the associated traffic and pedestrian movements, lighting, noise and hours of operation associated with the activity. These impacts are identified within Clause 6.4 of the City's TPS2 as specific matters which Council is to have regard to in the consideration of an application for planning approval. In view of the location of the site being positioned directly opposite single residential dwellings and serviced by a neighbourhood scale road network, the site is not considered to be an appropriate location for the subject activity.

4.1.2.4 Limitations of the present zoning on the use of existing buildings

The Service Station and Workshop/Warehouse within the landholding has been developed across Lots 388 and 389 with no regard for the zoning of the lots, which would suggest that the imposition of the Service Station zoning occurred after the landholding was developed.

The impact of the different zones within the landholding is that the internal floorspace of each building is subject to two very different planning controls. As a result the buildings on site cannot be occupied for a productive use in a manner which is compliant with the applicable provisions of the City's TPS2.

Refer to Figure 4 – Existing Development and Zoning and Attachment 1 – Zoning map.

4.2 Strategic Planning Controls

4.2.1 Directions 2031 and Beyond and Central Metropolitan Sub-Regional Strategy

Directions 2031 and Beyond ('Directions 2031') provides a broad spatial framework for the planning and development of Perth until the year 2031. Directions 2031 identifies suitable locations for employment generating land. The Central Metropolitan Sub-Regional Strategy ('Sub-Regional Strategy') identifies strategic priorities to deliver the outcomes sought by Directions 2031.

Under the Sub-Regional Strategy, the Amendment Site is identified as "Urban".

In accordance with Directions 2031, the Amendment Site is located within close proximity to the Claremont Secondary Centre. The state planning strategy explains Secondary Centres as being:

...important suburban centres that are generally based around retailers offering a range of convenience and comparison goods and services. They also include office, housing, community, recreational and in some cases entertainment. While many of these centres are retail dominated, some have emerged to be important mixed use and employment centres. Opportunities exist to encourage more mixed use development in appropriately located centres, especially if they are located on high frequency public transport routes.

The Sub-Regional Strategy states the following in relation to small industrial areas:

The smaller industrial centres are primarily focused on the provision of general and light industrial services and products to meet the business, household and transport needs of the population. These centres provide an essential local service, although some are under increasing pressure for redevelopment.

The Light Industry zone on Carrington Street is ideally positioned to cater to the local industrial needs of a growing community. Directions 2031 emphasises the importance of the smaller industrial centres and promotes the identification of suitably located and serviced land to meet the local industrial needs of a growing community.

Based on the above, the proposed Amendment is consistent with the requirements of the relevant aims of the Light Industry zone as identified in Directions 2031 and the Sub-Regional Strategy.

4.2.2 City of Nedlands Local Planning Strategy

The Draft Local Planning Strategy ('draft LPS') is intended to provide a broad framework for future land use planning and development within the City of Nedlands for the next 10-15 years and beyond.

At its meeting of 27th of October 2015, the Council of the City of Nedlands resolved to adopt the Draft LPS, the first phase of the process.

The draft LPS was recently released for public comment, closing on 6th May 2016.

The production of a Local Planning Strategy, as the principal planning document for the City of Nedlands, sets out to:

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

The draft LPS specifies strategies for certain precincts within the City of Nedlands. The Amendment Site is located within the Carrington Precinct in accordance with the draft LPS. The precinct aims to:

Facilitate the natural evolution of the Carrington Street commercial strip as a mixed business area and encourage a reasonably high standard of redevelopment.

Over time the Carrington Street precinct has evolved from a service industrial area into a highly diverse mixed business area, which still contains many service industrial uses as well as non-industrial uses. The draft LPS suggests the strategy for Carrington Street is to continue to let it evolve, but to zone it "Mixed Business" or similar rather than "Light Industry" in order to more formally acknowledge the transition taking place and encourage a reasonably high standard of redevelopment.

In light of the above, the Scheme Amendment is not proposing to introduce a new zone or allowing for new additional land uses. Alternatively, it proposes to bring the zoning of the land into conformity with the prevailing zone along Carrington Street. On this basis the proposed Scheme Amendment is consistent with the intentions of the City's Draft Local Planning Strategy.

4.2.3 City of Nedlands Town Planning Scheme No.3

Subsequent to the WAPC's endorsement of the draft LPS, the City of Nedlands will finalise the preparation of its draft Town Planning Scheme No.3 ('draft TPS3'). This draft document is expected to be released for public comment towards the end of 2016. It is anticipated that the draft TPS3 will incorporate an appropriate zone for the northern side of Carrington Street and the permissibility of land uses within the zone.

As the site is no longer in use as a Service Station and given its unsuitability for this use, we would not anticipate that the site would retain its present "Service Station" zoning and expect that the zone to be applied to the present "Light Industry" zone would also be applied to the Amendment Site.

4.3 Council Resolution

At its meeting of 26 May 2015, Council resolved the following (PD29.15):

Council

- 1. Seek an extension of the 42 day timeframe for making changes to Town Planning Scheme No.3 in order for Administration to complete the Local Planning Strategy;
- 2. Proceeds with the immediate and urgent completion of the Local Planning Strategy for submission to the Western Australian Planning Commission;
- 3. Upon completion of the Local Planning Strategy and approval for advertising, proceeds with immediate and urgent completion of Town Planning Scheme No.3 for submission to the Western Australian Planning Commission;
- 4. Does not initiate further amendments to Town Planning Scheme No. 2; and
- 5. To the extent that it is practicable, any existing amendments to Town Planning Scheme No. 2 that are afoot be incorporated into this process rather than pursued in isolation.

We note that item 4 above is particularly relevant to the subject Amendment and understand that this resolution was made in order to facilitate the urgent and immediate completion of the City's Local Planning Strategy and Town Planning Scheme No.3. In this regard, we note that this resolution was made more than 12 months ago and since that time, the City has prepared its Local Planning Strategy which was subject to public consultation, closing on 6th May 2016. We understand that the City's Draft Town Planning Scheme is on track for presentation to Council for adoption in late 2016, with public advertising anticipated to occur in mid-late 2017. Based upon the timing associated with the advertising and adoption processes, it is anticipated at this stage that the draft TPS3 would be in place in the second half of 2018 at the earliest.

It is common practice for a Local Government to resolve to not initiate any further amendments to its active Town Planning Scheme whilst preparing a new Town Planning Scheme, to ensure that any proposed amendments do not compromise the City's intentions within the new TPS. We are cognisant of the City's intentions to promptly implement its new Scheme and consider that the initiation of the proposed Amendment will not adversely affect the progress and outcome of the draft Town Planning Scheme No.3 for the following reasons:

- ✓ The subject Amendment would not propose a new zone, nor would it introduce new land uses within the "Light Industry" zone. Alternatively, it relates only to one property and will bring the zoning of the land into conformity with the prevailing zone along Carrington Street.
- ✓ The proposed Scheme Amendment is consistent with the intentions of the City's Draft Local Planning Strategy;
- Given that the current "Service Station" zoning of the land bears little relationship to the activities occurring on the site, it is highly likely that the current zoning would not be retained within the draft TPS No.3:
- ✓ In view of the simplicity of the Amendment, it is appropriate to progress the proposed Amendment separately to the draft TPS No.3, which could potentially be delayed due to matters which are not related to the subject site.

The proposed rezoning from "Service Station" to "Light Industry" would be minor in nature and would be classified as a 'Standard' Amendment in accordance with the provisions of the *Planning and*

Development (Local Planning Schemes) Regulations 2015. Subject to Council's initiation occurring prior to the end of 2016, we would anticipated that the Amendment would be finalised and gazetted during the second half of 2017 which would be at least 12 months prior to the finalisation of the draft TPS No.3.

In view of the above, we do not believe that the proposed Amendment would compromise the progress of its draft TPS No.3 and request that Council exercise discretion and resolve to initiate the proposed Scheme Amendment.

05

Servicing Considerations

5.1 Sewer

Based on the results of a 'Dial Before You Dig' ('DBYD') search, the Amendment Site is connected to a reticulated sewerage system.

5.2 Water

Based on the results of a DBYD search the Amendment Site is connected to a main water supply.

5.3 Power and Telecommunications

Based on the results from a DBYD search, the Amendment Site is provided with electricity serviced through an existing pillar located on the opposite side of the site on Carrington Street, which runs a low voltage cable to Nedlands Auto Repair.

The DBYD search has also confirmed that the vicinity of the Amendment Site is provided with fibre-optic services.

5.4 Gas

Based on the results from a DBYD search, gas infrastructure is present within the vicinity of the Amendment Site.

06

Conclusion

This report requests that Council amend the City of Nedlands Town Planning Scheme No. 2 by:

i. Rezoning the Amendment Site from "Service Station" to "Light Industry" as depicted on the Scheme Amendment Map

Refer Attachment 1 – Scheme Amendment Map.

The present "Service Station" zoning is extremely restrictive in the range of uses which can be approved, being limited to the uses of a Service Station and associated automotive repairs, Car Park, Car Wash Station, and the incidental uses of Office – General and Shop. The purpose of the proposed Scheme Amendment is to allow the site to be used and/or developed in a manner which is consistent with neighbouring lots and in a manner which is considerate of surrounding land uses.

Notwithstanding Council's resolution of May 2015, we do not believe that the proposed Amendment would compromise the progress of its draft TPS No.3 and request that Council exercise discretion and resolve to initiate the proposed Scheme Amendment. The proposed rezoning from "Service Station" to "Light Industry" would be minor in nature as it would resolve a historic anomaly and bring the property into conformity with the zoning on adjacent sites, and would not compromise the proposed zoning under TPS3.

The Amendment is considered to be consistent with orderly and proper planning, and accordingly, we seek Council's favourable response to this request.



FIGURES



Planning Design Delivery



REVISIONS

Rev	Date	Drawn	
A	2016.05.09	W. Clements	



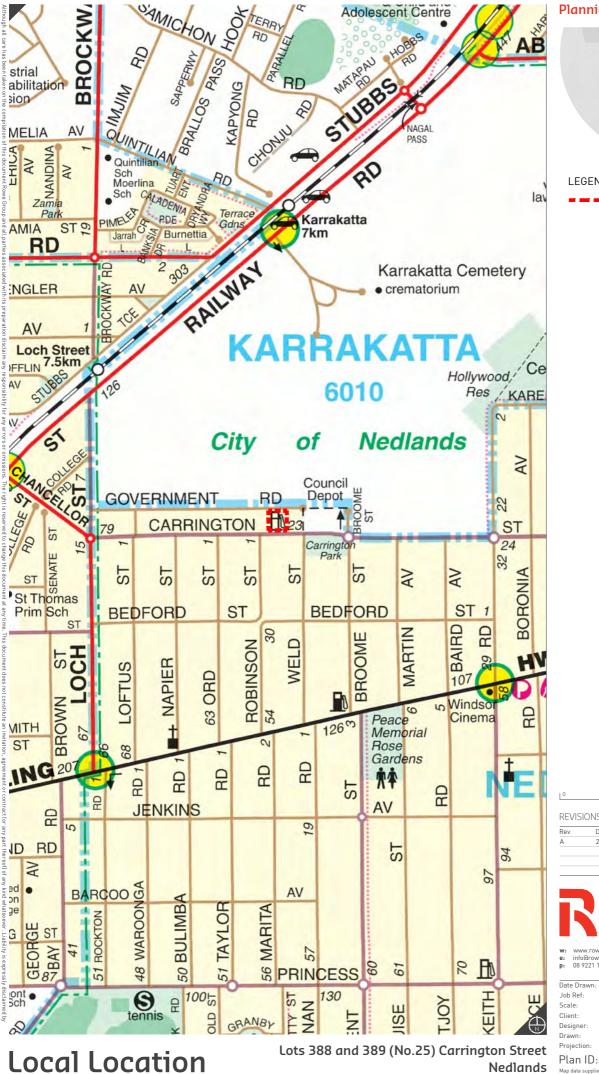
Job Ref: N.T.S. @ A4 Scale: Client: Viburnum Funds Pty Ltd T. Naumoksi W. Clements Projection: MGA50 GDA94 8553-FIG-01-A Plan ID:

Regional Location

National Planning(8000-899*)8553/DRAFTING/A-CAD/8553_FIG01A_20160509_NEDLANDS IREGIONAL
WILLIAM Clements 9 May 2016

INDIAN OCEAN

Lots 388 and 389 (No.25) Carrington Street Nedlands



Planning Design Delivery LEGEND

Subject Site

REVISIONS

2016.05.09 W. Clements



1:10.000 @ A4 Funds Pty Ltd T. Naumoksi W. Clements MGA50 GDA94 8553-FIG-02-A

Nedlands



Lots 388 and 389 (No.25) Carrington Street Nedlands REVISIONS

LEGEND

Subject Site Contours

Sewer

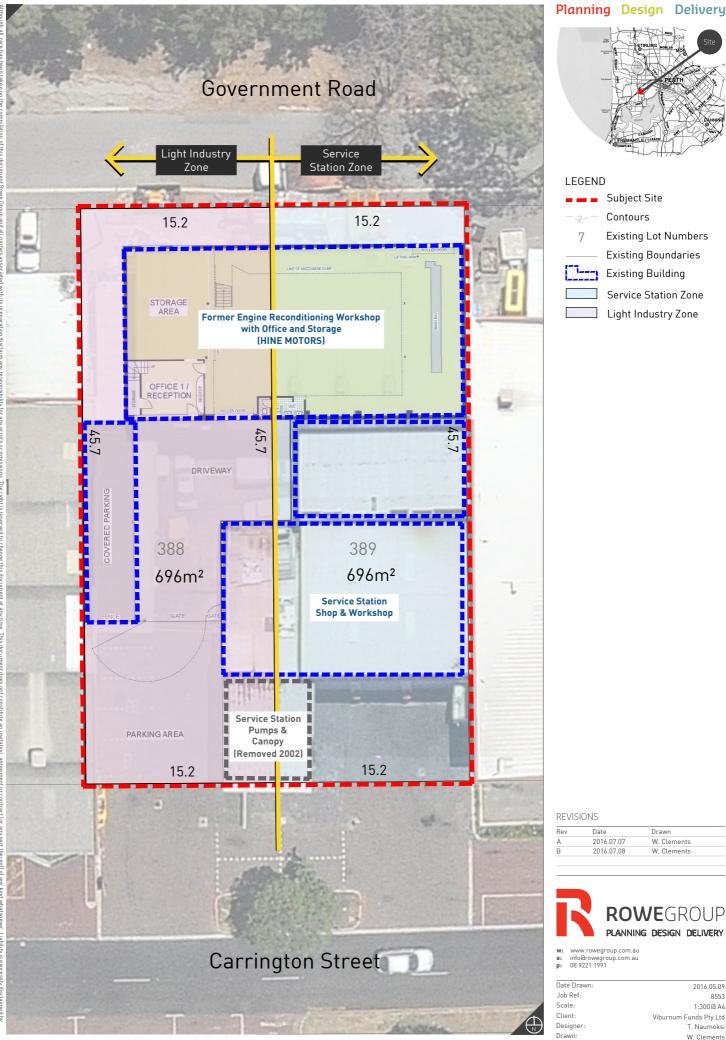
Existing Lot Numbers Existing Boundaries

Rev	Date	Drawn	
A	2016.05.09	W. Clements	
A	2010.03.07	W. Clements	



Job Ref: Scale: 1:1000 @ A4 Client: ım Funds Pty Ltd T. Naumoksi W. Clements MGA50 GDA94 Projection 8553-FIG-03-A Plan ID:

Site Plan



Lots 388 and 389 (No.25) Carrington Street **Existing Development and Zoning** Nedlands

LEGEND Subject Site Contours **Existing Lot Numbers Existing Boundaries** Existing Building

Service Station Zone

Light Industry Zone

REVISIONS

Rev	Date	Drawn	
Α	2016.07.07	W. Clements	
В	2016.07.08	W. Clements	



www.rowegroup.com.au info@rowegroup.com.au 08 9221 1991

p: U8 9221 1991	
Date Drawn:	2016.05.09
Job Ref:	8553
Scale:	1:300 @ A4
Client:	Viburnum Funds Pty Ltd
Designer:	T. Naumoksi
Drawn:	W. Clements
Projection:	MGA50 GDA94
Plan ID:	8553-FIG-10-B

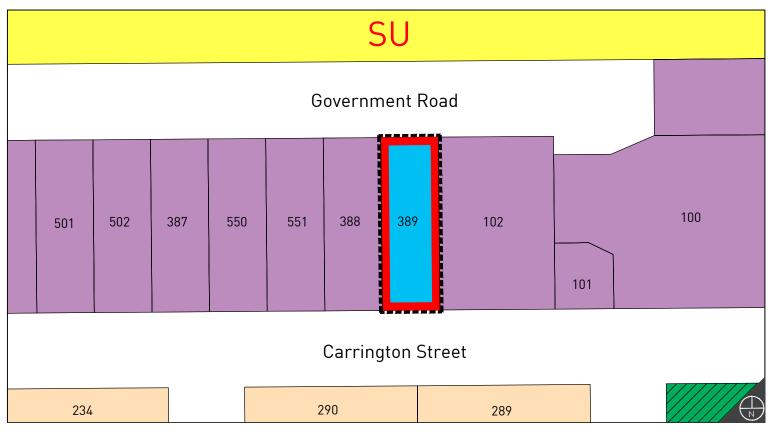


ATTACHMENT 1

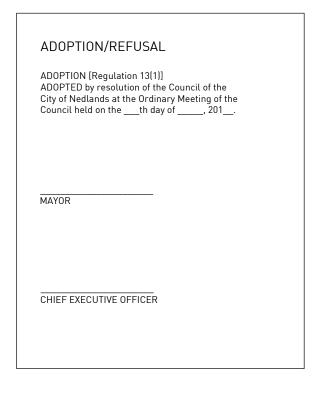
SCHEME AMENDMENT MAP



City of Nedlands Town Planning Scheme No. 2 Scheme Amendment



LEGEND Subject Site Existing Lot Numbers Existing Boundaries REGION SCHEME RESERVES (MRS) Public Purposes Su Special Uses LOCAL SCHEME RESERVES Recreation LOCAL SCHEME ZONES Residential Light Industry Service Station



Existing Zoning



LEGEND

THE Subject Site

7 Existing Lot Numbers

Existing Boundaries

LOCAL SCHEME ZONES

Light Industry

FINAL APPROVAL	
1. FINAL ADOPTION BY COUNCIL	
Adopted for Final Approval by Resolution of the City of Nedlands at theMeeting of Council held on the day of The Common Seal of the City of Nedlands was hereunto affixed by authority of a resolution of the Council in the presence of:	
MAYOR	
CHIEF EXECUTIVE OFFICER	
2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:	
DELEGATED UNDER S.16 OF PD ACT 2005	
Date:	
3. FINAL APPROVAL GRANTED	
MINISTER FOR PLANNING	
Date:	



ATTACHMENT 2

CERTIFICATE OF TITLE



1441

111

Application B189934

WESTERN

Volume 1080 Folio 525

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

AUSTRALIA

DATED 27th July, 1976

ESTATE AND LAND REFERRED TO

389 Estate in fee simple in portion of Swan Location 717 and being Lot 34 and part of Lot 33 Section 6 on Plan 112 (Sheet 3), delineated and coloured green on the map in the Third Schedule hereto.

FIRST SCHEDULE (continued overleaf)

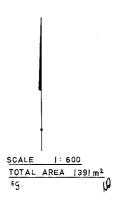
SECOND SCHEDULE (continued overleaf)

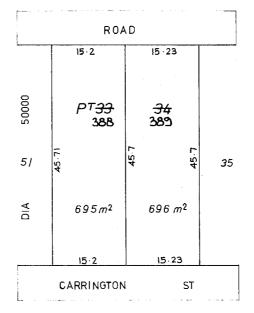
NIL

Land Parcel identifier amended -Regulation 6 of Transfer of Land (Surveys) Regulations 1995 Corr. 1775-2000-01

22.1.02

THIRD SCHEDULE





NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

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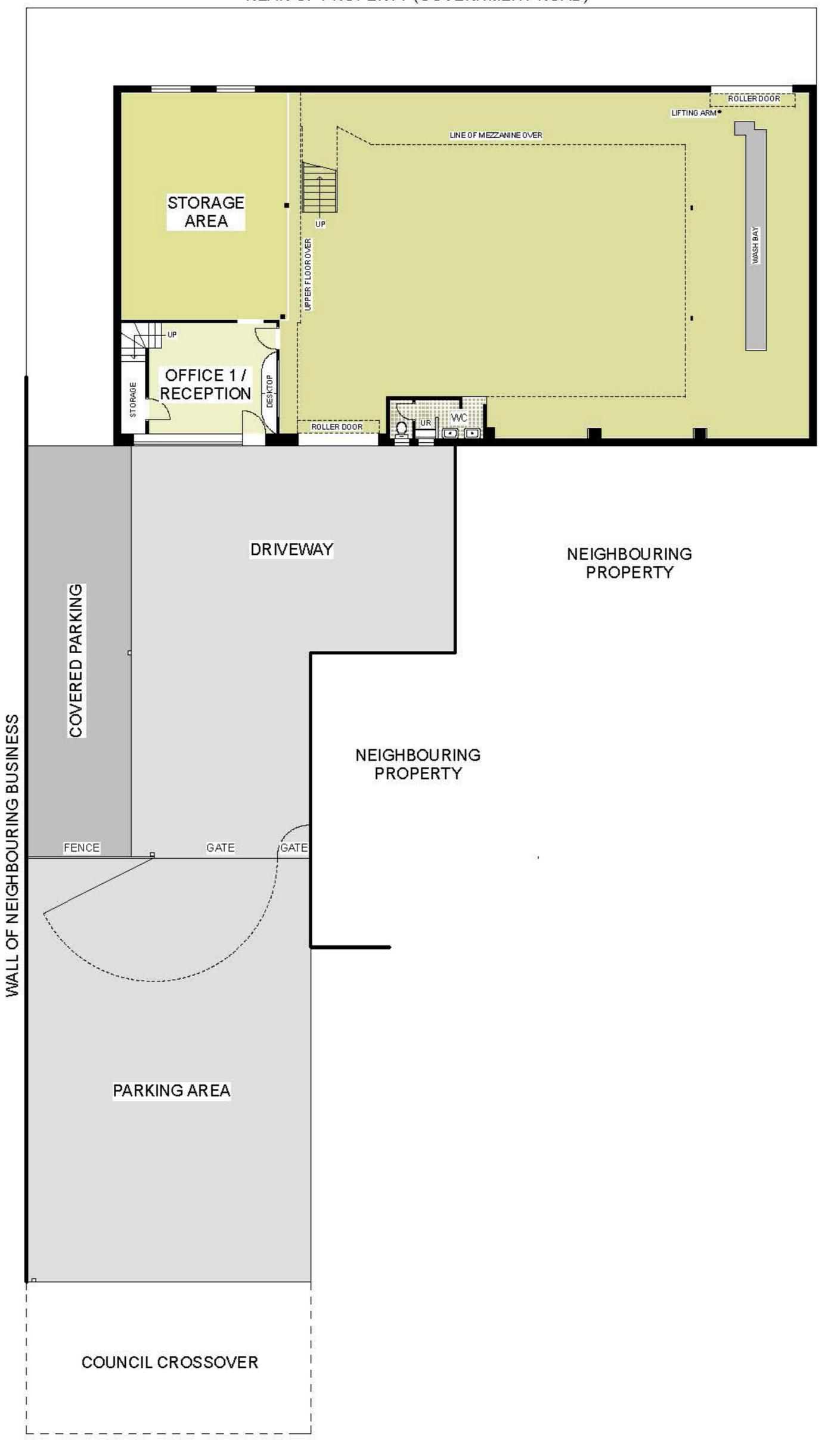
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REAR TENANCY FLOOR PLANS



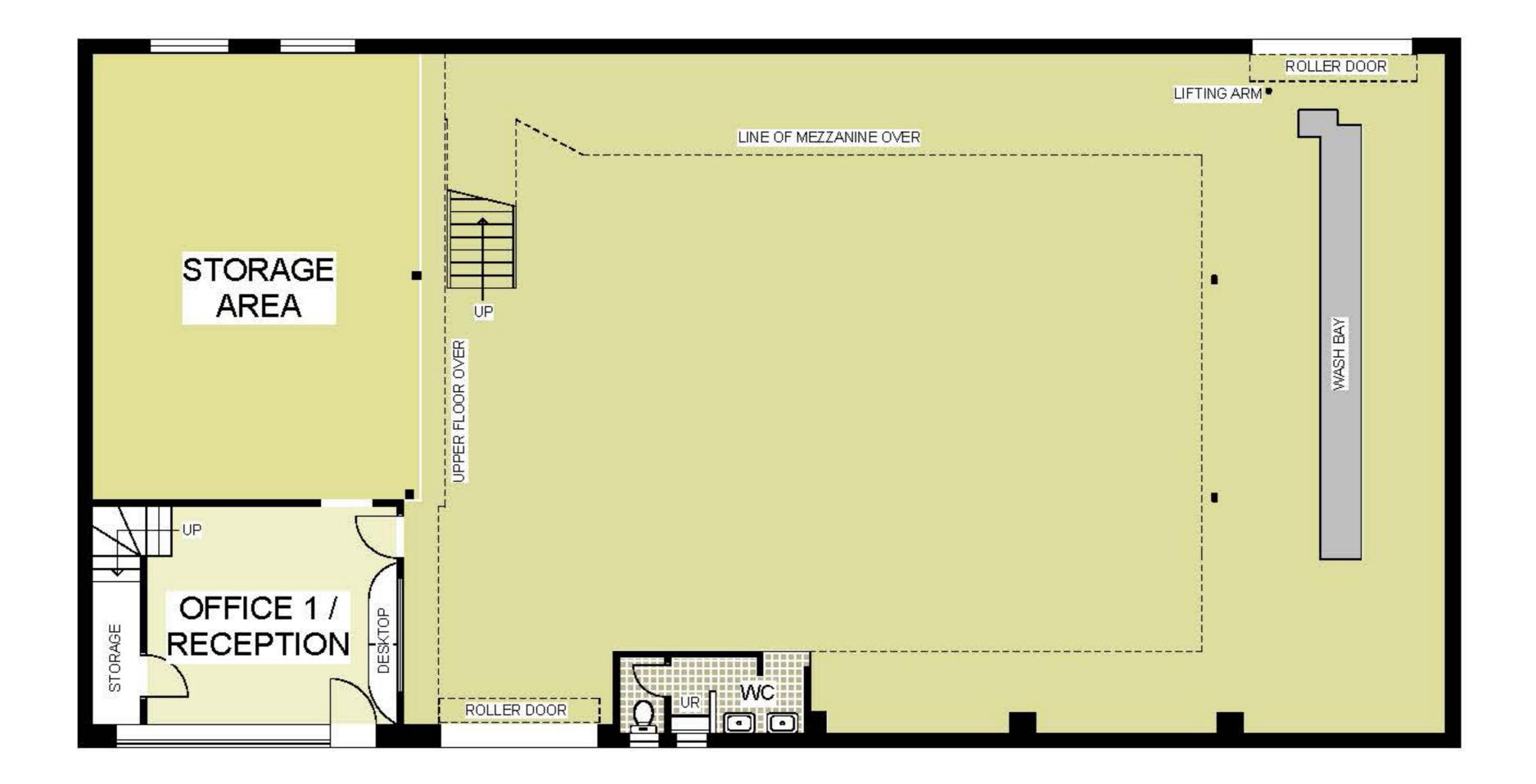


CARRINGTON STREET

GROUND FLOOR & SITE PLAN

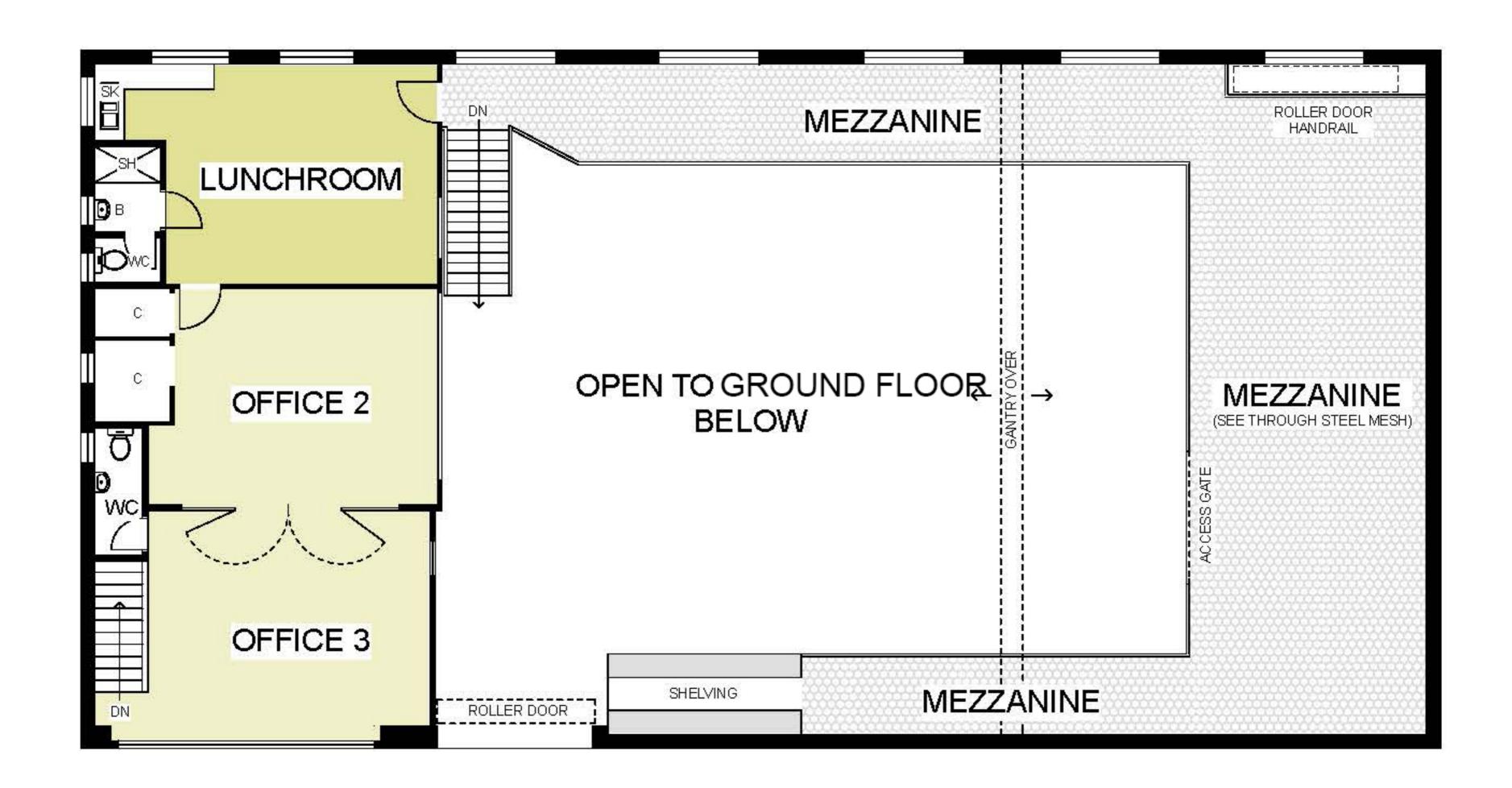
IINTERNAL FLOOR AREA = 354m²
COVERED PARKING = 64m²
DRIVEWAY = 155m²
PARKING AREA = 180m²

25 Carrington Street, Nedlands



GROUND FLOOR

TOTAL INTERNAL FLOOR AREA = 354m² GROUND FLOOR AREA = 263.78m² STORAGE AREA = 56.9m² OFFICE AREA = 19.19m²



<u>UPPER FLOOR</u>

MEZZANINE FLOOR AREA = 100.49m² LUNCHROOM = 24.32m² OFFICE AREA = 50.92m²

25 Carrington Street, Nedlands



ATTACHMENT 4

UST REMOVAL AND SOIL VALIDATION REPORT





UST REMOVAL AND SOIL VALIDATION REPORT 25 CARRINGTON STREET, NEDLANDS, WA

Prepared For:

Nedlands Auto Repairs

25 Carrington Street Nedlands, WA

Report Number:

AP2013/210

Report Version:

V2

Report Date:

24 January 2014

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QUALITY ASSURANCE

Aurora Environmental has implemented a comprehensive range of quality control measures on all aspects of the company's operation.

An internal quality review process has been applied to each project task undertaken by us. Each document is carefully reviewed and signed off by senior members of the consultancy team prior to issue to the client.

Document No: NAR2013-001_UST_Removal_001_ce_v12

Report No: AP2013/210

Author: Cherie Elder

Project Environmental Scientist

Signatur

Reviewed by: Greg Milner

Principal - Contaminated Sites

Date

24 January 2014

24 January 2014

Aurora Environmental NAR2013-001_UST Removal_001_ce_v2 24 January 2014

DISTRIBUTION

No. of copies	Report File Name	Report Status	Date	Prepared for:	Initials
1	NAR2013-001_UST Removal_001_ce_v1	V1	18 December 2013	Nedlands Auto Repairs	CÉ
1	NAR2013-001_UST Removal_001_ce_v2	V2	24 January 2014	Nedlands Auto Repairs	BD

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- 2. Validation Analytical Results TPH, BTEX, MTBE, Lead and PAHs
- 3. Relative Percent Differences Validation Soil Results

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- 2. Quarry Certificate
- 3. Site Photographs
- 4. Laboratory Reports and Chain of Custody Documentation

EXECUTIVE SUMMARY

Aurora Environmental (Aurora) was commissioned by Nedlands Auto Repairs to undertake validation sampling of soils following removal of underground storage tanks (USTs) and associated fuel storage and dispensing infrastructure at 25 Carrington Street, Nedlands, Western Australia (the Site).

The validation sampling was undertaken in conjunction with Nedlands Auto Repairs contracted works to remove the original petrol and diesel USTs and associated pipework. Nedlands Auto Repairs contracted Fremantle Plumbing to conduct the fuel infrastructure removal and associated earthworks. It is understood that the infrastructure had not been used since 2002 when the bowsers were removed and the USTs were decommissioned. It is also understood there has been no evidence of any potential for fuel leakage according to inventory records, a previous investigation conducted in 2000 didn't identify contamination and the works were undertaken so that they owner may more confidently understand whether the underground fuel infrastructure was associated with contamination.

OBJECTIVES

The objectives of the validation sampling were to:

- characterise the contamination status of soil beneath and immediately around seven USTs located on the Site;
- 2) meet minimum sampling and analysis requirements of relevant Department of Environment Regulation (DER) guidance for UST tank pit validation; and
- 3) meet minimum documentation requirements of the DER.

SCOPE OF WORK

In order to achieve the above objectives, the scope of work described below was undertaken:

- Aurora attended the Site during excavation of soils and removal of below ground infrastructure to observe conditions and collect samples.
- A total of 26 primary soil samples were collected by Aurora from the walls and floors of excavations and submitted for laboratory analysis.
- Aurora prepared this report to document the objectives, scope, methodology, results and conclusions of the validation sampling activities undertaken at the Site consistent with the DER's requirements.

DISCUSSION OF FINDINGS

Seven USTs used for petrol and diesel storage and some associated pipework were removed from the Site. Five excavations were created for removal of the USTs and associated infrastructure. All USTs removed were observed to be intact.

No visual or olfactory evidence of contamination was observed in floors or walls of excavations nor in excavated soils. Validation sampling from floors and along walls of excavations found that excavations were characterised by yellow-orange sands mixed with brown / grey sands which did not contain any elevated concentrations of identified chemicals of potential concern (COPCs). Given that all samples collected from floors and walls contained concentrations of COPCs below the adopted

assessment criteria and there was no visual or olfactory evidence of potential contamination, spoil was considered to be of a suitable quality to remain onsite.

In terms of a conceptual site model (CSM), the possible receptors included workers and visitors to the Site and groundwater beneath and hydraulically down gradient of the Site. The possible sources included the seven USTs and associated fuel infrastructure with soil impact a possible secondary source. The possible onsite exposure pathways included dermal contact with soil, ingestion of soils and inhalation of vapours derived from soil and/or groundwater. However, as there were no impacts from COPCs identified, there is effectively no source of contamination on the Site and therefore no potential for a complete pathway to occur.

CONCLUSIONS

Based on observations made by Aurora and the findings of the validation sampling undertaken beneath former fuel infrastructure, Aurora has drawn the following conclusions.

- Soil beneath and immediately surrounding the former service station has not been impacted by petroleum hydrocarbons from former fuel storage and dispensing infrastructure.
- 2) The Site is considered suitable for ongoing use for industrial land use.
- The validation works described in this report should be considered as meeting DER requirements.

1 INTRODUCTION

1.1 BACKGROUND

Aurora Environmental (Aurora) was commissioned by Nedlands Auto Repairs to undertake validation sampling of soils following removal of underground storage tanks (USTs) and associated fuel storage and dispensing infrastructure at 25 Carrington Street, Nedlands, Western Australia (the Site). The current certificate of title is contained in Appendix 1.

The validation sampling was undertaken in conjunction with Nedlands Auto Repairs contracted works to remove the original petrol and diesel USTs and associated pipework. Nedlands Auto Repairs contracted Fremantle Plumbing to conduct the fuel infrastructure removal and associated earthworks. It is understood that the infrastructure had not been used for since 2002 when the bowsers were removed and the USTs were decommissioned. It is also understood there has been no evidence of any potential for fuel leakage according to inventory records, a previous investigation conducted in 2000 didn't identify contamination and the works were undertaken so that they owner may more confidently understand whether the underground fuel infrastructure was associated with contamination.

The location of the Site is shown on Figure 1.

1.2 OBJECTIVES

The objectives of the validation sampling were to:

- characterise the contamination status of soil beneath and immediately around seven USTs located on the Site;
- 2) meet minimum sampling and analysis requirements of relevant Department of Environment Regulation (DER) guidance for UST tank pit validation; and
- 3) meet minimum documentation requirements of the DER.

1.3 SCOPE OF WORK

In order to achieve the above objectives, the scope of work described below was undertaken:

- Aurora attended the Site during excavation of soils and removal of below ground infrastructure to observe conditions and collect samples.
- A total of 26 primary soil samples were collected by Aurora from the walls and floors of excavations and submitted for laboratory analysis.
- 3) Aurora prepared this report to document the objectives, scope, methodology, results and conclusions of the validation sampling activities undertaken at the Site consistent with the DER's "Reporting of Site Assessments" (published as DEP, 2001a).

Further details and the methodology employed are provided in Section 3.

2 SITE CONDITIONS AND SURROUNDING ENVIRONMENT

2.1 PREVIOUS INVESTIGATION

Hine Motors Pty Ltd engaged MPL Group Pty Ltd (MPL) to undertake a Preliminary Stage II Environmental Site Assessment (ESA) at the Site in 2000. MPL (2000) characterised the soil quality at the Site in the context of its historical use as a service station and briefly documented the environmental setting of the Site. MPL drilled five soil bores to the depth of groundwater; approximately 5.5 m below ground level (bgl), from which soil samples at the base of the soil bores were collected for laboratory analysis. The soil bores were located to the south of the existing USTs, down the inferred hydraulic gradient. There were no observations or analytical results which indicated the presence of petroleum hydrocarbons or other possible forms of contamination. MPL (2000) concluded that soil and groundwater in the vicinity of the USTs had not been impacted.

2.2 ZONING

The Site is zoned as "Service Station" according to the City of Nedlands Online Mapping system. Surrounding lots on the northern side of Carrington Street are zoned "Light industrial", while lots on the southern side of Carrington Street are zoned "Residential".

2.3 SITE LAYOUT

The Site's layout prior to the works is shown in Figure 2. The excavation and removal works were restricted to the front portion of the lot. The rear portion of the lot comprises vehicle workshops and associated offices.

2.4 TOPOGRAPHY

The topography of the Site and its immediate surrounds is generally flat. The Department of Water Perth Groundwater Atlas (DoE, 2004) shows the Site's topographic elevation is approximately 8m Australian Height Datum (AHD).

2.5 GEOLOGY

The printed geology from the Geological Survey of Western Australia (GSWA) describes the surface geology at the Site as sand derived from the Tamala Limestone comprising pale to olive yellow, medium to coarse grained quartz sand, with trace feldspar which is moderately sorted (Gozzard, 1986). MPL (2000) described a representative borehole log encountered during sampling as yellow sand underlying light grey sand to a brick surface and encountered groundwater at 5.7m bgl.

This is generally consistent with the geologic profile observed by Aurora in excavations summarised in Section 4.1.

2.6 HYDROGEOLOGY

The Perth Groundwater Atlas displays groundwater beneath the Site at 2 m AHD or approximately 6 m bgl and is flowing in a south-westerly direction toward the Swan River (DoE, 2004). This is consistent with MPL's site observations.

2.7 HYDROLOGY

The surfaces in the vicinity of the USTs are almost entirely hardstand, either concrete or brick paving. It is understood that surface water collecting in this area is drained onsite into collection sumps before entering the storm water network.

UST Removal and Soil Validation Report – 25 Carrington St, Nedlands

The closest surface water body is Lake Claremont which is located approximately 1.6km to the west of the Site. The Swan River lies 1.9km hydraulically down gradient (south west) of the Site.

3 DETAILED SCOPE OF WORK AND METHODOLOGY

Removal of the site infrastructure was completed over a number of days in late October and early November 2013. Fremantle Plumbing removed the unused fuel related infrastructure using an excavator and associated equipment. Aurora conducted three site visits to provide environmental supervision and undertake validation activities on 31 October, 7 and 8 November 2013.

3.1 UST REMOVAL AND VALIDATION

Seven USTs were excavated and removed from the Site by Fremantle Plumbing along with some pipework and a small amount of soil associated with the hardstand removal. A small amount of unused pipework remains in-situ. Validation samples were collected from soils beneath removed USTs and from the surrounding excavation walls. Table A details the dates of UST removal and validation sampling undertaken.

TABLE A: UST VALIDATION DETAILS

Date	Excavation	Infrastructure Removed	Validatio	See Figure	
31/10/13	1	Pipework (some pipework remains in situ)	V1 V2 V3 & V4	Floor (1.8m) Floor (1.8m) Wall beneath insitu pipework (0.4m)	2
	2	Waste oil UST (2 kL) and premium unleaded petrol UST (2kL)	V5 V6 V7 V8 V9	Floor (2m) Wall (1m) Wall (1m) Wall (1m) Wall (1m)	2
	3	Diesel UST,(5 kL)unleaded petrol UST (5 kL) and unused UST (5 kL)	V10 V11 V12 V13 V14 V15 V16	Floor (2m) Wall (1m) Wall (1m) Wall (1m) Floor (3m) Wall (2m) Wall (2m)	3
7/11/13	4	Unleaded petrol UST (15 kL)	V17 V18 V19 V20 V21	Floor (4m) Wall (3m) Wall (3m) Wall (3m) Wall (3m)	4
8/11/13	5	Unleaded petrol UST (15 kL)	V22 V23 V24 V25 V26	Floor (4m) Wall (3m) Wall (2m) Wall (2m) Wall (2m)	4

Aurora observed that all of the tanks appeared intact, in good apparent condition and showed no evidence of gross leakage prior to removal. Once removed from the pit, the tanks were transferred using heavy machinery and chains onto the tray of a truck for offsite removal.

UST Removal and Soil Validation Report - 25 Carrington St, Nedlands

All soil excavated from the tank pits during the tank removal was temporarily stockpiled for inspection by Aurora prior to backfilling each excavation. No staining or odours were noted by Aurora except for odours coming from the large unleaded petrol UST removed on 7 November 2013 which was considered to be from residual vapours emanating from a single pipe connection.

Aurora mobilised to Site to observe the removal of each tank. Each excavation was observed and photographed and soil samples collected. The relevant observations listed below were made.

- Soils generally comprised yellow-orange fine to medium grained moist sand mixed with minor amounts of brown/ grey sand (top soil).
- The soils within the UST excavations showed no signs of staining and no hydrocarbons odours were noted.
- Excavations were backfilled with soils excavated during UST removal and with soils brought
 onto the Site by Fremantle Plumbing. This material was sand sourced from a quarry located in
 Naval Base. Fremantle Plumbing provided the letter from the sand supplier presented in
 Appendix 2.

Selected photographs are presented in Appendix 3.

3.2 SAMPLING

Validation samples were collected from the base and walls of each excavation. The location of the validation samples are shown on Figures 2, 3 and 4 and Table A details all sample locations and depths.

The location and number of validation samples collected were consistent with the DER's guidance on sampling beneath service station infrastructure "Development of Sampling and Analysis Programs" (published as DEP, 2001b).

Soil samples were collected using nitrile gloves which were replaced between sample locations. Soil samples were placed directly into uniquely labelled laboratory supplied soil jars. Samples were then placed into eskies containing ice prior to transport to Analytical Reference Laboratory (ARL) (a National Association of Testing Authorities [NATA] accredited laboratory) under chain of custody requesting analysis. Additional sample volume was collected for each location for screening using a photo-ionisation detector (PID). PID results are presented in Table 1.

3.3 ANALYSIS

Based on the fuel storage and dispensing operations at the Site, the identified Chemicals of Potential Concern (COPCs) were:

- Total Petroleum Hydrocarbons (TPH);
- Benzene, Toluene, Ethyl Benzene and Xylenes (BTEX);
- Methyl tert butyl ether (MTBE);
- Polycyclic Aromatic Hydrocarbons (PAHs) (where diesel was stored or dispensed); and
- Lead (Pb) (where petrol was stored or dispensed).

Samples were analysed for a selection of the above chemicals depending on the petroleum product stored or dispensed at each location.

3.4 QUALITY ASSURANCE AND CONTROL

To ensure that field and analytical data were of appropriate quality to meet the objectives of this report, the quality assurance procedures and quality control indicators described in Table B below were implemented and evaluated respectively.

TABLE B: SUMMARY OF QA PROCEDURES AND QC INDICATORS

QA Procedure or QC Indicator	Description
Record Keeping	Detailed records of all field activities including, sample collection and soil description were maintained on standard field logging sheets. Soil profiles were described by an experienced field investigator using the Unified Soil Classification System (USCS).
Sample Labelling	Unique sample numbers were used for each sample to clearly specify the sample origin (source, date and sample type code), preservation techniques used and accepting custody of samples.
Chain of Custody	Chain of custody documentation was used for all sample transfers. Custody forms included sample numbers, description, sample date and were signed by the persons transferring and accepting custody of the samples.
Sample Storage	Soil samples were transferred in appropriate approved sampling containers with appropriate preservation as required and placed in cool storage prior to transfer to the laboratory.
Decontamination .	There was no requirement to decontaminate equipment used in the sampling process given that samples were placed directly into sample jars by hand and when sampling from an excavator bucket, samples were collected of material which had not contacted the bucket.
Sample Duplicates	In addition to the analysis of primary validation samples, field duplicate samples were analysed at a frequency which exceeded 20% as prescribed by AS4882.1 (Standards Australia, 2005).
Laboratory Internal QA/QC	Where appropriate, the laboratory used internal standards to check the consistency of the analytical processes (eg injection volumes, instrument sensitivity and retention times for chromatographic systems). Sample splits and method validation processes were used as part of their internal QA/QC procedures. The laboratory and the methods employed for sample analysis were NATA accredited.

3.5 SOIL VALIDATION CRITERIA

The analytical results were compared with the following tier-one assessment criteria to provide a preliminary indication of the risks to potential sensitive receptors at the Site:

UST Removal and Soil Validation Report - 25 Carrington St, Nedlands

- NEPC (1999, as amended 2013) Schedule B1 Guideline on Investigation Levels for Soil and Groundwater – Ecological Investigation Levels (EILs) – Commercial and Industrial (EIL-D);
- NEPC (1999, as amended 2013) Schedule B1 Guideline on Investigation Levels for Soil and Groundwater – Ecological Screening Levels (ESLs) – Commercial and Industrial (ESL-D) for coarse soils;
- NEPC (1999, as amended 2013) Schedule B1 Guideline on Investigation Levels for Soil and Groundwater – Health-based Investigation Levels – Commercial/ Industrial D (HIL-Ds);
- NEPC (1999, as amended 2013) Schedule B1 Guideline on Investigation Levels for Soil and Groundwater – Soil (Health Screening Level) for vapour intrusion (HSLs) – Commercial/ Industrial (HSL-Ds) for sand; and
- NEPC (1999, as amended 2013) Schedule B1 Guideline on Investigation Levels for Soil and Groundwater – Management Limits (MLs) – Commercial / Industrial for coarse soil (ML-Ds).

The adopted assessment levels are considered appropriate to assess potential risks to human receptors given the current use of the Site as a vehicle workshop and associated offices and under the current town planning zoning of industrial use.

The HSL-D applied was for sand at depths 2m to less than 4m which is considered appropriate for the depths sampled at the Site.

4 RESULTS

4.1 FIELD OBSERVATIONS

The following field observations were made by Aurora:

- Soils comprised yellow-orange fine to medium grained moist sand mixed with minor amounts of brown/ grey sand (top soil)
- No staining or odour was noted from the excavated soils.
- PID readings ranged from 0.0ppm to 12ppm (complete PID screening results are presented in Table 1).

4.2 VALIDATION

Analytical results from validation samples are presented in Table 2. Final laboratory reports and chain of custody documentation are contained within Appendix 4.

There were no concentrations of COPCs identified above the adopted assessment criteria from any of the wall or floor validation samples collected from any of the excavations. There were no TPH, MTBE, BTEX or PAHs concentrations identified above the laboratory limit of reporting (LOR). Concentrations of lead identified above the laboratory LOR were below assessment criteria.

5 DATA QUALITY EVALUATION

Quality Assurance (QA) and Quality Control (QC) checks are made to assess data in terms of completeness, representativeness, comparability, accuracy and precision in order to meet the data quality objectives. All soil samples were collected, stored and transported to the laboratory consistent with guidelines provided in the DER's document "Development of Sampling and Analysis Programs" (DEP, 2001b). The sample collection techniques and storage and transportation conditions have previously been reported in Sections 3.1 and 3.2.

5.1 FIELD QUALITY ASSURANCE AND CONTROL

5.1.1 Holding Times

All analyses were conducted within holdings times prescribed in Schedule B(3) of the NEPM (NEPC, 1999 as amended 2013).

5.1.2 Laboratory Limits of Reporting

All laboratory limits of reporting were considered to be acceptably low for achieving the objectives of this report as they were below adopted assessment criteria.

5.1.3 Field Duplicates

A total of 26 validation samples were collected following fuel infrastructure removal. There were two duplicate samples collected which exceeds the frequency of one in 20 required by the DER (DEP, 2001b).

Relative Percent Differences (RPDs) were calculated from analytical results where concentrations above the laboratory LOR were identified in both the primary and duplicate samples. In this project, RPDs in the range of 0-30% were considered to represent adequate accuracy and precision (consistent with AS4482.1).

Neither of the two RPDs able to be calculated (Table 3) exceeded 30%. Field duplicate results therefore indicate the results were acceptable.

5.2 LABORATORY QUALITY CONTROL AND ASSURANCE

Laboratory QA/QC procedures and results are detailed in the certified laboratory reports contained in Appendix 4.

The analytical methods implemented and reported by the laboratory were performed in accordance with their scope of NATA accreditation and consistent with Schedule B(3) of the NEPM (NEPC, 1999 as amended 2013) with the exception of reporting TPH fractions as described in the NEPM. ARL are awaiting accreditation under the amended NEPM. This is not considered to affect the outcomes of this investigation as all TPH results were less than laboratory LOR and ARL was accredited for analysis and reporting of TPH under the previous NEPM.

The laboratory reported an adequate range and frequency of data quality information (including laboratory duplicates, control samples, surrogate recoveries and spike recoveries) for the purposes of this assessment. The reported laboratory data quality information was acceptable.

UST Removal and Soil Validation Report - 25 Carrington St, Nedlands

5.3 DATA QUALITY SUMMARY

Overall, the data quality information provides confidence that analytical soil data are of acceptable quality to serve as a basis for interpretation for the purpose of assessment the contamination status of the Site.

6 DISCUSSION

Seven USTs used for petrol and diesel storage and some associated pipework were removed from the Site. Five excavations were created for removal of the USTs and associated infrastructure. All USTs removed were observed to be intact.

No visual or olfactory evidence of contamination was observed in floors or walls of excavations nor in excavated soils. Validation sampling from floors and along walls of excavations found that excavations were characterised by yellow-orange sands mixed with brown / grey sands which did not contain any elevated concentrations of identified COPCs. Given that all samples collected from floors and walls contained concentrations of COPCs below the adopted assessment criteria and there was no visual or olfactory evidence of potential contamination, spoil was considered to be of a suitable quality to remain onsite.

In terms of a conceptual site model (CSM), the possible receptors included workers and visitors to the Site and groundwater beneath and hydraulically down gradient of the Site. The possible sources included the seven USTs and associated fuel infrastructure with soil impact a possible secondary source. The possible onsite exposure pathways included dermal contact with soil, ingestion of soils and inhalation of vapours derived from soil and/or groundwater. However, as there were no impacts from COPCs identified, there is effectively no source of contamination on the Site and therefore no potential for a complete pathway to occur.

7 CONCLUSIONS

Based on observations made by Aurora and the findings of the validation sampling undertaken beneath former fuel infrastructure, Aurora has drawn the following conclusions.

- 1) Soil beneath and immediately surrounding the former service station has not been impacted by petroleum hydrocarbons from former fuel storage and dispensing infrastructure.
- 2) The Site is considered suitable for ongoing use for industrial land use.
- 3) The validation works described in this report should be considered as meeting DER requirements.

8 REFERENCES

Department of Environmental Protection (DEP) (2001a) Reporting of Site Assessments. Contaminated Sites Management Series.

DEP (2001b) Development of Sampling and Analysis Programs. Contaminated Sites Management Series.

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MPL Group Pty Ltd (MPL) (2000) Report, Preliminary Stage II Environmental Site Assessment, Fuel Underground Storage Tanks, 25 Carrington St, Nedlands. Project No. RD044. 5 December 2000.

National Environmental Protection Council (NEPC) (1999, as amended 2013) Schedule B1 – Guideline on Investigation Levels for Soil and Groundwater. National Environmental Protection (Assessment of Site Contamination) Measure (NEPM).

NEPC (1999, as amended 2013) Schedule B3 - Laboratory Analysis of Potentially Contaminated Soils. National Environmental Protection (Assessment of Site Contamination) Measure (NEPM).

Standards Australia (2005) AS4482.1 Guide to the sampling and investigation of potentially contaminated soil, Part 1: Non-volatile and semi-volatile substances.

TABLES

Table 1
Photo-ionisation Detector Screening Results
25 Carrington Street, Nedlands - UST Removal & Soil Validation

Sample ID	Sample Date	Peak PID Measurement (ppm)	Odour noted
V1	31-Oct-13	0.0	N
V2	31-Oct-13	0.1	N
V3	31-Oct-13	0.1	N
V4	31-Oct-13	0.0	N
V5	31-Oct-13	0.0	N
V6	31-Oct-13	0.0	N
V7	31-Oct-13	0.1	N
V8	31-Oct-13	0.1	N
V9	31-Oct-13	0.0	N
V10	31-Oct-13	0.6	N
V11	31-Oct-13	1.0	N
V12	31-Oct-13	1.3	N
V13	31-Oct-13	0.8	N
V14	31-Oct-13	0.4	N
V15	31-Oct-13	NA*	N
V16	31-Oct-13	NA*	N
V17	07-Nov-13	2.3	N
V18	07-Nov-13	0.0	N
V19	07-Nov-13	1.1	N
V20	07-Nov-13	0.0	N
V21	07-Nov-13	0.0	N
V22	08-Nov-13	0.0	N
V23	08-Nov-13	0.1	N
V24	08-Nov-13	0.0	N
V25	08-Nov-13	0.0	N
V26	08-Nov-13	12	N

PID - Photo-ionisation Detector (MiniRae 2000)

N = No

Y = Yes

M = Moderate Hydrocarbon-lke odour

S = Strong Hydrocarbon-like odour

NR - not recorded

* error with PID, reading 2-5ppm in fresh air

Table 2
Validation Analytical Results - TPH, BTEX, MTBE, Lead and PAHs
25 Carrington Street, Nedlands - UST Removal & Soil Validation

					1	Total Petro	oleum Hyd	lrocarbon:	3					81	EX	X PAHS																		
Location	Sample ID	Date	Sample Type	J	:1 = C ₆ C ₉ - (sum BTEX)	£10 €1¢	í2 ≈ >C ₁₀ ·C ₁₄ - Naphthalene	C ₁₅ C ₂₈	279.Cz.	23.56	MTBE	Lead	Benzene	Toluene	Ethyl Benzene	Xylenes	Naphthalene	2-methyl-naphthalene	Acenaphthylene	Acenaphthene	Fluorene	Phenanthrene	Anthracene	Fluoranthene	Pyrene	Benz(a)anthracene	Chrysene	Benzo(b)fluoranthene	Benzo(k)fluoranthene	Benzo(a)pyrene	Indeno(123-cd)pyrene	Dibenz(ah)anthracene	Benzo(ghi)perylene	Total Reported PAHS*
Excavation 1 -	V1	31-Oct-13	floor	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	<01	3	<0.1	< 0.1	<0.1	<0.2	NA	NA	NA	NΑ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bowsers &	V2.	31-Oct-13	floor	<0.2	<0.2	<0.2	NA	<0.4	<0.4	< 0.4	<0.1	3	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
some	V3	31-Oct 13	wall	< 0.2	<0.2	<0.2	NA	< 0.4	<0.4	< 0.4	< 0.1	1	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA :	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Pipęwork	V4	31-Oct 13	wall	< 0.2	<0.2	<0.2	NA	< 0.4	< 0.4	<0.4	< 0.1	1	<0.1	<0.1	<0.1	<0.2	NΑ	NA	NA	NA	NA	NA :	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V5	31-Oct-13	floor	<0.2	<0.2	<0.2	NA	< 0.4	<0.4	< 0.4	<0.1	26	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA .	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Waste oil UST	V6	31-Oct-13	wall	< 0.2	<0.2	<0.2	NA	<0.4	<0.4	< 0.4	< 0.1	2	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
& Premium	V7	31-Oct-13	wall	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	<0.1	6	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA .	NA	NA
UST	V8	31 Oct 13	wall	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	< 0.1	2	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V9	31-Oct-13	wall :	<0.2	<0.2	<0.2	NA	<0.4	<0.4	< 0.4	<0.1	3	<0.1	< 0.1	<01	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V10	31 Oct-13	floor	<0.2	<0.2	<0.2	<0.1	<0.4	<0.4	<0.4	<0.1	NA	<0.1	<0.1	<0.1	<0.2	< 0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	< 0.1	<0.2	<02	<0.2	<0.2	<0.2	< 0.2	<0.2	<0.2	<75
	V11	31-Oct 13	wall	<0.2	<0.2	< 0.2	< 0.1	<0.4	<0.4	< 0.4	<0.1	NA	<0.1	<0.1	<0.1	<0.2	<0.1	<0.1	<0.1	<0.1	< 0.1	<0.1	<0.1	<0.1	< 0.1	<0.2	< 0.2	< 0.2	<0.2	<0.2	<02	<0.2	< 0.2	<2.5
Diesel UST,	V12	31-Oct-13	wall	< 0.2	<0.2	<0.2	<0.1	<0.4	<0.4	<0.4	<0.1	NA	<01	<0.1	<0.1	<0.2	<0.1	<0.1	<0.1	<0.1	<01	< 0.1	<0.1	<0.1	<01	< 0.2	<02	<0.2	<0.2	<0.2	<0.2	<0.2	<02	<25
Unleaded petrol UST &	V13	31-Oct-13	wall	<0.2	<0.2	<0.2	< 0.1	<0.4	<0.4	<0.4	< 0.1	NA	<0.1	<0.1	<0.1	<0.2	<0.1	<0.1	<0.1	<0.1	< 0.1	<0.1	<0.1	< 0.1	< 0.1	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<2.5
Unused UST	V14	31-Oct-13	floor	<0.2	<0.2	<0.2	NA	<0.4	<0.4	< 0.4	< 0.1	25	< 0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA.	NA	NA	NA	NA.	NA	NA	NA	NA	NA
dilused 031	DUP1	31-Oct-13	Dup of V14	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	< 0.1	22	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V15	31-Oct-13	Walf	<02	<0.2	<0.2	NA	<0.4	< 0.4	<0.4	<0.1	8	< 0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA.	NA	NA
	V16	31-Oct-13	walt	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	< 0.1	3	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V17	07-Nov 13	floor	<0.2	<0.2	<0.2	NA	< 0.4	<0.4	<0.4	<0.1	9	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V18	07-Nov-13	wall	<0.2	<0.2	< 0.2	NA	<0.4	<0.4	<0.4	<01	6	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA .	NA	NA ·	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Unleaded petrol UST	V19	07-Nov-13	wall	<0.2	<0.2	<0.2	NA	<0.4	< 0.4	<0.4	<0.1	6	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
petrot US1	V20	07-Nov-13	wall	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	<0.1	8	<0.1	<0.1	<0.1	<0.2	NÁ	NA	NA	NA	NA	NA -	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V21	07-Nov-13	wall	<0.2	<0.2	<0.2	NA-	< 0.4	<0.4	<0.4	< 0.1	5	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V22	08-Nov-13	floor	<0.2	< 0.2	<0.2	NA	< 0.4	<0.4	<0.4	<0.1	3	< 0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V23	08-Nov-13	wall	< 0.2	<0.2	<0.2	NA	< 0.4	<0.4	<0.4	<0.1	6	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Unleaded	DUP2	08-Nov 13	DUP of V23	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	<0.1	5	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
petrol UST	V24	08-Nov-13	wall	<0.2	<0.2	<02	NA	<0.4	< 0.4	<0.4	< 0.1	3	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V2S	08-Nov-13	wall	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	<0.1	9	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	V26	08-Nov-13	wall	<0.2	<0.2	<0.2	NA	<0.4	<0.4	<0.4	< 0.1	5	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

									Assessme	ent Crit	eria																				
EIL-D (Commercial/ Industrial)	NE	NE	NE	NE	NE	NE	NE	NE	1,800^	NE	NE	NE	NE	370	NE	NE	NE	NE	NE	NE											
ESL-D (Commercial / Industrial; Coarse soil)	NE	215	NE	170	1,	700	3,300	NE	NE	75	135	165	180	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	0.7	NE	NE	NE	NE
HIL-D (Commercial / Industrial)	NE	NE	NE	NE	NE	NE	NE .	NE	1,500	NE	NE	NE	ME	NE	NE	NE	NE	NE	NE	NE	NE	NE				40 (Ba	P TEQ				4,00
HSL-D (Commercial / Industrial; 2m to <4m)	NE	630	NE	NL	NE	NE	NE	NE	NE	3	NL	NL	NL	NL	NE	NE	NE	NE	NE	NE											
ML-D (Commercial / Industrial; Coarse soil)	700	NE	1,000	NE	3,	500	10,000	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE

All units are mg/kg

* Manually summed total

^ ACL only, no background accounted for (no ABC)
Bold indicates result exceeds laboratory limit of reporting
Xylenes are sum of o-xylene and p- and m-xylene

NA Not Analysed

NE Not Established

Nt - No Limit

Elt - Ecological Investigation Levels

ESL - Ecological Screening Levels

HIL - Health-based Investigation Levels

HSL - Health Screening Levels for vapour intrusion

ML - Management Limit

All criteria sourced from NEPC's "Schedule 81 – Guideline on Investigation Levels for Soil and Groundwater" (1999, as amended 2013)

Red indicates result exceeded EIL-D / ESL-D

Yellow shaded indicates result exceeded HIL-D / HSL-D / ML-D

Table 3

Relative Percent Differences - Validation Soil Results
25 Carrington Street, Nedlands - UST Removal & Soil Validation

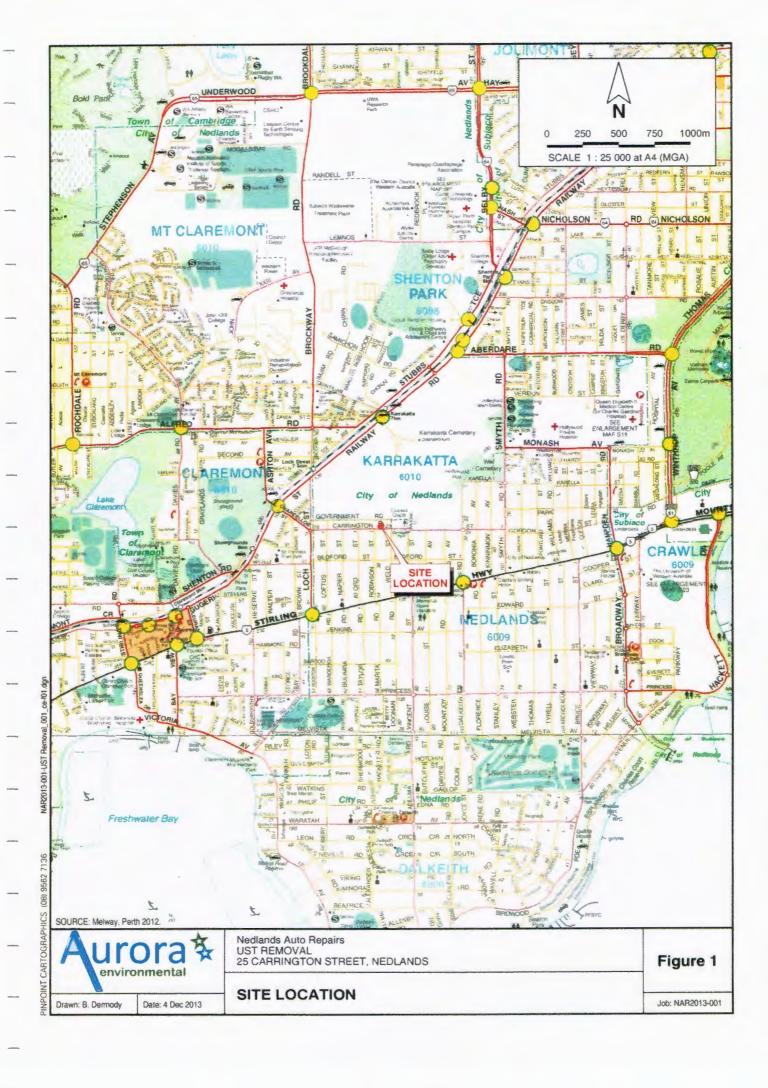
		То	tal Petro	leum Hy	drocarbo	ons			BTEX					PAHS															
Sample ID	Date	C ₆ .C ₉	C10.C14	C ₁₅ .C ₂₈	C ₂₉ .C ₃₆	C _{>36}	МТВЕ	MTBE Lead	Benzene	Toluene	Ethyl Benzene	Xylenes	Naphthalene	2-methyl-naphthalene	Acenaphthylene	Acenaphthene	Fluorene	Phenanthrene	Anthracene	Fluoranthene	Pyrene	Benz(a)anthracene	Chrysene	Benzo(b)fluoranthene	Benzo(k)fluoranthene	Benzo(a)pyrene	Indeno(123-cd)pyrene	Dibenz(ah)anthracene	Benzo(ghi)perylene
V14	31-Oct-13	<0.2	<0.2	<0.4	<0.4	<0.4	<0.1	25	<0.1	<0.1	<0.1	<0.3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
DUP1	31-Oct-13	<0.2	<0.2	<0.4	<0.4	<0.4	<0.1	22	<0.1	<0.1	<0.1	<0.3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
RP	D	-	-	-	-	-	-	13%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-
V23	08-Nov-13	<0.2	<0.2	<0.4	<0.4	<0.4	<0.1	6	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
DUP2	08-Nov-13	<0.2	<0.2	<0.4	<0.4	<0.4	<0.1	5	<0.1	<0.1	<0.1	<0.2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
RP	D	-	-	-	-	-	-	18%	-	-	-	-	-	-	-	-	_	-	-	-	-	-	-	-	-	-	-		-

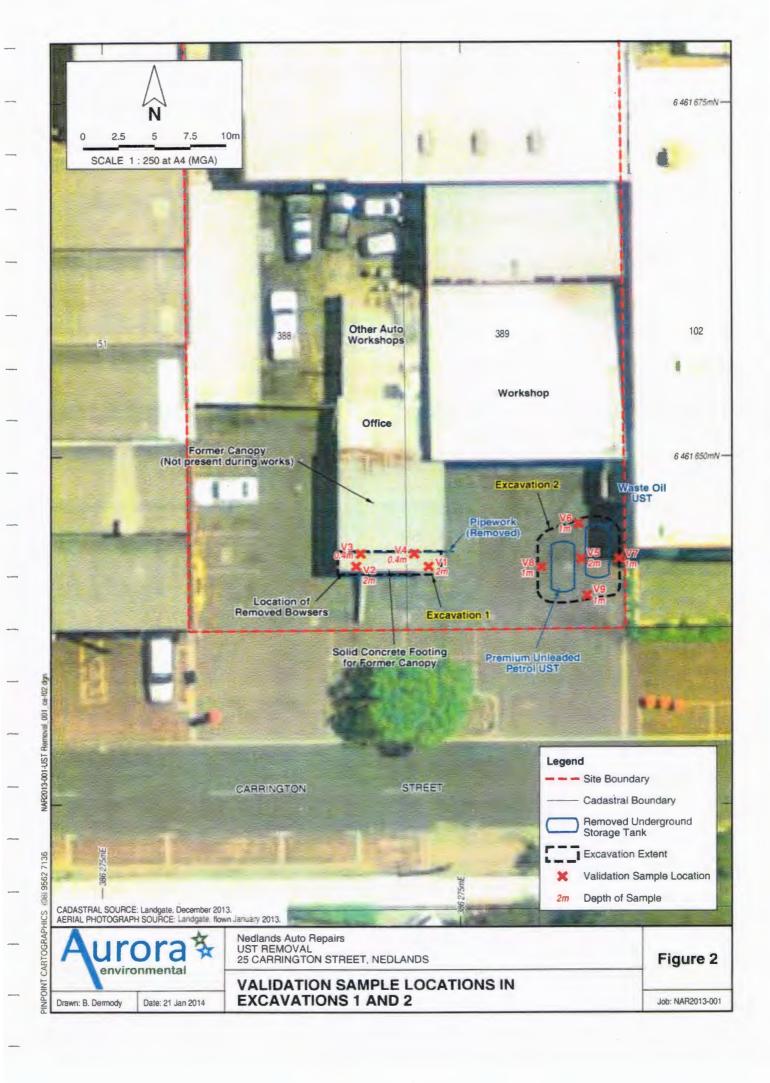
Bold indicates result exceeds laboratory limit of reporting

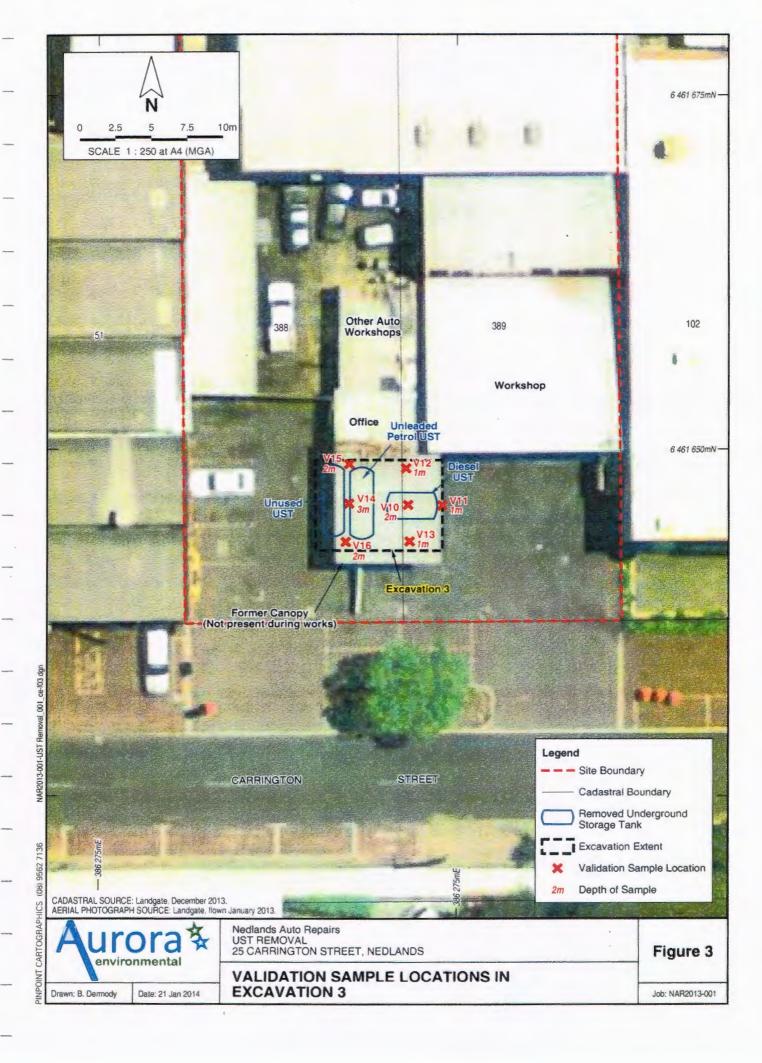
Shaded indicates RPD exceeds 30%

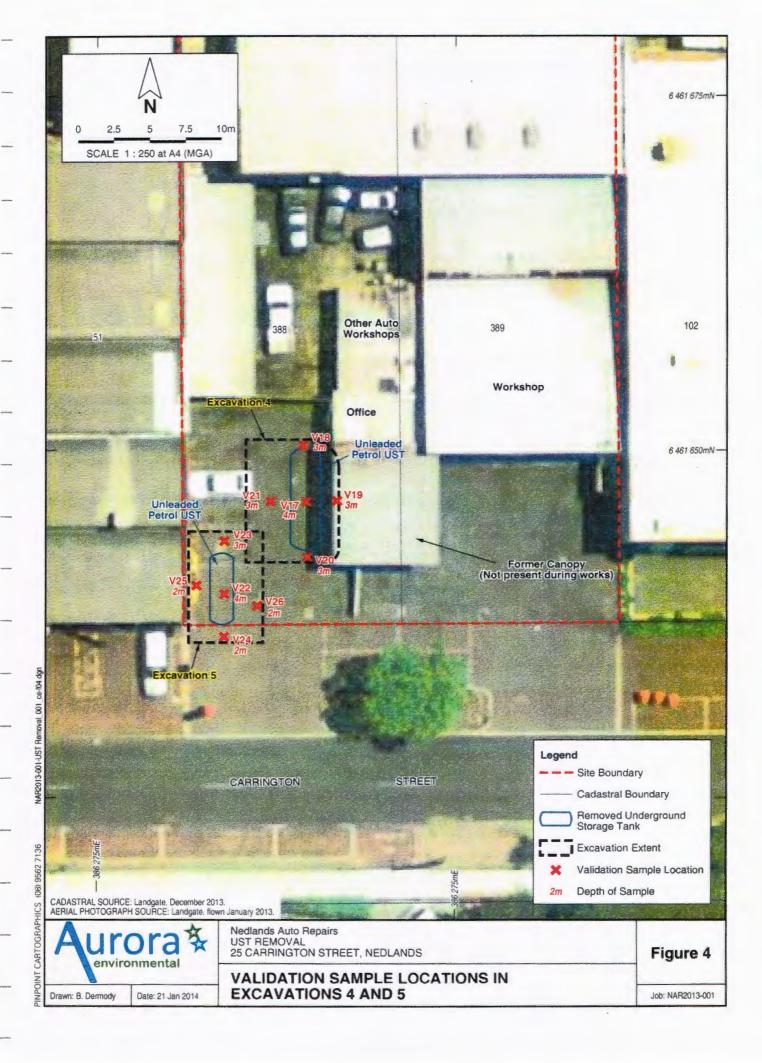
NA - not analysed

FIGURES









APPENDIX 1

Certificate of Title

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION MEREON

ORIGINAL - NOT TO BE REMOVED FROM OFFICE OF T



WESTERN



AUSTRALIA



OL. .F

1441 111

Application 8189934 Volume 1080 Folio 525

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

VOL.

Page ! (of 2 pages) 1441

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

DATED 27th July, 1976





2,01,0023, 25,0

ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Swan Location 717 and being Lot 34 and part of Lot 33 of Section G on Plan 112 (Sheet 3), delineated and coloured green on the map in the Third Schedule hereto.

FIRST SCHEDULE (continued overleaf)

Hereld James Conseigns of 58 Holvista Avenue, Claremont, Engineer

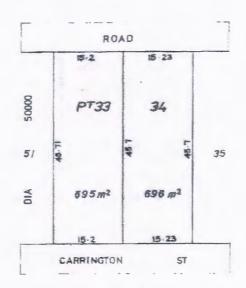
SECOND SCHEDULE (continued overleaf)

NIL

HILLOW OF TITLES

THIRD SCHEDULE





The Lot hightlighted is the lot that we have contracted to purchase.

Signed.....

John Herman BECHER

Helen Christine BECHER

MOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT
ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS

F8080/12/76-2016-0/2009

APPENDIX 2

Quarry Certificate

FREMANTLE PLUMBING 0'CONNOR 6163 TELEPHONE: [08] 9337 1414 FACSIMILE: (08) 9337 4664

SERVICES PTY. LTD.

P.O. BOX 2007, PALMYRA PALMYRA DELIVERY CENTRE 6157 107 GARLING STREET 0'CONNOR 6163 A/HOURS: (08) 9319 2468 A.C.N. 008 737 068 A.B.N. 47 008 737 068

Date: 19th December 2013

Attention: Brad

Fax No: 9261 4999

Please find attached Certificate as requested.

Kind regards

Wayne Roberts

TERMS: STRICTLY NETT 7 DAYS

GENERAL PLUMBING . ENGINEERING, OXY & ELECTRIC WELDING . INDUSTRIAL STEAM CLEANING LICENSED W.A.W.A. . LICENSED GAS INSTALLERS

LINDSAY STEPHENS B.S. M.Sc. Dip.Ed.

CONSULTING IN GEOLOGY AND ENVIRONMENTAL MANAGEMENT

25 Heather Road Roleystone WA 6111 Tel: (09) 397 5145 Fax: (09) 397 5145

7 June 1993

Naval Base Contractors Lot 314 Burlington Street Naval Base WA 6165

0894101594

Assessment of Jarrah Dieback (Phytophora cinnamomi) in relation to Frankland Sandpit, cnr Frankland and Rowley Roads - Banjup, and Woolcoot Road Sandpit -Wellard, operated by Naval Base Contractors.

Site investigations of the Frankland Sand Pit and Woolcoot Road Sand Pit were conducted on 5 June 1993 by walking around the pit area looking for deaths in the indigenous plant species known to be highly susceptible to Jarrah Dieback (*Phytophora cinnunomi*). Particular attention was paid to the access roads and the areas of low elevation.

No evidence of dieback was observed at either sand pit. The vegetation of the indicator species appeared very healthy and the Jarrah trees had dense to moderate crowns.

Sand extracted from the Frankland Sand Pit (cnr of Frankland and Rowley Roads - Banjup) and Woolcoot Road Sand Pit - Wellard is considered to be free from Jarrah Dieback (*Phytophora cinamomi*).

Lindsay Stephens

ATTENTEON WAYNA

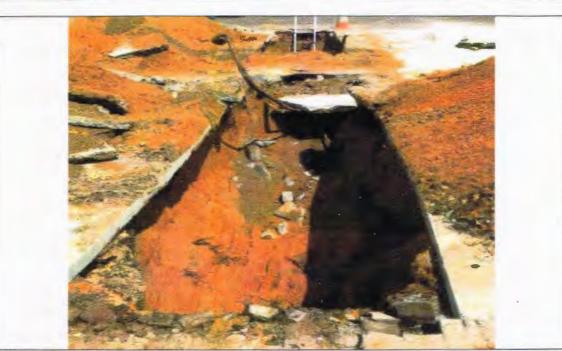
Geological Assessment of Industrial Rocks and Minerals

Environmental Impact Statements
Exceverion Management Plans

Vegetation Surveys
Rehabilitation

APPENDIX 3

Site Photographs



Photograph 1 (31 October 2013)

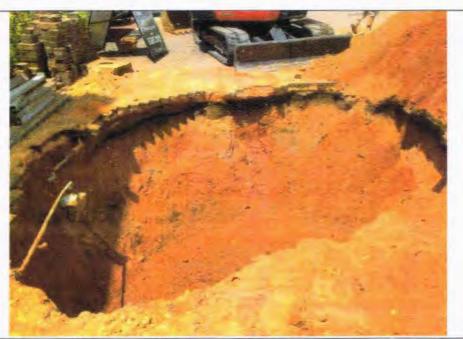
Excavation 1 – former bowser area



Photograph 2 (31 October 2013)

Soil from Excavation 1, typical of all soils excavated during UST removal





Photograph 3 (31 October 2013)

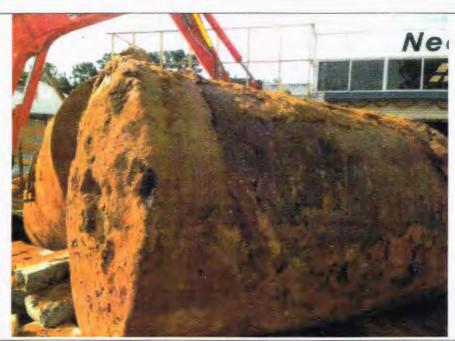
Excavation 2



Photograph 4 (31 October 2013)

Excavation 3





Photograph 5 (31 October 2013)

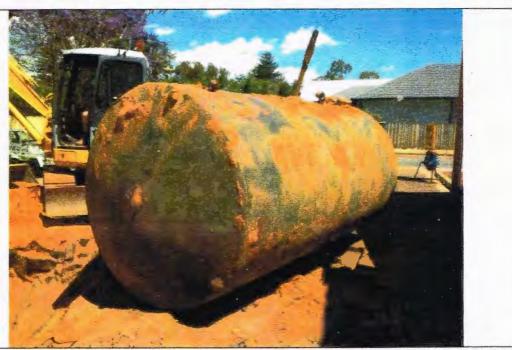
USTs removed from Excavation 3



Photograph 6 (7 November 2013

Excavation 4





Photograph 7 (7 November 2013)

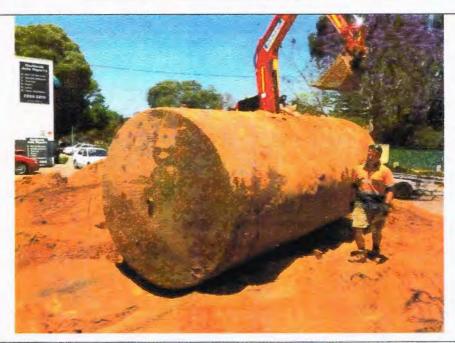
UST removed from Excavation 4



Photograph 8 (7 November 2013)

Soil excavated from Excavation 4





Photograph 9 (8 November 2013)

UST removed from Excavation 5



Photograph 10 (8 November 2013)

Excavation 5



APPENDIX 4

Laboratory Reports and Chain of Custody

Documentation

CHAIN OF CUSTODY

149-151 Kensington Street, East Perth, WA, 6004

13-7996



T. (08) 9261 4900 F. (08) 9261 4999						Sheet (of)							
Project Name/No.: EAK 2213 COL						Results Required Date: normal turnaround							
Email res		-			Lab / La	Lab / Lab Quote No.: -							
grad, de mady @auroraenvironmental.com.au						se Orde	r No.: -						
COMMENTS: TO CE TO NEDLANDS ALTO REPAIRS TISHITIS SYT (A6) TON BELLEN TO CAPPER LONG NEDLANDS					на	& TEX	PAHK	Lead					Notes/LOR/ Special Requests
LABID	SAMPLE ID	DATE/TIME	PHASE	BOTTLE	1	2	0						
-1	N/A	311013	Soil	ISAR	4	X		×					
-2	V2				×	×		×					
-3	w3				×	×		×					
-4	V+				W.	×		Y-					
-5	V4:				×	×		×					
-6	v 🈓				×	X		*					
-7	VI				×	X		*					
-8	Y'n				×	×		X					
- 9	V-4				×	¥		×					·
-10	V				×	X	×						
11	V 10				×	×	×						
-17	412				7	×	×						
-13	VB				Y	У	×						
14	V 14				X	×	-	×					no tases
-15	VIS				х	×	-	×					me SANS
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CHAIN OF CUSTODY

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Job Number: 13-7996 Date: 11/11/2013



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This Quality Control Report is issued in accordance with Section 18 of the ARL Quality Management Manual. All QC parameters are contained within the relevant ARL Method as indicated by the method reference, either on this report or the Laboratory Report.

Acceptance of Holding Times, Duplicate RPD, Spike, LCS and CRM Recoveries are determined at the time of analysis by the Signatory indicated on the Laboratory Report.

DEFINITIONS

Duplicate Analysis

A sample, chosen randomly by the analyst at the time of sample preparation, analysed in duplicate.

RPD

Relative Percent Difference is the absolute difference between the sample and a duplicate analysis compared to the average of the two analytical results. Acceptance Limits can be exceeded by matrix interference or when the result is less than 5 times the LOR.

Matrix Spike

An additional portion of sample to which known amounts of the target analytes are added before sample preparation. Acceptance Limits can be exceeded by matrix interference or when the target analytes are present in the sample.

Certified Reference Material (CRM)

A commercially available certified solution/mixture of the target analyte of known concentration.

Laboratory Control Sample (LCS)

An in-house certified solution/mixture of the target analyte of known concentration.

Job Number: 13-7996 Date: 11/11/2013



VOCs in Soil

Holding Time Criteria	Date	
Extracted	06/11/2013	
Analysed	11/11/2013	
Duplicate Analysis (13-7996-10)	RPD (%)	Limits (%)
Benzene	0	25
Toluene	0	25
Ethyl Benzene	0	25
Xylenes (Total)	0	25
Methyl tert Butyl Ether	0	25
Duplicate Analysis (13-7996-17)	RPD (%)	Limits (%)
Benzene	0	25
Toluene	0	25
Ethyl Benzene	0	25
Xylenes (Total)	0	25
Methyl tert Butyl Ether	0	25
Matrix Spike (13-7996-10)	Recovery (%)	Limits (%)
Benzene	101	60 - 120
Toluene	109	60 - 120
Ethyl Benzene	110	60 - 120
Xylenes (Total)	111	60 - 120
Methyl tert Butyl Ether	100	60 - 120
Matrix Spike (13-7996-17)	Recovery (%)	Limits (%)
Benzene	91	60 - 120
Toluene	99	60 - 120
Ethyl Benzene	105	60 - 120
Xylenes (Total)	105	60 - 120
Methyl tert Butyl Ether	98	60 - 120

Job Number: 13-7996 Date: 11/11/2013



PAH in Soil

Holding Time Criteria	Date	
Extracted	06/11/2013	
Analysed	08/11/2013	
Duplicate Analysis (13-7996-13)	RPD (%)	Limits (%)
Naphthalene	0	25
2-Methylnaphthalene	0	25
Acenaphthylene	0	25
Acenaphthene	0	25
Fluorene	0	25
Phenanthrene	0	25
Anthracene	0	25
Fluoranthene	0	25
Pyrene	0	25
Benz(a)anthracene	0	25
Chrysene	0	25
Benzo(b)fluoranthene	0	25
Benzo(k)fluoranthene	0	25
Benzo(a)pyrene	0	25
Indeno(1,2,3-c,d)pyrene	0	25
Dibenz(a,h)anthracene	0	25
Benzo(ghi)perylene	0	25
Matrix Spike (13-7996-13)	Recovery (%)	Limits (%)
Naphthalene	61	60 - 120
Acenaphthene	72	60 - 120
Phenanthrene	73	60 - 120
Pyrene	73	60 - 120
Chrysene	114	60 - 120
Benzo(a)pyrene	82	60 - 120

Job Number: 13-7996 Date: 11/11/2013



TPH in Soil

Holding Time Criteria	Date	
Extracted	06/11/2013	
Analysed	07/11/2013	
Duplicate Analysis (13-7996-3)	RPD (%)	Limits (%)
C6-9	0	25
C10-14	0	25
C15-28	0	25
C29-36	0	25
C>36	0	25
Duplicate Analysis (13-7996-13)	RPD (%)	Limits (%)
C6-9	0	25
C10-14	0	25
C ₁₅₋₂₈	0	25
C29-36	0	25
C>36	0	25
Matrix Spike (13-7996-3)	Recovery (%)	Limits (%)
C15-28	120	60 - 120
Matrix Spike (13-7996-13)	Recovery (%)	Limits (%)
C15-28	120	60 - 120

Total Petroleum Hydrocarbons - Matrix Spike

A known quantity of commercially available Diesel Fuel is spiked into the sample(s) indicated. Due to the nature of petroleum hydrocarbons, the matrix spike recovery is reported in the TPH C15-28 Range.

Metals in Soil and Sediment

Holding Time Criteria	Date	
Extracted	04/11/2013	
Analysed	06/11/2013	
Certified Reference Material	Recovery (%)	Limits (%)
Lead	99	80 - 120

Soil Parameters

Holding Time Criteria	Date
Analysed	04/11/2013



Environmental and Analytical Laboratory

LABORATORY REPORT

Job Number: 13-7996

Revision: 00

Date: 11 November 2013

ADDRESS:

Aurora Environmental

149-151 Kensington St East Perth WA 6004

ATTENTION:

Brad Dermody

DATE RECEIVED:

1/11/2013

YOUR REFERENCE:

NAR2013/001

PURCHASE ORDER:

N/A

APPROVALS:

Andrew Harvey Resources Manager Leigh Bermingham Senior Inorganic Chemist Paul Nottle

Organic Supervisor

REPORT COMMENTS:

Samples are analysed on an as received basis unless otherwise noted. Metals in soils analysis was conducted on a dry weight basis.

METHOD REFERENCES:

ARL No. 133 Purgeable Volatile Organic Compounds in Soil by GCMS

ARL No. 006 Polycyclic Aromatic Hydrocarbons in Soil
ARL No. 010 Total Petroleum Hydrocarbons (TPH) in Soil
ARL No. 401 Metals in Soil and Sediment by ICPOES





Aurora Environmental

ARL Job No: 13-7996

Revision: 00

Date: 11 November 2013



BTEX and MtBE in Soil Sample No: Sample Description:	LOR	UNITS	13-7996-1 V1	13-7996-2 V2	13-7996-3 V3	13-7996-4 V4	13-7996-5 V5
Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethyl Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Xylenes (Total)	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Methyl tert Butyl Ether	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibromofluoromethane (SS)		%	114	111	107	113	112
Toluene-d8 (SS)		%	115	114	113	114	116
1,2-Dichloroethane-d4 (SS)		%	110	120	110	110	110
4-Bromofluorobenzene (SS)		%	101	102	97	99	102

BTEX and MrBE in Soil Sample No: Sample Description:	LOR	UNITS	13-7996-6 V6	13-7996-7 V7	13-7996-8 V8	13-7996-9 V9	13-7996-10 V10
Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethyl Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Xylenes (Total)	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Methyl fert Butyl Ether	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibromofluoromethane (SS)		%	112	107	107	108	104
Toluene-d8 (SS)		%	114	110	110	111	109
1,2-Dichloroethane-d4 (SS)		%	110	110	110	110	110
4-Bromofluorobenzene (SS)		%	.102	96	97	100	95

BTEX and MrBE in Soil Sample No: Sample Description:	LOR	UNITS	13-7996-11 V11	13-7996-12 V12	13-7996-13 V13	13-7996-14 V14	13-7996-15 V15
Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethyl Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Xylenes (Total)	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Methyl tert Butyl Ether	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibromofluoromethane (SS)		%	109	109	105	106	106
Toluene-d8 (SS)		%	113	112	112	111	111
1,2-Dichloroethane-d4 (SS)		%	110	110	110	110	110
4-Bromofluorobenzene (SS)		%	95	96	96	93	96

Aurora Environmental

ARL Job No: 13-7996

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Date: 11 November 2013



BTEX and MrBE in Soil Sample No: Sample Description:	LOR	UNITS	13-7996-16 V16	13-7996-17 Dup1
Benzene	0.1	mg/kg	<0.1	<0.1
Toluene	0.1	mg/kg	<0.1	<0.1
Ethyl Benzene	0.1	mg/kg	<0.1	<0.1
Xylenes (Total)	0.2	mg/kg	<0.2	<0.2
Methyl tert Butyl Ether	0.1	mg/kg	<0.1	<0.1
Dibromofluoromethane (SS)		%	104	104
Toluene-d8 (SS)		%	109	106
1,2-Dichloroethane-d4 (SS)		%	110	100
4-Bromofluorobenzene (SS)		%	96	91

PAH in Soil Sample No: Sample Description:	LOR	UNITS	13-7996-10 V10	13-7996-11 V11	13-7996-12 V12	13-7996-13 V13
Naphthalene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
2-Methylnaphthalene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Acenaphthylene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Acenaphthene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Fluorene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Phenanthrene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Anthracene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Fluoranthene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Pyrene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1
Benz(a)anthracene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
Chrysene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
Benzo(b)fluoranthene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
Benzo(k)fluoranthene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
Benzo(a)pyrene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
Indeno(1,2,3-c,d)pyrene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
Dibenz(a,h)anthracene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
Benzo(ghi)perylene	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2
-Fluoro-1,1'-Biphenyl (SS)		%	88	[NT]	[NT]	[NT]
p-Terphenyl-d14 (SS)		%	101	[NT]	[NT]	[NT]

Aurora Environmental

ARL Job No: 13-7996

Revision: 00

Date: 11 November 2013



TPH in Soil/Sediment Sample No: Sample Description:	LOR	UNITS	13-7996-1 V1	13-7996-2 V2	13-7996-3 V3	13-7996-4 V4	13-7996-5 V5
Ca-e	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C10-14	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C15-28	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C29-36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C>36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	< 0.4

TPH in Soil/Sediment Sample No: Sample Description:	LOR	UNITS	13-7996-6 V6	13-7996-7 V7	13-7996-8 V8	13-7996-9 V9	13-7996-10 V10
Cs-9	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C10-14	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C15-28	0.4	mg/kg	. <0.4	<0.4	<0.4	<0.4	<0.4
C29-36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C>36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4

TPH in Soil/Sediment Sample No: Sample Description:	LOR	UNITS	13-7996-11 V11	13-7996-12 V12	13-7996-13 V13	13-7996-14 V14	13-7996-15 V15
Cs-9	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C10-14	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C15-28	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C29-36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C>36	0.4	mg/kg	<0.4	<0.4	< 0.4	<0.4	<0.4

TPH in Soil/Sediment Sample No: Sample Description:	LOR	UNITS	13-7996-16 V16	13-7996-17 Dup1
C6-9	0.2	mg/kg	<0.2	<0.2
C10-14	0.2	mg/kg	<0.2	<0.2
C15-28	0.4	mg/kg	<0.4	<0.4
C29-38	0.4	mg/kg	<0.4	<0.4
C>36	0.4	mg/kg	<0.4	<0.4

Metals in Soil and Sediment Sample No: Sample Description:	LOR	UNITS	13-7996-1 V1	13-7996-2 V2	13-7996-3 V3	13-7996-4 V4	13-7996-5 V5
Lead	1	mg/kg	3	3	1	1	26

Metals in Soil and Sediment Sample No: Sample Description:	LOR	UNITS	13-7996-6 V6	13-7996-7 V7	13-7996-8 V8	13-7996-9 V9	13-7996-14 V14
Lead	1	mg/kg	2	6	2	3	25

Aurora Environmental

ARL Job No: 13-7996

Revision: 00

Date: 11 November 2013



Metals in Soil and Sediment Sample No: Sample Description:	LOR	UNITS	13-7996-15 V15	13-7996-16 V16	13-7996-17 Dup1
Lead ·	1	mg/kg	8	3	22

Result Definitions

LOR Limit of Reporting

[NT] Not Tested

[ND] Not Detected at indicated Limit of Reporting

[NR] Analysis Not Requested

(SS) Surrogate Standard Compound - Used for QC purposes. Acceptance Criteria is 60-120%.

CHAIN OF CUSTODY

149 151 Kensington Street, East Perth, WA, 6004

13-8240



Sheet of F: (08) 9261 4999 T: (08) 9261 4900 Results Required Date: normal turnaround Project Name/No.: NA ROZO + SEL Lab / Lab Quote No .: -Email results to: @auroraenvironmental.com.au Purchase Order No.: -COMMENTS: Toke helder MRTEX Notes/LOR/ THE WAY Special # = It commeton is reduced. Requests SAMPLE ID DATE/TIME LABID PHASE BOTTLE 7 11 13 SOIL 611 \$ 11 13 173 414 425 1 26 10 PLFI 11 Date: 8/11/13 , 4 3c Pm Received by: HAJA (ARL) Relinquished by: Date: Sample Condition Upon Receipt: PRI-7/ Version 1 Page1/1 AURORA ENVIRONMENTAL OPERATIONAL MANUAL/Projects Authorised By Mark Shepherd Revision Date 17-05-2013 uncontrolled when printed

Job Number: 13-8240 Date: 15/11/2013



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This Quality Control Report is issued in accordance with Section 18 of the ARL Quality Management Manual. All QC parameters are contained within the relevant ARL Method as indicated by the method reference, either on this report or the Laboratory Report.

Acceptance of Holding Times, Duplicate RPD, Spike, LCS and CRM Recoveries are determined at the time of analysis by the Signatory indicated on the Laboratory Report.

DEFINITIONS

Duplicate Analysis

A sample, chosen randomly by the analyst at the time of sample preparation, analysed in duplicate.

RPD

Relative Percent Difference is the absolute difference between the sample and a duplicate analysis compared to the average of the two analytical results. Acceptance Limits can be exceeded by matrix interference or when the result is less than 5 times the LOR.

Matrix Spike

An additional portion of sample to which known amounts of the target analytes are added before sample preparation. Acceptance Limits can be exceeded by matrix interference or when the target analytes are present in the sample.

Certified Reference Material (CRM)

A commercially available certified solution/mixture of the target analyte of known concentration.

Laboratory Control Sample (LCS)

An in-house certified solution/mixture of the target analyte of known concentration.

Job Number: 13-8240 Date: 15/11/2013



TPH in Soil

Holding Time Criteria	Date	
Extracted	13/11/2013	
Analysed	14/11/2013	
Duplicate Analysis (13-8289-A-4)	RPD (%)	Limits (%)
C6-9	0	25
C10-14	0	25
C15-28	0	25
C29-36	0	25
C>36	0	25
Matrix Spike (13-8289-A-4)	Recovery (%)	Limits (%)
C15-28	82	60 - 120

Total Petroleum Hydrocarbons - Matrix Spike

A known quantity of commercially available Diesel Fuel is spiked into the sample(s) indicated. Due to the nature of petroleum hydrocarbons, the matrix spike recovery is reported in the TPH C15-28 Range.

VOCs in Soil

Holding Time Criteria	Date	
Extracted	12/11/2013	
Analysed	13/11/2013	
Duplicate Analysis (13-8240-11)	RPD (%)	Limits (%)
Benzene	0	25
Toluene	0	25
Ethyl Benzene	0	25
Xylenes (Total)	0	25
Methyl tert Butyl Ether	0	25
Matrix Spike (13-8240-11)	Recovery (%)	Limits (%)
Benzene	104	60 - 120
Toluene	105	60 - 120
Ethyl Benzene	104	60 - 120
Xylenes (Total)	105	60 - 120

Metals in Soil and Sediment

Holding Time Criteria	Date	
Extracted	12/11/2013	
Analysed	15/11/2013	
Matrix Spike (13-8240-1)	Recovery (%)	Limits (%)
Lead	103	60 - 120
Certified Reference Material	Recovery (%)	Limits (%)
Lead	112	80 - 120



Environmental and Analytical Laboratory

Job Number: 13-8240

> Revision: 00

> > 15 November 2013 Date:

ADDRESS:

Aurora Environmental Perth

149-151 Kensington St

East Perth WA 6004

ATTENTION:

Brad Dermody

DATE RECEIVED:

8/11/2013

YOUR REFERENCE:

NAR2013/001

PURCHASE ORDER:

APPROVALS:

Andrew Harvey

Leigh Bermingham Resources Manager Senior Inorganic Chemist

REPORT COMMENTS:

Samples are analysed on an as received basis unless otherwise noted. Metals in soils analysis was conducted on a dry weight basis.

METHOD REFERENCES:

ARL No. 010

Total Petroleum Hydrocarbons (TPH) in Soil

ARL No. 133

Purgeable Volatile Organic Compounds in Soil by GCMS

ARL No. 401

Metals in Soil and Sediment by ICPOES





Aurora Environmental Perth

ARL Job No: 13-8240

Revision: 00

Date: 15 November 2013

	A	R	
Environmental and	Analyti	cal Lal	ooratory

TPH in Soil/Sediment Sample No: Sample Description:	LOR	UNITS	13-8240-1 V17	13-8240-2 V18	13-8240-3 V19	13-8240-4 V20	13-8240-5 V21
C6-9	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C10-14	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C15-28	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C29-36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C-36	0.4	mg/kg	<0.4	< 0.4	<0.4	<0.4	<0.4

TPH in Soil/Sediment Sample No: Sample Description:	LOR	UNITS	13-8240-6 V22	13-8240-7 V23	13-8240-8 V24	13-8240-9 V25	13-8240-10 V26
C6-9	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C10-14	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
C15-28	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C29-36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
C>36	0.4	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4

TPH in Soil/Sediment Sample No: Sample Description:	LOR	UNITS	13-8240-11 Dup2	
C6-9	0.2	mg/kg	<0.2	
C10-14	0.2	mg/kg	<0.2	
C15-28	0.4	mg/kg	<0.4	
C29-36	0.4	mg/kg	<0.4	
C-36	0.4	mg/kg	<0.4	

BTEX and MtBE in Soil Sample No: Sample Description:	LOR	UNITS	13-8240-1 V17	13-8240-2 V18	13-8240-3 V19	13-8240-4 V20	13-8240-5 V21
Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethyl Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Xylenes (Total)	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Methyl tert Butyl Ether	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibromofluoromethane (SS)		%	96	96	96	96	96
Toluene-d8 (SS)		%	104	104	104	104	104
1,2-Dichloroethane-d4 (SS)		%	100	97	96	97	96
4-Bromofluorobenzene (SS)		%	88	88	89	88	88

Aurora Environmental Perth

ARL Job No: 13-8240

Revision: 00

Date: 15 November 2013



BTEX and MtBE in Soil Sample No: Sample Description:	LOR	UNITS	13-8240-6 V22	13-8240-7 V23	13-8240-8 V24	13-8240-9 V25	13-8240-10 V26
Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Toluene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Ethyl Benzene	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Xylenes (Total)	0.2	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Methyl tert Butyl Ether	0.1	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Dibromofluoromethane (SS)		%	97	97	96	96	96
Toluene-d8 (SS)		%	104	104	96	104	104
1,2-Dichloroethane-d4 (SS)		%	97	96	97	97	96
4-Bromofluorobenzene (SS)		%	88	88	88	80	88

BTEX and MtBE in Soil Sample No: Sample Description:	LOR	UNITS	13-8240-11 Dup2
Benzene	0.1	mg/kg	<0.1
Toluene	0.1	mg/kg	<0.1
Ethyl Benzene	0.1	mg/kg	<0.1
Xylenes (Total)	0.2	mg/kg	<0.2
Methyl tert Butyl Ether	0.1	mg/kg	<0.1
Dibromofluoromethane (SS)		%	96
Toluene-d8 (SS)		%	104
1,2-Dichloroethane-d4 (SS)		%	97
4-Bromofluorobenzene (SS)		%	88

Metals in Soil and Sediment Sample No: Sample Description:	LOR	UNITS	13-8240-1 V17	13-8240-2 V18	13-8240-3 V19	13-8240-4 V20	13-8240-5 V21
Lead	1	mg/kg	9	6	6	8	5

Metals in Soil and Sediment Sample No: Sample Description:	LOR	UNITS	13-8240-6 V22	13-8240-7 V23	13-8240-8 V24	13-8240-9 V25	13-8240-10 V26
Lead	1	mg/kg	3	6	3	9	5

Metals in Soil and Sediment Sample No: Sample Description:	LOR	UNITS	13-8240-11 Dup2
Lead		mg/kg	

Result Definitions

LOR Limit of Reporting

[NT] Not Tested

[ND] Not Detected at indicated Limit of Reporting

[NR] Analysis Not Requested

(SS) Surrogate Standard Compound - Used for QC purposes. Acceptance Criteria is 60-120%.

PD46.16 Draft Modified Neighbour Consultation Policy and the Revocation of the Inspection of Planning Documents Policy

Committee	13 September 2016
Council	27 September 2016
Applicant	City of Nedlands
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	1 mobiles
File Reference	PLAN-LPP-00003
Attachments	 Existing Inspection of Planning Documents Council Policy (Adopted 22 October 2013) – To be Revoked Existing Neighbour Consultation Council Policy (Adopted 27 May 2014) – To be Modified Draft Modified Neighbour Consultation Council Policy

1.0 Executive Summary

The purpose of this report is for Council to consider whether to:

- a) Revoke the Inspection of Planning Documents Council Policy (Inspection Policy); and
- b) Adopt modifications proposed to be made to the Neighbour Consultation Council Policy (Consultation Policy).

The Inspection Policy is proposed to be revoked as a consequence of advice received by the City with regard to the Copyright Act and the ability to show plans to residents.

The Consultation Policy is proposed to be modified as a consequence of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) being introduced. The Regulations no longer require development approval to be obtained for all development. The requirement for signs to be erected for all proposed development is no longer applicable.

Instead, it is recommended that a new process is put in place which will meet the intent of the existing policies. As all proposed development requires a building permit, it is proposed that when development has been granted a building permit, letters will be sent directly to affected landowners to notify them of the proposal. This will be for their information only, no comments will be sought.

Considering the above, it is recommended that Council revokes the Inspection Policy and adopts the draft modified Consultation Policy.

2.0 Recommendation to Committee

Council:

- 1. Revokes the Inspection of Planning Documents Council Policy.
- 2. Adopts the Draft Modified Neighbour Consultation Council Policy.

3.0 Strategic Community Plan

KFA: Governance and Civic Leadership

Regular review of the City's policies ensures that they remain relevant and meaningful to the local community.

4.0 Legislation

- Local Government Act 1995
- Planning and Development Act 2005
- Copyright Act 1968
- Planning and Development (Local Planning Schemes) Regulations 2015
- City of Nedlands Town Planning Scheme No. 2 (TPS 2)
- Inspection of Planning Documents Council Policy (Adopted 22 October 2013)
- Neighbour Consultation Council Policy (Adopted 27 May 2014)

5.0 Budget / Financial Implications

Within current approved budget:	Yes $oxtimes$	No 🗌
Requires further budget consideration:	Yes 🗌	No 🖂

The creation of a local planning policy does not have a financial implication for the City. Advertising of the Policy is within the City's approved budget.

6.0 Risk management

If Council resolves not to revoke the Inspection Policy there is the risk that the City will breach the Copyright Act.

If Council resolves not to adopt the draft modified Consultation Policy it will result in uncertainty for the City over what Council's expectations are in terms of advertising development applications.

7.0 Background

Currently two Council policies exist which outline the City's requirements with regard to notifying affected parties about proposed development, and the process for the community to view approved plans. These are discussed about further in the following sections.

7.1 Inspection of Planning Documents Council Policy

The Inspection Policy stipulates the circumstances when development application documents (plans) lodged with the City may be viewed by the public prior to and after the application being determined.

The Inspection Policy also gives the public the ability to view all approved plans, including those approved under delegation, within 5 years following the decision being made.

Based on advice received by the City:

- a) Plans may only be viewed by the public without the consent of the landowner when the Regulations, Town Planning Scheme No. 2 (TPS 2) and/or a planning policy stipulates the need for such development to be advertised prior to the application being determined.
- b) Plans may only be obtained and/or viewed by the public after the application has been determined, in accordance with the Freedom of Information Act. This involves the need to obtain prior consent from the landowner of the property where the development is proposed.

Note: A full copy of the advice received by the City has been given to the Councillors prior to the Council meeting.

7.2 Neighbour Consultation Council Policy

The current Consultation Policy stipulates the circumstances when a development application needs to be advertised. It also requires a sign to be erected at the front of a property at which a new 2 storey dwelling or a second storey addition/alterations is proposed.

The introduction of the Regulations now means that not all forms of development such as this requires development approval. It also stipulates the circumstances when a development application needs to be advertised for comment. Therefore the Consultation Policy needs to be reconsidered.

8.0 Statutory Provisions

8.1 Copyright Act

In accordance with the Copyright Act the reproduction and provision of plans to members of the public would constitute an infringement of the exclusive rights conferred on an owner of copyright, unless the City:

- a) Had obtained the consent of the owner of copyright in the plans; or
- b) Was required to provide access to plans or make available copies of plans by the applicable statutory framework in determining an application and thereby was acting under an 'implied licence' to deal with plans subject to copyright.

8.2 Local Government Act 1995

Section 5.94 of the *Local Government Act 1995* stipulates which types of information can be viewed by the public at the office of a local government, this includes amongst other types, any confirmed minutes of Committee or Council meetings which were not closed to the public.

The Local Government Act does not give local government the ability to show plans to the public which have been determined.

8.3 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Part 7 Clause 61 of the Regulations stipulates when approval does not need to be obtained for certain types of development and/or works, for example, single dwellings which comply with the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes).

Schedule 2 Part 8 Clause 64 of the Regulations stipulates when development and/or works requiring approval under this legislation, must be advertised for comment. In circumstances when the City is required to advertise an application the application documents are required to be available for inspection.

8.4 Council Policies

The purpose of Council policies is to provide administrative guidance for stakeholders.

No provisions exist in any legislation relating to revoking and/or modifying Council policies.

9.0 Consultation

If Council resolves to revoke the Inspection Policy and adopt the draft modified Consultation Policy a notice will be published in a local newspaper and on the City's website advising of this decision.

10.0 Proposed Modifications to Neighbour Consultation Policy

Having further reviewed the Consultation Policy, the following table outlines the modifications proposed to be made. In addition to these, changes are proposed to be made to the format and layout of the Policy.

Proposed Modifications	Reason for Modifications
In the Context section, reference made to Clause 6.3 of TPS 3 and Part 4 of the R-Codes under which consultation with affected parties is required, being replaced with Schedule 2 Part 8 Clause 64 of the Regulations.	The provisions stipulated under the Regulations prevail over TPS 2 and the R-Codes.
Clauses 1) and 2) in the Notification section, and the second paragraph in the Context section be removed.	In accordance with the Regulations, TPS 2 and the R-Codes only those directly impacted upon by a variation proposed as part of a development application will be given the opportunity to provide comment (i.e. the neighbour being 'overlooked' or neighbours directly adjacent to the 'reduced setback'.
	By erecting a sign at the front of a property inviting public comment on a proposal which does not involve any variations can be misleading. If objections are received from a resident not directly affected by a variation it can result in unnecessary delays in the application being determined.
	In addition to the above, by only erecting a sign in front of a property does not ensure that neighbours at the rear of the property will become aware of the proposed development. It also leads to disappointment in the City when objections cannot be taken into account.
The inclusion of clause 3.2 related to when affected parties shall be notified regarding proposals which do not require development approval.	Clause 3.2 outlines a new process which will meet the intent of the existing policies. Proposed development still needs a building permit so it is recommended that when development has been granted a building permit letters be sent to directly affected landowners to notify them of the proposal. This is for their information only and no comments will be sought.
The inclusion of Section 4.0 regarding the ability for affected parties to view plans.	The Inspection Policy is proposed to be revoked and Section 4.0 included as a consequence of advice received by the City with regard to the Copyright Act and the

11.0 Conclusion

The draft modified Consultation Policy will ensure the City has an appropriate process in place for development applications requiring to be advertised in accordance with the Regulations, and also allows residents and neighbouring landowners to be informed about impending development.

Revocation of the Inspection Policy means that there will be a reduced risk in the City breaching the Copyright Act.

As such, it is recommended that the draft modified Consultation Policy be adopted and the Inspection Policy be revoked by Council.

Council Policy Manual

Inspection of Planning Documents

KFA

Built Environment

Status

Council

Responsible

Division

Planning & Development

Objective

To define the level and process for the community to access

planning application and approval information.

Context

The City undertakes the role of determining planning applications. This can give rise to a request to inspect the planning documents and/or approval documentation.

Statement

In addition to requirements set out in the Town Planning Scheme and existing policies on advertising of planning applications, inspection of Planning Application Documents is as follows:

- any planning application documents, including plans, lodged with the City are available for inspection by any person that is deemed to be likely to have a legitimate interest in the application and/or approval;
- 2) without constraining administrative procedures, planning application documents are not to be copied without the owner's permission; and
- building application documents, including plans, are not considered part of a planning application documents and are not available for inspection.

Legitimate Interest is defined as:

"Inspection by an owner or occupier of land within a 200 m radius of the subject site and to other persons deemed to have a legitimate interest by the Chief Executive Officer or Director Planning & Development."

Documents can only be copied with the express written permission of the owner who determines which documents are able to be copied and for whom a copy can be made available.

Documents will not be made available for viewing to the media without the express written approval of the owner.

A time limitation of five years applies to all applications and approvals being made available regardless of the interest. Outside this timeframe the land owner can provide express written approval for information to be released, at the discretion of the CEO.

This policy is made available to all parties applying for planning approval from the City.

Applications to view planning documents can also be made using the Freedom of Information process.

Related documentation

Nil

Related Local Law / Legislation

Local Government Act (1995) and Local Government (Administration) Regulations 1996

Planning and Development Act (2005)

Freedom of Information Act 1992

Town Planning Scheme No 2

Related delegcation

Nil

Review History

22 October 2013 (Report CPS33.13) 24 August 2010 (Report CM20.10)

Neighbour Consultation - Development Applications

KFA

Natural and Built Environment

Status

Council

Responsible

Division

Planning & Development

Objective

To clarify consultation and notification for development

applications.

Context

Clause 6.3 of Town Planning Scheme No.2 and Part 4 of the Residential Design Codes 2013 require consultation with affected parties where Council is required to exercise discretion and/or where an application may adversely affect the amenity of an adjoining property.

In addition to the consultation required under the Town Planning Scheme and Residential Design Codes, the Council considers that where there is an application for a two-storey dwelling (including alterations or additions), it is appropriate to notify surrounding residents of the proposal to provide owners and occupiers in the vicinity the opportunity to view the plans and be informed of the development proposed.

Where affected parties are directly consulted regarding a development application they will receive from the City written notification which includes as a minimum, the address and description of the proposal, variations to the Town Planning Scheme, policies and/or Residential Design Codes and an information sheet outlining the development approval process.

Definitions

Affected parties

Affected parties means owners and occupiers of those properties that in the opinion of the City are likely to be affected by the proposal.

Statement

Consultation

- Affected parties shall be consulted in the case of a proposed development that:
 - Requires the exercise of discretion by the council under the Residential Design Codes;
 - b) Requires the exercise of discretion by the council under a Council policy;

- Requires the exercise of discretion by the council under the Town Planning Scheme; and
- d) May, in the opinion of the council, adversely affect the amenity of an adjoining property.
- Minimum affected parties shall comprise immediately adjoining neighbours and/or neighbours facing the subject development property over roads and laneways.
- Whilst Administration will make every effort to keep interested parties informed in the event of any changes to the development application, interested parties are encouraged to keep abreast of Council meeting documentation to access the latest information. Copies of relevant Council agendas and minutes can be accessed on the City's website at www.nedlands.wa.gov.au. A copy can also be viewed at both the Mount Claremont and Nedlands Libraries and the City's Administration Building.

Notification

- 1) A sign shall be erected by the City in the case of a proposed development for:
 - a) a new two-storey dwelling; and
 - b) a second-storey addition or amendment/alterations.
- 2) The sign shall:
 - be erected in front of the site for a period no less than 14 days so as to ensure visibility by all passing residents;
 - b) comply with the dimensions below:



c) During the notification period all development plans associated with the proposal will be available at Council Offices for viewing by the general public. If any submission is made during the notification period, then it shall be

- assessed in accordance with the City of Nedlands Town Planning Scheme No. 2, Residential Design Codes and/or Council Policy; and
- d) During the notification period, no approval may be granted regardless of an application's compliance with relevant provisions.

Submitters details as Public Information

- Submitter's comments will to be made available to the applicant and the owner of a development application.
- Submitter's details will not to be made available to the applicant or the owner of the development application.
- Submitter's details will not be made public for any reason.
- Submitter's details will be included in Councillors' copies of the agenda on a confidential basis and in digital format if available.

Related documentation

Nil

Related Local Law / Legislation

Planning & Development Act 2005 City of Nedlands Town Planning Scheme No. 2 Residential Design Codes

Related delegation

Nil

Review History

28 June 2011 (Report CM03.11) 27 May 2014 (Report CPS20.14)

Neighbour Consultation – Development Applications

KFA Natural and Built Environment

Status Council

Responsible

Division Planning & Development

Objective To outline the City's requirements with regard to notifying affected

parties about proposed development requiring the exercise of discretion by the City, and proposed development on properties

within a Controlled Development Area.

To clarify consultation and notification for development applications.

1.0 Context

1.1 Schedule 2 Part 8 Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations* 2015 (Regulations) stipulates when consultation with affected parties is required.

1.2 For the purpose of this policy the term *affected parties* means owners and occupiers of those properties that in the opinion of the City are likely to be affected by the proposal.

Clause 6.3 of Town Planning Scheme No.2 and Part 4 of the Residential Design Codes 2013 require consultation with affected parties where Council is required to exercise discretion and/or where an application may adversely affect the amenity of an adjoining property.

In addition to the consultation required under the Town Planning Scheme and Residential Design Codes, the Council considers that where there is an application for a two-storey dwelling (including alterations or additions), it is appropriate to notify surrounding residents of the proposal to provide owners and occupiers in the vicinity the opportunity to view the plans and be informed of the development proposed.

Where affected parties are directly consulted regarding a development application they will receive from the City written notification which includes as a minimum, the address and description of the proposal, variations to the Town Planning Scheme, policies and/or Residential Design Codes and an information sheet outlining the development approval process.

Definitions

Affected parties

Affected parties means owners and occupiers of those properties that in the opinion of the City are likely to be affected by the proposal.

2.0 The Requirement for Consultation with Affected Parties

Statement

Consultation

- 2.1 1) Affected parties shall be notified in the case of proposed development that:
 - a) Requires the exercise of discretion by the City under the Residential Design Codes (R-Codes); and/or
 - b) Requires the exercise of discretion by the City under a Council Policy; and/or
 - c) Requires the exercise of discretion by the City under a Local Planning Policy; and/or
 - d) Requires the exercise of discretion by the council City under Town Planning Scheme No. 2 (TPS 2); and/or May, in the opinion of the council, adversely affect the amenity of an adjoining property.
 - e) Is on a property within a Controlled Development Area under TPS 2.
- 2.2 When consultation is required to be undertaken for development within a Controlled Development Area under TPS 2, as a minimum, affected parties shall comprise of the immediately adjoining neighbour(s) and neighbours facing the subject development property over roads and laneways.
- 2.3 When consultation is required to be undertaken for development requiring the City to exercise discretion under the R-Codes, TPS 2, a Council and/or Local Planning Policy, affected parties shall comprise of (in the opinion of the City) the neighbour(s) directly affected by the variation proposed.
- 2) Minimum affected parties shall comprise immediately adjoining neighbours and/or neighbours facing the subject development property over roads and laneways.
- Whilst Administration will make every effort to keep interested parties informed in the event of any changes to the development application, interested parties are encouraged to keep abreast of Council meeting documentation to access the latest information. Copies of relevant Council agendas and minutes can be accessed on the City's website at www.nedlands.wa.gov.au. A copy can also be viewed at both the Mount Claremont and Nedlands Libraries and the City's Administration Building.

3.0 Methods of Notification

- 3.1 When clause 2.1 of this Policy applies, affected parties shall be notified in writing, the minimum advertising period for which being that specified under TPS 2. The City and Council shall have regard to comments received during the advertising period when making its decision.
- 3.2 When development approval is **not** required, affected parties shall be notified in writing when:
 - a) a dwelling; and/or
 - b) a substantial external addition/alteration to a dwelling

has been granted a building permit.

- 1) A sign shall be erected by the City in the case of a proposed development for:
 - a) a new two-storey dwelling; and
 - b) a second-storey addition or amendment/alterations.
- 2) The sign shall:
- a) be erected in front of the site for a period no less than 14 days so as to ensure visibility by all passing residents;
- b) comply with the dimensions below:
- c) During the notification period all development plans associated with the proposal will be available at Council Offices for viewing by the general public. If any submission is made during the notification period, then it shall be assessed in accordance with the City of Nedlands Town Planning Scheme No. 2, Residential Design Codes and/or Council Policy; and
- d) During the notification period, no approval may be granted regardless of an application's compliance with relevant provisions.

4.0 The Ability for Affected Parties to View Plans

- 4.1 When clause 2.1 of this Policy applies, affected parties shall be given the opportunity to view the development application plans at the City's Administration Building and on the City's website during the advertising period.
- 4.2 Plans for development applications determined under delegation or by Council are **not** permitted to be viewed by affected parties, the media and/or the general public without the **prior** written (signed) consent of the owners of the property where the development is proposed.

4.3 Affected parties, the media and/or the general public are **not** permitted to view plans submitted and/or determined as part of a building permit application.

5.0 Submitters details as Public Information

- 5.1 A summary of the submitter's comments may be made available to the applicant and the owner of the development application.
- 5.2 The submitter's name and/or contact details will **not** to be made available to the applicant or the owner of the development application, other affected parties, the media and/or the general public.
- 5.3 The submitter's details will be included in Councillors' copies of the agenda on a confidential basis.

Submitters details as Public Information

- Submitter's comments will to be made available to the applicant and the owner of a development application.
- Submitter's details will not to be made available to the applicant or the owner of the development application.
- Submitter's details will not be made public for any reason.
- Submitter's details will be included in Councillors' copies of the agenda on a confidential basis and in digital format if available.

Related documentation

Nil

Related Local Law / Legislation

Planning and Development Act 2005

Copyright Act 1968

Planning and Development (Local Planning Schemes) Regulations 2015

City of Nedlands Town Planning Scheme No. 2

State Planning Policy 3.1 - Residential Design Codes

Related delegation

Nil

Review History

28 June 2011 (Report CM03.11)

27 May 2014 (Report CPS20.14)

PD47.16 Assignment of Lease of Tawarri Reception Centre – National Fine Catering & Cleaning Pty Ltd to UTSAVAM Pty Ltd

Committee	13 September 2016	
Council	27 September 2016	
Applicant	National Fine Catering & Cleaning Pty Ltd (Lessee)	
Landowner	City of Nedlands	
Officer	Rebecca Boley – Leased Assets Coordinator	
Director	Peter Mickleson – Director Planning & Development Services	
Director Signature	1 mobiles	
File Reference	CAP- 005623	
Previous Item	28 May 1996 - C115.96 Tawarri Tender (Lease to Mr K Higgins) 23 May 2006 - Item 10.1 (Assignment to National Fine Catering & Cleaning Pty Ltd)	
Attachments	1. Excerpt from Lease – Cl. 9.03	

1.0 Executive Summary

This item is presented to Council following a request from the current lessee of Tawarri Reception Centre, Esplanade Dalkeith, to assign their lease interest to UTSAVAM Pty Ltd for the unexpired duration of the term of Lease, being until 30 June 2018 (the Assignment). UTSAVAM Pty Ltd as proposed assignee have provided evidence of their financial standing and further advised their proposal to extend business operation to include restaurant and café service provision. Council is now required to consider the requested Assignment and in addition consider whether to vary the Lease to permit the further business operation of café and restaurant.

2.0 Recommendation to Committee

Council:

- 1. Endorses the Assignment of Lease to UTSAVAM Pty Ltd for the unexpired residue of the term of Lease, until 30 June 2018;
- 2. Does not agree to vary the terms of the lease to include in the Description of the Business "café and restaurant"

- 3. Instructs the Chief Executive Officer to agree the terms of the Deed of Assignment to record the agreement above, and requiring provision for a personal guarantee by the company's directors to be included in the Deed:
- 4. Delegates to the Chief Executive Officer and Mayor authority to sign and seal the Deed of Assignment; and
- 5. Requires that prior to execution of the Assignment, in accordance with Section 18 of the Land Administration Act 1997, the Minister for Lands approval is first obtained.

3.0 Strategic Community Plan

KFA: Governance and Civic Leadership

Council in its role as landlord of Crown reserve land must consider aspects of innovative leadership and at the same time wise stewardship to ensure outcome aligns with good governance and civic leadership.

4.0 Legislation

Section 18 of the Land Administration Act 1997 requires that any transfer of lease of Crown land must first receive approval of the Minister for Lands.

5.0 Budget / Financial Implications

Within current approved budget:	Yes $oxtimes$	No 🗌
Requires further budget consideration:	Yes	No 🔀

The proposal relates to Crown reserve land that is already subject of lease. Proposed terms of the Assignment have no immediate budget or financial implications for the City.

6.0 Risk management

Any foreseeable risk associated with the Assignment will be incorporated into the provisions of the Assignment. Assignment to a corporation such as UTSAVAM Pty Ltd will be required to include a guarantee by directors of the company, to ensure that if the corporation becomes unviable during the term of lease then the directors guaranteeing the Assignment will be personally accountable to perform covenants of the Assignment as though they were the Assignee.

Documentation has been provided by the proposed assignee to demonstrate their financial standing and attest to their responsible and respectable character. They also demonstrate experience in the hospitality and catering industry.

7.0 Background

In 1997 Council entered into a Lease with Kevin Patrick Higgins for premises known as the Tawarri Reception Centre, being a portion of class "A" Crown reserve 17391. This lease has a term of 21 years with commencement date 1 July 1997 and expiration date of 30 June 2018 (the Lease).

In 2006 at Mr Higgins' request Council agreed to assign the Lease to National Fine Catering & Cleaning Pty Ltd, the current lessee.

National Fine Catering & Cleaning Pty Ltd have now requested that Council agree to an Assignment of Lease to UTSAVAM Pty Ltd.

Clause 9.03 of the Lease makes provision for assignment of lease subject to the following:

- There is a requirement for the written consent of both the Minister for Lands and the Lessor (the City).
- The City cannot unreasonably withhold its consent where the proposed assignment of the leased premises is to a respectable, responsible person or company of high financial standing.
- Proof of the person or company's character or financial standing is required to be provided by the Lessee to the satisfaction of the City of Nedlands.
- Any assignment of Lease is to be recorded by Deed prepared by the City's solicitors and is to be at the expense of the Lessee or assignee.
- If the assignment is to a corporation, as this is, the City may require that the directors and principal shareholders guarantee the assignee's covenants in a Deed of Assignment.

Clause 9.03 is contained in full in Attachment 1.



An aerial image showing the location of the property follows.

8.0 Discussion

The Lease of Tawarri Reception Centre at Esplanade, Dalkeith expires on 30 June 2018, having less than 2 years left to run.

As noted in the background to the report, pursuant to clause 9.03 of the Lease the City cannot unreasonably withhold its consent to an Assignment of Lease where the proposed assignee is a respectable, responsible company (in this case) of high financial standing. Evidence to support this character and standing has been provided by UTSAVAM Pty Ltd.

UTSAVAM Pty Ltd is an Australian registered entity and its company directors have over 25 years' experience in the food and hospitality industry. They are current operators of food businesses in Perth.

The directors of UTSAVAM Pty Ltd have advised that if the Assignment is approved they would like to extend the business operation to include "an outdoor café in the lawns during the day to service the needs of the local community... especially with upcoming commissioning stages of the Sunset Heritage Precinct redevelopment as it take form over the next few years". They have also indicated their intention to operate a restaurant for similar purpose.

The Lease currently permits the form of business operation onsite at Tawarri as per "Description of the Business" being "Function and reception centre, and catering".

To operate a café and restaurant would require a variation of the Lease to record the Description of Business as "Function and reception centre, catering, café and restaurant". Council is required to decide whether to approve this variation of terms as well. Please note that any statutory approval process to operate such a business from this site would be part of a separate approval process, both from Planning and Environment Health perspectives. If Council agree to this variation and the Assignment, the assignee would be required to apply for and receive relevant statutory approvals before commencing such operation. Within these statutory approval processes would be considered, appropriateness, impact and implication of such business operations.

Any Assignment would be on the terms of the current lease with no extension to the term of the lease. Therefore the proposed assignee's interest would expire on 30 June 2018. As the proposed assignee is a corporation the City would be prudent to require a guarantee by the Directors of the company, as terms of the Lease enable the City as lessor to do so.

In relation to the written consent of the Minister for Lands, should Council agree to the Assignment, Administration will seek to obtain the consent of the Minister prior to executing the Assignment.

Note: A copy of supporting documentation provided by UTSAVAM Pty Ltd to evidence its financial standing and character has been provided to Councillors prior to the meeting.

10.0 Conclusion

The requested Assignment of Lease from National Fine Catering & Cleaning Pty Ltd to UTSAVAM Pty Ltd requires Council's endorsement before transfer can be made. The City's ability to withhold its consent is limited to circumstances where it finds proposed assignee has not satisfactorily demonstrated that they are sufficiently respectable and responsible in character with high financial standing. UTSAVAM Pty Ltd have provided documentation to support their assertion of this. Council must also consider from a landlord perspective whether to permit UTSAVAM Pty Ltd to apply for statutory approvals to extend operations onsite to include a café and restaurant.

11.0 Alternative Recommendation

Alternative recommendation if Council chooses to vary the "Description of the Business" under the Lease to include café and restaurant.

Council:

- 1. Endorses the Assignment of Lease to UTSAVAM Pty Ltd for the unexpired residue of the term of Lease, until 30 June 2018;
- 2. Agrees to vary the terms of the Lease to permit operation of a café and restaurant so the 'Description of Business' in the Schedule of Lease is "Function and reception centre, catering, café and restaurant";

- 3. Instructs the Chief Executive Officer to agree the terms of the Deed of Assignment to record the agreement above, and requiring provision for a personal guarantee by the company's directors to be included in the Deed;
- 4. Delegates to the Chief Executive Officer and Mayor authority to sign and seal the Deed of Assignment; and
- 5. Requires that prior to execution of the Assignment, in accordance with Section 18 of the Land Administration Act 1997, the Minister for Lands approval is first obtained.

and obtain and maintain any permits or certificates of registration which the said Act may require to be obtained or maintained. In default of such compliance by the Lessee the Lessor may with workmen and others and with all necessary materials and appliances enter upon the Leased Premises and may do any act for the purpose of complying therewith and for such purpose the Lessee hereby irrevocably appoints the Lessor to be its true and lawful Attorney for such purpose and any expense incurred by the Lessor in so doing shall constitute a liquidated debt and be payable to the Lessor by the Lessee on demand.

9.02 Licences and Permits

Additional to the obligations imposed on the Lessee by Section 7 hereof the Lessee shall keep in force all licenses and permits required for the carrying on of any business conducted by him in or upon the Leased Premises.

9.03 Sub-lease Assignment Underletting etc

The Lessee shall not sub-let assign transfer mortgage charge or otherwise part with the possession of the Leased Premises or any part thereof or any estate or interest therein without first obtaining the written consent of both the Minister for Lands and the Lessor which Lessor's consent shall not be unreasonably withheld in the case of a proposed assignment of the whole of the Leased Premises to a respectable responsible person or company of high financial standing proof whereof to the entire satisfaction of the Lessor shall be on the Lessee and PROVIDED THAT such consent shall be given only subject to the Lessee at the Lessee's expense withdrawing any subject to claim caveat lodged by the Lessee against the land or any part thereof and to the assignee executing at the cost of the Lessee or assignee a deed of covenant with the Lessor prepared by and in the form required by the Lessor's solicitors for the due compliance by the assignee of the covenants and conditions of this Lease and where the proposed assignee is a corporation the Lessor may as a condition to its consent to such assignment require that the covenants by the assignee contained in the said Deed of Assignment shall be guaranteed by the directors and principal shareholders of such corporation and further provided and it is expressly agreed by the Lessor that no fine or premium shall be payable for such consent. Any change in the principal shareholding altering the effective control of the Lessee (if a company) shall be deemed an assignment of this Lease and shall require the consent of the Lessor as aforesaid. IT IS HEREBY EXPRESSLY AGREED that the provisions of Sections 80 and 82 of the Property Law Act 1969 are excluded from this Lease.

9.04 Forbidding of Registration of Lease or Lodging of Caveats etc

Neither the Lessee nor any agent or other person on behalf of the Lessee shall register this Lease or lodge a caveat against the land or any part thereof other than a subject to claim caveat to protect the Lessee's interests under this Lease which caveat shall be withdrawn by the Lessee at the Lessee's expense at the expiration of the term or if the term is extended or renewed then at the expiration of the extended or renewed term. In the event of this Lease being registered or of the Lessee

PD48.16 No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant

Committee	13 September 2016	
Council	27 September 2016	
Applicant	Denat Enterprises Pty Ltd and Wenat Pty Ltd	
Landowner	Denat Enterprises Pty Ltd and Wenat Pty Ltd	
Officer	Andrew Bratley – Coordinator Statutory Planning	
Director	Peter Mickleson – Director Planning & Development Services	
Director Signature	1 michler	
File Reference	DA2016/147	
Previous Item	Council Report Item 11.27 May 2001	
Attachments	 Photograph of the restaurant as seen from Stirling Highway Photograph of the restaurant's car parking area as seen from Weld Street Site Plan Floor Plan Elevations Applicant's Parking Assessment Report dated August 2016 Vehicle Movement Plan Main Roads Advice 	

1.0 Executive Summary

This application is for a proposed extension to the existing Nando's restaurant which will result in an overall shortfall of 48 car bays (an increase of a 21 car bay shortfall).

The application was advertised to nearby landowners for comment and during the advertising period the City received 13 objections, 1 non-objection and 1 submission which provided no comment.

The application has been referred to Council for determination, as officers do not have the delegation to determine an application under instrument of delegation 6A, where in considering the application there is discretion available to Council and objections have been received.

The restaurant extension results in a significant additional car parking shortfall which is expected to adversely affect the surrounding area and as such it is recommended that Council refuses the application.

2.0 Recommendation to Committee

Council refuses the development application to extend the restaurant at No. 135 (Lot 601) Stirling Highway, Nedlands, for the following reasons:

- 1. The proposal does not satisfy Clause 67(s) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the remaining access and egress is inadequate due to no formalised agreement to ensure legal access to the site via Weld Street;
- 2. The proposal does not comply with Schedule III (carparking requirements) of the City's Town Planning Scheme No. 2, and as such will adversely impact on the surrounding business and residential properties due to patrons and staff parking on adjoining sites and overflow parking on surrounding streets.

3.0 Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the design requirements of Town Planning Scheme No. 2 (TPS 2).

4.0 Legislation / Policy

- Planning and Development Act 2005 (the Planning Act)
- Metropolitan Region Scheme (MRS)
- Planning and Development (Local Planning Schemes) Regulations 2015
- City of Nedlands Town Planning Scheme No. 2 (TPS2)
- Council Policy Neighbour Consultation.

5.0 Budget / Financial Implications

The proposal is for works to be constructed on a private lot, and therefore has no immediate budget or financial implications for the City.

6.0 Risk Management

The proposal is for works to be constructed on a private lot, and therefore has no immediate risks for the City, however should Council refuse the application, there may be costs incurred through an appeal of Council's decision.

7.0 Background

Property address		(Lot 601) No. 135 Stirling Highway, Nedlands
Lot area		514m ²
Reserve/	MRS	Urban and Primary Regional Reserve
Zoning	TPS2	Retail Shopping

The subject property is currently a 'Nando's' restaurant. Six car bays exist at the rear of the property, accessed via a laneway along the property's western boundary shared with 139 Stirling Highway. Alternative access to the car bays is from Weld Street via the rear of 139 Stirling Highway. The properties 135 and 139 Stirling are currently under the same ownership. Currently no formal access agreement exists between the properties allowing for the shared pedestrian and/or vehicular access.

Nearby properties contain dwellings, and commercial activities such as 'Elle' (a shop) and 'Chelsea Village' (various shop, office and restaurant uses). Below is a locality plan showing the property. The large area of parking to the north of Chelsea Village is owned by the Strata owners of Chelsea Village (Refer to Attachments 1 and 2 for photographs of 135 Stirling Highway).



In May 2001, the restaurant was approved subject to 6 car parking bays being available, and a maximum of 65 seats being accommodated within it. A total of 33 (32.5) car bays were required, a shortfall of 27 bays. The change from one restaurant to another restaurant did not require an increase in parking at the time, as the previous tenancy (Café Positano) had the same number of seats as was proposed by Nando's.

8.0 Application Details

The details of the proposal are as follows:

- a) A single storey extension of restaurant floor space (84sqm) being constructed up to the western (side) boundary of the property.
- b) The existing access laneway adjacent to the property's western (side) boundary being closed as a consequence of the extension.
- c) The existing Stirling Highway crossover for the property being removed.
- d) The service area and toilets being relocated inside the building.
- e) A total of 88 seats being available on the premises, and a total seating area of 141.7sqm.
- f) No alterations being proposed to the existing signage, nor is any additional signage proposed.
- g) An additional car bay is proposed, resulting in a total of 7 car bays being available on site.

Refer to Attachments 3, 4 and 5 for the site plan, floor plan and elevations.

By way of justification in support of the application, the following has been advised by the Consultant acting on behalf of the landowners:

"It is important to note that there are three recent examples where Council has granted approval to Development Applications where the parking standards within Schedule III were not met."

"Council has demonstrated a willingness to exercise discretion with respect to Schedule III where it can be demonstrated that the application will result in a net benefit to the community."

The recently approved applications referred to in the applicant's justification are:

- a) A change of Use (From 'Shop' to 'Lunch Bar') at Lot 300 (No. 3/29 Asquith Street, Mount Claremont, approved by Council on 22 September 2015 for a 'Lunch Bar' to continue operating at the site.
- b) A change of Use (From 'Lunch Bar' to 'Restaurant') at Lot 300 (No. 3/29) Asquith Street, Mount Claremont, approved by Council on 1 December 2015 for a 'Restaurant' use at the site.
- c) A retrospective development application for additional seats and tables for the 'Deli Chicchi' restaurant at Lot 300 (No. 6/29) Strickland Street, Mount Claremont, approved by Council on 12 April 2016.

Note: A full copy of the applicant's justification received by the City has been given to the Councillors prior to the Council meeting.

9.0 Consultation

The proposal was advertised for 14 days to nearby landowners for comment in May and June 2016 due to variations proposed to the amount of onsite car bays required.

During the advertising period 13 objections, 1 non-objection and 1 submission which provided no comment were received. The following is a summary of the concerns raised:

- a) There being an inadequate amount of car bays.
- b) The proposed shortfall in the required amount of car bays resulting in cars parking illegally.
- c) Other businesses losing customers as a consequence of those visiting the restaurant occupying car bays on other commercial properties.
- d) The proposed canopy obstructing signage on an adjoining property.

The non-objection received is subject to the proposal not resulting in an overflow of car parking onto Doonan Road.

The potential impact the proposal will have on the area's amenity is discussed in the following sections.

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

9.1 External consultation

The proposal was referred to Main Roads WA (MRW) for comment as the property is affected by a Regional Road Reservation in association with the Metropolitan Region Scheme (MRS) Major Amendment 1210/41. Relevant conditions and advice notes where provided should the application be approved by Council.

10.0 Statutory Provisions

The relevant provisions of Town Planning Scheme No. 2 (TPS 2) are addressed in the following section.

10.1 Town Planning Scheme No. 2

10.1.1 Development Standards

The following development standards stipulated under Table II of TPS 2 apply to this development:

Development standard requirement	Proposed	Complies?
Minimum front setback – Nil exclusive of any road widening.	2.9m	Yes
Minimum side setback – None stipulated for development which	Nil from western boundary.	Yes

adjoins properties containing non-residential uses.	Setback from eastern boundary to remain unchanged.	
Minimum rear setback – 5m where the	Setback from the rear boundary	Yes
property adjoins any Residential zone.	to remain unchanged.	
Maximum plot ratio – 0.75	0.68	Yes

10.1.2 Schedule III – Car Parking Requirements

Six (6) car bays exist on the property. With the current size of the restaurant a total of 33 car bays are required, a deficit of 27 car bay therefore exists.

The adjoining property 'Elle' (139 Stirling Highway) contains two (2) car bays on site, and currently has a shortfall of 23 car bays.

Chelsea Village at 145 Stirling Highway, on the opposite side of Weld Street to the subject property (135 Stirling Highway) currently has a 45 car bay shortfall on site.

The following on street car parking restrictions exist within close proximity to the property:

- a) Stirling Highway No parking at all times.
- b) Weld Street (southern portion which contains 7 car bays) 1 hour parking between 8.00am and 6.00pm Monday to Friday, and no parking between 8.00am and 1.00pm Saturdays.
- c) Weld Street (northern portion) No parking at all times.
- d) Doonan Road
 - i. Six car bays for 4 hour parking between 8.00am and 6.00pm Monday to Friday, and 8.00am and 1.00pm on Saturdays.
 - ii. Five car bays for 2 hour parking between 8.00am and 5.00pm Monday to Friday, and 8.00am and 1.00pm on Saturdays.
 - iii. Two car bays for half an hour parking between 8.00am and 6.00pm Monday to Friday, and 8.00am and 1.00pm on Saturdays.

The City has received complaints from residents nearby to the subject property regarding parked vehicles obstructing driveways and/or overstaying in the time restricted areas and/or using other businesses allocated car bays, especially during lunchtimes.

10.1.2 Future Car Parking Demand

The car parking requirements under TPS 2 for the use 'Restaurant' require 1 bay per 2.6sqm of seating area or 1 bay per 2 persons (whichever is greater).

There is an internal seating area of 141.72sqm proposed which results in:

55 carbays required

<u>7 carbays provided</u>

<u>48 carbay shortfall</u> (additional 21 carbay shortfall)

The applicant has provided a parking assessment report which has been prepared on their behalf by Transcore (refer to Attachment 6).

The assessment concludes that:

"The parking utilisation survey results indicate that there was always a significant surplus of car parking available at Chelsea Village. The peak parking demand period at Chelsea Village corresponded with the lowest customer demand at the Nando's restaurant, on Tuesday during the surveyed 2-hour lunch period.

Conversely, the highest customer demand period recorded at Nando's was on Friday evening, which corresponds to the lowest surveyed parking demand period at Chelsea Village."

"In consideration of the short duration of stay and high parking turnover, it is considered that the car parking available at the rear of the site and within walking distance on-street, is more than sufficient to accommodate any increase in customer patronage as a result of the proposed additions."

"In conclusion the findings of this Parking Assessment Report are supportive of the proposed restaurant additions."

The City had the applicant's parking assessment reviewed by a Consultant. The following was advised:

"Based on experience, the parking requirements in TPS 2 seem generous, and there would be very few occasions when this number of parking bays would be required.

There is evidence to suggest that some of Nando's existing car bays are being used by employees rather than by customers."

"Unless the owner of the Nando's site has a reciprocal parking agreement with the owners of the Chelsea Village site (which seems extremely unlikely), parking at the back of Chelsea Village should not be used to fulfil the parking requirements of Nando's patrons (even if some Nando's patrons have been shown to be parking there illegally)."

"In terms of traffic demand, there would be a relatively small number of additional vehicle trips generated by the DA which should not create significant traffic problems, especially since the peak period of demand for Nando's falls outside of normal peak traffic periods."

"Ideally, the owner of Nando's should negotiate an agreement with the owner of Chelsea Village which would allow Nando's customers to use the Chelsea Village car park. However, Nando's customers will probably continue to park in the Chelsea Village car park with or without this type of agreement."

Note: A full copy of the Consultant's feedback received by the City has been given to the Councillors prior to the Council meeting.

10.2 Planning and Development (Local Planning Schemes) Regulations 2015

"Under Schedule 2 Part 9 clause 67 (Matters to be Considered by Local Government) the following [relevant] provisions are to be taken into consideration:

- b) The amenity of the locality.
- c) The adequacy of
 - i. the proposed means of access to and egress from the site; and
 - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles.
- d) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
- e) Any submissions received on the application."

11.0 Discussion

Through submission and complaint records, the City is aware of car parking difficulties within the vicinity and the impacts this is having on the amenity of the area. This is also reflected by the number of objections received in relation to a further 21 car bays being required.

Despite there being some on-street car bays available along Weld Street and Doonan Road, these are time restricted. It is likely that if the proposal is approved customers will utilise the available parking surrounding the property for convenience.

There are already significant carparking shortfalls on this property and the surrounding properties. Approval of an additional 21 bay shortfall will increase this problem.

The surveys undertaken as part of the parking assessment report were not extensive enough to substantiate the claim that there is spare on-street parking capacity on neighbouring streets to accommodate the additional parking demand.

In addition, the loss of the main access to the site is likely to add to the parking issues. This access has likely operated as a drive-through which allowed patrons to drive through the property from Stirling Highway to Weld Street (or vice versa) to ascertain whether or not there were available bays on-site. With the main access removed from Stirling Highway, it is less likely patrons will drive through to the rear of the restaurant from Weld Street to check available bays because it will be difficult to turn around and drive out again if the 7 on-site bays are full. Given there are 88 seats proposed with a total of 7 on-site bays available, it is expected patrons will just park in adjoining streets or other businesses.

This report therefore recommends refusal of the increase in seating area.

12.0 Conclusion

This application is for a proposed extension to the existing Nando's restaurant which will result in a shortfall of 48 car bays (increasing the shortfall by a further 21 bays). Additionally the extension will build over the existing laneway which provides the only legal access to the rear of the site.

It is considered that there is an inadequate provision of car parking available on site. As a consequence of the increased shortfall in car bays on the subject property it is likely that car parking issues currently experienced by nearby residents and businesses will increase.

As Nando's is largely a restaurant where customers consume food and drink on the premises the frequency and long term occupancy rate for the onsite car parking bays results in car bays being less regularly available for residents, visitors and other customers of the neighbouring business'. The takeaway component of the business also further increases the number of car bays required over and above that contemplated by the parking schedule.

Therefore, the application is recommended for refusal due to the negative impact on the area's amenity as a result of insufficient car parking provided on site and further congestion within the locality.

11.1 Recommendation if Application is Approved

If Council resolves to approve the application the following wording and conditions are recommended.

Council approves the development application to extend the restaurant at (Lot 601) No. 135 Stirling Highway, Nedlands, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans.
- 2. Prior to the lodgement of a building permit for the approved development, an easement or other suitable instrument, to the satisfaction of the City, shall be placed on the Certificate of Titles for (Lot 601) 135 and (Lot 600) 139 Stirling Highway, Nedlands, allowing for shared vehicular and pedestrian access between the properties.
- 3. This development approval pertains to the extension of the restaurant only.
- 4. A minimum of 7 car bays being available on the subject property.
- 5. The car-parking bays, vehicular access way and boundary wall being maintained by the landowner to the City's satisfaction.
- 6. The proposed boundary wall being finished to a professional standard prior to the extension's practicable completion, to the City's satisfaction.
- 7. The redundant vehicle crossover is to be removed and the kerbing, verge, and footpath are to be reinstated to the satisfaction of the City.

- 8. No vehicle access shall be permitted to or from Stirling Highway. Access is to be via Weld Street.
- 9. The proposed planter boxes and seating furniture are to be removed and relocated from within the 0.6m land requirement as per the Metropolitan Region Scheme (MRS) Major Amendment 1210/41 drawing number 1.7138/1.
- 10. All works including footings shall not be located on or within the Stirling Highway road reserve including the 0.6m land requirement under the MRS. The applicant shall make good any damage to the existing verge vegetation within the Stirling Highway road reservation.
- 11. No development or car parking other than landscaping shall be permitted on the land as shown required for future road purposes on drawing 1.7138/1.
- 12. No stormwater drainage shall be discharged onto the Stirling Highway road reserve.
- 13. The ground levels on the Stirling Highway boundary are to be maintained as existing.

Advice Notes specific to this proposal:

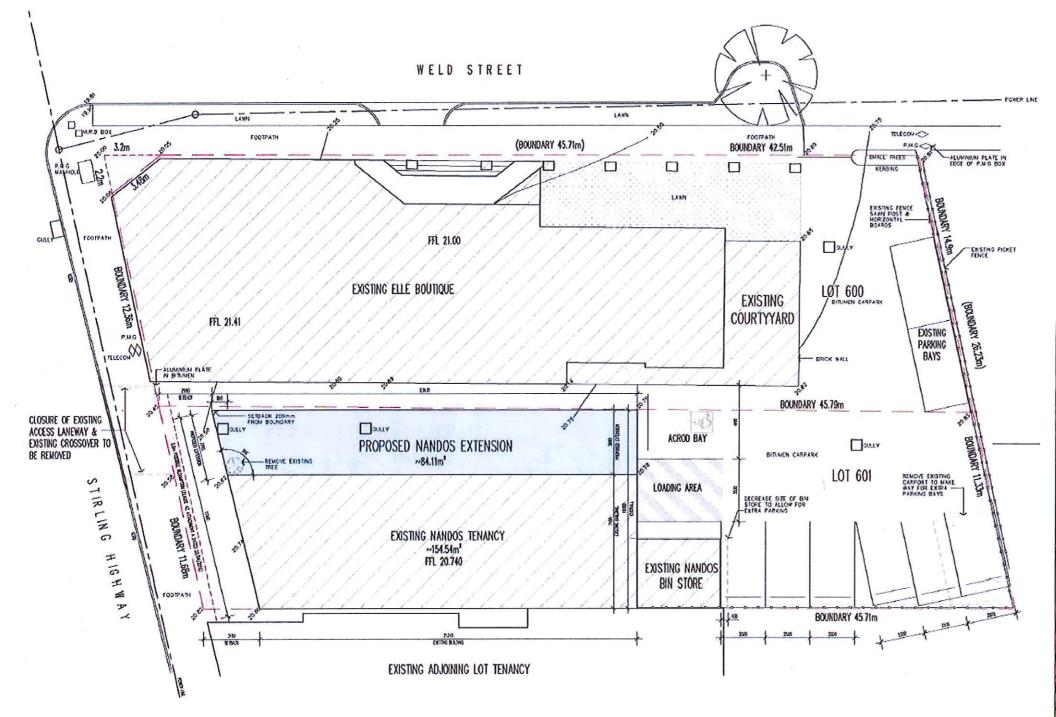
- 1. The applicant and landowner are advised that conditions 8 to 13 are as a result of comments received from Main Roads Western Australia. In addition, the following has been advised:
 - a) Any services, infrastructure or roadside furniture that requires relocation as a result of the applicant's work will be at the applicant's cost.
 - b) The subject property is affected by land reserved for Primary Regional Road in the "current" Metropolitan Region Scheme (MRS).
 - c) The Department of Planning has undertaken a review of Stirling Highway MRS Major Amendment 1210/41 Rationalisation of Stirling Highway Reservation. This proposed amendment has not been finalised at this stage. Further information on this amendment is at the following link: http://www.planning.wa.gov.au/publications/8318.asp
 - d) Under proposed amendment 1210/41 the road reservation affecting this property is proposed to be reduce as shown on plan 1.7138/1.
 - e) The project for widening/upgrading Stirling Highway is not in Main Roads current 4 year estimated construction program. Projects not listed on this program are considered long term. However, Please be aware project timing is subject to change and Main Roads assumes no liability for any change to the timing information provided.
- 2. A separate Planning application is required to be submitted to and approved by the City prior to the erection/installation of any signage on the lot.

- 3. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
- 4. Prior to commencing development, an Application for Food Premises Alteration / Fit-out shall be submitted to and approved by the City.
- 5. Prior to practicable completion the proprietor shall lodge with the City a *Food Business Registration / Notification Form*.
- 6. Prior to practicable completion the premises shall receive an inspection from an Environmental Health Officer at the City.
- 7. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
- 8. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.



PD48.16 - Attachment 1 Photograph of the restaurant as seen from Stirling Highway

PD48.16 - Attachment 2 Photograph of the restaurant's car parking area as seen from Weld Street



NOTES

- NEW TEXTURE COAT PAINT FINISH TO EXTERNAL WALLS AS
- SHOWN ON ELEVATIONS.
 NEW TIMBER CLADONG SYSTEM TO EXISTING BUILDING FACADE AS SHOWN ON ELEVATIONS.
 RETAIN & REUSE EXISTING PYLON SIGN AT FRONT OF BUILDING.
- RETAIN AND RELOCATE EXISTING NANDOS' SIGNACE TO FRONT OF BUILDING.
- NEW RENDER TO EXISTING LOW HEIGHT BRICK WALL AS SHOWN ON ELEVATIONS.

 NEW TIMBER CLAD PLANTER BOXES AT FRONT OF BUILDING AS SHOWN ON ELEVATIONS.

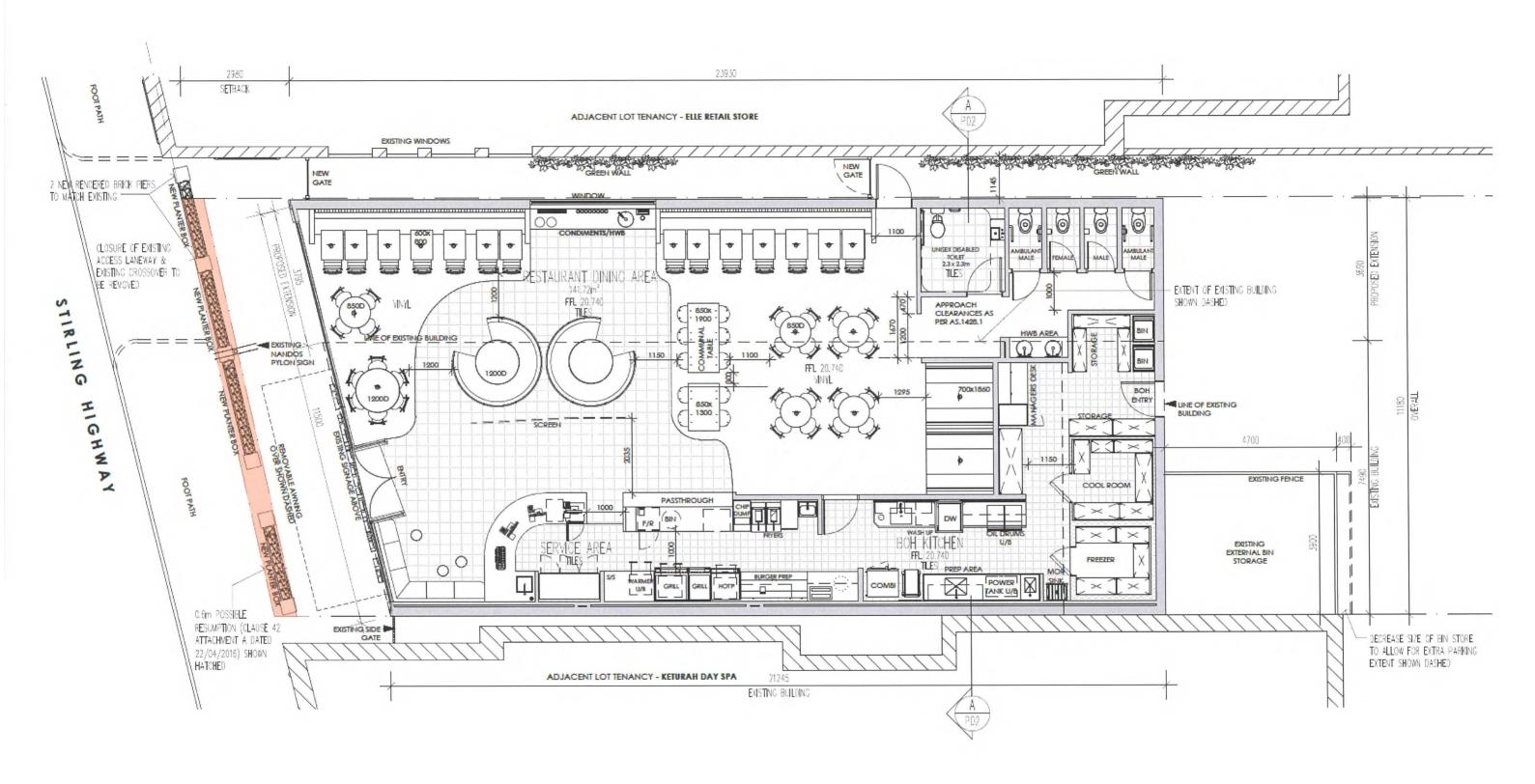
 CLOSURE OF EXISTING CROSSOVER & ACCESS LANEWAY OFF
- STIRLING HIGHWAY.
- NEW DESIGNATED DISABLED PARKING BAY

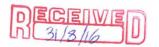


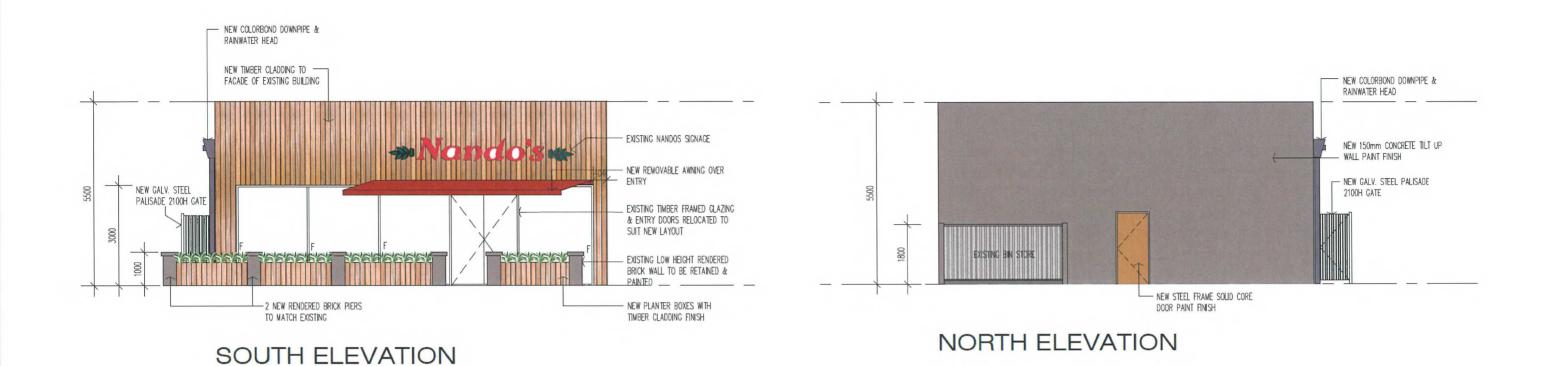


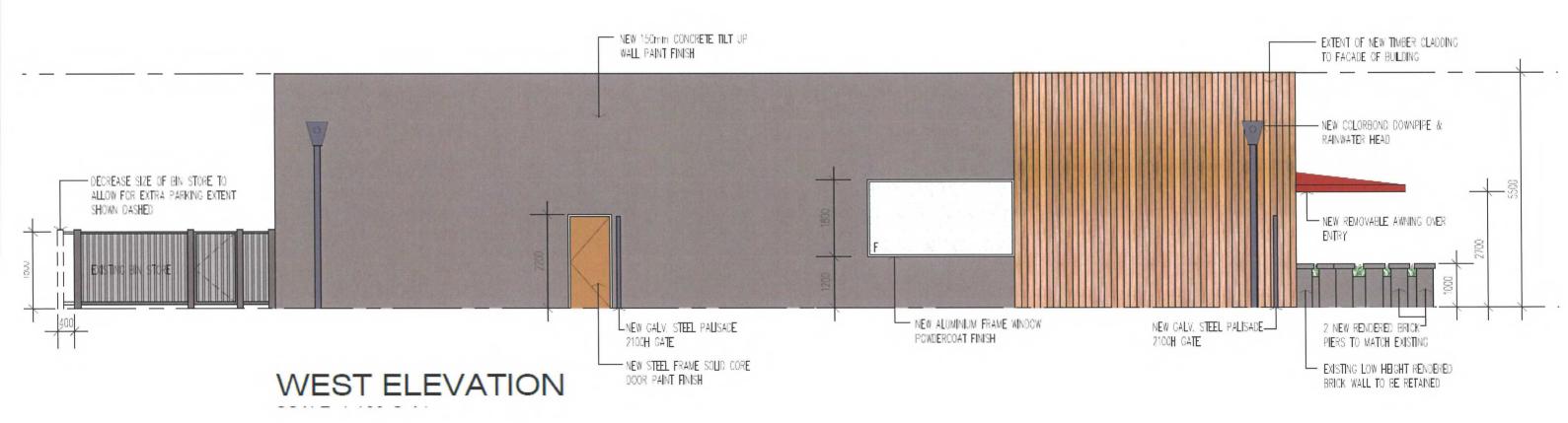
















Proposed Additions to Nando's Restaurant

135 Stirling Highway, Nedlands
Parking Assessment Report

PREPARED FOR: Wenat P/L aft Wendy Super and Denat P/L aft Deniston Super

August 2016

Document history and status

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Nando's Nedlands - 135 Stirling Highway, Nedlands

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APPENDIX B: PARKING UTILISATION SURVEY RESULTS

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1.0 Introduction

This Parking Assessment Report has been prepared by Transcore on behalf of Wenat P/L aft Wendy Super and Denat P/L aft Deniston Super. The subject of this report is the proposed additions to the existing restaurant at 135 Stirling Highway Nedlands, in the City of Nedlands. The proposed extension to the existing restaurant entails an additional floor area of 84.11sqm. As a result of the proposal, some modification to the existing parking layout and closure of the existing crossover on Stirling Highway is also proposed.

As shown in Figure 1, the subject site is located in a commercial and retail precinct and fronts Stirling Highway. An existing crossover located at the south western boundary provides connectivity for the subject site with Stirling Highway. This crossover intersection links to the parking and service area at the rear/northern end of the subject site which then connects through to Weld St via the neighbouring Lot 600 to the west. A total of 6 car spaces are currently provided on-site.



Figure 1: Site location

Based on the information provided to Transcore, the development application for the proposed additions was submitted to City of Nedlands in May 2016. The City has raised some issues regarding the on-site car parking supply, potential impact of Nando's customers parking at Chelsea Village, and operation of the rear site car park after closure of the Stirling Highway crossover.

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Transcore has been engaged to undertake a parking study to establish the onstreet public parking options within walking distance of the site, investigate the existing parking utilisation at Chelsea Village during the Nando's lunch and dinner peak trading periods, and to undertake a customer observation survey to establish where Nando's customers walk to and from the site, in particular in relation to other nearby car parking facilities.

Accordingly, this Parking Assessment Report documents the availability of public parking within walking distance of the site, details the assessment of the existing parking demand and supply at Chelsea Village, and presents the results of the customer observation survey.

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2.0 Proposed Development

A Nando's Restaurant currently operates at the subject site with an existing capacity of 65 seats. The proposal seeks to enlarge the existing restaurant resulting in a total of 88 seats to be located inside the restaurant.

The proposal entails reconfiguration of the parking and service area at the rear of the property so that the parking supply will increase from a total 6 bays to a total of 10 bays plus a loading area as well as an ACROD bay.

The proposal also entails removal of the subject site's crossover intersection on Stirling Hwy and the driveway that leads to the rear of the building. This driveway area is replaced by additional restaurant floor space of about 84sqm by shifting the existing building about 4m to the west. This modification results in significant traffic operations and safety improvements because the crossover intersection on Stirling Hwy is proposed to be removed.

The proposed site plan is included in Appendix A of this report.

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3.0 Chelsea Village and Adjacent Street Parking Utilisation

3.1 Parking Survey Area

The area covered in the parking utilisation survey included all the off-street car parking within Chelsea Village and on-street car parking to the east and west of Chelsea Village. The survey area was divided into 3 zones labelled A to C as shown in Figure 2.



Figure 2: Parking survey zones

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3.2 Parking Survey Methodology

A site visit was undertaken prior to the survey during which the existing car parking supply within the parking survey zones was counted.

A parking utilisation survey of parking Zones A to C was then undertaken during the typical weekday and weekend lunch time and evening peak Nando's customer patronage periods as following:

- ♣ Saturday 6/8/16 12pm 2pm & 6pm 8pm;
- ♣ Friday 12/8/16 12pm 2pm & 6pm 8pm.

The survey times were selected on the basis of the peak trading times for the Nando's restaurant.

Parking utilisation was surveyed in 30 minute intervals.

3.3 Parking Inventory

The parking inventory (Table 1) recorded total parking supply of around 133 parking spaces within Chelsea Village. An additional 15 on-street public parking spaces are also available directly adjacent to Chelsea Village on Robinson Street and Weld Street. Also, on-street public parking on Robinson Street is available north of Chelsea Village however only parking adjacent to Chelsea Village (which is the most conveniently located for Chelsea Village visitors), was included in the utilisation survey.

Table 1: Surveyed parking inventory

Zone	Total	Notes
Α	133	On-site parking in Chelsea Village
В	9	On-street parking on Weld Street
С	6	On-street parking on Robinson Street adjacent to Chelsea Village
Total	148	

3.4 Parking Utilisation Survey Results

A parking utilisation survey of the parking zones within the survey area was undertaken on a Tuesday, Friday and Saturday in August 2016 as detailed in the survey methodology. The total parking utilisation for Chelsea Village and adjacent on-street parking during the survey periods is summarised graphically in the Figures 3 to 7:



Figure 3: Surveyed total parking utilisation (Saturday 6 August 2016 – 12pm to 2pm)

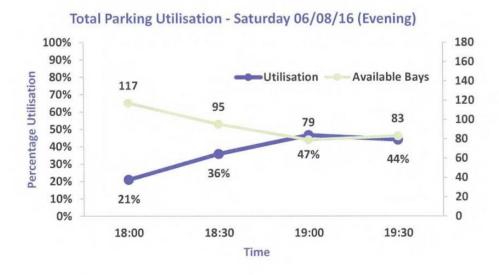


Figure 4: Surveyed total parking utilisation (Saturday 6 August 2016 – 6pm to 8pm)



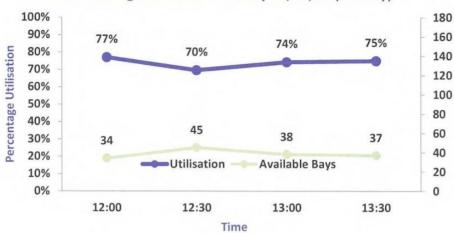


Figure 5: Surveyed total parking utilisation (Tuesday 9 August 2016 – 12pm to 2pm)

Total Parking Utilisation - Friday 12/08/16 (Midday)

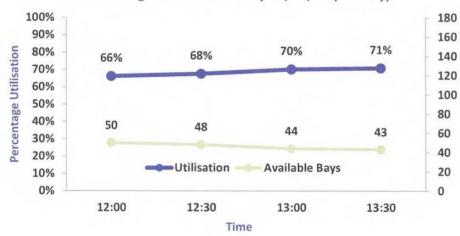


Figure 6: Surveyed total parking utilisation (Friday 12 August 2016 – 12pm to 2pm)

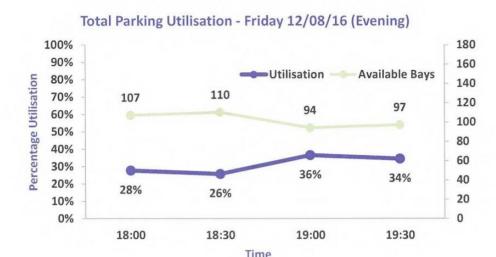


Figure 7: Surveyed total parking utilisation (Friday 12 August 2016 – 6pm to 6pm)

The survey results indicate that the highest parking utilisation was recorded during the weekday midday periods (12pm to 2pm). The highest parking utilisation was recorded on Tuesday at 12pm (77% utilisation). Utilisation remained fairly consistent for the entire Tuesday midday period with 75% utilisation recorded between 1:30pm and 2pm.

The Nando's customer observation survey results presented in Section 4.3 of this report recorded the lowest number of customer movements associated with the Nando's restaurant during the Tuesday midday period. Therefore the highest parking demand period at Chelsea Village corresponded with the lowest surveyed customer demand period at Nando's.

Conversely, the highest customer demand period recorded at Nando's was on Friday evening, which corresponds to the lowest surveyed parking demand period at Chelsea Village.

Therefore based on the parking survey results, there was no significant correlation between customer movements at the Nando's restaurant and overall parking utilisation at Chelsea Village.

There was a surplus of parking available at Chelsea Village at all times during the surveyed periods.

The detailed parking survey results for each parking zone are presented in Appendix B of this report.

4.0 Nando's Customer Observation Survey

4.1 Survey Area

The customer observation survey recorded customer movements in and out of Nando's to and from five directions of travel:

- 1. Stirling Highway East.
- 2. Crossing Stirling Highway (South).
- 3. Chelsea Village.
- 4. Nando's rear parking area and/or Weld Street (counted as one destination).
- 5. Stirling Highway West.



Figure 8: Customer Observation Survey Directions of Travel

4.2 Survey Methodology

An observation survey was undertaken concurrently during the same time periods as the parking utilisation survey:

♣ Saturday 6/8/16 12pm – 2pm & 6pm – 8pm;

Tuesday 9/8/16 12pm – 2pm; and,

♣ Friday 12/8/16 12pm – 2pm & 6pm – 8pm.

The survey times were selected on the basis of the peak trading times for the Nando's restaurant. Customer movements in and out of the restaurant were recorded in 30 minute intervals. Customers arriving as a couple, family or group were counted as a single customer movement when they were observed to have travelled to and from the restaurant together.

4.3 Survey Results

The results of the customer observation survey are presented in Tables 2 to 6.

Table 2: Customer movements Saturday 6/8/16 (Midday)

Zone	12:00 to	12:30	12:30 to	13:00	13:00 to 13:30		Total		Total			
	From	To	From	To	From	To	From	To	From	To	From	То
1 - Stirling Hwy East	0	0	3	1	1	2	1	1	5	4	18%	17%
2 - Cross Road Stirling Hwy	1	0	0	1	0	0	0	0	1	1	4%	4%
3 - Chelsea Village Parking	1	0	1	1	2	1	1	2	5	4	18%	17%
4 - Weld Street or Nandos Rear	3	2	8	4	3	4	2	3	16	13	57%	57%
5 - Stirling Hwy West	0	0	0	0	1	1	0	0	1	1	4%	4%
Total	5	2	12	7	7	8	4	6	28	23	100%	100%

Table 3: Customer movements Saturday 6/8/16 (Evening)

Zone	18:00 to	18:30	18:30 to	19:00	19:00 to	19:30	19:30 to	20:00	Tot	Total		Total	
	From	То	From	То	From	То	From	То	From	То	From	То	
1 - Stirling Hwy East	1	0	1	0	0	0	0	1	2	1	5%	3%	
2 - Cross Road Stirling Hwy	1	1	0	0	0	1	1	0	2	2	5%	6%	
3 - Chelsea Village Parking	0	0	5	1	4	1	1	5	10	7	27%	23%	
4 - Weld Street or Nandos Rear	8	5	6	4	4	7	4	4	22	20	59%	65%	
5 - Stirling Hwy West	0	0	1	1	0	0	0	0	1	1	3%	3%	
Total	10	6	13	6	8	9	6	10	37	31	100%	100%	

Table 4: Customer movements Tuesday 9/8/16 (Midday)

Zone	12:00 to	12:30	12:30 to	13:00	:00 13:00 to 13:30 13:30 to 1		14:00	4:00 Total		To	tal	
	From	То	From	То	From	То	From	То	From	То	From	То
1 - Stirling Hwy East	0	0	0	0	1	0	1	1	2	1	10%	5%
2 - Cross Road Stirling Hwy	0	1	2	0	0	1	0	0	2	2	10%	9%
3 - Chelsea Village Parking	0	0	1	0	0	1	1	0	2	1	10%	5%
4 - Weld Street or Nandos Rear	4	2	3	1	3	8	3	5	13	16	62%	73%
5 - Stirling Hwy West	0	0	1	0	1	0	0	2	2	2	10%	9%
Total	4	3	7	1	5	10	5	8	21	22	100%	100%

Table 5: Customer movements Friday 12/8/16 (Midday)

Zone	12:00 to	12:30	12:30 t	o 13:00	13:00 to	13:30	13:30 to	14:00	To	tal	To	tal
	From	To	From	To	From	To	From	То	From	То	From	То
1 - Stirling Hwy East	0	0	0	0	1	0	1	1	2	1	8%	4%
2 - Cross Road Stirling Hwy	0	1	0	0	0	0	0	0	0	1	0%	4%
3 - Chelsea Village Parking	0	0	0	0	0	0	0	0	0	0	0%	0%
4 - Weld Street or Nandos Rear	3	4	6	4	6	6	4	3	19	17	79%	74%
5 - Stirling Hwy West	0	0	2	2	1	0	0	2	3	4	13%	17%
Total	3	5	8	6	8	6	5	6	24	23	100%	100%

Table 6: Customer movements Friday 12/8/16 (Evening)

Zone	18:00 to	18:30	18:30 to	o 19:00	19:00 to	o 19:30	19:30 to	20:00	To	tal	To	tal
	From	To	From	To	From	To	From	To	From	То	From	То
1 - Stirling Hwy East	0	0	4	2	3	3	0	0	7	5	14%	10%
2 - Cross Road Stirling Hwy	0	0	0	1	0	0	1	1	1	2	2%	4%
3 - Chelsea Village Parking	2	1	4	3	3	5	3	2	12	11	24%	22%
4 - Weld Street or Nandos Rear	4	5	9	8	10	11	5	6	28	30	56%	61%
5 - Stirling Hwy West	0	0	1	1	0	0	1	0	2	1	4%	2%
Total	6	6	18	15	16	19	10	9	50	49	100%	100%

The results indicate that the highest customer activity was recorded on Friday evening, with 50 entries and 49 exits from the Nando's restaurant during the 2 hour period. Individual results for each 30 minute interval on Friday evening indicate a reasonably even balance of entries and exits, which suggests a relatively high turnover of customers and a short average duration of stay.

The greatest percentage of customer movements was observed to travel to and from the rear of the site and/or Weld Street on all survey days.

On Friday evening a total of 12 customers entered the restaurant from Chelsea Village during the 2 hour period. Due to the high turnover per 30 minute interval, no more than 3-4 cars would have been parked in Chelsea Village at any time in association with the Nando's restaurant. It is also possible that some of the Nando's customers parking in Chelsea Village were also visitors to Chelsea Village (cross-trade) and were therefore legitimately parked on-site.

As detailed in Section 3.4 of this report, there were at least 94 car parking bays vacant within Chelsea Village and adjacent streets on Friday evening and therefore the operations of the Nando's restaurant do not impact the availability of parking at Chelsea Village.

5.0 Post Development Public Parking Options

A desktop review of aerial imagery and Google Streetview of applicable public parking signs was undertaken to estimate the availability of on-street public parking within a 200m radius of the subject site.

As detailed in Figure 9, there are approximately 74 car parking spaces on six streets within a close walking distance of the site.



Figure 9: Estimated on-street public parking supply within walking distance of subject site

Most customers are currently observed to travel to and from the rear car parking area and Weld Street, with lower percentages travelling east and west on Stirling Highway and crossing Stirling Highway. Based on the observed existing customer movements, most on-street public parking in the surrounding area

(excluding Weld Street) is not currently utilised by Nando's customers. Therefore, there is spare on-street public parking capacity to accommodate the proposed restaurant additions.

Approximately 50 customers / customer groups accessed the Nando's restaurant during the peak Friday evening trading period. Approximately equal numbers of customer groups were observed entering and exiting the restaurant during each 30 minute interval, indicating a high turnover and short length of stay.

The proposed Nando's restaurant additions entail a 35% increase in seating capacity – increase from 65 seats to 88 seats.

Assuming a corresponding increase in patronage would result in an anticipated 68 customers ($50 \times 1.35 = 68$) during the peak 2-hour Friday evening trading period.

Conservatively assuming an average length of stay of 1 hour would result in an anticipated 34 customers / customer groups per hour. Many of these customers would be walk-ins from the neighbouring residential areas, however even assuming that all these customers require car parking (34 car spaces required), there is more than sufficient public car parking available on surrounding streets and at the rear of the site to accommodate the peak parking demand for the Nando's restaurant in the post-development situation.

6.0 Car Park Access

As detailed in Section 2.0 of this report, the proposed additions entail removal of the existing site crossover on Stirling Hwy and the driveway that leads to the rear of the building.

This modification results in significant traffic operation and safety improvements because the crossover intersection on Stirling Hwy is proposed to be removed.

It is considered that the proposed car park access and egress to and from Weld Street is satisfactory based on the relatively small size of the car park. If a motorist enters the rear car park and there are no available bays, they are able to undertake a 3-point manoeuvre and exit back to Weld Street.

This is safer than exiting the site via the existing Stirling Highway crossover (Figure 10). The existing crossover provides limited visibility for outbound motorists to view vehicular traffic and pedestrians on Stirling Highway.



Figure 10: Existing site crossover on Stirling Highway

7.0 Conclusions

This Parking Assessment Report has been prepared by Transcore on behalf of Wenat P/L aft Wendy Super and Denat P/L aft Deniston Super. The subject of this report is the proposed additions to the existing restaurant at 135 Stirling Highway Nedlands, in the City of Nedlands. The proposed extension to the existing restaurant entails an additional floor area of 84.11sqm. As a result of the proposal, some modification to the existing parking layout and closure of the existing crossover on Stirling Highway is also proposed.

Transcore has been engaged to undertake a parking study to establish the onstreet public parking options within walking distance of the site, investigate the existing parking utilisation at Chelsea Village during the Nando's lunch and dinner peak trading periods, and to undertake a customer observation survey to establish where customers currently walk to and from the site.

As part of this assessment, Transcore undertook an inventory of the existing onsite parking at Chelsea Village and public on-street car parking within walking distance of the site and undertook a parking utilisation survey to ascertain the existing availability of parking at Chelsea Village (and adjacent streets) during the peak trading periods of the Nando's restaurant.

Transcore also undertook a customer observation survey to ascertain the existing origin and destination of customers to and from the Nando's restaurant, and the number of customer movements currently generated by the restaurant.

The parking and customer surveys were undertaken concurrently during the Friday and Saturday 2-hour lunch and dinner peak periods, and during a midweek (Tuesday) 2-hour lunch period.

The parking utilisation survey results indicate that there was always a significant surplus of car parking available at Chelsea Village. The peak parking demand period at Chelsea Village corresponded with the lowest customer demand at the Nando's restaurant, on Tuesday during the surveyed 2-hour lunch period.

Conversely, the highest customer demand period recorded at Nando's was on Friday evening, which corresponds to the lowest surveyed parking demand period at Chelsea Village.

Therefore based on the parking survey results, there was no significant correlation between customer movements at the Nando's restaurant and overall parking utilisation at Chelsea Village.

A review of the on-street public parking options for Nando's customers indicates that there are six streets with available on-street public car parking within walking distance of the site, with approximately 74 car spaces available.

The customer observation survey results indicated that most Nando's customers had a short duration of stay, with entry and exit movements being reasonably balanced during each 30 minute survey interval.

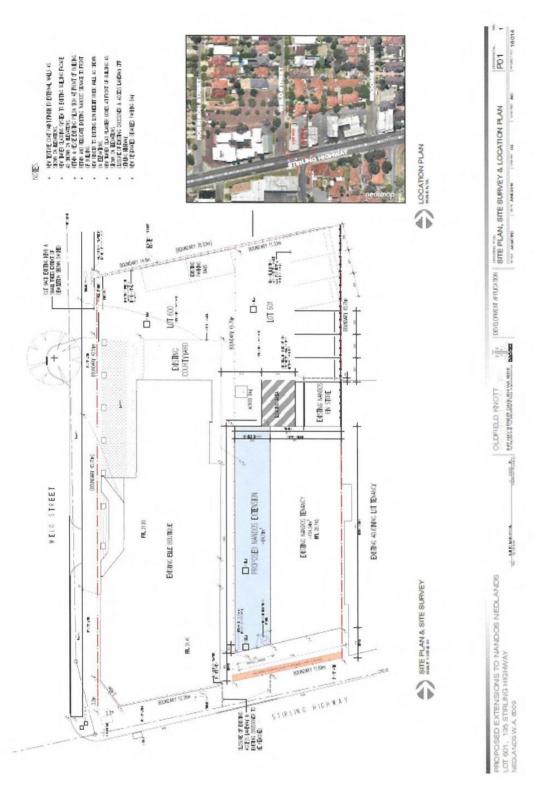
In consideration of the short duration of stay and high parking turnover, it is considered that the car parking available at the rear of the site and within walking distance on-street, is more than sufficient to accommodate any increase in customer patronage as a result of the proposed additions.

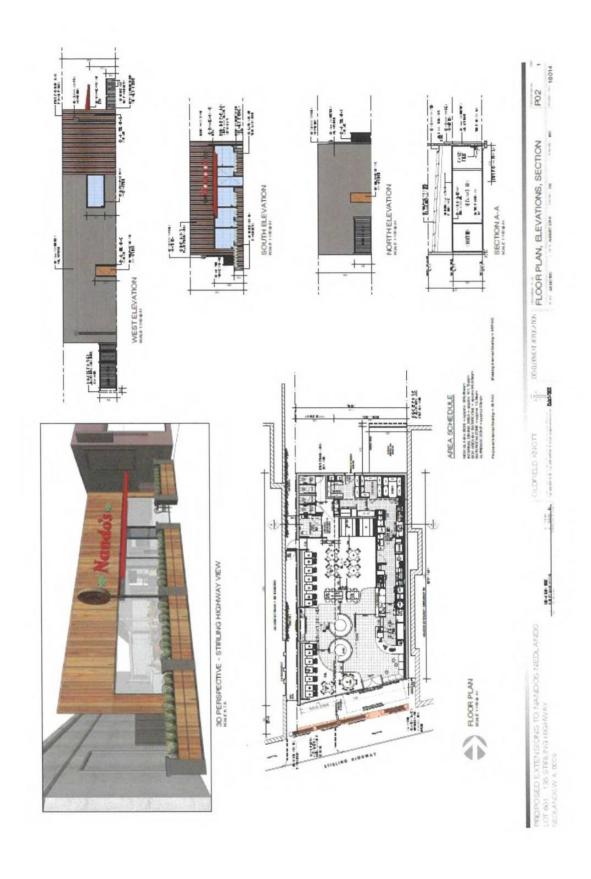
Transcore has also reviewed the proposed access arrangement from Weld Street and considers that the proposed closure of the existing Stirling Highway crossover results in a net improvement in road safety and traffic operations.

In conclusion the findings of this Parking Assessment Report are supportive of the proposed restaurant additions.

Appendix A

PROPOSED DEVELOPMENT PLANS





Appendix B

PARKING UTILISATION SURVEY RESULTS

SATURDAY 06/08/16

Zone	12:00	12:30	13:00	13:30	Supply
Α	42	40	42	41	133
В	3	3	6	3	9
С	2	2	2	3	6
Total	47	45	50	47	148

Zone	12:00	12:30	13:00	13:30	Supply
Α	32%	30%	32%	31%	133
В	33%	33%	67%	33%	9
С	33%	33%	33%	50%	6
Total	32%	30%	34%	32%	148

Zone	18:00	18:30	19:00	19:30	Supply
Α	29	45	55	53	133
В	0	4	8	6	9
С	2	4	6	6	6
Total	31	53	69	65	148

Zone	18:00	18:30	19:00	19:30	Supply
Α	22%	34%	41%	40%	133
В	0%	44%	89%	67%	9
С	33%	67%	100%	100%	6
Total	21%	36%	47%	44%	148

TUESDAY 09/08/16

Zone	12:00	12:30	13:00	13:30	Supply
Α	106	95	104	104	133
В	3	7	4	6	9
С	5	1	2	1	6
Total	114	103	110	111	148

Zone	12:00	12:30	13:00	13:30	Supply
Α	80%	71%	78%	78%	133
В	33%	78%	44%	67%	9
С	83%	17%	33%	17%	6
Total	77%	70%	74%	75%	148

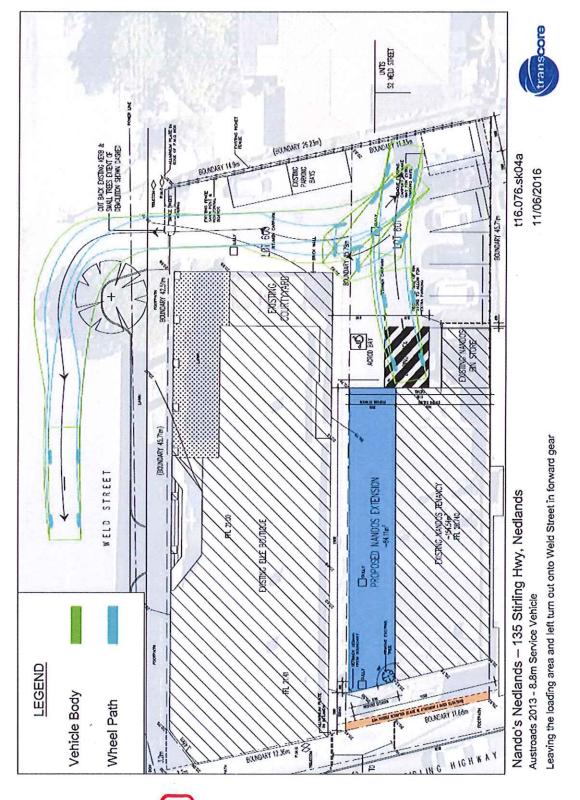
FRIDAY 12/08/16

Zone	12:00	12:30	13:00	13:30	Supply
Α	90	92	98	94	133
В	3	6	3	6	9
С	5	2	3	5	6
Total	98	100	104	105	148

Zone	12:00	12:30	13:00	13:30	Supply
Α	68%	69%	74%	71%	133
В	33%	67%	33%	67%	9
С	83%	33%	50%	83%	6
Total	66%	68%	70%	71%	148

Zone	18:00	18:30	19:00	19:30	Supply
Α	34	31	43	45	133
В	4	5	7	4	9
С	3	2	4	2	6
Total	41	38	54	51	148

Zone	18:00	18:30	19:00	19:30	Supply
Α	26%	23%	32%	34%	133
В	44%	56%	78%	44%	9
С	50%	33%	67%	33%	6
Total	28%	26%	36%	34%	148







Enquiries: Nicole Coaker on 9265 5380

Our Ref: 16/4327 (D16#367295)

Your Ref: DA2016/147

14 June 2016

Chief Executive Officer
City of Nedlands
PO Box 9
Nedlands WA 6909
Via email: abratley@nedlands.wa.gov.au

ATTENTION: ANDREW BRATLEY

Dear Sir,

REQUEST FOR COMMENT, DEVELOPMENT APPLICATION – PROPOSED EXTENSIONS TO NANOS RESTAURANT LOCATED AT LOT 601 (135) STIRLING HIGHWAY, NEDLANDS.

I refer to your correspondence dated 23 May 2016, seeking comments on the proposed development application for the proposed extensions and renovations for lot 601 (135) Stirling Highway, Nedlands.

Main Roads have now had the opportunity to assess the information provided and can confirm, as the proposal does not affect the amended land requirements as per the Metropolitan Region Scheme (MRS) Major Amendment 1210/41, the rationalisation of Stirling Highway. Main Roads have no objections to the proposal, subject to the following conditions being imposed:

- No vehicle access shall be permitted to or from Stirling Highway road reserve from Lot 601. Access is to be via Weld Street. This shared access with the neighbouring lot 600 may require a right of carriageway for the shared access arrangements for both lots.
- Redundant vehicle crossover is to be removed and the kerbing, verge, and footpath are to be reinstated with grass or landscaping to the specifications of the City of Nedlands.
- 3. The proposed planter boxes and seating furniture are to be removed and relocated from within the 0.6m land requirement as per drawing numbered: 1.7138/1
- 4. All works including footings must **not** be located on or within the Stirling Highway road reserve including the 0.6m land requirement under the MRS. The applicant shall make good any damage to the existing verge vegetation within the Stirling Highway road reservation.



- No development or car parking other than landscaping shall be permitted on the land as shown required for future road purposes on the enclosed extract of drawing 1,7138/1.
- 6. No stormwater drainage shall be discharged onto the Stirling Highway road reserve.
- 7. The ground levels on the Stirling Highway boundary are to be maintained as existing.

Advice to Applicant

- Any services, infrastructure or roadside furniture that requires relocation as a result of the applicant's works will be at the applicant's cost.
- The above property is affected by land reserved for Primary Regional Road in the "current" Metropolitan Region Scheme (MRS).

The Department of Planning had undertaken a review of Stirling Highway - MRS Major Amendment 1210/41 — Rationalisation of Stirling Highway Reservation. This proposed amendment has not been finalised at this stage. Further information on this amendment is at the following link; http://www.planning.wa.gov.au/publications/8318.asp

Under proposed amendment 1210/41 the road reservation affecting this property is proposed to be reduce as shown on plan 1.7138/1 attached for your information.

The project for widening/upgrading Stirling Highway is not in Main Roads current 4
year estimated construction program. Projects not listed on this program are
considered long term. However, Please be aware project timing is subject to change
and Main Roads assumes no liability for any change to the timing information
provided.

For Signage

Signage is subject to the following conditions:

- 1. The type of sign and location must comply with all relevant by-laws and planning schemes implemented by Council.
- 2. If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m² and may not flash, pulsate or chase.
- 3. Main Roads agreement is to be obtained prior to any modifications.
- The device shall not contain fluorescent, reflective or retro reflective colours or materials.
- 5. No unauthorised signage is to be displayed.

All enquiries related to the above sign conditions can be directed to the Traffic Services Officer on (08) 9323 4237.



If the City of Nedlands disagrees with or resolves not to include as part of its conditional approval any of the above conditions or advice to applicant can you please inform Main Roads.

Please forward a copy of Council's final determination on this proposed development, quoting file reference: 16/4327 (D16#367295). If you require any further information please contact Nicole Coaker on (08) 9265 5380.

Yours faithfully,

Lang Fong

PLANNING INFORMATION M

