

Planning and Development Reports

Committee Consideration – 14 April 2020 Council Resolution – 28 April 2020

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PD09.20	Memorandum	of	Understanding	Remnant
	Bushland Cottesloe Golf Club			

Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	1. Memorandum of Understanding - Contribution to Remnant Bushland Management within Reserve 9299

1.0 Executive Summary

Crown Reserve 9299, vested to the City of Nedlands and leased to Cottesloe Golf Club, contains remnant bushland that requires management in accordance with the Cottesloe Golf Course Remnant Bushland Management Plan 2015. A Memorandum of Understanding (MOU) between the City of Nedlands and the Cottesloe Golf Club has been developed outlining the financial contribution from both parties to manage the remnant bushland within Reserve 9299. Administration requests Council to authorise the Chief Executive Officer to sign the MOU provided in Attachment 1.

2.0 Recommendation to Committee

Council authorises the Chief Executive Officer to sign the Memorandum of Understanding for the contribution to remnant bushland management within Reserve 9299 between the City of Nedlands and the Cottesloe Golf Club (Inc).

3.0 Discussion/Overview

Reserve 9299 is a Crown reserve with the designated purpose of "Recreation". Management and control of the reserve is vested in the City of Nedlands. The management order includes a power to lease subject to the approval of the Minister for Lands.

Cottesloe Golf Club (Inc) has held leasehold tenure on the Reserve since 1932. The current lease of Reserve 9299 by Cottesloe Golf Club (Inc) commenced on 1 March 2012. The Lease has an initial term of 21 years with a further term of 21 years. A condition of both the previous and current leases required the preparation of a remnant bushland management plan.

Sections 10.5 and 10.6 of the current lease contain conditions relevant to the management of remnant bushland on the course, relevant sections are detailed below.

10.5 Maintain Surroundings

- The Lessee must regularly inspect and maintain in good condition at its cost and in accordance with the Management Plan for the remnant bushland any part of the Premises which surrounds any buildings, including but not limited to any flora, gardens lawns, shrubs, hedges and trees.
- 2) The Lessee must not remove or do anything to damage any vegetation, including in particular any remnant natural bushland, without the prior written consent from the Lessor.
- 3) Any pruning of trees must be undertaken by a qualified tree surgeon.
- 4) If any flora, trees or lawn dies the Lessee must replace the flora, trees or lawn at its own expense.
- 5) The Lessee must plant and care for such trees on the Premises as the Lessor may from time to time reasonably require.
- 6) The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor in accordance with subclause (2) above, except where necessary for urgent safety reasons.

10.6 Management Plan for Remnant Bushland

- The intention of the following provision is to retain remnant bushland wherever possible, within the constraints of providing and maintaining a workable golf course.
- 2) The Lessee must comply with, and implement at all times, the Management Plan in respect of remnant bushland vegetation approved by the Lessor.
- 3) The Management Plan shall be prepared and agreed by the parties within 6 months, unless the Lessor consents to extend that period.
- 4) It is a condition of this Lease that the remnant bushland within the Premises must be managed in accordance with the approved Management Plan.
- 5) If at any time in the future the Management Plan is terminated or no longer has effect, approval will be required from the Lessor for the removal or alteration of any remnant bushland within the Premises.

In 2015 the Cottesloe Golf Club (Inc) submitted the Cottesloe Golf Course Remnant Bushland Management Plan 2015 which the City accepted. The Management Plan (currently under review) outlines the requirements in relation to the management of remnant bushland on Reserve 9299.

The remnant bushland on Reserve 9299 is considered locally and regionally significant for a number of reasons:

- The north western portion forms part of Bush Forever Site 315;
- The bushland forms ecological linkages with the coastal greenway, Bold Park, Lake Claremont, Kings Park and various local greenways;
- It contains the Cottesloe Complex-Central and South vegetation complex that is currently below the threshold suggested for retention of an ecological community; and
- It contains some areas of good condition bushland.

The City of Nedlands administration and the Cottesloe Golf Club (Inc) have agreed in principle to work collaboratively to conserve the remnant bushland and implement the Management Plan as the Club do not have the necessary technical skills or resources to undertake or supervise the works. The City is concerned that there is a risk that damage to the remnant bushland may result if the Club were to manage the works without the City's assistance. Considering the City has the technical skills and

resources (including existing contracts for natural area maintenance work), it has been agreed in principle that the City is better equipped to manage the funding as detailed in the MOU (Attachment 1).

In order to conserve the remnant bushland and implement the Management Plan, the City of Nedlands administration and the Cottesloe Golf Club (Inc) have agreed in principle to work collaboratively and provide joint funding. Considering the Club do not have the necessary technical skills or resources to engage them. The City is concerned that is a risk that damage to the remnant bushland may result if the Club were to manage the works without the City's assistance. As the City has the technical skills and resources (including existing contracts for natural area maintenance work), it has been agreed in principle that the City is better equipped to manage the funding as detailed in the MOU (Attachment 1).

4.0 Key Relevant Previous Council Decisions:

Nil

5.0 Consultation

There have been ongoing discussions with Cottesloe Golf Club on this issue which has involved the development of a Memorandum of Understanding.

6.0 Strategic Implications

The community will benefit from this project as it will result in the City's implementation of the Strategic Community Plan 2018-2028. The MOU fits well with the City's vision and strategic priorities as the Strategic Community Plan refers to "Great Natural and Built Environment" and includes:

- A vision that "Our city will be environmentally sensitive, beautiful and inclusive place";
- Values that "We protect our enhanced, engaging community spaces, heritage, the natural environment"; and
- Priorities that comprise of "Retaining Remnant Bushland and Cultural Heritage".

Furthermore, key actions were identified in the Strategic Community Plan to contribute to retaining remnant bushland as a strategic priority. They are listed below:

- Revegetate remnant bushland areas;
- Develop greenway corridors;
- Undertake tree planting in public areas;
- Restore coastal and estuarine areas; and
- Maintain parks and other green spaces.

Management and control of the remnant bushland onsite has been vested to the City of Nedlands. Therefore, there are potential reputational risks if the City does not assist the Club, as this will result in:

 Further degradation of the remnant bushland as a result of ongoing environmental weed invasion;

- Reduction in the quality of the vegetation community which is currently below the threshold suggested for retention of an ecological community;
- Damage to native vegetation due to the Club's lack of technical expertise if they were to coordinate the works without the City's assistance; and
- Decline in the condition of Bush Forever Site 315 and other remnant bushland areas on the course as the Club may not undertake the work without the City's assistance.

7.0 Budget/Financial Implications

The City will require \$8,000 (ex GST) to be budgeted annually through the City of Nedlands operational budget with an annual increase of Perth CPI as of 1 July 2021. The funding request will be provided to Council for consideration through the 2020-21 budget process as a new operational initiative and annually at each successive year's annual budget process including the request for a CPI increase. This will have a 0.03% impact on rates unless the funding can be accommodated through the existing City of Nedlands annual budget.

The Cottesloe Golf Club (Inc) have agreed to provide \$6,000 (ex GST) annually from the 1 July 2020 to the 30 June 2025 with an annual increase of Perth CPI as of 1 July 2021. Their contribution has been confirmed on the MOU (Attachment 1). A large portion of the City's contribution will involve administrative, or "on costs".

Memorandum Of Understanding

Contribution To Remnant Bushland

Management Within Reserve 9299

Between

City of Nedlands



And

Cottesloe Golf Club (Inc)



1.0 MEMORANDUM OF UNDERSTANDING

The City of Nedlands and Cottesloe Golf Club (Inc) agree to provide funding, to contribute to the management of remnant bushland on Reserve 9299.

2.0 PARTIES

The Memorandum of Understanding (MOU) is between the City of Nedlands and Cottesloe Golf Club (Inc).

3.0 PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

3.1 Background

Reserve 9299 is a Crown reserve with the designated purpose of "Recreation". Management and control of the reserve is vested in the City of Nedlands. The management order includes a power to lease subject to the approval in writing of the Minister for Lands.

Cottesloe Golf Club (Inc) has held leasehold tenure on this site since 1932. The current lease of Reserve 9299 by Cottesloe Golf Club (Inc) commenced on 1 March 2012. The Lease has an initial term of 21 years with a further term of 21 years. A condition of both the previous and current leases required the preparation of a remnant bushland management plan.

Sections 10.5 and 10.6 of the current lease contain conditions relevant to the management of remnant bushland on the course are detailed on the following page.

10.5 Maintain surroundings

- The Lessee must regularly inspect and maintain in good condition at its cost and in accordance with the Management Plan for the remnant bushland any part of the Premises which surrounds any buildings, including but not limited to any flora, gardens lawns, shrubs, hedges and trees.
- The Lessee must not remove or do anything to damage any vegetation, including in particular any remnant natural bushland, without the prior written consent from the Lessor.
- 3) Any pruning of trees must be undertaken by a qualified tree surgeon.
- 4) If any flora, trees or lawn dies the Lessee must replace the flora, trees or lawn at its own expense.
- 5) The Lessee must plant and care for such trees on the Premises as the Lessor may from time to time reasonably require.
- 6) The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor in accordance with subclause (2) above, except where necessary for urgent safety reasons.

10.6 Management Plan for Remnant Bushland

- 1) The intention of the following provision is to retain remnant bushland wherever possible, within the constraints of providing and maintaining a workable golf course.
- 2) The Lessee must comply with, and implement at all times, the Management Plan in respect of remnant bushland vegetation approved by the Lessor.
- 3) The Management Plan shall be prepared and agreed by the parties within 6 months, unless the Lessor consents to extend that period.
- 4) It is a condition of this Lease that the remnant bushland within the Premises must be managed in accordance with the approved Management Plan.

5) If at any time in the future the Management Plan is terminated or no longer has effect, approval will be required from the Lessor for the removal or alteration of any remnant bushland within the Premises.

In 2015 the Cottesloe Golf Club (Inc) submitted the *Cottesloe Golf Course Remnant Bushland Management Plan* which the City accepted. This Management Plan is currently under review. The Management Plan outlines the requirements in relation to management of remnant bushland on Reserve 9299.

The City Nedlands and the Cottesloe Golf Club (Inc) have agreed to work collaboratively to fund the ongoing management of the remnant bushland on Reserve 9299. The City of Nedlands has natural area management contracts and the technical resources required. It has been agreed by both parties that the City will manage the natural area funding required to contribute to the implementation of the Management Plan for Reserve 9299.

3.2 Purpose

The purpose of this MOU between the Cottesloe Golf Club (Inc) and the City of Nedlands is to:

- Formalise the agreement to implement the Cottesloe Golf
 Course Remnant Bushland Management Plan 2015;
- Detail the annual financial contribution to be paid to the City of Nedlands by the Cottesloe Golf Club (Inc) towards remnant bushland management within Reserve 9299;
- Outline the process for the financial contribution by the Cottesloe Golf Club (Inc) towards remnant bushland management within Reserve 9299; and
- Detail the risk management procedures that will be adhered to whilst contractors are undertaking remnant bushland management within Reserve 9299.

4.0 CONDITIONS OF MEMORANDUM OF UNDERSTANDING

4.1 Funding and Financial Payments

The City of Nedlands and the Cottesloe Golf Club (Inc) will provide an annual financial contribution towards management of the remnant bushland on Reserve 9299. The annual contribution is shown in the table below.

Funding	City of Nedlands	Cottesloe Golf Club (Inc)
Funding Year	\$8,000 (ex GST)	\$6,000 (ex GST)
1		
2020/21		
Funding Year	Year 1 funding plus	Year 1 funding plus Perth CPI
2	Perth CPI	
2021/22		
Funding Year	Year 2 funding plus	Year 2 funding plus Perth CPI
3	Perth CPI	
2022/23		
Funding Year	Year 3 funding plus	Year 3 funding plus Perth CPI
4	Perth CPI	
2023/24		
Funding Year	Year 4 funding plus	Year 4 funding plus Perth CPI
5	Perth CPI	
2024/25		

This MOU will remain in place until there is a change which warrants it to be null and void. The MOU takes effect from 1 July 2020 and is to be reviewed before 30 Jun 2025 for another five-year period.

The City will invoice the Cottesloe Golf Club (Inc) annually in July on the agreed amount which will include the annual Consumer Price Index (CPI) increase. The financial contribution for Cottesloe Golf Club (Inc) is \$6,000 (ex GST) for 2020/21.

4.2 Risk Management and Insurance

The City of Nedlands has contracts that outline risk management, specifications for herbicide spraying, insurance and license requirements. All contractors undertaking work on Reserve 9299 will have relevant Department of Health licences and insurance cover as shown in the table below.

Insurance Cover	Minimum Level of Insurance Required	
Public and Products	\$20,000,000 in the aggregate for any one claim.	
Liability		
Workers	In accordance with WA legislation.	
Compensation		
Motor Vehicle	Sufficient cover for all vehicles utilised by the	
	Contractor to complete the requirements of	
	contract.	

All of the City of Nedlands contracts are legally binding and cover all remnant bushland management work required to be undertaken on Reserve 9299.

4.3 Communication with the City

Communication for the annual payment will be undertaken between the City of Nedlands Environmental Conservation Coordinator and the Chief Executive Officer of the Cottesloe Golf Club (Inc).

4.4 Access and Occupational Safety and Health Requirements

To avoid scheduling conflicts with the Club's operational requirements and to provide a safe environment for all users, the dates and times the City (or the City's contractors) wish to access the remnant bushland areas needs to be agreed.

5.0 SIGNATURES

The following individuals acting on behalf of their respective organisations accept the terms and conditions stated in this MOU between the City of Nedlands and the Cottesloe Golf Club (Inc).

Cottesloe Golf Club (Inc)	City of Nedlands
Mr. James Wilkinson Chief Executive Officer	Mr. Mark Goodlet Chief Executive Officer
Signed	Signed
Date 18/03/2020	Date

PD10.20	Scheme Amendment No. 5 – 14 & 16 Napier Street,
	Nedlands

Committee	14 April 2020
Council	28 April 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	Scheme Amendment No. 5 Report

1.0 Executive Summary

The purpose of this report is for Council to provide consent to prepare (adopt) proposed Scheme Amendment No. 5 to Local Planning Scheme 3 (LPS 3).

The amendment proposes a minor correction of an administrative mapping error by rezoning 16 Napier Street, Nedlands to 'Residential' with an R15 density code and reserving 14 Napier Street, Nedlands for 'Drainage / Waterway'. Currently, a drainage sump is located on 14 Napier Street, Nedlands and a dwelling on 16 Napier Street, Nedlands indicating the initial zoning and reserving was a drafting error.

The amendment is considered a basic scheme amendment as it is to correct an administrative error. As per the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) a basic amendment does not require advertising.

2.0 Recommendation to Committee

Council:

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, adopts an Amendment to Local Planning Scheme 3 by:
 - a) Reclassifying 14 Napier Street, Nedlands from the Residential Zone to the 'Drainage / Waterway' Local Scheme Reserve;
 - b) Removing the residential density code of R15 from 14 Napier Street, Nedlands;
 - c) Rezoning 16 Napier Street, Nedlands from the 'Drainage / Waterway' Local Scheme Reserve to 'Residential'; and
 - d) Amending the LPS 3 Scheme Map to reserve 14 Napier Street, Nedlands for 'Drainage / Waterway' and zone 16 Napier Street, Nedlands to 'Residential' with an R15 residential density code.

- 2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City contends that the amendment is a Basic Amendment for the following reasons:
 - a) An amendment to correct an administrative error.
- 3. Pursuant to Section 81 of the Planning and Development Act 2005 (P&D Act 2005), refers Scheme Amendment 5 to the Environmental Protection Authority.

3.0 Amendment Details

Currently, 16 Napier Street, Nedlands is reserved 'Drainage / Waterway' and 14 Napier Street is zoned 'Residential' with a denisty code of R15, as shown in Figure



Figure 1: Zoning Map Napier Street, Nedlands LPS 3

Figure 2 shows an existing dwelling located at 16 Napier Street, Nedlands and the adjacent northern lot, 14 Napier Street, Nedlands as an existing drainage sump owned by the City of Nedlands.



Figure 2: Aerial view of 14 and 16 Napier Street, Nedlands

Figure 3 shows a street level perspective of 14 Napier Street, Nedlands as a sump which is fenced off and maintained by the City for drainage and the managing of surface runoff.



Figure 3: Street View of 14 Napier Street, Nedlands

The current placement of a sump at 14 Napier Street, Nedlands and a dwelling at 16 Napier Street, Nedlands demonstrates that the initial LPS 3 reserving and zoning was erroneous in respect of these two lots. Switching the two lots' reservation and zoning is warranted as a basic amendment to rectify this error.

The proposed amendment to the LPS 3 Scheme Map will nullify compliance issues surrounding any future residential development at 16 Napier Street that would currently be deemed incompatible with the objective of the 'Drainage / Waterway' reserve.

The amendment qualifies as a basic amendment because the sites were clearly switched as a mistake during the preparation of the Scheme Map. A simple administrative error was evidently made but was not identified throughout the preparation process of LPS 3. It has since been brought to the City's attention.

Basic amendment process dictates that the proposed amendment be sent to the EPA as per s.81 of the P&D Act 2005. Environmental conditions set by the EPA will be incorporated into the amendment as directed. The City will provide the amendment with EPA conditions (if any) to the Western Australian Planning Commission (WAPC) who will consider the amendment and make recommendations (if any). The amendment is then submitted by the WAPC to the Minister for Planning who will decide whether to approve or reject the amendment.

4.0 Consultation

Under the Regulations the process for basic scheme amendments does not include consultation. The amendment is very minor and does not have implications for adjoining landowners or specific properties other than the two concerned.

5.0 Budget / Financial Implications

There will be a minor cost incurred with gazettal of the amendment. This will be borne by the adoption advertising budget.

6.0 Conclusion

The proposed Scheme Map amendment is minor and will have no impact on surrounding lots. From the justification in the Scheme Amendment Report provided as Attachment 1, it is likely that the subject zoning and reservation may have been an administrative error. As such, it is recommended that Council resolve to adopt this amendment to reserve 14 Napier Street, Nedlands 'Drainage / Waterway' and remove the R15 density coding and zone 16 Napier Street 'Residential' with an R15 density code.



City of Nedlands Local Planning Scheme No. 3

Amendment No. 5

Scheme Amendment correcting an administrative error by amending the Scheme Map to rezone 16 Napier Street to 'Residential' with an R15 density code and reserve 14 Napier Street for 'Drainage/Waterway'.

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme 3
Scheme Amendment 5

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

- a) Reclassifying 14 Napier Street, Nedlands from 'Residential' Zoning to the 'Drainage / Waterway' Local Planning Scheme Reserve;
- b) Removing the residential density code of R15 from 14 Napier Street, Nedlands;
- c) Rezoning 16 Napier Street, Nedlands from 'Drainage / Waterway' Local Planning Scheme Reserve to 'Residential';
- d) Amending the LPS 3 Scheme Map to reserve 14 Napier Street, Nedlands for 'Drainage / Waterway' and zone 16 Napier Street, Nedlands to 'Residential' with an R15 residential density code.

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

An amendment to correct an administrative error.

Dated this	day of	20	
			(Chief Executive Officer)

City of Nedlands

Local Planning Scheme No. 3 – Scheme Amendment No. 5 Scheme Amendment Report

1.0 INTRODUCTION

Local Planning Scheme No. 3 (LPS 3) was gazetted on the 16th of April 2019. LPS 3 created 'Drainage / Waterway' reserves in accordance with Schedule 1, Part 2, Clause 14 of the *Planning and Development (Local Planning Schemes) Regulations 2015.* LPS 3 reserved several lots within the City that were not previously reserved under Town Planning Scheme No. 2 (TPS 2) in line with the Model Provisions for Local Planning Schemes.

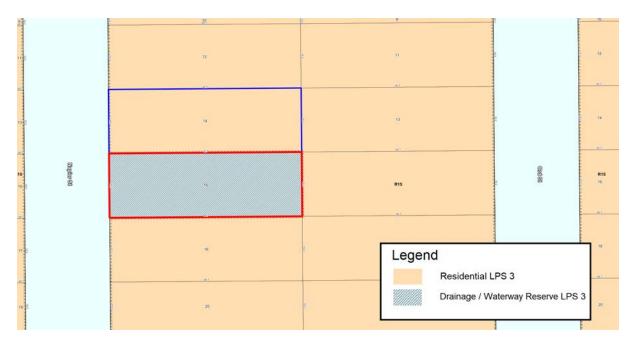


Figure 1: Zoning Map Napier Street, Nedlands LPS 3



Figure 2: Aerial view of 14 and 16 Napier Street, Nedlands

Number 16 Napier Street, Nedlands was incorrectly reserved for 'Drainage / Waterway'. The northern adjacent lot at 14 Napier Street, Nedlands is the correct location of the drainage sump as can be viewed via the aerial image in Figure 2. The City proposes removal of the reserve on 16 Napier Street and reverting to its previous 'Residential' zoning with an R15 density code. Further, to correct the administrative error, the City proposes the adjacent lot to the north, 14 Napier Street, Nedlands, be reserved 'Drainage / Waterway' and the R15 density code be removed.

The amendment is, in the opinion of the City, considered to be a Basic Amendment as it satisfies the following criterion of Regulation 34 of the *Planning and Development* (Local Planning Scheme) Regulations 2015:

(a) An amendment to correct an administrative error.

The sites were clearly switched as an error during the preparation of the Scheme Map. A simple administrative error was evidently made but was not identified throughout the preparation process of LPS 3. It has since been brought to the City's attention.

2.0 PROPOSAL AND JUSTIFICATION

The City proposes to amend the LPS 3 Scheme Map by rezoning 16 Napier Street, Nedlands to 'Residential' with an R15 density code as it had previously been under TPS 2. Simultaneously, the City proposes the removal of the 'Residential' zoning and R15 density code over 14 Napier Street and reclassifying the lot for 'Drainage / Waterway' reserve.

2.1 JUSTIFICATION

LPS 3 Part 2, Clause 14 (2), Table 1 states the objectives of each LPS 3 reserve. The 'Drainage / Waterway' reserve objective is to 'set aside land required for significant waterways and drainage'.

LPS 3 Part 3, Clause 16 (2), Table 2 states the objectives for each LPS 3 zone. The 'Residential' zone objectives are as follows:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

Currently, 16 Napier Street, Nedlands is reserved 'Drainage / Waterway' and 14 Napier Street is zoned 'Residential' with a denisty code of R15, as shown in Figure 1.

Figure 2 shows an existing dwelling located at 16 Napier Street, Nedlands and the adjacent northern lot, 14 Napier Street, Nedlands as an existing drainage sump owned by the City of Nedlands.

Figure 3 shows a street level perspective of 14 Napier Street, Nedlands as a sump which is fenced off and maintained by the City for drainage and the managing of surface runoff.



Figure 3: Street View of 14 Napier Street, Nedlands

The current placement of a sump at 14 Napier Street, Nedlands and a dwelling at 16 Napier Street, Nedlands demonstrates that the initial LPS 3 reserving and zoning was erroneous in respect of these two lots. Switching the two lots' reservation and zoning is warranted as a basic amendment given this error.

The proposed amendment to the LPS 3 Scheme Map will nullify compliance issues surrounding any future residential development at 16 Napier Street that would currently be deemed incompatible with the objective of the 'Drainage / Waterway' reserve.

Consideration as a basic amendment

An amendment to	It is considered that the presence of an existing sump at 14
correct an	Napier Street and a dwelling at 16 Napier Street indicate
administrative error;	that the zoning and reservation of the two lots was simply
·	an oversight in the preparation of LPS 3. The error can be
	corrected by simply switching the zoning and reservation
	between the two lots.

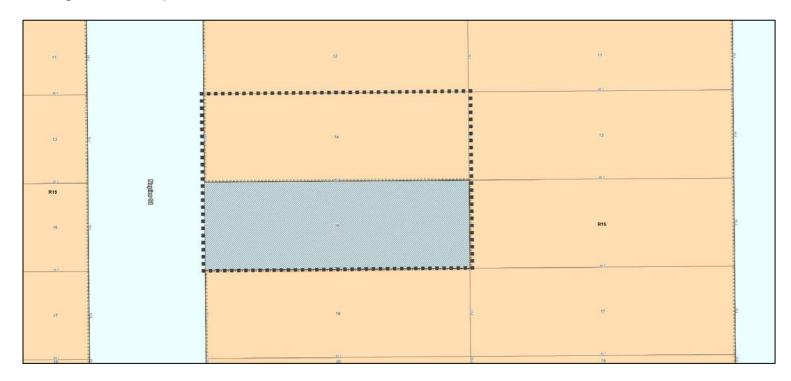
3.0 CONCLUSION

The information and justification provided in this report is submitted to support the rezoning and reserving of 14 and 16 Napier Street to correctly display the use of each lot on the LPS 3 Scheme Map.

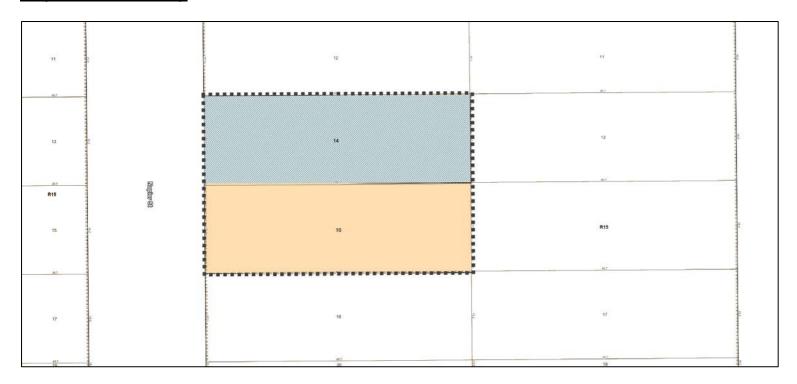
The proposed Scheme Map amendment is minor and will have no impact on surrounding lots. From the justification in this report the City believes that the subject zoning and reservation may have been an administrative error and requests that the WAPC support the amendment of the Scheme Map at 14 and 16 Napier Street.

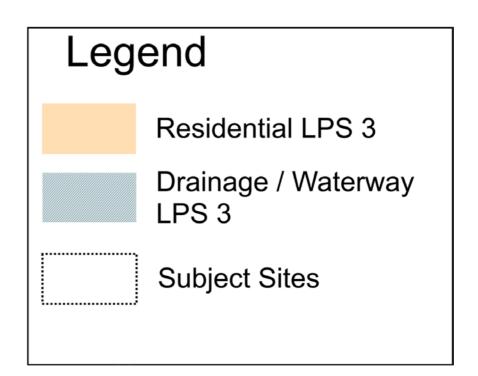
AMENDMENT MAP

Existing Scheme Map



Proposed Scheme Map





COUNCIL ADOPTION

This Basic Amendment was adopted and is recommended for approval by resolution
of the Council of the City of Nedlands at the [NAME] Meeting of the Council held on
the [day] day of [month], 20[year] and the Common Seal of the City of
Nedlands was hereunto affixed by the authority of a resolution of the Council in the
presence of:

	MAYOR
	CHIEF EXECUTIVE OFFICER
WAPC ENDORSEMENT (r.63)	
	DELEGATED UNDER S.16 OF THE P&D ACT 2005
	DATE
APPROVAL GRANTED	
	MINISTER FOR PLANNING
	DATE

PD11.20	Local Planning Scheme 3 – Local Planning Policy:	
	Residential Aged Care Facilities	

Committee	14 April 2020	
Council	28 April 2020	
Applicant	City of Nedlands	
Director	Peter Mickleson – Director Planning & Development	
Employee		
Disclosure		
under section	Nil	
5.70 Local	INII	
Government		
Act 1995		
Reference	Nil	
Previous Item	PD52.19 – OCM 17 December 2019	
	1. Tracked Changes Draft Residential Aged Care Facilities	
Attachments	Local Planning Policy (LPP)	
Attachments	2. Draft Residential Aged Care Facilities Local Planning Policy	
	(LPP)	

1.0 Executive Summary

The purpose of this report is for Council to adopt the Residential Aged Care Facilities Local Planning Policy required under Local Planning Scheme No 3 (LPS 3).

The purpose of this policy is to provide guidance and development requirements for operators seeking to establish a residential aged care facility land use within the City of Nedlands.

This policy was presented to Council at its Meeting on the 17 December 2019 where Council resolved for this item to be advertised to the public. The policy was subsequently advertised to the public for a period of 21 days ending on the 8 February 2020.

2.0 Recommendation to Committee:

Council proceeds to adopt the Residential Aged Care Facilities Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii).

3.0 Background

A product of the gazettal of LPS 3 in April 2019 was that an Additional Use for residential aged care facilities was approved over several sites within the City. Residential aged care facilities are defined in LPS3 as,

A residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.

It does not include aged and dependent persons dwellings as defined by the R Codes and is not retirement accommodation. LPS3 has no requirement for a Local Development Plan or other development provisions on the subject sites. Due to this, administration resolved to prepare a policy addressing residential aged care facility land uses and providing parameters which will guide the development and redevelopment of sites for the purposes of the land use Residential Aged Care. The draft policy has been prepared in response to a proponent's intention to apply to develop a residential aged care facility on a site within the City, and the current absence of any specific development requirements for this proposal.

Residential aged care facilities are capable of approval within the Residential and Mixed-Use zones, where they are listed as 'A' uses, requiring the local government to exercise its discretion regarding the use within these zones. In all other zones residential aged care facilities are an 'X' use and are therefore not permitted.

With the gazettal of LPS 3 the following sites were granted a Residential zoning and an Additional Use, which states that residential aged care facilities are a Permitted use on the following sites:

- Lots 101 (118) and 102 (108) Monash Avenue Nedlands
- Lot 103 (15) Karella Street Nedlands
- Lot 416 (1) Heritage Lane Mount Claremont
- Lot 11605 (17) Lemnos Street Shenton Park
- Lots 12830 (5), 12829 (7), 11329 (9), 701 (11), 702 (13A), 703 (13B), 9722 (6) and 10024 (4) Bedbrook Place Shenton Park
- Lots 104 (53) and 105 (57) Lisle Street Mount Claremont
- Lot 93 (125) Alfred Road Mount Claremont
- Lot 169 (80) Mooro Drive Mount Claremont
- Lot 25 (69) Melvista Avenue Nedlands
- Lots 10 (16) and 11(18) Betty Street Nedlands
- Lots 19 (73) and 18 (75) Doonan Road Nedlands

It is anticipated that the City may receive applications for residential aged care facilities at these sites in the future. This policy is crucial in helping to guide decision making and advise the community of Council's position in relation to residential aged care facilities.

4.0 Detail

This policy applies to all residential aged care facility proposals as defined under LPS 3 within the Residential and Mixed Use zones.

The purpose of this policy is to provide guidance and development provisions for operators seeking to establish or redevelop residential aged care facilities within the City of Nedlands, and to help officers assess development applications for residential aged care facilities in line with Council's position.

The Western Australian Planning Commission (WAPC) released their Draft Position Statement: Residential Aged Care in October 2019. This document outlines the WAPC's interim requirements to support the provision of residential aged care facilities within the local government planning framework. The documents intent is to encourage the appropriate supply of residential aged care facilities within Western Australia.

The City's draft policy seeks to respond to the position statement by clearly stating design criteria for residential aged care facilities within the City. These design criteria are based upon the standards of the Residential Design Codes and include height, setbacks and plot ratio. Further specific design criteria have been included for visual privacy, landscaping, boundary fencing, location of services, traffic impact, pedestrian access, signage and car parking. The policy focusses on these aspects of development as it is considered that they have the greatest potential to impact the residential amenity of the surrounding area. Car parking, and the potential traffic generated by a residential aged care facility, have the potential to significantly impact upon the residential amenity of an area. The policy requires that vehicle parking areas shall be located to the rear of a residential aged care facility, and that a development application for such a facility must include a Traffic Impact Assessment, in order to mitigate this potential impact.

It is noted that the City would treat a development application for a residential aged care facility as a complex application in terms of the requirements of Local Planning Policy Consultation of Planning Proposals.

The policy requires the submission of a waste and traffic management plan with development applications, which will set out details of how waste and traffic will be managed to minimise their impact on the adjoining properties. This is considered particularly important due to the potentially high amount of waste and traffic generated by a residential aged care facility.

5.0 Consultation

In line with Council's December 2019 resolution, the Policy was advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015 (P&D Regs.2015) and the City's Consultation LPP from 18 January to 8 February 2020. A notice was published in the newspaper, details were included on the City's website and the YourVoice engagement portal.

No submissions were received during the advertising period.

The policy is being presented to Council following the conclusion of the advertising period. Council can now choose how to progress with the policy. It is recommended that the policy is adopted with the modifications proposed in Attachment 2.

As per Residential Design Codes Volume 2 part 1.2.3, this policy may be adopted by the Council without further consent from the WAPC, as it concerns commercial style development to which the built form requirements of the Residential Design Codes are not automatically applicable.

6.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

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

a) Proceed with the policy without modification;

- b) Proceed with the policy with modification; or
- c) Not to proceed with the policy.

Administration recommends that Council resolves to proceed with the Residential Aged Care LPP with modifications as shown in Attachment 2.

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

7.0 Conclusion

The Residential Aged Care Facilities LPP is the best mechanism to guide decision making and advise the community of the Council's position in relation to development applications for residential aged care facilities throughout the City.

It is recommended that Council endorses administration's recommendation to adopt the Residential Aged Care Facilities LPP with modifications as shown in Attachment 2.



LOCAL PLANNING POLICY - RESIDENTIAL AGED CARE FACILITIES

1.0 PURPOSE

The purpose of this policy is to provide guidance and development <u>requirements</u> <u>applicable to applications for provisions for operators seeking to establish</u> residentia aged care facilities within the City of Nedlands

2.0 APPLICATION OF POLICY

2.1 This policy applies to all <u>applications for a residential aged care facility proposals in Residential and Mixed-Use zones. A Residential aged care facilityies is are defined in Local Planning Scheme No 3 (LPS3) as:</u>

"a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility."

2.2 Where this Policy is inconsistent with a Local Development Plan, Local Planning Policy or Precinct Plan that applies to a specific site or area, the provisions of that specific Local Development Plan, Local Planning Policy or Precinct Plan shall prevail.

3.0 OBJECTIVES

3.1 To ensure the appearance and design of residential aged care facilities are of a high quality and do not have an undue impact on the residential amenity of the area by way of building bulk and scale, noise, traffic or parking.

To maintain a high standard of amenity for the surrounding residential neighbourhood through required management controls.

3.2 To establish a clear framework for the assessment and determination of applications for residential aged care facilities.

4.0 POLICY MEASURES

4.1 Applications for residential area and Mixed-Use zones in LPS 3. And 'A' use is defined in LPS 3 as:

-'a use which is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions'.

An 'A' use will be advertised in accordance with the City's Local Planning Policy – Consultation of Planning Proposals and may be considered where the following requirements of this policy are met.

Commented [FA1]: Grammatical changes for more succinct wording.

Commented [FA2]: Grammatical changes for more succinct wording

Commented [FA3]: This objective was repetitive of the intent of 3.1 – removed.

Commented [FA4]: Grammatical changes for more succinct wording.

Commented [FA5]: The City may not always be the determining authority – word change.



4.2 Design Requirements

4.2.1 All rResidential aged care facilitives shall comply with the front setback and open space requirements of the City's LPS3 Clause clause 26 (1) and (2). Although Residential aged care facilities are a commercial land use, a Residential aged care facility however on Residential and Mixed-Use zoned landsites must the development is required to comply satisfy with the relevant provisions of the applicable R-Code allocated to the site, at the discretion to the satisfaction of the City.

4.2.2 For subject—lots of less than 2000m², and where no R-Code has been allocated applies to the site—and the proposal development proposed—is in the form of a single house or grouped dwelling style, applications the development—shall meet the equivalent standards requirements in Table 1: General site requirements—applicable for to single houses and grouped dwellings with an R80 density code as per_the State Planning Policy 7.3 Residential Design Codes Volume 1, summarised below:

Single house/grouped dwellings on subject lots less than 2000m² Site R-Coding R80 Building height (storeys) 2 Boundary wall height (storeys) 1 Minimum primary street setback 1m Minimum secondary street setbacks 1m Minimum side setbacks As per Table 2A and 2B of SPP 7.3. Minimum rear setback As per Table 2A and 2B of SPP 7.3 Average side setback where building As per Table 2A and 2B of SPP 7.3. length exceeds 16m Notes 1 Boundary wall only permitted on one boundary and shall not exceed 2/3 length of that lot boundary.

4.2.3 For subject lots of less than 2000m² and where no R-Code has been allocated to the site applies and development is in the form of a multiple dwelling style, development applications shall meet the default Acceptable equivalent standards RequirementsOutcomes in Table 2.1 Primary controls table applicable to fer Multiple Dwellings with an R60 density code as per-the State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments as per Clause 4.2.5, summarised below.

Multiple dwelling style development on site less than 2000m ²		
Site R-Coding	R60	
Building height (storeys)	3	
Boundary wall height (storeys)	1	
Minimum primary street setback	2m	
Minimum secondary street setbacks	2m	
Minimum side setbacks	3m	
Minimum rear setback	3m	

Commented [FA6]: Grammatical changes for more succinct wording.

Commented [FA7]: Grammatical changes for more succinct wording.

Commented [FA8]: Grammatical changes for more succinct



Average side setback where building length exceeds 16m	3.5m	
Plot ratio	0.8	
Notes 1 Boundary wall only permitted on one boundary and shall not exceed 2/3 length of that lot boundary.		

4.2.4 For lots Where a residential aged care facility is proposed to be built on a lot equal to or larger than 2000m² and/or is adjacent to a Mixed Use area and/or is adjacent to public open space, the City may consider a a higher density code may be considered at the discretion of the City where development shallapplications meet the default Acceptable RequirementsOutcomes outlined in Table 2.1 Primary controls table applicable to meet the equivalent standards for Multiple Dwellings with an R80 density code as per State Planning Policy 7.3 Residential Design Codes -Volume 2 Apartments as per Clause 4.2.5., summarised below: at the discretion of the City.

Commented [FA9]: Removed "and" here because one condition will be enough to trigger the requirement (either Mixed Use or open space interface)

4.2.5 Primary Controls

Multiple dwelling style development on site greater than 2000m ²		
Site R-Coding	R80	
Building height (storeys)	<u>34</u>	
Boundary wall height (storeys)	1	
Minimum primary street setback	2m	
Minimum secondary street setbacks	2m	
Minimum side setbacks	3m	
Minimum rear setback	3m	
Average side setback where building	3.5m	
length exceeds 16m		
Plot ratio	0.81.0	
Notes		

1 Boundary wall only permitted on one boundary, for one storey in height from NGL and shall not exceed 2/3 length of that lot boundary.

4.3 Streetscape Character

- 4.3.1 The design and siting of residential aged care facilities shall have regard to the existing neighbourhood character and amenity and be designed to reflect a residential appearance from the street(s), particularly regarding the following elements:
- 4.4 Building and roof form
- 4.4.1 Building height and setback, with height situated on the site to minimise amenity impacts to neighbouring properties and the streetscape;
- 4.4.2 Design detail, including façade articulation, verandas, window and door style and placement; and
- 4.4.3 Building materials, colours and finishes and their effect upon the developments-interface with the public domain.

Commented [FA10]: R80 code still applies, but previous version of draft document had an error, where the R60 building height and plot ratio requirements were included in this section of the document.

Commented [FA11]: R80 permits 4 storeys in height.

Commented [FA12]: The City is proposing a variation to this R80 requirement. R80 permits 2 storey boundary walls. Given the residential context potentially surrounding residential aged care facilities, the maximum boundary wall height is instead proposed to be 1 storey in height.

Commented [FA13]: 1.0 is the plot ratio permitted under R80. 0.8 is an error and is permitted under R60.

Commented [FA14]: Note 1 included to highlight the variation to R80 requirements for the lot boundary wall. This policy will permit one storey boundary walls, but not two storey boundary walls (which is the default advised for R80 under SPP 7.3 – Residential Design Codes).

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4.5 Visual Privacy

- 4.5.1 Where located adjacent to residential properties, residential aged care facilities are to be designed so that major openings to residential or care rooms, operational rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and residents of the development that have a finished floor level raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line are to:
 - 4.5.1.1 Be setback, in direct line of sight, a minimum of 6.0 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external face of the opening); or
 - 4.5.1.2 Be provided with permanent vertical screening or glazing to a minimum height of 1.6 metres above the finished floor level;
- 4.5.2 All unenclosed outdoor spaces (balconies, decks, verandas and the like) where the finished floor level is raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to:
 - 4.5.2.1 Be setback, in direct line of sight, a minimum of 7.5 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external perimeter of the unenclosed outdoor space); or
 - 4.5.2.2 Are provided with permanent screening. Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and restrict view.

4.6 Landscaping

- 4.6.1 A high quality of landscaping shall be provided to soften the appearance of the development, screen car parking areas and provide an attractive aspect that is compatible with the streetscape and amenity of surrounding residential properties.
- 4.6.2 A minimum of twenty-five per cent (25%) of the site area is to be landscaped, and a minimum of fifty per cent (50%) of the front setback area is to be soft landscaping.
- 4.6.3 The development is to be designed to maximise the retention of existing mature trees on the site as well as existing Council verge trees.
- 4.6.4 Where a vehicle access way or car parking area is located adjacent to any residential property and is unable to be located elsewhere, it shall be setback behind a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property.
- 4.6.5 Where a car parking facility or area is provided at ground level, (open air) a landscaping plan shall be provided demonstrating appropriate planting of 1 mature tree per every 6 car parking bays with that car parking area to provide adequate

Commented [FA15]: Addition of residential or care rooms to specify what rooms a major opening applies to in this context.

Commented [FA16]: Addition of amenities (including common areas, dining rooms and recreation areas) to specify where major opening applies to in this context.



shading and landscaping is encouraged to provide buffering between the facility and any adjacent residential properties.

- 4.7 Boundary Fencing
- 4.7.1 New or upgraded boundary fencing should be a minimum of 1.8 metres height and be in a colour and material that are compatible to any neighbouring residential properties.
- 4.7.2 Boundary fencing proposed to be over 1.8 metres in height, or in a material not specified as acceptable in the City's Local Planning Policy Fill and Fencing, shall require development approval.
- 4.7.3 All fencing is required to be in accordance with the Dividing Fences Act 1961.
- 4.8 Location of Building Services and Bin Storage Area
- 4.8.1 Delivery, loading and building service areas are to be located so that they are not visible from the street or adjoining residential properties.
- 4.8.2 Bin storage areas are to be appropriately screened and located so that they do not negatively impact the amenity of surrounding residential properties by way of visual nuisance, odours or other impacts.
- 4.8.3 A waste management plan, detailing the management and removal of waste from the site, is required to be submitted as part of a development application in accordance with the City's Local Planning Policy Waste Management and Guidelines.
- 4.9 Traffic Impact
- 4.9.1 A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant is required to be submitted as part of a development application, which assesses the likely traffic impact associated with the proposed residential aged care facility development in accordance with WAPC Guidelines.
- 4.10 Pedestrian Access
- 4.10.1 Pedestrian entrances into buildings shall be clearly identified to provide a well-designed and welcoming public domain interface for all users.
- 4.10.2 Levels shall allow dignified and equitable accessibility and unobstructed activity to flow between the development and the public domain at ground floor.
- 4.10.3 Pedestrian pathways on the site shall be clearly identifiable, linked with public pedestrian pathways and clearly separated from vehicle access roads, to provide a functional and safe passage to the development.
- 4.11 Location of Vehicular Access and Car Parking
- 4.11.1 Vehicle parking shall be contained on-site to avoid street and verge parking associated with the use.



- 4.11.2 Vehicle parking areas shall be located to the rear of the site and screened from view of the neighbouring residential properties. Visitor parking in the front setback of the lot may be considered by the City.
- 4.11.3 Visitor car parking areas located within the front setback area shall be setback from the front property boundary behind a soft landscaping strip a minimum of 1.0 metre in width.
- 4.11.4 Parking ratios shall be in accordance with the City's Local Planning Policy Parking.

4.12 Signage

4.12.1 All signage associated with a residential aged care facility shall be in accordance with the requirements of the City's Local Planning Policy - Signs and shall be provided as part of the development application. Where final specifications are unknown, a Signage Details Form identifying the location, size and type of external signage to be installed on the building/site is to be submitted to Council as part of the development application.

5.0 CONSULTATION

- 5.1 Consultation with affected landowners will be undertaken in accordance with the City's Local Planning Policy- Consultation of Planning Proposals.
- 5.2Where applications for residential aged care facility uses are listed as 'A' in the Zoning Table of the Scheme or where a variation is proposed to this Policy, applications are to be advertised in accordance with the requirements of the Local Planning Policy- Consultation of Planning Proposals.

6.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 6.1 In addition to the general requirements for an application for development approval, a Traffic Impact Statement of Assessment is required in accordance with Clause 4.9.1 of this policy.
- 6.2 The following matters are to be addressed in the applicants supporting report:
 - Hours of visitation;
 - · Staff numbers;
 - · Resident numbers; and
 - · Parking management plan
 - Landscaping plan
 - Acoustic report.
 - BAL Assessment and Bushfire Management Plan where a subject site is designated as within a Bushfire Prone Area.

7.0 OTHER CONSIDERATIONS – ENGINEERING AND TECHNICAL SERVICES, HEALTH AND BUILDING APPROVAL

7.1 The applicant is advised to consult the City's Building Services & Environmental Health Services to determine if a Building Permit, Food Business Registration or Aquatic facilities approval is required for a residential aged care facility.



8.0 VARIATIONS TO POLICY

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

9.0 BUSHFIRE MANAGEMENT

- 9.1 Where a property is within a designated Bushfire Prone Area, applications for development approval will be required to comply with State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7), and any building requirements as required by the Building Code of Australia.
- 9.2 Residential aged care facilities are a vulnerable land use under SPP3.7 and may require a Bushfire Management Plan (BMP) submitted by a certified Level 2 or 3 Bushfire Management Consultant to the satisfaction of the City. Where a property is within a Bushfire Prone Area the application may require a referral to the Department of Fire and Emergency Services (DFES). The City will take into consideration comments from DFES in making their determination.

10.0 LEGISLATION

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



11.0 DEFINITIONS

11.1 For this policy the following definitions apply:

Definition	Meaning
Residential Aged Care Facility	As per LPS 3, being, a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
Multiple Dwelling	As per the R-codes, being, a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio of the dwelling is vertically above any part of the plot ratio area of any other but: does not include a grouped dwelling; and includes any dwellings above the ground floor in a mixed-use development.
Resident	Means a person who permanently resides on site.
Visitor	Means a person who temporarily visits the site, whether a family member or friend visiting a resident.
Staff	Means a person who is employed by the residential aged care facility. Includes locum health and medical practitioners who visit the site on an ad-hoc basis.
Vulnerable Land Use	As per SPP 3.7 - Planning in Bushfire Prone Areas, being, a use where persons may be less able to respond in a bushfire emergency, including: Land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability such as the elderly, children (under 18 years of age), and the sick or injured in dedicated facilities such as aged or assisted care, nursing homes, education centres, family day care centres, child care centres, hospitals and rehabilitation centres.
Major Opening	A window or similar opening to residential or care rooms,
	operational rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and
	residents of the development that have a finished floor level raised 0.5 metres or more above natural ground level which overlooks any part of an adjoining residential property behind its street setback line, and has a sill level of less than 1.6m.

Council Resolution Number	PDX.XX
Adoption Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

Commented [FA17]: Addition of residential or care rooms to specify what rooms a major opening applies to in this context.

Commented [FA18]: Addition of amenities (including common areas, dining rooms and recreation areas) to specify where major opening applies to in this context.

Commented [FA19]: Addition of major openings definition, as it applies to this policy and the context of residential aged care.



LOCAL PLANNING POLICY - RESIDENTIAL AGED CARE FACILITIES

1.0 PURPOSE

The purpose of this policy is to provide guidance and development requirements applicable to applications for residential aged care facilities within the City of Nedlands

2.0 APPLICATION OF POLICY

2.1 This policy applies to all applications for a residential aged care facility in Residential and Mixed-Use zones. A Residential aged care facility is defined in Local Planning Scheme No 3 (LPS3) as:

"a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility."

2.2 Where this Policy is inconsistent with a Local Development Plan, Local Planning Policy or Precinct Plan that applies to a specific site or area, the provisions of that specific Local Development Plan, Local Planning Policy or Precinct Plan shall prevail.

3.0 OBJECTIVES

- 3.1 To ensure the appearance and design of residential aged care facilities are of a high quality and do not have an undue impact on the residential amenity of the area by way of building bulk and scale, noise, traffic or parking.
- 3.2 To establish a clear framework for the assessment and determination of applications for residential aged care facilities.

4.0 POLICY MEASURES

4.1 A residential aged care facility is listed as an 'A' use within the Residential and Mixed-Use zones in LPS 3. An 'A' use is defined in LPS 3 as:

'a use which is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions'.

An 'A' use will be advertised in accordance with the City's *Local Planning Policy* – *Consultation of Planning Proposals* and may be considered where the following requirements of this policy are met.

4.2 Design Requirements

4.2.1 A Residential aged care facility shall comply with the front setback and open space requirements of the City's LPS3 clause 26 (1) and (2). Although a



commercial land use, a Residential aged care facility on Residential and Mixed-Use zoned land must satisfy the relevant provisions of the applicable R-Code to the satisfaction of the City.

4.2.2 For lots of less than 2000m², and where no R-Code applies and the proposal is in the form of a single house or grouped dwelling, applications shall meet the requirements in *Table 1: General site requirements* applicable to single houses and grouped dwellings with an R80 density code as per *State Planning Policy 7.3 Residential Design Codes Volume 1,* summarised below:

Single house/grouped dwellings on subject lots less than 2000m ²	
Site R-Coding	R80
Building height (storeys)	2
Boundary wall height (storeys)	1
Minimum primary street setback	1m
Minimum secondary street setbacks	1m
Minimum side setbacks	As per Table 2A and 2B of SPP 7.3.
Minimum rear setback	As per Table 2A and 2B of SPP 7.3
Average side setback where building	As per Table 2A and 2B of SPP 7.3.
length exceeds 16m	
Notes	
1 Boundary wall only permitted on one boundary and shall not exceed 2/3	
length of that lot boundary.	

4.2.3 For lots of less than 2000m² and where no R-Code applies and development is in the form of a multiple dwelling, applications shall meet the default Acceptable Requirements in *Table 2.1 Primary controls table* applicable to Multiple Dwellings with an R60 density code as per *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*, summarised below.

Multiple dwelling style development on site less than 2000m ²	
Site R-Coding	R60
Building height (storeys)	3
Boundary wall height (storeys)	1
Minimum primary street setback	2m
Minimum secondary street setbacks	2m
Minimum side setbacks	3m
Minimum rear setback	3m
Average side setback where building	3.5m
length exceeds 16m	
Plot ratio	0.8
Notes	
4 B × 1 1 2 2 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

1 Boundary wall only permitted on one boundary and shall not exceed 2/3 length of that lot boundary.

4.2.4 For lots equal to or larger than 2000m² and/or adjacent to a Mixed Use area or public open space, a higher density code may be considered at the discretion of the City where applications meet the default Acceptable Requirements outlined in *Table 2.1 Primary controls table* applicable to Multiple Dwellings with an R80

City of Nedlands

| Local Planning Policy

density code as per State Planning Policy 7.3 Residential Design Codes -Volume 2 Apartments., summarised below:

Multiple dwelling style development on site greater than 2000m ²	
Site R-Coding	R80
Building height (storeys)	4
Boundary wall height (storeys)	1
Minimum primary street setback	2m
Minimum secondary street setbacks	2m
Minimum side setbacks	3m
Minimum rear setback	3m
Average side setback where building	3.5m
length exceeds 16m	
Plot ratio	1.0
Mataa	

Notes

- 4.3 Streetscape Character
- 4.3.1 The design and siting of residential aged care facilities shall have regard to the existing neighbourhood character and amenity and be designed to reflect a residential appearance from the street(s), particularly regarding the following elements:
- 4.4 Building and roof form
- 4.4.1 Building height and setback, with height situated on the site to minimise amenity impacts to neighbouring properties and the streetscape;
- 4.4.2 Design detail, including façade articulation, verandas, window and door style and placement; and
- 4.4.3 Building materials, colours and finishes and their effect upon the developments interface with the public domain.
- 4.5 Visual Privacy
- 4.5.1 Where located adjacent to residential properties, residential aged care facilities are to be designed so that major openings to residential or care rooms, operational rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and residents of the development that have a finished floor level raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line are to:
 - a) Be setback, in direct line of sight, a minimum of 6.0 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external face of the opening); or

¹ Boundary wall only permitted on one boundary, for one storey in height from NGL and shall not exceed 2/3 length of that lot boundary.



- b) Be provided with permanent vertical screening or glazing to a minimum height of 1.6 metres above the finished floor level.
- 4.5.2 All unenclosed outdoor spaces (balconies, decks, verandas and the like) where the finished floor level is raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to:
 - a) Be setback, in direct line of sight, a minimum of 7.5 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external perimeter of the unenclosed outdoor space); or
 - b) Are provided with permanent screening. Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and restrict view.

4.6 Landscaping

- 4.6.1 A high quality of landscaping shall be provided to soften the appearance of the development, screen car parking areas and provide an attractive aspect that is compatible with the streetscape and amenity of surrounding residential properties.
- 4.6.2 A minimum of twenty-five per cent (25%) of the site area is to be landscaped, and a minimum of fifty per cent (50%) of the front setback area is to be soft landscaping.
- 4.6.3 The development is to be designed to maximise the retention of existing mature trees on the site as well as existing Council verge trees.
- 4.6.4 Where a vehicle access way or car parking area is located adjacent to any residential property and is unable to be located elsewhere, it shall be setback behind a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property.
- 4.6.5 Where a car parking facility or area is provided at ground level, (open air) a landscaping plan shall be provided demonstrating appropriate planting of 1 mature tree per every 6 car parking bays with that car parking area to provide adequate shading and landscaping is encouraged to provide buffering between the facility and any adjacent residential properties.

4.7 Boundary Fencing

- 4.7.1 New or upgraded boundary fencing should be a minimum of 1.8 metres height and be in a colour and material that are compatible to any neighbouring residential properties.
- 4.7.2 Boundary fencing proposed to be over 1.8 metres in height, or in a material not specified as acceptable in the City's Local Planning Policy Fill and Fencing, shall require development approval.



- 4.7.3 All fencing is required to be in accordance with the Dividing Fences Act 1961.
- 4.8 Location of Building Services and Bin Storage Area
- 4.8.1 Delivery, loading and building service areas are to be located so that they are not visible from the street or adjoining residential properties.
- 4.8.2 Bin storage areas are to be appropriately screened and located so that they do not negatively impact the amenity of surrounding residential properties by way of visual nuisance, odours or other impacts.
- 4.8.3 A waste management plan, detailing the management and removal of waste from the site, is required to be submitted as part of a development application in accordance with the City's Local Planning Policy Waste Management and Guidelines.
- 4.9 Traffic Impact
- 4.9.1 A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant is required to be submitted as part of a development application, which assesses the likely traffic impact associated with the proposed residential aged care facility development in accordance with WAPC Guidelines.
- 4.10 Pedestrian Access
- 4.10.1 Pedestrian entrances into buildings shall be clearly identified to provide a well-designed and welcoming public domain interface for all users.
- 4.10.2 Levels shall allow dignified and equitable accessibility and unobstructed activity to flow between the development and the public domain at ground floor.
- 4.10.3 Pedestrian pathways on the site shall be clearly identifiable, linked with public pedestrian pathways and clearly separated from vehicle access roads, to provide a functional and safe passage to the development.
- 4.11 Location of Vehicular Access and Car Parking
- 4.11.1 Vehicle parking shall be contained on-site to avoid street and verge parking associated with the use.
- 4.11.2 Vehicle parking areas shall be located to the rear of the site and screened from view of the neighbouring residential properties. Visitor parking in the front setback of the lot may be considered by the City.
- 4.11.3 Visitor car parking areas located within the front setback area shall be setback from the front property boundary behind a soft landscaping strip a minimum of 1.0 metre in width.
- 4.11.4 Parking ratios shall be in accordance with the City's Local Planning Policy Parking.
- 4.12 Signage



4.12.1 All signage associated with a residential aged care facility shall be in accordance with the requirements of the City's Local Planning Policy - Signs and shall be provided as part of the development application. Where final specifications are unknown, a Signage Details Form identifying the location, size and type of external signage to be installed on the building/site is to be submitted to Council as part of the development application.

5.0 CONSULTATION

- 5.1 Consultation with affected landowners will be undertaken in accordance with the City's Local Planning Policy- Consultation of Planning Proposals.
- Where applications for residential aged care facility uses are listed as 'A' in the Zoning Table of the Scheme or where a variation is proposed to this Policy, applications are to be advertised in accordance with the requirements of the Local Planning Policy- Consultation of Planning Proposals,

6.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- In addition to the general requirements for an application for development approval, a Traffic Impact Statement of Assessment is required in accordance with Clause 4.9.1 of this policy.
- 6.2 The following matters are to be addressed in the applicants supporting report:
 - Hours of visitation;
 - Staff numbers;
 - · Resident numbers; and
 - Parking management plan
 - Landscaping plan
 - Acoustic report.
 - BAL Assessment and Bushfire Management Plan where a subject site is designated as within a Bushfire Prone Area.

7.0 OTHER CONSIDERATIONS – ENGINEERING AND TECHNICAL SERVICES, HEALTH AND BUILDING APPROVAL

7.1 The applicant is advised to consult the City's Building Services & Environmental Health Services to determine if a Building Permit, Food Business Registration or Aquatic facilities approval is required for a residential aged care facility.

8.0 VARIATIONS TO POLICY

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

9.0 BUSHFIRE MANAGEMENT

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

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

10.0 LEGISLATION

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

11.0 DEFINITIONS

11.1 For this policy the following definitions apply:

Definition	Meaning
Residential Aged Care Facility	As per LPS 3, being, a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
Multiple Dwelling	As per the R-codes, being, a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio of the dwelling is vertically above any part of the plot ratio area of any other but: does not include a grouped dwelling; and includes any dwellings above the ground floor in a mixed-use development.
Resident	Means a person who permanently resides on site.
Visitor	Means a person who temporarily visits the site, whether a family member or friend visiting a resident.



Staff	Means a person who is employed by the residential aged care facility. Includes locum health and medical practitioners who visit the site on an ad-hoc basis.
Vulnerable Land Use	As per SPP 3.7 - Planning in Bushfire Prone Areas, being, a use where persons may be less able to respond in a bushfire emergency, including:
	Land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability such as the elderly, children (under 18 years of age), and the sick or injured in dedicated facilities such as aged or assisted care, nursing homes, education centres, family day care centres, child care centres, hospitals and rehabilitation centres.
Major Opening	A window or similar opening to residential or care rooms, operational rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and/or residents of the development, that have a finished floor level raised 0.5 metres or more above natural ground level which overlooks any part of an adjoining residential property behind its street setback line, and has a sill level of less than 1.6m.



Council Resolution Number	PDX.XX
Adoption Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

PD12.20	Local Planning Scheme 3 – Local Planning Policy:	
	Doonan Road, Jenkins Avenue, Vincent Street,	
	Laneway and Built Form Requirements	

Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee	
Disclosure	
under section	Nil
5.70 Local	1411
Government	
Act 1995	
Reference	Nil
Previous Item	SCM 30 January – Item 8
	Draft Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements LPP – technical changes
Attachments	 Draft Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements LPP Summary of Submissions Submissions (CONFIDENTIAL)

1.0 Executive Summary

The purpose of this report is for Council adopt the Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements Local Planning Policy required under Local Planning Scheme 3 (LPS 3).

This Policy details the requirements relating to the ceding and creation of a laneway between the properties at 16 and 18 Doonan Road Nedlands and 19 and 21 Vincent Street Nedlands located parallel to Jenkins Avenue, running east to west. The Policy also details the built form requirements for properties abutting the proposed laneway. This Policy has been created as a measure to capture the ceding of land and construction of a laneway abutting the properties mentioned in response to developers seeking to subdivide and develop to the new density code. This subsequently may result in an undesirable development of maximum width crossovers to both Doonan Road and Jenkins Avenue.

The aim of the Policy is to protect and maintain the existing landscaped and tree lined streetscapes whilst minimising the amount of crossover, driveways and hardstand needed along Doonan Road, Vincent Street and Jenkins Avenue.

2.0 Recommendation to Committee

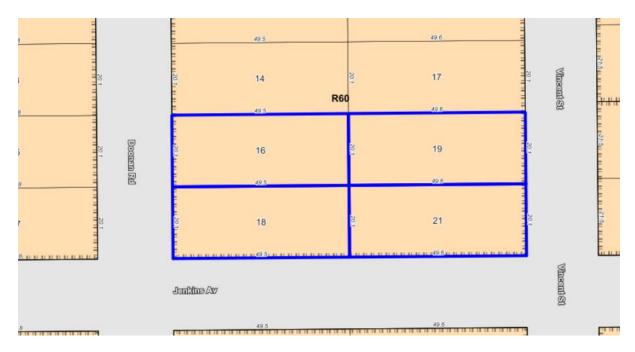
Council:

- 1. Proceeds to adopt the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements Local Planning Policy, with modifications as set out in Attachment 2, including the following 9 modifications in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii);
 - a) modification be made to Paragraph 2.1: Clarification that the policy applies to subdivision applications and development applications for ALL new Dwellings;
 - b) modification be made to Paragraph 4.1.2: Clarification that land comprising the laneway will be ceded free of cost and as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3:
 - c) modification be made to Paragraph 4.1.3: Deletion of redundant clause as it is covered in 4.1.2;
 - d) modification be made to Paragraph 4.1.5 and 4.1.6: Inclusion of discretion by inserting "to the satisfaction of the City";
 - e) modification be made to Paragraph 4.1.8: Removal of specific reference to bollard lighting to enable more flexibility around the provision of the form of lighting;
 - f) modification be made to Paragraph 4.2.1: Inclusion of discretion by inserting "unless otherwise agreed to by the City";
 - g) modification be made to Paragraph 4.2.3: Clarification of fencing requirements in accordance with relevant Residential Design Codes Vol. 1 or 2:
 - h) modification be made to Paragraph 4.2.7: Clarification of tree expectations and inclusion of discretion by inserting "to the satisfaction of the City."; and
 - i) modification be made to Paragraph 5.1: Clarification of information to be provided on a Landscape Plan.
- 2. Refers the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements. Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 1 2019 Clause 7.3.2

3.0 Background

The properties at 16 and 18 Doonan Road and 19 and 21 Vincent Street Nedlands have been up coded to R60 under the City's recently adopted Local Planning Scheme No. 3 (LPS 3). This allows the properties to develop approximately 5/6 grouped dwellings (townhouses) at 2 storey height limits or approximately 6-10 multiple dwellings (apartments) over a 3-storey height limit.

The properties at 16 and 18 Doonan Road and 19 and 21 Vincent Street Nedlands are shown in the below image.



Within the City's new Local Planning Scheme No. 3 (LPS 3) Clause 32.3 allows the City to require that a developer create a laneway and cede and construct that Laneway at the developers cost for the purpose of creating rights of way or laneways which are identified by the scheme or a, structure plan, local development plan, activity centre plan or local planning Policy at the time of the owner developing or subdividing the land. Therefore, if the City chooses to adopt this Policy the City will have the head of power under Clause 32.3 to acquire the land and require developers to construct the laneway as designated to the City's specifications at the time of subdivision or significant redevelopment.

The City has recently considered a subdivision referral from the West Australian Planning Commission (WAPC) for a 5-lot subdivision at 18 Doonan Road whereby significant concerns were raised by administration due to the subsequent streetscape impact this proposal will likely cause to Jenkins Avenue. This subdivision has subsequently been approved by the WAPC despite concerns raised by the City's Administration. Discussions with the Department of Planning Lands and Heritage (DPLH) as to why the subdivision was still supported was due to the fact that the City's Policy was not at final adoption stage and that they would like to see the City further flesh out the need and nexus as to why laneways are required in these circumstances. Following this conversation, the City will be progressing a Laneway Strategy and a Scheme Amendment to add more power to Clause 32.3 of LPS 3.

Although the subdivision has already been approved Clause 32.3 of LPS 3 allows for a development application to also be a trigger. With this Policy adopted as final the City will again ask for the ceding and construction of the laneway at development application stage.

18 Doonan Road and it's interface with Jenkins Avenue transitions density from R60 to R10 on the South side of Jenkins Avenue. The subdivision approved by the WAPC is for 5 green title lots. The indicative development application for these lots shown to Administration proposes 5 double width crossovers with 4 double width crossovers planned to Jenkins Avenue. Administration believes that this would pose an undesirable streetscape outcome and that garage and crossovers should be located to the rear and front a new laneway.

This proposed laneway will seek to connect Doonan Road with Vincent Street. This Policy therefore has been put forward as a measure to aid the City in identifying the required land between these lots for a laneway to be created and constructed which will then remove the requirement for a large number of crossovers to the existing street. The laneway created will result in only one crossover/entry point being required at Doonan Road and one at Vincent Street, therefore removing up to 15 direct vehicle crossings. The proposal also opens development opportunity to the subject lots to the north as they will have a newly created frontage to a laneway if and when they choose to develop or subdivide in the future.

4.0 Detail

This draft Policy details the laneway requirements for the proposed laneway between Doonan Road and Vincent Street. The draft Policy sets out the land identified to be ceded for the creation of a laneway and the requirements for the ceding and development. The Policy requires a 3.5m strip of land to be designated from each of the properties through the centre boundary line. Once each property has ceded 3.5m a 7.0m wide laneway will be created which will be constructed to the City's specifications including being sealed, drained and with lighting and landscaping. In the interim a the 3.5m ceded portion may act as a one-way access like that of a battle-axe driveway.

The benefits of a laneway servicing these properties is not only the minimisation of crossovers to the street but also the potential for the properties to the north 16 Doonan Road and 19 Vincent Street who were formerly land locked to develop green title lots. Currently without the designated Laneway those lots will only have been able to be subdivided as survey strata lots with a common property driveway (battle-axe configuration) or a maximum of two street frontage green title lots. The laneway will create lesser hardstand area than what would currently be required for a battle-axe style development with a common driveway. This is because Clause 5.3.5 in the Residential Design Codes Volume 1 states that a driveway serving 4 or less dwellings must have a driveway of no less than 3m and in the case of a driveway serving 5 or more dwellings it must accommodate two way access therefore would require 6m or the ability to manoeuvre to allow for vehicles to enter and exit in forward gear.

The explanatory guidelines of the Residential Design Codes Volume 1 Clause 6.5 Vehicular Access Figure 53 shown below discusses that individual crossovers to the street should not be provided instead consolidated access is encouraged. This Clause discusses the detrimental impact that multiple crossovers has on the amenity and streetscape. The Clause discusses that too many crossovers cause loss of kerbside parking space, lack of space for street trees and furniture, interruption to pedestrian use of footpaths and increased hazards for cyclists. The method encouraged is that what the Policy seeks to enforce, of vehicle access located to the rear of the site where possible and to encourage shared access by utilising an aggregate vehicle access solution for future lots.

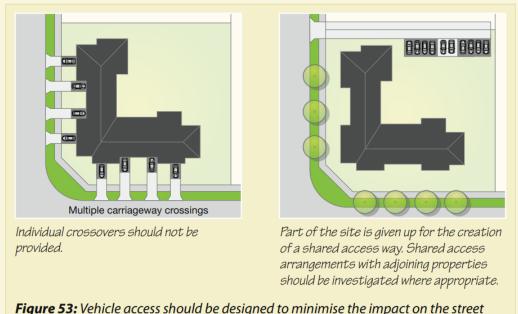


Figure 53: Vehicle access should be designed to minimise the impact on the street network and provide for safe ingress and egress from the site.

The built form controls factored within the Policy are to encourage activated frontages and that the laneway to not be a solid wall of garages, instead having a street like appearance with pedestrian access and visual surveillance opportunities to and from the laneway from the adjacent dwellings. The development or subdivision of properties on 16 Doonan Road and 19 Vincent Street will create opportunities for lots/dwellings to have their primary frontage to the laneway. Where lots are developed for single dwellings the laneway would be developed having the appearance of a minor street including landscaping, pedestrian friendly access-ways and major openings from buildings overlooking the laneway. This will mean that although the main purpose is for vehicle access to dwellings, as well as removal of potentially multiple crossovers from the street that it will continue to maintain the elements of traditional Nedlands street appearance which is pedestrian friendly, green, landscaped and a tree lined built environment.

The Policy through built form controls aims to encourage a pedestrian friendly, landscaped street appearance within the laneway. This is done through mandating fencing to the laneway to be in line with the primary street fencing requirements being open in style to allow for passive surveillance. A clear definable pedestrian entry way is to be provided from the laneway and this is to encourage the space to not be car dominated and pedestrian friendly, it is also proposed that visual surveillance from a habitable room from the dwelling(s) be provided to look out to the laneway.

Without this Policy in place, the City lacks the ability to apply LPS 3 Clause 32.3 mandating the ceding of land for the creation of a laneway. If the properties chose to subdivide first, which is the case with 18 Doonan Road, this is approved by the West Australian Planning Commission (WAPC) and not the City. The WAPC's position is that the City can deal with multiple crossovers at the development application which the City intends to do now the subdivision has been approved. Legal advice obtained by the City suggests that the once the Policy is adopted as final along with Clause 32.3 under LPS 3 they City has grounds to require the laneway at development application stage.

The argument has been expressed that the landowners bought this site for its development potential which it wishes to maximise. This is not a valid planning

consideration and given that the role of local government planning is to protect the interests of the City holistically a proactive approach is being applied.

The current local planning framework is evolving and unresolved. Any purchase of development sites within the density transition areas cannot solely rely on LPS3 as a guaranteed development pathway as the City is currently formulating localised planning Policy responses to better augment the R-Codes to suit City of Nedlands and it's localised streetscape, desired future character and best practice urban design for this area.

The application of this Policy over the four parent lots will seek to avoid the construction of up to 8 double crossovers to Jenkins Road over the two parent lots if redeveloped in accordance with the newly adopted and higher R60 coding.

The majority of submissions received during the advertising period of LPS 3 discussed concerns in relation to increased crossovers and hardstand to the street, reduction of trees and the degradation of the Nedlands green leafy suburban character due to inappropriate development and subdivision within the up coded areas. Without a local planning Policy mandating a laneway in this location the proposed development and subdivision proposals will result in a poor redevelopment precedent. The significant increase in crossovers will compromise the orderly and proper planning for this precinct and sets a poor precedent for minimisation of crossovers to the street. This does not accord with the future desired streetscape character for Doonan Road, Jenkins Avenue or Vincent Street.

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

5.0 WAPC Approval

If Council adopts this LPP, the standards in relation to Vehicle Access, Outdoor Living Areas and Landscaping will not be enforceable until such time as the Western Australian Planning Commission (WAPC) approves the LPP.

This is because under Part 7.3 of the Residential Design Codes Volume 1 these areas can only be amended is approval from the WAPC is granted.

Accordingly, once a final version is adopted by Council post advertising, the LPP will be referred to the WAPC in order to seek their approval for provisions related to Vehicle Access, Outdoor Living Areas and Landscaping. This report, together with Council's resolution on the report, will also be referred to the WAPC.

6.0 Modifications to the Policy

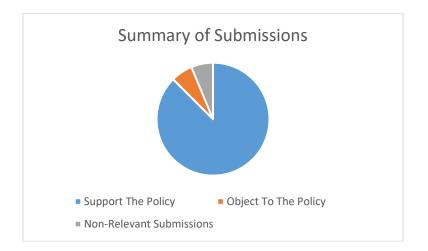
- Addition of objective 3.9 'ensure future development respects the existing context of the locality and the objectives of the Safe Active Streets Program.
- Addition of tree replacement requirements to clause 4.1.7 'Where a tree dies within the two-year establishment period, the tree shall be replaced at the relevant landowner's cost.'

 Addition of 4.3 'Variation to this Policy' which outlines the requirements of applicants and the City in considering variations to the Policy.

7.0 Consultation

In line with Council's January 2020 resolution, the Policy was advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015 (P&D Regs.2015) and the City's Consultation LPP from 15 February 2020 till 7 March 2020. A notice was published in the newspaper, and details were included on the City's website and the Your Voice engagement portal. The four affected landowners have been notified of this report and were sent a letter during the advertising of this Policy notifying them.

During the advertising period the City received a total of 64 Submissions, a few of these which had been submitted on the wrong Policy or were duplicates. These are summarised and have been responded to in the Summary of Submissions included at Attachment 3. Council is also provided with full copies of all original submissions. The majority of submissions showed support for the Policy in relation to reducing the number of crossovers especially on Jenkins Avenue believing that this would enhance and protect the amenity and streetscapes of the area. A graphical summary of submissions has been included below:



8.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

Administration recommends that Council resolves to proceed with the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements. LPP with modifications as shown in Attachment 2.

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

City of Nedlands Local Planning Scheme No. 3

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

Clause 32.3

Ceding of rights-of-way and laneway widening.

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

9.0 Conclusion

The Doonan Road Laneway and Built Form Requirements LPP is the preferred mechanism to provide for the enforcement of Clause 32.3 in the City's Local Planning Scheme No. 3 to create a laneway through the properties at 16 and 18 Doonan Road and 19 and 21 Vincent Street Nedlands. The main outputs of the PPolicy are to minimise the number of crossovers to the street and to encourage built form provisions that will provide for a laneway which has the appearance of a Nedlands local street rather than a blank wall of garages. Without a local planning Policy, the City will lack the mechanism to enforce the provision of a laneway to service the subject sites and therefore will have no mechanism to limit 5 or 6 crossovers being approved.

As such, it is recommended that Council endorses Administration's recommendation to adopt the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements LPP.



LOCAL PLANNING POLICY – DOONAN ROAD, JENKINS AVENUE, VINCENT STREET LANEWAY AND BUILT FORM REQUIREMENTS

1.0 PURPOSE

1.1 This Policy provides laneway requirements for the establishment of a laneway between 16 and 18 Doonan Rd, Nedlands through to the 19 and 21 Vincent St, Nedlands. The laneway will run on an east-west axis.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to subdivision applications and development applications for all new Dwellings on land abutting the Doonan Rd Laneway as shown in Figure 1, which is located North of Jenkins Ave, orientated east-west.
- 2.2 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area; the provisions of this Policy shall prevail.

3.0 OBJECTIVES

The objectives of this Policy are to:

- 3.1 provide for the ceding of land for the creation of the Doonan Rd Laneway.
- 3.2 promote and facilitate high quality urban design outcomes for redevelopment of 16 and 18 Doonan Rd, Nedlands and 19 and 21 Vincent St, Nedlands.
- 3.3 consolidate vehicle access and conceal entries from Jenkins Ave, Doonan Rd and Vincent St.
- 3.4 promote and facilitate a sustainable and attractive streetscape design which mitigates conflict between primary and secondary street access principles.
- 3.5 ensure that vehicle crossover locations do not detract from the safety and visual amenity of the street.
- 3.6 provide opportunities for passive surveillance of the street and public realm, whilst also ensuring privacy and security.
- 3.7 ensure that fencing contributes positively to the quality of the area.
- 3.8 achieve a high-quality landscape outcome that enhances the character of the streetscape and contributes to a sense of place.
- 3.9 ensure future development respects the existing context of the locality and the objectives of the Safe Active Streets Program.



4.0 POLICY MEASURES

- 4.1 Laneway Requirements
- 4.1.1 A laneway shall be provided where marked on Figure 2.
- 4.1.2 Where laneway is identified on a site, the land should be ceded free of cost and as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3.
- 4.1.3 The proposed laneway shall be ceded free of cost by the relevant landowner where development or subdivision is proposed.
- 4.1.4 Where a laneway is required, it shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to new titles (as a result of subdivision) or occupation of the new development (as a result of development approval).
- 4.1.5 Laneways shall have a width of 7m, including a 0.5m infrastructure and landscaping strip along its boundaries, to the satisfaction of the City.
- 4.1.6 Finished levels of the laneway shall be 150mm less than those of the adjoining property along the entire boundary, to the satisfaction of the City.
- 4.1.7 The required laneways shall include the installation of mature trees (species and size as specified by the City) of a minimum height of 2.4m at 3m intervals within the landscaping and servicing strip, prior to the occupation of the development and maintained by the owner of the land for a minimum of 2 years from occupation, to the satisfaction of the City. Where a tree dies within the two-year establishment period, the tree shall be replaced at the relevant landowner's cost.
- 4.1.8 The laneway shall include bollard lighting infrastructure installed within the infrastructure and servicing strip at the cost of the developer to the specification and satisfaction of the City.
- 4.2 Built Form Requirements
- 4.2.1 Vehicle access shall not be permitted from Jenkins Ave. In all circumstances

 Vehicle access is to be obtained from the laneway unless otherwise agreed to by the City.
- 4.2.2 Only one (1) crossover is permitted per lot.
- 4.2.3 All fencing addressing the secondary streets is to be visually permeable above 1.2m. (Fencing requirements for primary streets including the Laneway where this is the primary street frontage, are as per the applicable requirements under SPP 7.3 Residential Design Codes Volume 1 or 2.



4.2.4 A clearly definable pedestrian entry is to be provided and maintained from both Jenkins Ave lot frontage (where applicable) and the Laneway.

Note: Pedestrian entries cannot be via a garage door or vehicle access point.

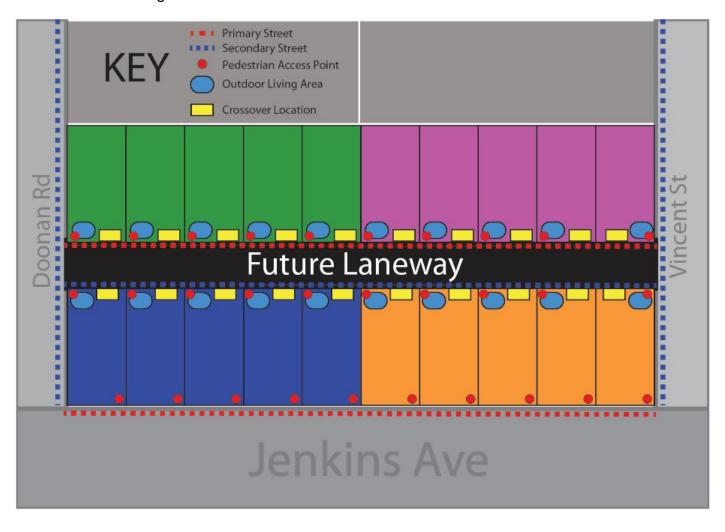
- 4.2.5 Visual surveillance to be provided from a minimum of at least one single or upper storey major opening to a habitable room to overlook the Laneway.
- 4.2.6 An outdoor living area is to be provided at the front/rear of all dwellings, abutting the rear laneway (see figure 1)
- 4.2.7 In order to support the planting of a small sized tree (4-6m at maturity), a deep root planting zone shall be provided within the lot boundary setback area adjacent to the Laneway or elsewhere on site as agreed by the City. This shall comprise of a 9m² Deep Soil Area (DSA) with a minimum width of 2 metres with indicative tree planting pot size of 100 litres, to the satisfaction of the City (see Figure 3).

4.3 Variations to this Policy

The City may consider a variation to this Policy through the lodgement of a development application. Any proposed variation to the requirements of this Policy are to be assessed against the Policy's purpose and objectives. Should applicants wish to vary any part of this Policy, applicants are to submit a statement of justification outlining why the City should consider the proposed variations, having regard to the Policy's purpose and objectives. In addition, applicants are to provide a design statement addressing the requirements of *State Planning Policy 7.0.* Applications will be assessed on an individual basis, having regard to the proposed development's typology, streetscape interface and broader regional context/implications.



4.4 Figure 1: Built Form Block Diagram





4.5 Figure 2 – Laneway Location

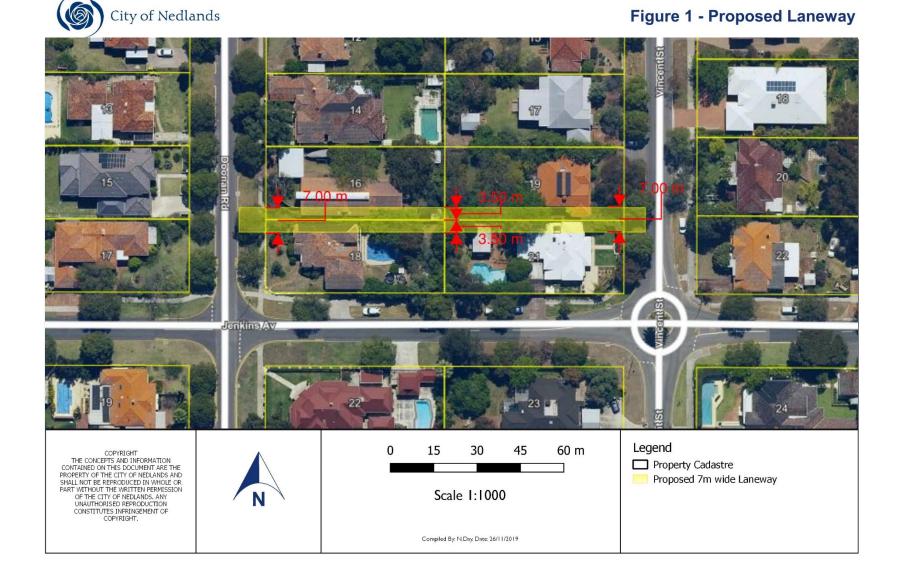
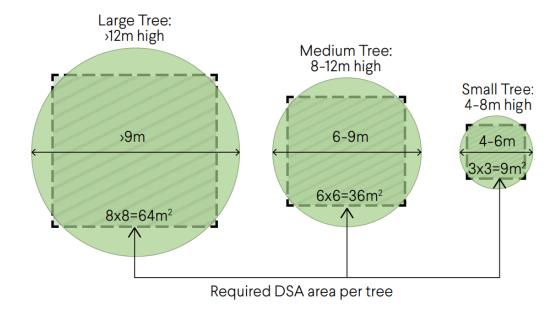




Figure 3: Tree size definitions when mature for deep soil areas



5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 5.1 All single and grouped dwellings are to submit a landscaping plan to the City for assessment and endorsement as part of a development application.
- 5.2 All development applications are to be accompanied by a landscape plan for assessment and endorsement. The landscape plan must address the required information stated in either Part 3 Accompanying information 2(o) of the State Planning Policy 7.3: Residential Design Codes Volume 1 or Appendix 5 Development application guidance of State Planning Policy 7.3: Residential Design Codes Volume 2, whichever applies.

6.0 DEFINITIONS

6.1 For this Policy the following definitions apply:

Definition	Meaning
Primary Street	As defined in figure 1.
Secondary Street	As defined in figure 1.
Pedestrian Access	An independent access point to the dwelling/lot which is not associated/integrated with vehicle access.
Habitable Room	As defined in the State Planning Policy 7.3: Residential Design Codes Volume 1





Major Opening	As defined in the State Planning Policy 7.3:
	Residential Design Codes Volume 1

7.0 RELATED LEGISLATION

- 7.1 This Policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 7.2 This Policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
 - State Planning Policy 7.3 Residential Design Codes Volume 1
 - State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments
 - Local Planning Scheme No. 3

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY – DOONAN ROAD, JENKINS AVENUE, VINCENT STREET LANEWAY AND BUILT FORM REQUIREMENTS

1.0 PURPOSE

1.1 This Policy provides laneway requirements for the establishment of a laneway between 16 and 18 Doonan Rd, Nedlands through to the 19 and 21 Vincent St, Nedlands. The laneway will run on an east-west axis.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to subdivision applications and development applications for all new Dwellings on land abutting the Doonan Rd Laneway as shown in Figure 1, which is located North of Jenkins Ave, orientated east-west.
- 2.2 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area; the provisions of this Policy shall prevail.

3.0 OBJECTIVES

The objectives of this Policy are to:

- 3.1 provide for the ceding of land for the creation of the Doonan Rd Laneway.
- 3.2 promote and facilitate high quality urban design outcomes for redevelopment of 16 and 18 Doonan Rd, Nedlands and 19 and 21 Vincent St, Nedlands.
- 3.3 consolidate vehicle access and conceal entries from Jenkins Ave, Doonan Rd and Vincent St.
- 3.4 promote and facilitate a sustainable and attractive streetscape design which mitigates conflict between primary and secondary street access principles.
- 3.5 ensure that vehicle crossover locations do not detract from the safety and visual amenity of the street.
- 3.6 provide opportunities for passive surveillance of the street and public realm, whilst also ensuring privacy and security.
- 3.7 ensure that fencing contributes positively to the quality of the area.
- 3.8 achieve a high-quality landscape outcome that enhances the character of the streetscape and contributes to a sense of place.
- 3.9 ensure future development respects the existing context of the locality and the objectives of the Safe Active Streets Program.



4.0 POLICY MEASURES

- 4.1 Laneway Requirements
- 4.1.1 A laneway shall be provided where marked on Figure 2.
- 4.1.2 Where laneway is identified on a site, the land should be ceded free of cost and as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3.
- 4.1.3 Where a laneway is required, it shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to new titles (as a result of subdivision) or occupation of the new development (as a result of development approval).
- 4.1.4 Laneways shall have a width of 7m, including a 0.5m infrastructure and landscaping strip along its boundaries, to the satisfaction of the City.
- 4.1.5 Finished levels of the laneway shall be 150mm less than those of the adjoining property along the entire boundary, to the satisfaction of the City.
- 4.1.6 The required laneways shall include the installation of mature trees (species and size as specified by the City) of a minimum height of 2.4m at 3m intervals within the landscaping and servicing strip, prior to the occupation of the development and maintained by the owner of the land for a minimum of 2 years from occupation, to the satisfaction of the City. Where a tree dies within the two-year establishment period, the tree shall be replaced at the relevant landowner's cost.
- 4.1.7 The laneway shall include lighting infrastructure installed within the infrastructure and servicing strip at the cost of the developer to the specification and satisfaction of the City.
- 4.2 Built Form Requirements
- 4.2.1 Vehicle access shall not be permitted from Jenkins Ave. Vehicle access is to be obtained from the laneway unless otherwise agreed to by the City.
- 4.2.2 Only one (1) crossover is permitted per lot.
- 4.2.3 All fencing addressing the secondary streets is to be visually permeable above 1.2m. (Fencing requirements for primary streets including the Laneway where this is the primary street frontage, are as per the applicable requirements under SPP 7.3 Residential Design Codes Volume 1 or 2.
- 4.2.4 A clearly definable pedestrian entry is to be provided and maintained from both Jenkins Ave lot frontage (where applicable) and the Laneway.

Note: Pedestrian entries cannot be via a garage door or vehicle access point.



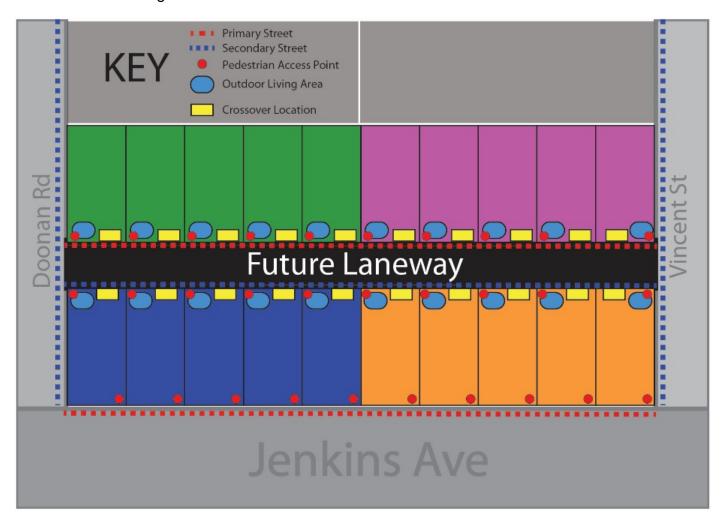
- 4.2.5 Visual surveillance to be provided from a minimum of at least one single or upper storey major opening to a habitable room to overlook the Laneway.
- 4.2.6 An outdoor living area is to be provided at the front/rear of all dwellings, abutting the rear laneway (see figure 1)
- 4.2.7 In order to support the planting of a small sized tree (4-6m at maturity), a deep root planting zone shall be provided within the lot boundary setback area adjacent to the Laneway or elsewhere on site as agreed by the City. This shall comprise of a 9m² Deep Soil Area (DSA) with a minimum width of 2 metres with indicative tree planting pot size of 100 litres, to the satisfaction of the City (see Figure 3).

4.3 Variations to this Policy

The City may consider a variation to this Policy through the lodgement of a development application. Any proposed variation to the requirements of this Policy are to be assessed against the Policy's purpose and objectives. Should applicants wish to vary any part of this Policy, applicants are to submit a statement of justification outlining why the City should consider the proposed variations, having regard to the Policy's purpose and objectives. In addition, applicants are to provide a design statement addressing the requirements of *State Planning Policy 7.0.* Applications will be assessed on an individual basis, having regard to the proposed development's typology, streetscape interface and broader regional context/implications.



4.4 Figure 1: Built Form Block Diagram





4.5 Figure 2 – Laneway Location

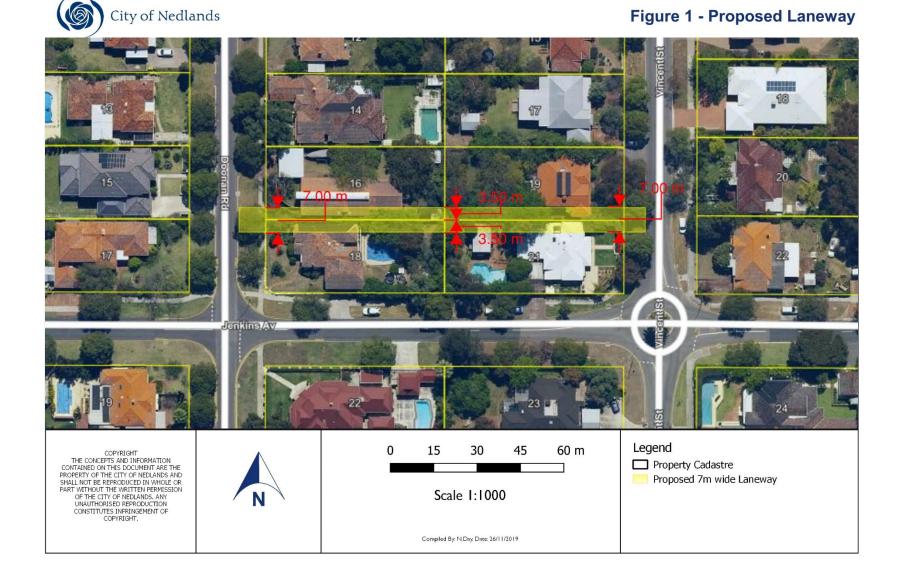
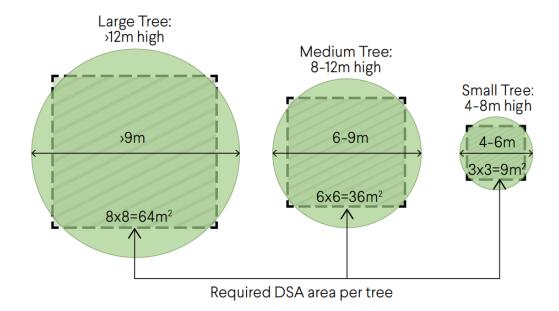




Figure 3: Tree size definitions when mature for deep soil areas



5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

5.1 All development applications are to be accompanied by a landscape plan for assessment and endorsement. The landscape plan must address the required information stated in either Part 3 – Accompanying information 2(o) of the State Planning Policy 7.3: Residential Design Codes Volume 1 or Appendix 5 – Development application guidance of State Planning Policy 7.3: Residential Design Codes Volume 2, whichever applies.

6.0 DEFINITIONS

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Definition	Meaning
Primary Street	As defined in figure 1.
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Habitable Room	As defined in the State Planning Policy 7.3: Residential Design Codes Volume 1
Major Opening	As defined in the State Planning Policy 7.3: Residential Design Codes Volume 1



7.0 RELATED LEGISLATION

- 7.1 This Policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 7.2 This Policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
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 - State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments
 - Local Planning Scheme No. 3

Council Resolution Number	PDX.XX
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PD12.20 - Attachment 3 Schedule of Submissions

No.	Name and Address of Submitter	Are they within a 400m radius?	Is it Proforma from Community Website	•	Response and recommendation	
1	Mark Burns Regent Rise Affected address – 93 Waratah Avenue	No	No	a) Submission is based on Waratah Avenue Laneway Policy	a) Noted not relevant to this policy.	
2	Element Level 18, 191 St Georges Terrace	No	No	a) Submission in relation to the Design Review Panel Policy.	a) Noted not relevant to this policy.	
3	Andrew Edwards 14 Doonan Road, Nedlands	Yes	No	a) Close proximity resident who is full support.	a) Noted.	
4	Mandy Edwards 14 Doonan Road, Nedlands	Yes	No	a) I support the planning policy as I think it will greatly assist in achieving more measured and responsible development on the sites involved.	a) Noted.	
5	Tom Warner 29 Mountjoy Road, Nedlands	Yes	Yes	 a) Support the LPP and its objectives. b) Support the policy because it will mean that there will not be 4-5 crossovers to Jenkins Avenue. c) Jenkins Avenue is part of the Bike Boulevard. Increasing the number of driveways and crossovers on Jenkins Avenue is unsafe and contradicts the aim of bike boulevard i.e. safe cycling for all. d) Removal of trees in the verge would occur if there were more crossovers. 	 a) Noted. b) Noted. c) The City is aware that the Safe Active Streets program is set on Jenkins Avenue and is liaising with Technical Services. d) Proposals for tree removal in the verge would still be required to seek approval from the City. e) A Nature Strip Works Application would still be required for works within 	

				f) The loss of trees on the verge from	the verge. This point is
				multiple crossovers would impact the	noted.
				microclimate and canopy cover	f) Noted.
				negatively creating a hot spot.	g) Noted. Each subdivision
				g) If the developers achieve their goal of no	application is determined
				laneway, it will set a precedent for all	by the Department of
				other re-zoned corner blocks. If this were	Planning and not the City
				to happen, it would create a mass of	therefore the City is having
				driveways intersecting onto streets that	discussions with the
				previously had one driveway per 900m2 /	Department on how the
				¼ acre block.	City's Policy can be
					effective at subdivision
					stage.
6	Bev Stewart	No	Yes	Same as submission 5.	Same as submission 5.
	39 Watkins				
	Road, Dalkeith				
7	James Stewart,	No	Yes	Same as submission 5.	Same as submission 5.
	39 Watkins				
	Road, Dalkeith				
8	Tom Warner	Yes	Yes	Same as submission 5.	Same as submission 5.
	29 Mountjoy				
	Road,				
	Nedlands				
9	Gaynor Ott	No	Yes	Same as submission 5.	Same as submission 5.
	2 Boronia				
	Avenue,				
10	Nedlands Julian	No	Yes	Same as submission 5.	Same as submission 5.
10	Goldsworthy	INU	162	Same as submission 5.	Same as submission 5.
	8 Archdeacon				
	Street, Nedlands				
11	Emma Rose	Yes	No	a) Support the policy.	a) Noted.
11	Lillia KOSE	163	INU	a) Support the policy.	a) Noteu.

	21 Mountjoy Road, Nedlands			 b) Driveways should be minimised to Jenkins as it is due to become a bike boulevard. c) Vincent Street is already busy the laneway will remove some of this. d) Street trees need to be protected. 	 b) The City is aware that the Safe Active Streets program is set on Jenkins Avenue and is liaising with Technical Services. c) Noted. d) Proposals for tree removal in the verge would still be required to seek approval from the City.
12	Catie Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
13	Thomas Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
14	James Natt 2 Archdeacon Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
15	Hilaire Natt 2 Archdeacon Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
16	Joshua Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
17	Ian Love 70 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
18	Dianne Allan 4b Alexander Road, Dalkeith	No	No	a) Submission in relation to the Design Review Panel Policy.	a) Noted not relevant to this policy.
19	Simon Edis	No	Yes	Same as submission 5.	Same as submission 5.

	72 Kingsway,				
	Nedlands				
20	Jenny Edis	No	Yes	Same as submission 5.	Same as submission 5.
	72 Kingsway,				
	Nedlands				
21	Andrew Edis	No	Yes	Same as submission 5.	Same as submission 5.
	72 Kingsway,				
	Nedlands				
22	Jack Edis	No	Yes	Same as submission 5.	Same as submission 5.
	72 Kingsway,				
	Nedlands				
23	Katelyn Edis	No	Yes	Same as submission 5.	Same as submission 5.
	4/152 Broadway,				
24	Nedlands	N	. W	Comment had to 5	Communication 5
24	Brock Keymer	No	Yes	Same as submission 5.	Same as submission 5.
	4/152 Broadway, Nedlands				
25	Danielle Wright	No	Yes	Same as submission 5.	Same as submission 5.
25	60 Kingsway,	NO	162	Same as submission 5.	Same as submission 5.
	Nedlands				
26	Matthew Wright	No	Yes	Same as submission 5.	Same as submission 5.
	60 Kingsway,	110	163	Same as sasmission s.	Same as saminasion s.
	Nedlands				
27	Paul Sharman	No	Yes	Same as submission 5.	Same as submission 5.
	37 Boronia				
	Avenue,				
	Nedlands				
28	Katrina Sharman	No	Yes	Same as submission 5.	Same as submission 5.
	37 Boronia				
	Avenue,				
	Nedlands				
29	Peter Robins	No	Yes	Same as submission 5.	Same as submission 5.

30	10 Edwards Street, Nedlands Sam Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
31	Joan Robins 12 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
32	Sue Skull 13 Tyrell Street, Nedlands	No	Yes	 a) Same as submission 5 b) Cumulative effects of these developments on traffic. c) Cumulative effects of these developments on significant decrease in green canopy. d) Cumulative effects of these developments on the amenity for all residents who in general opposed LPS 3 	a) Same as submission 5
33	Rowe Group Behalf of 21 Vincent Street	Yes	No	 a) Requirements to consider the topographic change across the subject sites. b) Laneway proposal would not permit the services of commercial vehicles or waste collection. c) No Frontage to the rear (northern) lots provided. d) Raises the issue of 'underdevelopment' of lots (subdivision into 2-3 lots in lieu of 4-5) e) How does the Policy relate to multiple dwellings? f) Interface to Vincent/Doonan Rd frontages. 	 a) Laneway design requirements have been referred through to Technical Services and received preliminary support. b) Technical Services support waste collection and servicing from the proposed future laneway. c) Northern/rear lots to obtain frontage to the future laneway, which will be a fully serviced street. d) Laneway ceding can be facilitated for

	g)	May result in reduced interaction with		underdeveloped sites
	87	Jenkins Ave from new dwellings.		without issue.
	h)	•	e)	Multiple dwelling
	'''	value anticipated as a result of laneway	٠,	development proposals
		ceding and design requirements. Possible		can obtain access from
		inability to fully capitalise on the R60		the future laneway
		coding.		without issue.
	i)	Inequity of fragmented ownership and	f)	Noted – active frontage to
	''	implications should only one landowner	٠,	Vincent St and Doonan Rd
		elect to redevelop.		required through LPP.
	l i)	Potential for antisocial behaviour within	g)	All dwellings required to
	"	the laneway.	ы	appropriately address
	k)	Reduced potential for community		Jenkins Ave through LPP.
	"'	interaction with access being obtained	h)	Policy permits future
		from the laneway.	,	development potential to
	1)	Significantly reduced revenue from		be achieved through open
	,	development would be likely, resulting in		space and plot ratio
		poorer design outcomes and potentially		calculations based on the
		making redevelopment unviable.		original parent lot area.
	m)	Laneway development would result in an	i)	Each portion of the
	,	additional 500-700m ² of concrete and in	٠,	laneway has been
		increased heat island effect.		designed to allow for
		moreasea meat islama emeda.		suitable independent
				vehicle access for the lot.
				Should the laneway not
				be fully constructed, each
				lot can operate with
				independent access
				arrangements.
			j)	Laneway LPP mandates
			"	passive surveillance of the
				future laneway including
				visually permeable fencing
L				visually permeable rending

	1	1	1		1
					and habitable room
					overlooking.
					k) The laneway will
					eventually become a fully
					services, public street,
					facilitating community
					interaction and an active
					street frontage. The
					Laneway LPP mandates
					pedestrian access and a
					responsive frontage
					addressing Jenkins Ave.
					l) Noted.
					m) Laneway LPP mandates
					landscaping of the future
					laneway and the provision
					of deep root zones within
					the lot.
34	David Lord	No	Yes	Same as submission 5.	Same as submission 5.
	21 Alexander				
	Road, Dalkeith				
35	Jan Lord	No	Yes	Same as submission 5.	Same as submission 5.
	21 Alexander				
	Road, Dalkeith				
36	Marguerite	No	Yes	Same as submission 5.	Same as submission 5.
	Sharman				
	37 Boronia				
	Avenue,				
	Nedlands				
37	Deborah	No	No	a) Support the policy	a) Noted
	Singleton				
	24 Hillway,				
	Nedlands				

38	Ian Singleton 24 Hillway, Nedlands	No	No	a) Support the policy	a) Noted
39	Adrienne Dukes 15 Vincent Street, Nedlands	Yes	No	a) Support the Policy b) Stop concrete crossovers which result in the destruction of streetscapes and increased heat. c) Safety hazard Jenkins Avenue Cycle Path d) Save the trees. e) Set a good planning precedent.	c) The City is aware that the Safe Active Streets
40	Josephine Ferguson-Allen 13 Doonan Road, Nedlands	Yes	Yes	Same as submission 5.	Same as submission 5.
41	Jody Leanne 27 Louise Street, Nedlands	Yes	Yes	Same as submission 5.	Same as submission 5.
42	Anne Love	No	Yes	Same as submission 5.	Same as submission 5.

43	70 Kingsway, Nedlands Katie Bourke 14 Loftus Street, Nedlands Harvey Salter 27 Louise Street,	No Yes	Yes	Same as submission 5. Same as submission 5.	Same as submission 5. Same as submission 5.
45	Nedlands Taylor Burrell Barnett On Behalf of 18 Doonan Road, Nedlands	Yes	No	 a) Need to consider alternative solutions to the minimisation of vehicle crossovers. b) Need to consider the broader strategic implications of the proposed LPP. c) Need to consider broader costs and resource implications of replicating the proposed LPP throughout the City. d) The City should obtain legal advice as to the legality of the Laneway proposal and LPP. e) The LPP relies upon the all applicant's developing the subject site's in the same manner as indicated on the LPP. f) This policy would affect other decision makers, outside of the City of Nedlands. g) The policy relies upon redevelopment of all impacted parties which is not guaranteed. h) The City has not produced engineering drawings of the proposed laneway. i) Vehicle access arrangements and the 	 a) Noted. b) Strategic plan being investigated, outlying future laneway locations across Nedlands and the Jenkins Ave precinct. c) Noted. Resource and costing requirements being investigated in association with Technical Services. d) The City has sought legal advice in this regard. The City is also pursuing two (2) Scheme Amendments to require consolidated access and clarify the City's powers relating to laneway ceding and widening. e) The LPP outlines 'deemed
				relevant Australian Standards will require garages to be setback significantly within the lot to accommodate the grade difference requirement.	to comply' (DTC) development outcomes only. Requirements outlined within the DTC

	 j) The required vehicle access arrangements will contribute to significant volumes of hardstand addressing the laneway. k) Waste collection will be required to be services from Jenkins Ave, until such time the laneway is fully constructed. l) The presence of a laneway will make the lots too narrow to accommodate a viable grouped dwelling design, driving up costs and reducing the attractiveness of the product to the market. m) Provision of outdoor living areas will be compromised on the ground floor. n) The City should investigate a scheme amendment which covers the entire City rather than pursue multiple LPPs. o) Subdivision approval has been granted by the WAPC creating 5 lots. 	can be varied through the lodgement of a Development Application and negotiation with the City. f) Once adopted, all decision makers will be required to give due regard to the requirements of any relevant LPP. The weighting of this regard will increase as a result of the proposed Scheme Amendments. g) The proposed portions of land required for laneway ceding have been designed so as to have the capacity to operate as an independent access leg, should surrounding landowners choose not to redevelop.
		independent access leg, should surrounding landowners choose not to
		currently being investigated and produced by the City to support the proposed LPP. Preliminary support has been indicted by the City's Technical Services

		i)	Noted. Engineering
			drawings and laneway
			specifications currently
			being drafted/reviewed
			by Technical Services.
		j)	Hardstand areas are not
			supported by the City
			addressing Jenkins Ave,
			which is currently
			undergoing works as part
			of the Department of
			Transport's Safe Active
			Streets Program.
			Landscaping of the
			proposed laneway is
			mandated through the
			LPP to help mitigate the
			impact of hardscape
			areas.
		k)	Waste servicing
		,	arrangements can be
			conducted from Doonan
			Rd and Jenkins Ave until
			such time the laneway is
			fully constructed, sealed
			and drained. Hardstand
			areas are not mandated
			as a requirement for
			waste collection points on
			a verge.
		I)	Noted.
		•	Upper storey outdoor
		,	living areas can be
	<u>l</u>		

					provided in conjunction with ground floor outdoor living areas to facilitate high quality private open space and amenity value for future homeowners. n) The City is pursuing a scheme amendment which requires consolidated access. o) The City has the ability to requiring the ceding of land as a condition of development approval. Conditions of subdivision have not yet been cleared. Attempt at subdivision clearance propose vehicle access from Jenkins Ave, which is not supported by the City of the LPP.
46	Andrew Bell 79 Archdeacon Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
47	Martin Stewart 34 Louise Street, Nedlands	Yes	Yes	Same as submission 5.	Same as submission 5.
48	Peter Coghlan 37 Bulimba Road, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
49	Rebecca Coghlan 37 Bulimba Road, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.

50	Jennifer Lord 37 Thomas Street, Nedlands	No	No	 a) Need to consider amenity and environment when assessing proposals b) No development should occur on Jenkins that will result in tree loss and unsafe crossovers. c) Laneway must be the most feasible option for the above. 	 a) Amenity if a factor when accessing development applications through several elements of the residential design codes. Subdivision however is not approved nor assessed by the City we are only a referral agency. b) Crossovers are permitted to Jenkins Avenue which has always been the case. That being said it is the number of crossovers to Jenkins Avenue which the City believes to be an undesired streetscape outcome. Proposals for tree removal in the verge would still be required to seek approval from the City. c) Noted.
51	Peter Coghlan 37 Bulimba Road, Nedlands	No	Yes	Duplication of submission 48.	Refer to submission 48.
52	Element L18, 191 St George's Terrace, Perth	No	No	 a) The requirements for consolidated access are already outlined within State Planning Policy 7.3 Residential Design Codes Volume 1. b) Consolidation of vehicle access should be mandated by a Scheme, not LPPs. 	a) The City cannot refuse a crossover to a freehold/survey strata lot one this has received subdivision approval and Titles have been issued.

	c)	The use of a laneway to achieve the	b)	Consolidated access is
		desired consolidated access outcome		being pursued by the
		is unclear.		City by means of a
	-	The ongoing maintenance costs of		scheme amendment.
		the proposed laneway represent a		However, this likely
		considerable ongoing cost to the City.		will not be
	e)	The City should undertake detailed		adopted/endorsed by
		design investigations into the		the WAPC prior to the
		laneway.		lodgement of several
	f)	The laneway will likely not be		development
		produced at the same time due to		applications,
		fragmented land holdings.		proposing
	g)	The proposed policy discourages		independent vehicle
		amalgamation.		access.
	h)	What research has been conducted	c)	A laneway design
		surrounding the feasibility and		solution was chosen
		viability of a laneway in this location?		to minimise vehicle
	i)	The implementation of a laneway		crossover
		should occur at the subdivision stage,		arrangements
		not the development application		addressing Jenkins
		phase.		Ave, part of the
	j)	The policy would require		Department of
		endorsement by the WAPC due to		Transport's Safe
		modification of the R-Codes.		Active Streets
	k)	Built form provisions should be		Program, with the
		reconsidered/reworded to better		goal of reducing
		reflect their intent.		conflict and interface
				points between
				various transport
				methods.
			d)	Noted.
			e)	The City's Technical
				Services Department

	is currently reviewing
	the laneway's design.
f)	The ceding of a 3.5m
	strip of land will allow
	each lot to obtain
	access (much like a
	conventional dog leg)
	until such time the
	laneway is fully ceded.
g)	The City has the
	capacity to vary the
	Policy's requirements
	based upon design
	responses to a site's
	individual context and
	development
	typology. The City
	cannot force
	amalgamation.
h)	The City is pursuing
	traffic modelling
	regarding the
	implications of
	increased vehicular
	traffic within the City
	in addition to
	engineering reviews
	of the implementation
	of the proposed
	laneway.
i)	The City does not
	control subdivision,
	however, has the
	h)

					power under the Scheme to require the Ceding of land with the lodgement of a development application. j) Should the policy be adopted by Council, the policy shall be referred to the WAPC for endorsement. k) Noted.
53	Tom McVee 24 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
54	Lin McVee 24 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
55	Hock Lai Ong 15 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
56	Liew Ing Ong 15 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
57	ATRIO Property Group 16 Hardy Street, South Perth	No	No	 a) Larger developers are likely to put forward better design outcomes through amalgamated lots. Laneway creation completely stops this ability and delivers a substandard ultimate product in our opinion. b) It is unreasonable to expect all lots will develop at the same time. How will the 	a) The City believes that good design outcomes can be achieved with a laneway for both grouped and multiple dwellings. The proposals that the City currently has in relation to these corner lots are for 5 green title blocks with separate

	City manage traffic flow and configurations in the meantime? c) Who will maintain the laneway going forward, lighting, road, landscaping? d) All landowners effected by this property will see their property value decrease due to this policy. e) No supporting research by the City has shown that laneways are the best outcome. f) Laneways create antisocial behaviour. g) Supportive of the City's efforts to consolidate access. Although do not believe that the currently policy is the best way to achieve this.	driveways without this policy these developments will approved and create what the City believes is a worse outcome of 5 crossovers to a street. b) The laneway proposed has been designed to be 3.5m per parent lot providing adequate space for the laneway to preform as a driveway in the interim whilst not all parcels have been developed. c) The ceding and construction of the laneway to the City's standards will be funded by the developer. After this the laneway will be considered the City's asset the same as any other laneway or gazetted road and the maintenance of the laneway will be done by the City. d) Property values are not a planning consideration.
		laneway will be done by the
		a short amount of time to combat current applications. The City is currently working on a

					Laneway Strategy to discuss the benefits of these laneways. Reasons why a laneway is a better planning outcome over multiple crossovers can be shown in the Council Report at present. f) The City has designed the laneways inline with the Crime Prevention by Design methods in mind. Landscaping and lighting have been mandated to discourage this. One row of properties will also have the laneway as their primary frontage increasing surveillance onto the laneway. g) Noted.
58	Ian Singleton 24 Hillway, Nedlands SECOND SUBMISSION	No	No	Submission made in relation Broadway Interim Policy.	Submission made in relation Broadway Interim Policy.
59	Jane Elizabeth Storey 104 Thomas Street, Nedlands	No	No	 a) Support the LPP and its objectives. b) Support the policy because it will mean that there will not be 4-5 crossovers to Jenkins Avenue. c) Jenkins Avenue is part of the Bike Boulevard. Increasing the number of driveways and crossovers on Jenkins 	 a) Noted. b) Noted. c) The City is aware that the Safe Active Streets program is set on Jenkins Avenue and is liaising with Technical Services.

60	Jane Elizabeth Storey 104 Thomas Street, Nedlands SECOND SUBMISSION	No	No	Avenue is unsafe and contradicts the aim of bike boulevard i.e. safe cycling for all. d) Removal of trees in the verge would occur if there were more crossovers. e) The loss of trees on the verge from multiple crossovers would impact the microclimate and canopy cover negatively creating a hot spot. f) If the developers achieve their goal of no laneway, it will set a precedent for all other re-zoned corner blocks. If this were to happen, it would create a mass of driveways intersecting onto streets that previously had one driveway per 900m2 / ½ acre block. Same as submission 59.	d) Proposals for tree removal in the verge would still be required to seek approval from the City. e) . Noted. f) Noted. Each subdivision application is determined by the Department of Planning and not the City therefore the City is having discussions with the Department on how the City's Policy can be effective at subdivision stage. Same as submission 59.
61	William McCleary 7 Hillway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
62	Sharon McCleary 7 Hillway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
63	Tom McVee 24 Kingsway, Nedlands SECOND SUBMISSION	No	Yes	Same as submission 5.	Same as submission 5.

64	Clive McIntyre	Yes	No	a)	Is it possible for the Council to cede 1m of	a)	The City may consider
	19 Vincent				the verge of Jenkins Avenue to each of No		ceding a portion of land as
	Street, Nedlands				18 Doonan Road and No 21 Vincent		part of negotiation with an
					Street? These two properties then Cede		application with the
					4.5m in place of the 3.5m to form the		lodgement of a
					laneway. This will mean that there is		development application.
					enough space for the temporary laneway	b)	Noted.
					to be 4m wide with a half meter planting	c)	Noted. Technical Services
					strip. When Nos 16 Doonan and 19		currently preparing
					Vincent subdivide and cede their 3.5m		laneway design
					there is enough space to have an extra 1m		investigations.
					of verge for planting significant street		
					trees and for rubbish bins to be put out		
					for collection on the northern side of the		
					proposed laneway. On No 19 Vincent		
					Street there are two significant trees		
					which could be maintained in a wider		
					nature strip with some laneway parking		
					beyond the trees.		
				b)	Change in code should be taken into		
					account in clause 5.4.2 Solar access for		
					adjoining sites in the Residential Design		
					Codes Volume 1. Wants to modify the R-		
					codes to add requirements to the design		
					principles. Also wishes to amend the		
					deemed to comply provisions.		
				c)	It looks as if the 3m spacing of trees may		
					need to be interrupted to allow vehicle		
					access to the sites.		

PD13.20	Local Planning Scheme 3 – Local Planning Policy:				
	Taylor Road - Dalkeith Road Laneway and Built				
	Form Requirements				

Committee	14 April 2020
Council	28 April 2020
Director	Peter Mickleson – Director Planning & Development
Employee	
Disclosure	
under section	Nil
5.70 Local	INII
Government	
Act 1995	
Reference	Nil
Previous Item	Nil.
	1. Draft Taylor Rd to Dalkeith Road and Built Form
Attachmenta	Requirements Local Planning Policy (LPP)
Attachments	1. Plans of Subdivision proposals addressing Jenkins Ave
	(CONFIDENTIAL)

1.0 Executive Summary

The purpose of this report is for Council to prepare and adopt for advertising the Taylor Road – Dalkeith Road Laneway and Built Form Requirements Local Planning Policy required under Local Planning Scheme 3 (LPS 3).

This policy details the requirements relating to the ceding of private land and creation of an east-west laneway between Taylor Road to Dalkeith Road, running parallel to the north of Jenkins Avenue. It also outlines the built form requirements for properties abutting the proposed laneway.

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

The aim of the policy is to protect and maintain the existing landscaped and tree lined streetscapes, whilst minimising the extent of crossovers, driveways and hardstands along Jenkins Avenue.

2.0 Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Taylor Road – Dalkeith Road Laneway and Built Form Requirements Local Planning Policy.

3.0 Background

The properties to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road (shown on Figure 1 below) have been up-coded to a density of R60 under the

City's currently adopted Local Planning Scheme No. 3 (LPS3). This allows the properties to develop approximately 6 grouped dwellings (townhouses) at 2 storey height limits or approximately 6-10 multiple dwellings (apartments) over a 3-storey height limit.

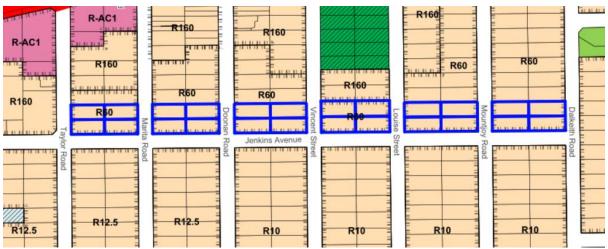


Figure 1: Properties to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road.

Within the City's new Local Planning Scheme No. 3 (LPS3), clause 32.3 allows the City to require that a developer create a laneway and cede and construct that laneway at the developer's cost for the purpose of creating rights of way or laneways which are identified by the scheme or, a structure plan, local development plan, activity centre plan or Local Planning Policy at the time of the owner developing or subdividing the land. Therefore, if Council chooses to adopt this policy, the City will have the head of power under clause 32.3 of LPS 3 to acquire the land and require landowner(s) and/or developer(s) to construct the laneway to the City's specifications at the time of subdivision or significant redevelopment.

The City has received three (3) subdivisions, each proposing a total of five (5) lots, creating a total of fifteen (15) newly subdivided lots which all obtain vehicle access from Jenkins Avenue. Significant concerns were raised by Administration due to the likely subsequent streetscape impact on Jenkins Avenue.

Note: A full copy of all relevant subdivision plans received by the City has been given to Councillors prior to the Council Meeting.

The properties to the North of Jenkins Avenue have a higher density code through the adoption of LPS 3. As shown in the map above, the properties North of Jenkins Avenue, between Taylor Road and Dalkeith Road have a density code of R60 and greater. On the other hand, the properties to the South of Jenkins Avenue between Taylor Road and Dalkeith Road have a density code of R12.5 and lower.

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

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

4.0 Detail

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

The graphic below (Figure 2) indicates the proposed laneway location, marked by a red dashed line. The properties outlined in blue are affected by this policy and will be required to cede land at the time of subdivision or significant redevelopment. (significant redevelopment includes demolition, construction of a new single house, creation of grouped or multiple dwellings or other development outlined by the City of Nedlands.)

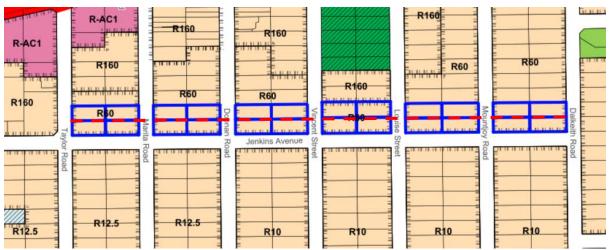


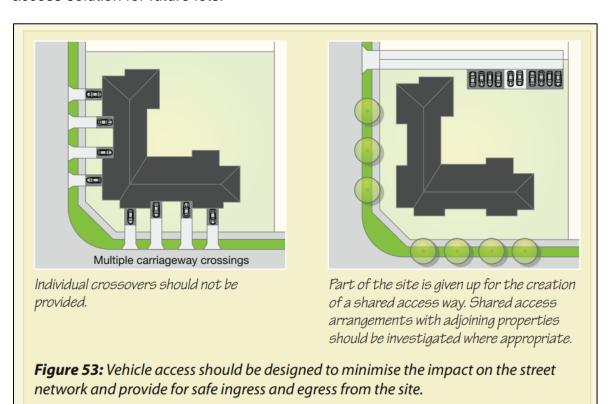
Figure 2: Proposed laneway location for properties to the north of Jenkins Avenue, between Taylor Road and Dalkeith Road.

The benefits of a laneway servicing the abovementioned properties is not only the minimisation of crossovers to Jenkins Avenue and the streets perpendicular to Jenkins Avenue. The Policy will also unlock the potential for the properties to the north of the laneway, which are currently land locked, to be developed as street fronted lots and in many instances as freehold titled lots. Without the designated laneway, where more than two lots side-by-side are sought, these lots can only be subdivided as survey strata lots with a common property driveway (battle-axe configuration) or a maximum of two street frontage freehold green title lots.

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

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

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



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

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

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

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

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

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

Without this policy in place, the City lacks the ability to apply LPS 3 clause 32.3 mandating the ceding of land for the creation of a laneway. If the properties were subdivided first, as has been the case on lots such as at 18 Doonan Road, the application would be determined by the West Australian Planning Commission (WAPC) and not the City. It is understood that the WAPC's position is that the City can deal with multiple crossovers at the development application stage. However, once new lots area created through the subdivision process, the City may be unable to refuse access to each lot and multiple crossovers will likely be built. It is also unlikely that were a future subdivision application lodged, the WAPC would impose a future condition requiring the preparation of a Local Development Plan (LDP) to alternatively control and guide future development. The City has previously tried to negotiate the requirement for an LDP; however, this approach was not supported by the Commission. The lack of alternative comprehensive planning tools creates challenges for the City to achieve a holistic, long term planning approach.

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

The current local planning framework is evolving and unresolved. Any purchase of properties within the density transition areas cannot solely rely on LPS3 as a guaranteed development pathway as the City is currently formulating localised planning policy responses to better augment the R-Codes to suit City of Nedlands, it's localised streetscape, desired future character and best practice urban design for this area.

In this circumstance, the proposed subdivisions and subsequent redevelopments of properties to the north of Jenkins Ave have the capacity to create 60, double crossovers (a total possible width of 360m) where there are currently 12. The application of this policy will seek to avoid the construction of 60 double crossovers to Jenkins Ave.

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

If this policy is adopted for advertising, as per the Administration's recommendation, it can be given due regard during the assessment of development applications and subdivision referrals. It is envisaged that this process will be repeated for other corner redevelopment lots within the density transition up-coded areas applicable under LPS 3 and that through future precinct planning processes, a series of new laneways will be identified and established through local planning policies. A future goal for the City would also be to investigate the possibility of these laneways being used for waste and other services to remove vehicle movements from the main streets.

5.0 WAPC Approval

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

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

6.0 Consultation

If Council resolves to prepare the draft LPP, it will be advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015 (P&D Regs.2015) and the

City's Consultation of Planning Proposals LPP. This will include a notice being published in the newspaper, details being included on the City's website and the Your Voice engagement portal.

The affected landowners and occupiers of this LPP will be consulted during the advertising of this policy.

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

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

7.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

City of Nedlands Local Planning Scheme No. 3

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

Clause 32.3

Ceding of rights-of-way and laneway widening.

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

8.0 Conclusion

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

The primary purposes of the policy are to minimise the number of crossovers to the street and to encourage built form provisions that will provide for a laneway which has the appearance of a Nedlands local street rather than a blank wall of garages and multiple crossovers along Jenkins Avenue.

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

As such, it is recommended that Council endorses Administration's recommendation to prepare (adopt to advertise) the Taylor Road to Dalkeith Road Laneway and Built Form Requirements LPP.



LOCAL PLANNING POLICY – TAYLOR RD TO DALKEITH RD LANEWAY AND BUILT FORM REQUIREMENTS

1.0 PURPOSE

1.1 This policy provides laneway requirements for the establishment of an eastwest laneway between Taylor Rd and Dalkeith Rd, Nedlands parallel to Jenkins Street.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to subdivision applications and development applications for Single, Grouped and Multiple Dwellings on properties to the North of Jenkins Ave, between Taylor Rd and Dalkeith Rd (Please see Figure 2).
- 2.2 Where this policy is inconsistent with the provisions of a Local Planning Policy or Local Development Plan that applies to a specific site or area, the provisions of that policy shall prevail.

3.0 OBJECTIVES

The objectives of this policy are:

- 3.1 To provide for the ceding of land in order to create the Taylor Rd Dalkeith Rd Laneway.
- 3.2 To promote and facilitate high quality urban design outcomes for the redevelopment of properties within the Taylor Rd Dalkeith Rd redevelopment area.
- 3.3 To consolidate and conceal vehicle access from Jenkins Ave and other perpendicular streets (Taylor Rd, Marita Rd, Doonan Rd, Vincent St, Louise St, Mountjoy Rd, Dalkeith Rd)
- 3.4 To promote and facilitate a sustainable and attractive streetscape design which mitigates conflict between primary and secondary street access principles.
- 3.5 To ensure that vehicle crossover locations do not detract from the safety and visual amenity of the public realm.
- 3.6 To provide opportunities for passive surveillance of the public realm, whilst also ensuring privacy and security.
- 3.7 To ensure that fencing contributes positively to the character of the area.
- 3.8 To achieve a high-quality landscape outcome that enhances the character of the streetscape and contributes to a sense of place.

City of Nedlands

Local Planning Policy

4.0 POLICY MEASURES

- 4.1 Laneway Requirements
- 4.1.1 A laneway shall be provided where identified on Figure 2.
- 4.1.2 Where a laneway is identified on a site, the land must be ceded by the landowner free of cost and as a condition of subdivision or development approval granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3.
- 4.1.3 Where a laneway is required, it shall be constructed and drained to the specifications and satisfaction of the City of Nedlands prior to the creation of new titles (as a result of subdivision) or to occupation of the new development (as a result of development approval).
- 4.1.4 Laneways shall have a width of 7m, including a 0.5m infrastructure and landscaping strip either side of the 6m wide carriageway (see Figure 1).
- 4.1.5 Finished levels of the laneway shall be 150mm less than the adjoining properties.
- 4.1.6 Prior to the occupation of development, semi-mature trees (with a minimum height of 2.4m and species and pot size to be specified by the City) will be planted at 3m intervals within the infrastructure and landscaping strips to be maintained by the landowner for a minimum of 2 years from the date of occupation, to the satisfaction of the City. Where a tree dies within the two-year establishment period the tree shall be replaced at the relevant landowner's cost.
- 4.1.7 The laneway shall include bollard lighting infrastructure installed within the infrastructure and landscaping strip at the cost of the developer to the specification and satisfaction of the City.
- 4.2 Built Form Requirements
- 4.2.1 Vehicle access shall not be permitted from Jenkins Avenue. Vehicle access is to be obtained from the Laneway only, unless otherwise agreed to by the City.
- 4.2.2 Only one (1) crossover is permitted per lot.
- 4.2.3 For lots with dual street frontages, all fencing addressing secondary streets is to be visually permeable above 1.2m. Fencing requirements for primary streets including the Laneway where this is the primary street frontage, are as per the applicable requirements under SPP 7.3 Residential Design Codes Volume 1 or 2 and the *City of Nedlands Residential Development Policy*.
- 4.2.4 A clearly defined pedestrian entry is to be provided and maintained from both the Jenkins Avenue lot frontage (where applicable) and the Laneway.
 - Note: Pedestrian entries cannot be via a garage door or vehicle access point.

Local Planning Policy

- 4.2.5 Passive surveillance of the Laneway must be provided from at least one single or upper storey major opening to a habitable room.
- 4.2.6 An outdoor living area abutting the rear laneway is to be provided for all dwellings, generally in accordance with Figure 1 below and to the satisfaction of the City.
- 4.2.7 In order to support the planting of a small sized tree (4-6m at maturity), a deep root planting zone shall be provided within the lot boundary setback adjacent to the Laneway, or elsewhere on site to the satisfaction of the City. This deep root planting zone shall comprise a 9.0m² Deep Soil Area (DSA) with a minimum width dimension of 2 metres with indicative tree planting pot size of 100 litres, to the satisfaction of the City (see Figure 3).

Figure 1: Example Built Form Block Diagram to be Replicated Along Jenkins Ave

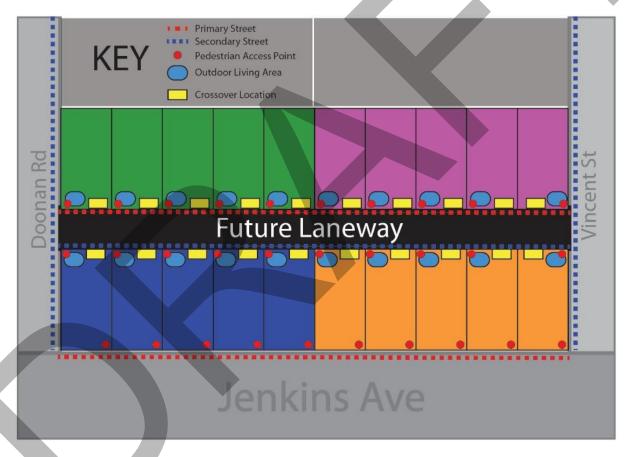
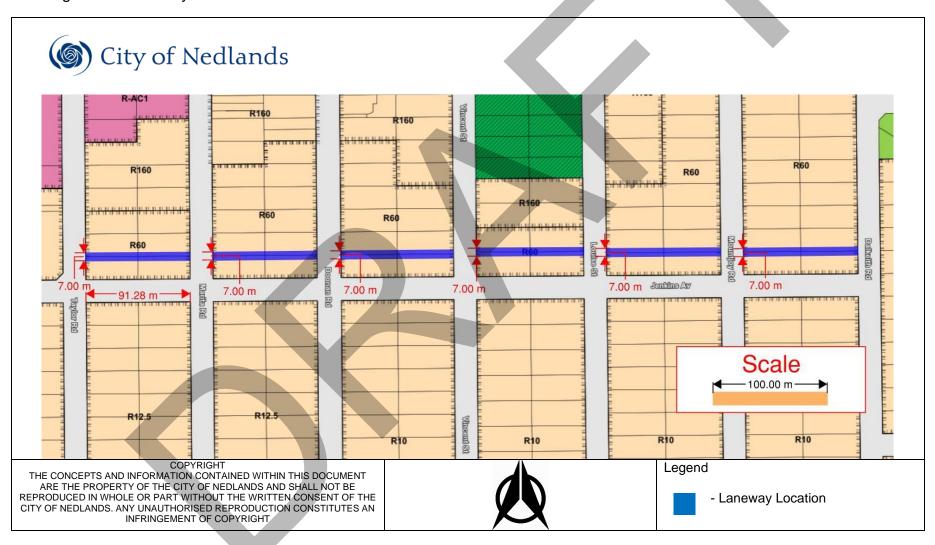


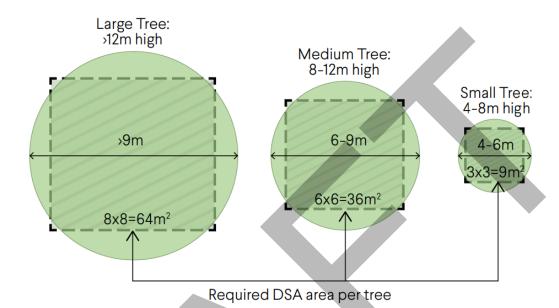


Figure 2 – Laneway Location



Local Planning Policy

Figure 3: Tree size definitions when mature for deep soil areas



5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

5.1 All development applications are to be accompanied by a landscape plan for assessment and endorsement. The landscape plan must address the required information stated in either Part 3 – Accompanying information 2(o) of the State Planning Policy 7.3: Residential Design Codes Volume 1 or Appendix 5 – Development application guidance of State Planning Policy 7.3: Residential Design Codes Volume 2, whichever applies.

6.0 **DEFINITIONS**

6.1 For this policy the following definitions apply:

Definition	Meaning	
Primary Street	As defined in Figure 1.	
Secondary Street	As defined in Figure 1.	
Pedestrian Access	An independent access point to the	
	dwelling/lot which is not	
	associated/integrated with vehicle access.	
Habitable Room	As defined in the State Planning Policy 7.3:	
	Residential Design Codes Volume 1	
Major Opening	As defined in the State Planning Policy 7.3:	
	Residential Design Codes Volume 1	

7.0 RELATED LEGISLATION

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



Local Planning Policy

- 7.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
 - State Planning Policy 7.3 Residential Design Codes Volume 1
 - State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments
 - City of Nedlands Residential Development Policy
 - Local Planning Scheme No. 3



Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

PD14.20	Scheme Amendment No. 4 – Amendment to Table			
	3 – Zoning Table- Fast Food Outlet Prohibition			

Committee	14 April 2020
Council	28 April 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	Scheme Amendment No. 4 Report

1.0 Executive Summary

The purpose of this report is for Council to provide consent to advertise (initiate) the proposed Scheme Amendment No. 4 to Local Planning Scheme No. 3 (LPS3).

The amendment proposes changes to Table 3 – Zoning Table. The amendment proposes that Fast Food Outlets will be a non-permissible ('X' use) in all zones within the City except for the Urban Development Zone. This will require modification of the permissibility of the use class for the Mixed Use and Neighbourhood Centre Zones.

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

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

2.0 Recommendation to Committee

Council:

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

Amending Table 3 – Zoning Table so that Fast Food Outlet is an 'X' use (Not Permitted) in all zones within the City except for the Urban Development Zone. This will require modification of the permissibility of the use class for the Mixed Use and Neighbourhood Centre Zones.

2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City contends that the amendment is a Standard Amendment for the following reasons:

It satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- e) any other amendment that is not a complex or basic amendment.
- 3. Pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment 4 to the Environmental Protection Authority.
- 4. Subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment 4 Fast Food Outlets in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy Community Engagement.

3.0 Amendment Details

Table 3 – Zoning Table controls the type of land uses that are permissible in each zone within the City. Currently, Table 3 states that fast food outlets are a non-permissible use ('X' use) in the Residential, Local Centre, Service Commercial and Private Community Purpose zones, and a discretionary use requiring advertising (A use) in the Mixed Use and Neighbourhood Centre zones.

This amendment seeks to make Fast Food Outlets a non-permissible use ('X' use) in all zones within the City. The built form associated with a drive through fast food outlet is incompatible with the existing and desired character of the Mixed Use areas of the City. A stand alone, 'box' style outlet with drive through facilities will not be complementary to the proposed mix of multi storey, commercial and residential properties that will define these areas. The potential for the intensification of land use that is associated with fast food outlets, including increased noise and traffic, will have a negative impact on the amenity of the Mixed Use zones.

The City's recent experience with development applications for large box style commercial developments on major thoroughfares is that the applicant is seeking to not provide a significant residential component in their development. This inhibits the City from meeting its dwelling targets along major corridors that are zoned for Mixed Use, such as Stirling Highway, Broadway and on a smaller scale, Waratah Avenue.

This potential built form outcome does not align with the objectives of the zone, or the desired future character of the area. Comparatively, a take away only food place with no drive through facility, situated as the ground floor tenancy of a mixed use building will not have an impact on the development contributing to the objectives of the zone, nor will it compromise the development potential of a site. This style of take away food use is therefore seen as far more compatible with the objectives of the zone and is in keeping with the desired future character of the City's Mixed Use areas.

As per the Scheme Amendment Justification Report provided as Attachment 1, it is considered that this amendment to Table 3 – Zoning Table also aligns with the responsibilities of a Local Government as per the WA Local Government Act 1995. The Act requires a Local Government to be actively concerned with the needs of the community and provides an avenue to care for their wellbeing through planning legislation. This amendment is for a community purpose and, in light of this legislation, it is reasonable for the City of Nedlands to be concerned with the health and wellbeing of their community.

4.0 Consultation

If the Scheme Amendment is granted consent to advertise, the City will refer the application to the Environmental Protection Authority (EPA) in accordance with Section 81 of the Planning and Development Act 2005.

The application is required to be advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). The consultation of this Scheme Amendment is in line with the 'consult' engagement process under the City's Community Engagement Council Policy. Advertisement of a standard amendment is as follows:

- The City must prepare a notice in a form approved by the West Australian Planning Commission (WAPC) giving details of the purpose, where the amendment may be inspected and to whom and during what period submissions can be made.
- The City must then advertise the amendment by publishing the notice in the newspaper, display the notice in the Administration building, provide a copy to all public authorities which are likely to be affected and publish a copy on the City's website.
- The advertising period can be no less than 42 days commencing on the day that the notice is published in a newspaper circulating in the scheme area.

Once submissions are received the City must acknowledge in writing the receipt of each submission.

A 60-day consideration period for a standard scheme amendment applies after the end of the submission period, in which the City must consider all submissions and Council must pass a resolution to support, support with modifications or not support the proposed amendment.

Once Council has made their decision on the scheme amendment, all documents will be referred to the WAPC and they will deliver a recommendation to the Minister for Planning. The Minister will then make the final decision on the proposed scheme amendment.

5.0 Strategic Implications

This Scheme Amendment proposes changes that are consistent with the zoning in the City's previous Town Planning Scheme No. 2. This proposed amendment is consistent with discussions that Administration has had with Council in relation to the use of Fast Food Outlets. Provision exists within the Planning and Development (Local Planning Schemes) Regulations 2015 for the City to seek amendments to the permissibility of uses through a Scheme Amendment process.

6.0 Budget / Financial Implications

Nil.

DOCUMENT



City of Nedlands Local Planning Scheme No. 3

Amendment No. 4

Scheme Amendment altering use permissibility in Table 3 – Zoning Table for Fast Food Outlet to an 'X' use in all zones.

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme 3
Scheme Amendment 4

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

Amending the use and development class permissibility's for 'fast food outlet' in Table 3 – Zoning Table in the following manner:

- (a) For the 'Mixed Use' Zone, delete 'A' and replace with 'X'; and
- (b) For the 'Neighbourhood Centre' Zone, delete 'A' and replace with 'X'.

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

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

Dated this	day of	20	
			(Chief Executive Officer)

City of Nedlands

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

1.0 INTRODUCTION

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

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

To LPS3,

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

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

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

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

The City proposes to amend Table 3 - Zoning Table so that Fast Food Outlet is a non-permissible (X use) in all zones except for the Urban Development Zone.

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

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

2.0 PROPOSAL AND JUSTIFICATION

The City proposes to amend Table 3 – Zoning Table of LPS 3 to make the use class an 'X' use in each zone except for the Urban Development Zone. This will require modification of the permissibility for the Mixed Use and Neighbourhood Centre zones.

2.1 JUSTIFICATION

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

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

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

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

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

Further to this, the built form outcomes associated with fast food outlets do not satisfy the planning principal to protect and enhance the local character and amenity of the area. The built form associated with a drive through fast food outlet is incompatible with the existing and desired character of the Mixed-Use areas of the City. A stand alone, 'box' style outlet with drive through facilities will not be complementary to the proposed mix of multi storey, commercial and residential properties that will define these areas. The potential for the intensification of land use that is associated with fast food outlets, including increased noise and traffic, will have a negative impact on the amenity of the Mixed-Use zones. The City's recent experience with development applications for large box style commercial developments on major thoroughfares is that the applicant is seeking to not provide a significant residential component in their development. This inhibits the City from meeting its dwelling targets along major corridors that are zoned for Mixed Use, such as Stirling Highway, Broadway and on a smaller scale, Waratah Avenue. This potential built form outcome does not align with the objectives of the zone, or the desired future character of the area. Comparatively, a take away only food place with no drive through facility, situated as the ground floor

tenancy of a mixed use building will not have an impact on the development contributing to the objectives of the zone, nor will it compromise the development potential of a site. This style of take away food use is therefore seen as far more compatible with the objectives of the zone, and is in keeping with the desired future character and amenity of the City's Mixed-Use areas

Consideration as a standard amendment

Consideration as a standard amendmen	it
an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;	The amendment is consistent with the objectives of the Mixed-Use and Neighbourhood Centre zones as it seeks to prohibit fast food abutting residential areas. Drive through fast food facilities are not considered to be complementary development due to their impact in terms of noise and traffic increase. Fast food outlets would be likely to cause a nuisance detrimental to the amenity of the area, and therefore are not consistent with the objectives of the Mixed-Use and Neighbourhood Centre zones.
an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;	The amendment is consistent with the guiding Planning Principles of the City's Local Planning Strategy, endorsed by the WAPC on the 26 September 2017. In particular, the proposed amendment aligns with the following planning principles in the strategy:
	Protect and enhance local character and amenity. Facilitate good public health outcomes.
	Drive through fast food outlets are not consistent with the existing local character of the
	area, nor do they facilitate good public health outcomes.
an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;	The proposed amendment would result in outcomes that would have a lesser impact on the surrounding area. The proposal would result 4 existing character of the local area. By not permitting this style of development, the amendment will have minimal impact on the surrounding land.
an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;	The amendment proposes to prohibit fast food outlets from the Mixed Use and Neighbourhood Centre zones, however it does not seek to prohibit all restaurants
in the contents area,	account to promote an restaurants

	and other commercial uses from these areas. This amendment will have no significant negative impact on the environmental, social, economic or governance outcomes of the surrounding
	land in the scheme area.
	The proposed amendment does not meet
complex or basic amendment.	the requirements for a basic or complex
	amendment, as per the requirements of
	the Planning and Development (Local
	Planning Schemes) Regulations 2015.

3.0 CONCLUSION

The information and justification provided in this report is submitted to support the amendment within Table 3 – Zoning Table that Fast Food Outlet be an 'X' use in each zone except for the Urban Development Zone. This will require modification of the permissibility for the Mixed Use and Neighbourhood Centre zones.

The proposed amendment aligns with the requirements of the WA *Local Government Act 1995*, requiring a Local Government to be actively concerned with the needs of the community, and provides an avenue to care for their wellbeing through planning legislation. It is also intended to provide development controls that will result in take away food outlets that are in keeping with the desired future character of the area and the objectives of the relevant zones. The City requests that the WAPC support the changes to Table 3 – Zoning Table specified within this report and support the changes to the landscape of the Mixed-Use zones that it proposes.

COUNCIL ADOPTION

This	Standard	Amendment	was ad	opted ar	ıd is ı	recommende	d for	approval	by
resolu	ution of the	Council of the	e City of	Nedlands	s at the	e [NAME] Me	eting	of the Coun	ci
held o	on the [d	ay] day of [month], 20 <u>[_ye</u>	ar]a	nd the Comr	non Se	eal of the C	ity
of Ne	dlands wa	s hereunto af	fixed by t	he autho	rity of a	a resolution (of the (Council in t	he
prese	nce of:		•						

	MAYOR
	CHIEF EXECUTIVE OFFICER
WAPC ENDORSEMENT (r.63)	
	DELEGATED UNDER S.16 OF
	THE P&D ACT 2005
	DATE
APPROVAL GRANTED	
	MINISTER FOR PLANNING
	DATE

PD15.20	Scheme Amendment No. 7 - Amendment to
	Density Coding on Broadway, Hillway, Kingsway,
	Edward and Elizabeth Street

Committee	14 April 2020
Council	28 April 2020
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	 Scheme Amendment No. 7 Justification Report Scheme Amendment No. 7 Maps of Proposed Density Changes

1.0 Executive Summary

The purpose of this report is for Council to provide consent to prepare (adopt) the proposed Scheme Amendment No. 7 to Local Planning Scheme No. 3 (LPS3).

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

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

At its Meeting held on the 25 February 2020, Council resolved to propose an amendment to lower the density code of the above properties. The City's resolution reads:

'Council resolves to prepare a scheme amendment to LPS3 to rezone:

- Numbers 2 to 96 Kingsway from R60 to R40
- Numbers 69 to 139 Broadway, and 1 and 3 Hillway from R-AC3 to R-AC4
- Numbers 5 to 23 Hillway from R60 to R40'

Administration have investigated this proposal, and recommends changes to the wording of this resolution to ensure consistency with the Scheme's existing density codes, correct planning terminology and to avoid the exclusion of adjoining properties in this proposed re-coding that could result in 'orphan' density codes along these streets. The recommended revised wording of the scheme amendment is:

Council resolves to prepare a scheme amendment to LPS3 to change the density coding of subject properties as follows:

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway from R60 to R40;
- Numbers 7 to 23 Hillway from R60 to R40;
- Numbers 1 to 5 Hillway from R-AC3 to R-AC4;
- Numbers 69 to 139 Broadway from R-AC3 to R-AC4;
- Numbers 2 Edward Street from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

The City considers the amendment to be a Complex Amendment as it satisfies the following criteria of the Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

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

2.0 Recommendation to Committee

Council:

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, adopt an Amendment to Local Planning Scheme 3 by:
 - a) Changing the residential density coding of subject properties as follows:

Numbers 2 to 36 Kingsway and 42 to 96 Kingsway, Nedlands from R60 to R40:

Numbers 7 to 23 Hillway, Nedlands from R60 to R40;

Numbers 1 to 5 Hillway, Nedlands from R-AC3 to R-AC4;

Numbers 69 to 139 Broadway, Nedlands from R-AC3 to R-AC4;

Numbers 2 Edward Street from R-AC3 to R-AC4; and

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

- 2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City believes that the amendment is a Complex Amendment for the following reasons:
 - a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - b) an amendment that is not addressed by any local planning strategy; and
 - c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- 3. Pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment 7 to the Environmental Protection Authority.

- 4. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 37(2) submit 2 copies of the proposed Scheme Amendment 7 to the West Australian Planning Commission for approval to advertise.
- 5. Subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment 7 in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy Community Engagement.

3.0 Amendment Details

Should the City's Council resolve to proceed with Administration's recommended scheme amendment, the wording will be:

To prepare a scheme amendment to LPS to change the residential density coding of subject properties as follows:

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway, Nedlands from R60 to R40;
- Numbers 7 to 23 Hillway, Nedlands from R60 to R40;
- Numbers 1 to 5 Hillway, Nedlands from R-AC3 to R-AC4;
- Numbers 69 to 139 Broadway, Nedlands from R-AC3 to R-AC4;
- Numbers 2 Edward Street, Nedlands from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

If approved by the Western Australian Planning Commission (WAPC) the proposal will result in decreases in height and plot ratio, and in some instances increases in rear setbacks, as per the indicative built form measures of State Planning Policy 7.3 – Residential Design Codes Volume 2.

4.0 Consultation

In accordance with the requirements of the Regulations, should Council resolve to advertise this amendment, the City is required to send two copies of the proposed amendment to the WAPC seeking approval to advertise it to the public. The request for approval to advertise the amendment must be sent to the WAPC within 21 days of the Council resolution.

If the WAPC do not consent to the amendment being advertised, the processing of the scheme amendment will cease at this point.

5.0 Strategic Implications

This Scheme Amendment is consistent with discussions that Administration has had with Council in relation to zoning in the subject area. Provision exists within the Planning and Development (Local Planning Schemes) Regulations 2015 for the City to seek amendments to zoning through a Scheme Amendment process.

6.0 Budget / Financial Implications

Nil.



City of Nedlands Local Planning Scheme No. 3

Amendment No. 7

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

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme 3
Scheme Amendment 7

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

Modifying the residential density code for the following sites:

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway, Nedlands from R60 to R40;
- Numbers 7 to 23 Hillway, Nedlands from R60 to R40;
- Numbers 1 to 5 Hillway, Nedlands from R-AC3 to R-AC4;
- Numbers 69 to 139 Broadway, Nedlands from R-AC3 to R-AC4;
- Number 2 Edward Street, Nedlands from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

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

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

Dated this	day of	20
		(Chief Executive Officer)

City of Nedlands

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

1.0 INTRODUCTION

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

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

The City of Nedlands Council resolved at its Council Meeting on 25 February 2020 to propose this amendment to change the current density codes for these properties to:

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway from R60 to R40;
- Numbers 7 to 23 Hillway from R60 to R40;
- Numbers 1 to 5 Hillway from R-AC3 to R-AC4;
- Numbers 69 to 139 Broadway from R-AC3 to R-AC4;
- Numbers 2 Edward Street from R-AC3 to R-AC4; and
- Numbers 1, 1A and 1B Elizabeth Street: increased from R35 to R-AC3.

The City considers the amendment to be a Complex Amendment as it satisfies the following criteria of the Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

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

2.0 PROPOSAL AND JUSTIFICATION

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

- Numbers 2 to 36 Kingsway and 42 to 96 Kingsway from R60 to R40;
- Numbers 7 to 23 Hillway from R60 to R40;
- Numbers 1 to 5 Hillway from R-AC3 to R-AC4;
- Numbers 69 to 139 Broadway from R-AC3 to R-AC4; and
- Number 2 Edward Street from R-AC3 to R-AC4.
- Numbers 1, 1A and 1B Elizabeth Street from R-AC3 to R-AC4.

2.1 JUSTIFICATION

Council has advised that the reason for this is to minimise the transition issues within this area, and the City of Perth area across Broadway, including overshadowing, overlooking, excessive height and bulk and setback issues. The revised zonings will still allow up to 105 new dwellings to be created, where there is currently only 32.

Administration has corrected the incorrect references to existing R-Coding stated in the original wording of the proposed scheme amendment and has made recommendations to include specific properties to avoid cases of 'orphan' density codes in this area.

Consideration as a complex amendment

an amendment that is not consistent with	The proposed amendment is not
a local planning strategy for the scheme	consistent with the City of Nedlands
that has been endorsed by the	Local Planning Strategy, endorsed by
Commission;	the Commission on the 26 September
	2017. The proposal is not consistent as
	it seeks to reduce residential density
	along a residential corridor that has
	been identified within the Strategy as a
	medium intensity, medium rise urban
	growth area.
an amendment that is not addressed by	,
any local planning strategy;	Strategy does not address the style of
	development this amendment
	proposes along Kingsway, Hillway,
	Broadway, Elizabeth and Edward
	Street Nedlands.
an amendment relating to development	The proposed amendment will have a
that is of a scale, or will have an impact,	significant impact on the development
that is significant relative to development	in the locality, as it will impact the
in the locality;	Strategy's vision for the South
	Broadway area as a medium intensity,
	medium rise urban growth area.

3.0 CONCLUSION

The information and justification provided in this report is submitted to support the change in density codes on several sites, as specified in the report above.

The proposed density code changes are inconsistent with the City's Local Planning Strategy, and the amendment is therefore considered to be complex. The proposed

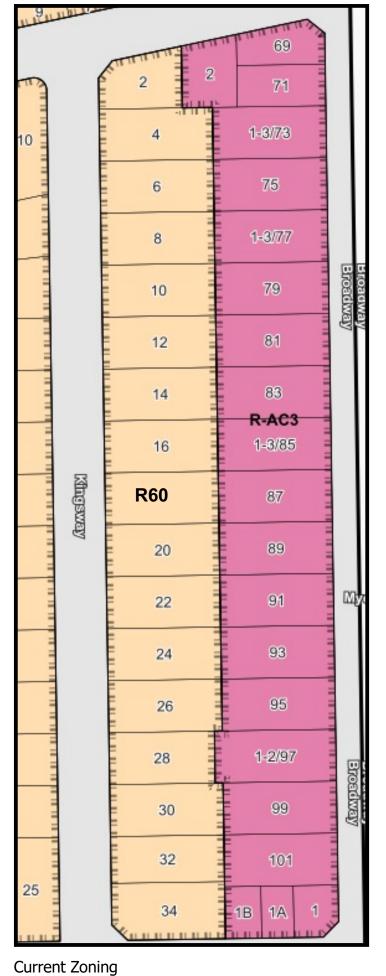
changes are considered to have considerable impact upon the land surrounding the Nedlands South area, and the Strategy's intention for this area to be a medium rise, medium intensity area dominated by residential development. The City requests that the WAPC support the changes to the density codes of the sites specified within this report and endorse the changes to the built form landscape that it proposes.

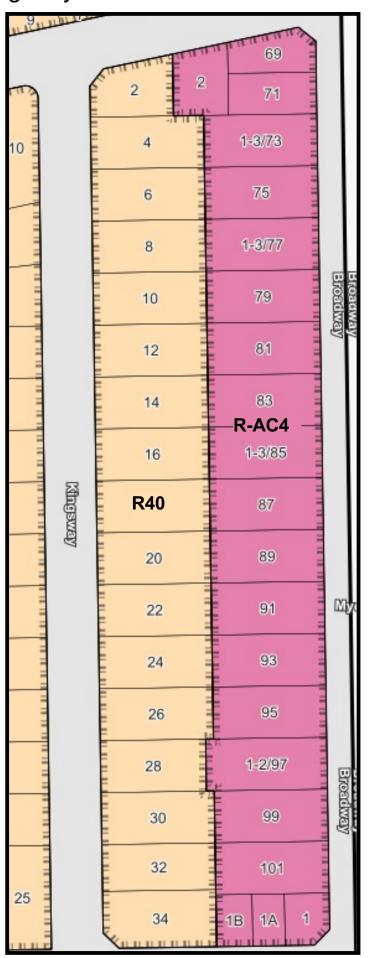
COUNCIL ADOPTION

This Complex Amendment was adopted and is recommended for approval by resolution of the Council of the City of Nedlands at the [NAME] Meeting of the Council held on the [day] day of [month], 20[year] and the Common Seal of the City of Nedlands was hereunto affixed by the authority of a resolution of the Council in the presence of:

	MAYOR
	CHIEF EXECUTIVE OFFICER
WAPC ENDORSEMENT (r.63)	
	DELEGATED UNDER S.16 OF THE P&D ACT 2005
	DATE
APPROVAL GRANTED	
	MINISTER FOR PLANNING
	DATE

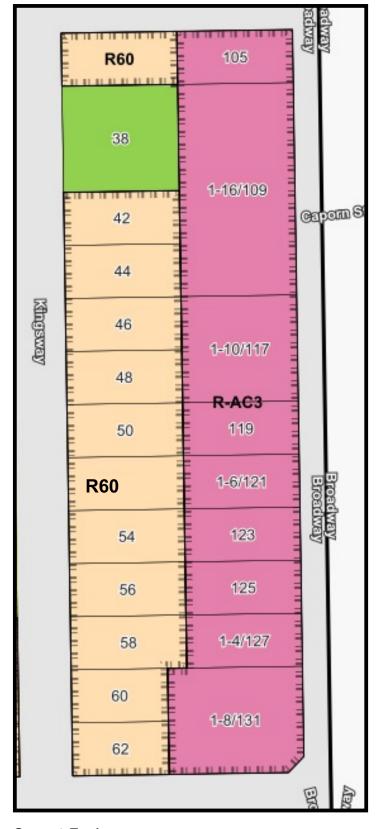
Scheme Amendment Proposal 2 - 34 Kingsway





Proposed Zoning

Scheme Amendment Proposal 36 - 62 Kingsway

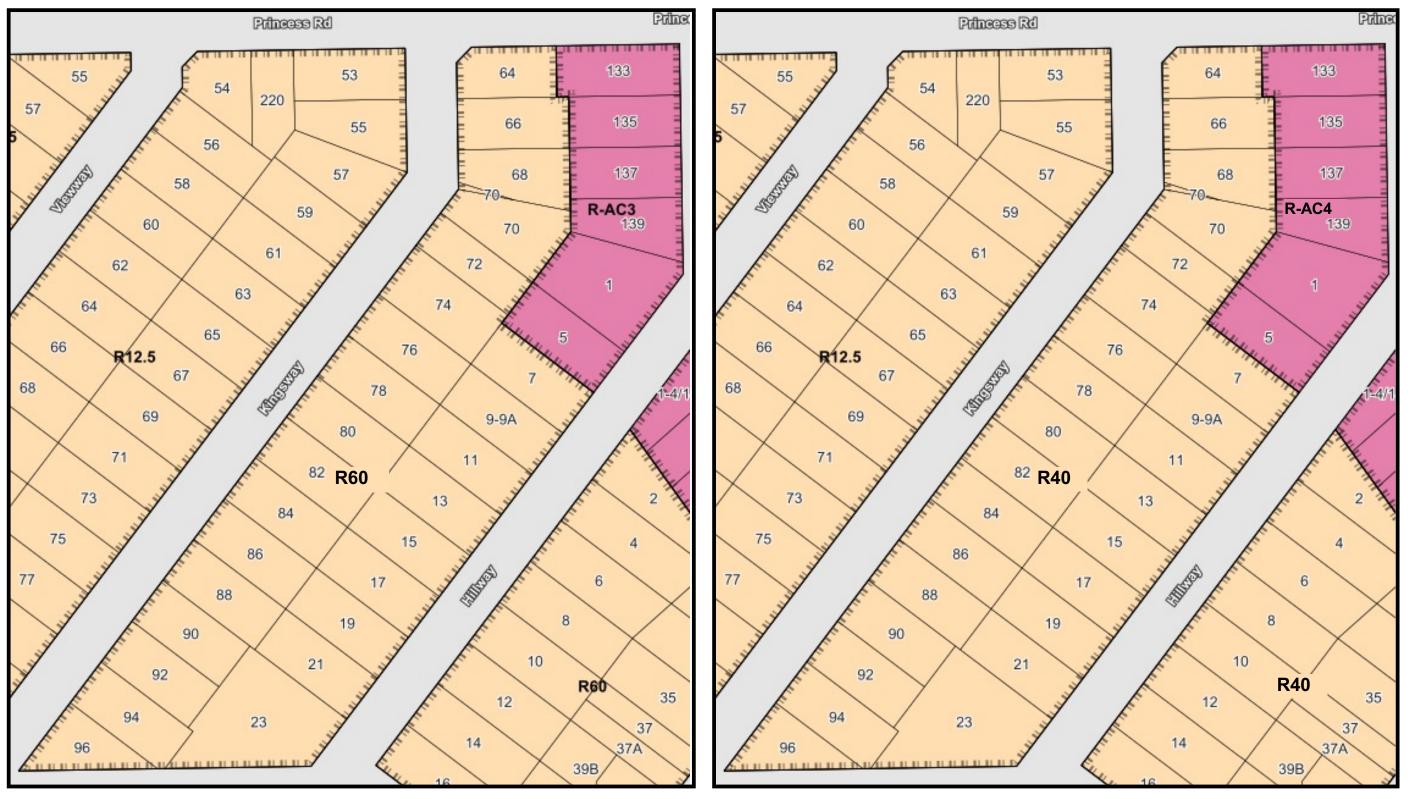


R40 105 38 1-16/109 Gapann S 42 44 Kingsway 46 1-10/117 48 -R-AC4 119 50 1-6/121 R40 123 54 125 56 1-4/127 58 60 1-8/131 62 留

Current Zoning

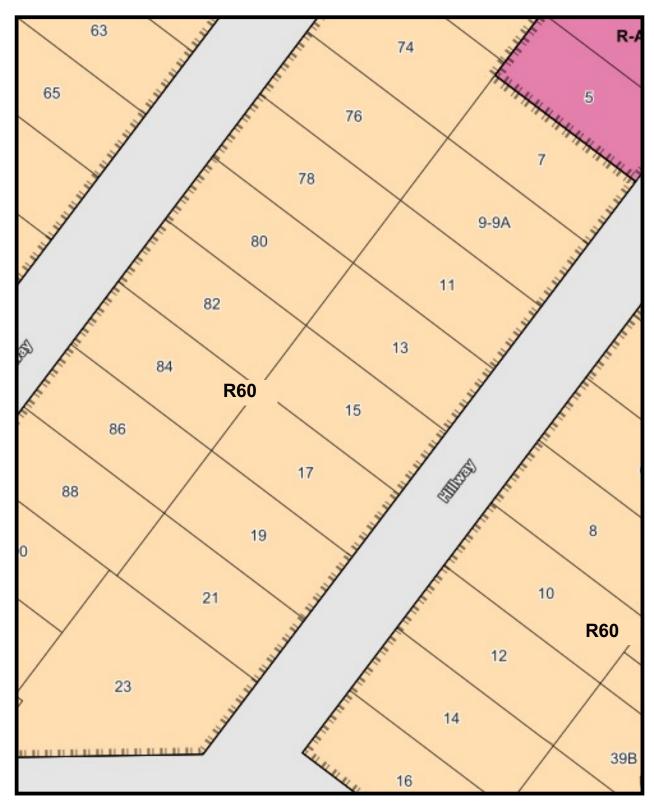
Proposed Zoning

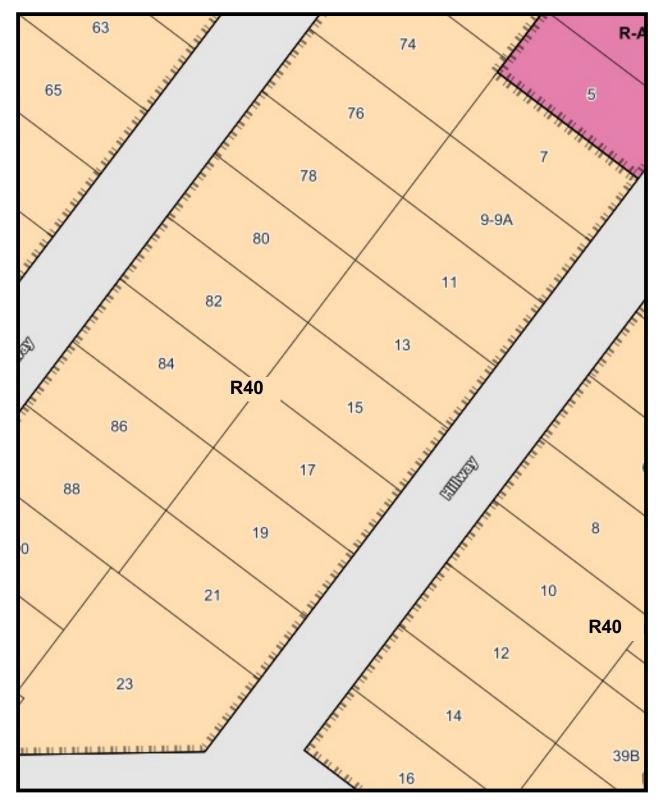
Scheme Amendment Proposal 64 - 96 Kingsway



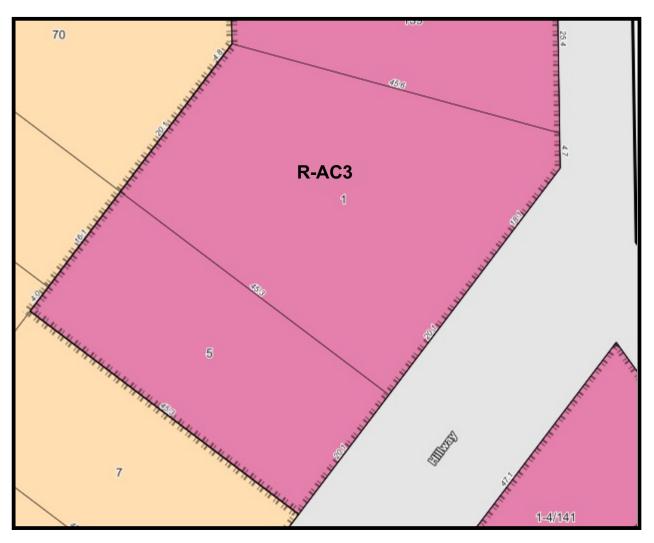
Current Zoning Proposed Zoning

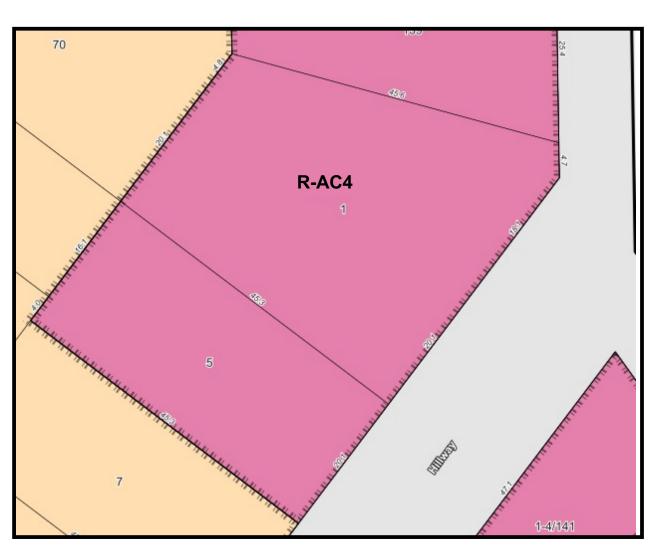
Scheme Amendment Proposal 7 - 23 Hillway





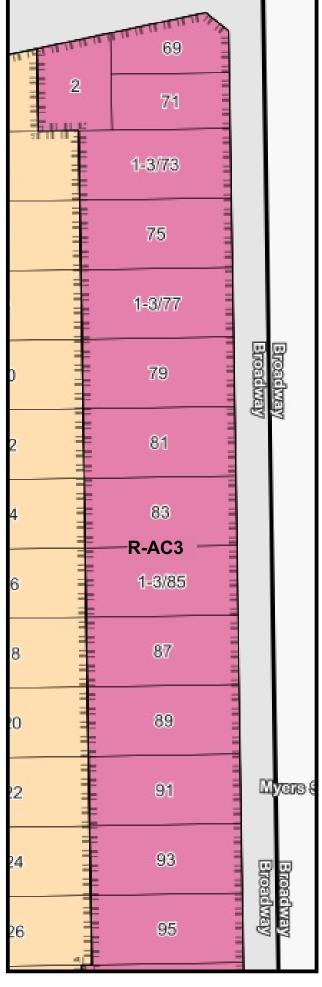
Current Zoning Proposed Zoning

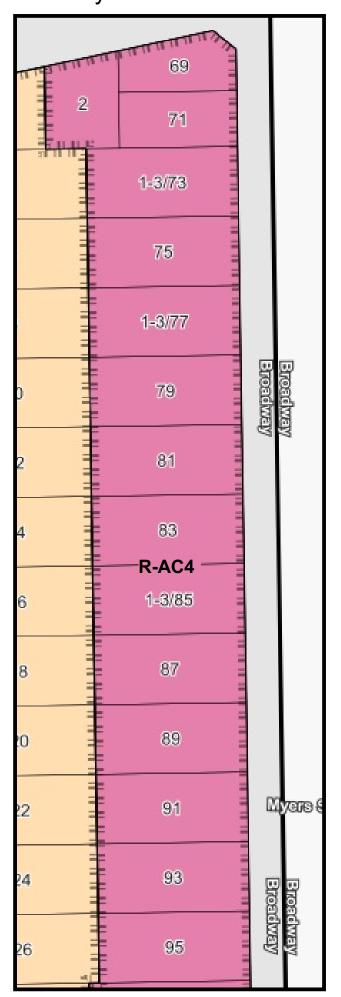




Current Zoning Proposed Zoning

Scheme Amendment Proposal 69 - 95 Broadway

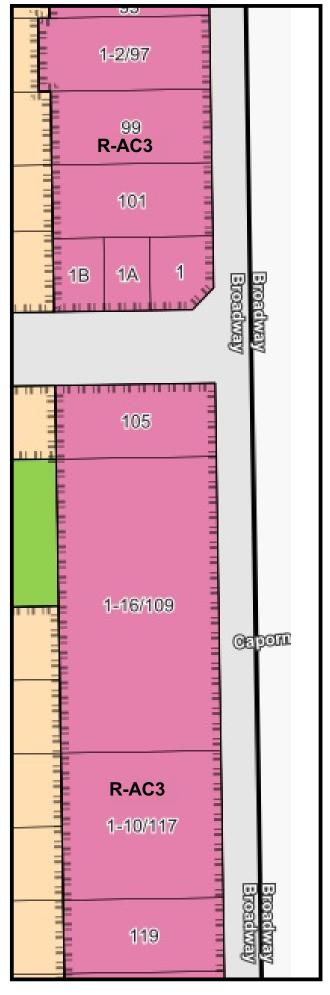


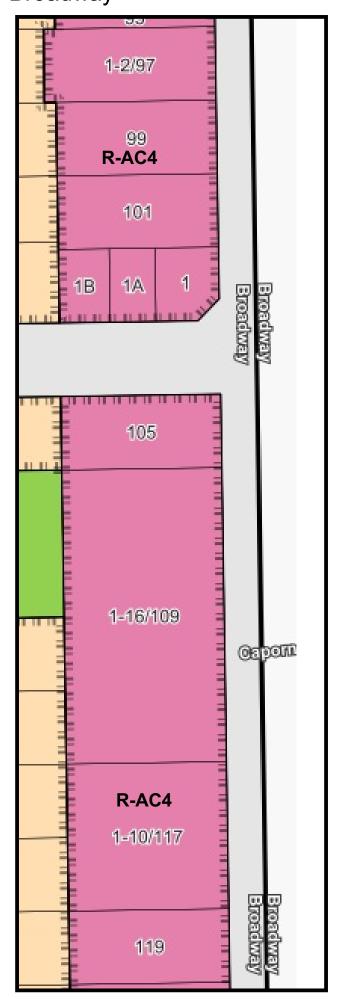


Current Zoning

Proposed Zoning

Scheme Amendment Proposal 97 - 119 Broadway

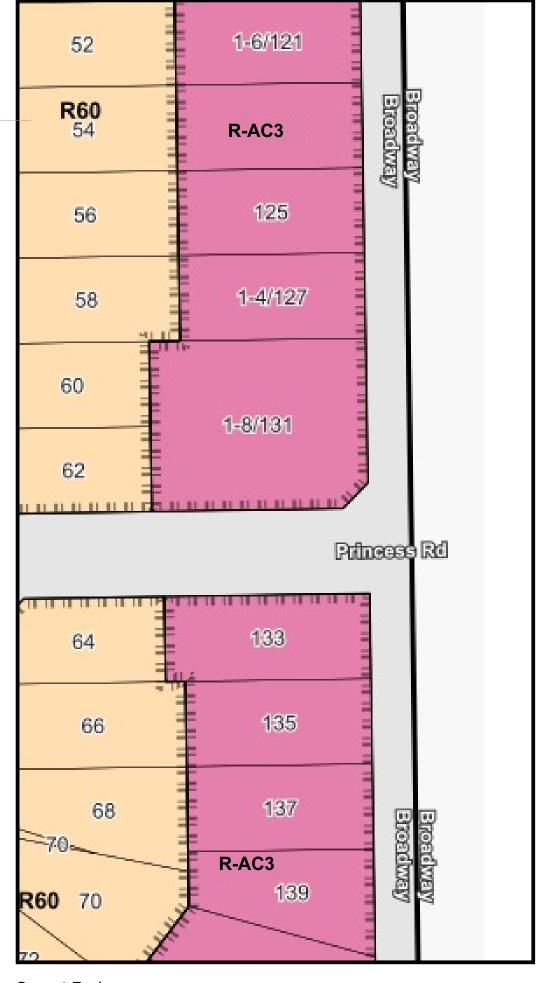


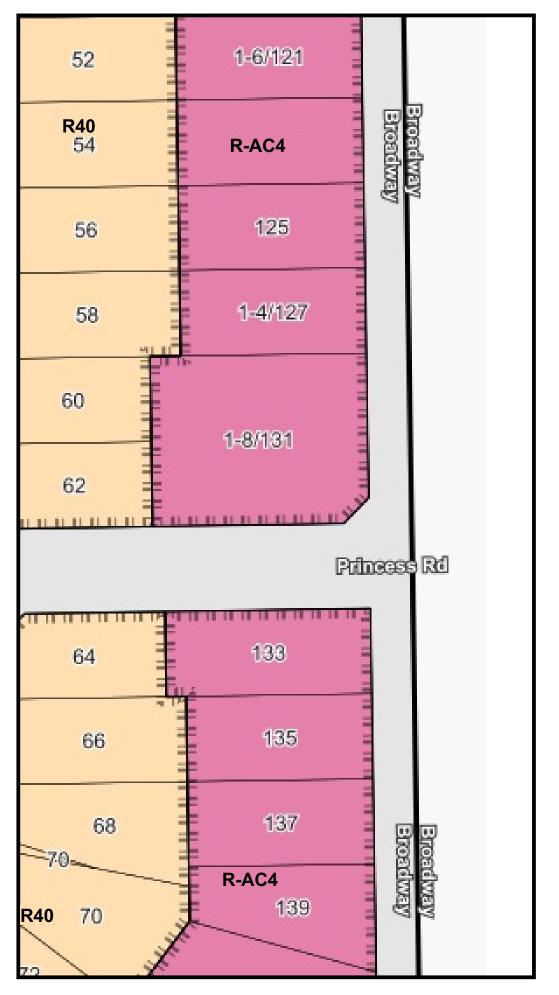


Current Zoning

Proposed Zoning

Scheme Amendment Proposal 121 - 139 Broadway

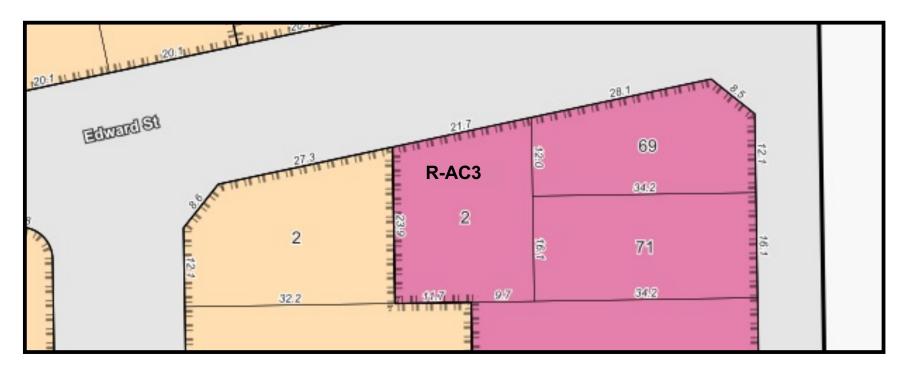




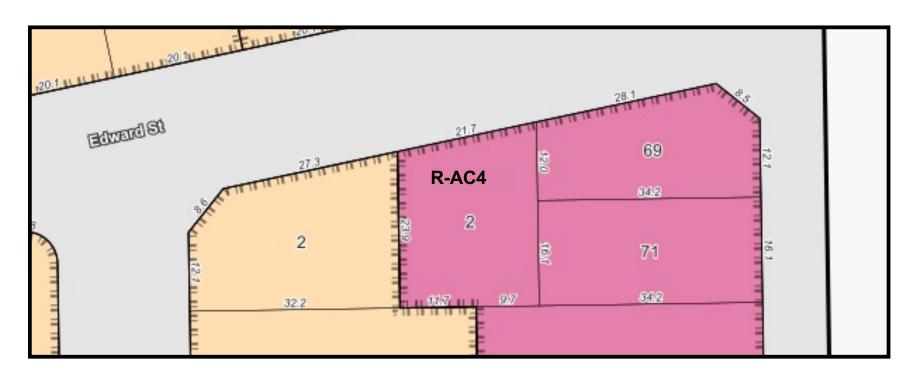
Current Zoning

Proposed Zoning

Scheme Amendment Proposal 2 Edward Street



Current Zoning



Proposed Zoning

PD16.20	No. 6 Alexander Road, Dalkeith – 4 x Multiple
	Dwellings

Committee	14 April 2020	
Council	28 April 2020	
Applicant	Dr Bay Yeo	
Landowner	BHY Holdings Pty Ltd	
Director	Peter Mickleson – Director Planning & Development	
Employee		
Disclosure		
under section	Nil	
5.70 Local		
Government		
Act 1995		
Report Type	When Council determines an application/matter that directly	
	affects a person's right and interests. The judicial character arises	
	from the obligation to abide by the principles of natural justice.	
Quasi-Judicial	Examples of Quasi-Judicial authority include town planning	
	applications and other decisions that may be appealable to the	
Defende	State Administrative Tribunal.	
Reference	DA19/40779	
Previous Item	Nil	
Delegation	In accordance with the City's Instrument of Delegation, Council	
	is required to determine the application due to objections being received	
Attachments	1. Site photographs	
Attachinents	2. Location plan	
	3. Aerial	
	4. Development plans dated 18 February 2020	
	5. Applicant planning report	
	6. Schedule of submissions	
	7. Architect and landscape peer review	
	8. Acoustic report	
	9. Waste management plan	
	10. Sustainability report	
	11. Landscape plan	
	12. Administration's Assessment of SPP 7.3 – R-Codes Vol 2	
	Submissions (CONFIDENTIAL)	

1.0 Executive Summary

The purpose of this report is for Council to determine an application received from the applicant on 15 October 2019, for a multiple dwelling development at 6 Alexander Road, Dalkeith. Originally comprising five storeys and five multiple dwellings, however, has been since reduced to four storeys and four multiple dwellings. The latest amended plans were received on 18 February 2020.

The application was advertised as a complex application pursuant to LPP – Consultation of Planning Proposals. A total of 78 individual submissions were received, in addition to one petition. Of the individual submissions received, 74 submissions objected to the proposal and 4 submissions supported the proposal. All petitioners objected to the proposal.

It is recommended that the application be approved as it is considered to meet the provisions of Local Planning Scheme No. 3 (LPS 3) and element objectives of the Residential Design Codes Volume 2 – Apartments (R-Codes).

2.0 Recommendation to Committee

Council approves the development application dated 15 October 2019 with amended plans being received on 18 February 2020, to construct four (4) multiple dwellings on Lot 381 on Plan 3395 at 6 Alexander Road, Dalkeith, subject to the following conditions and advice:

- 1. At Building permit stage, the hereby approved development shall not exceed 15m in height.
- 2. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.
- 3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
- 4. This approval is for Multiple dwellings. Development shall be in accordance with this land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval.
- 5. Prior to occupation of the development the finish of the parapet walls is to be finished in accordance with the hereby approved plans.
- 6. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.
- 7. A Demolition and Construction Management Plan being provided to the City which addresses the control of; vibration, dust, noise, waste, sand, sediment, temporary fencing, hoardings, gantries, site access / egress, site deliveries, heavy construction machinery, traffic control shall be provided to the City with or before the demolition permit and building permit approval applications are submitted and shall be implemented to the satisfaction of the City.
- 8. Prior to the lodgement of a Building Permit, an arborist report shall be submitted to the City, demonstrating that the construction and built development will not adversely affect the health of any tree located on the verge.
- 9. The Acoustic report prepared Herring Storer Acoustics forms part of this approval. The recommendations contained within the acoustic report shall be implemented and adhered to for the lifetime of the development to the satisfaction of the City.

- 10. Prior to occupation of the development any new or modified crossover associated with the hereby approved development must receive separate approval from the City.
- 11. Prior to the application of a building permit, the proposed car parking and vehicle access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.
- 12. The waste management plan forms part of this development approval and shall be complied with at all times to the satisfaction of the City.
- 13. Prior to commencement of development, a detailed landscaping plan prepared by a competent landscape designer shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
- 14. Prior to occupation, the applicant shall arrange a suitably qualified consultant to prepare a lighting plan which demonstrates that the proposed development will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard;
 - i. A full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - ii. Times of operation;
 - iii. A Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
 - iv. Details of orientation and hooding and/or other measures to minimise their impact in the interests of pedestrian and/or vehicular safety and amenity; and
 - v. Details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard.
- 15. All major openings, balconies, and private open space are to comply with the visual privacy setbacks to adjoining properties in accordance with Table 3.5 of State Planning Policy Residential Design Codes Volume 2 Apartments or shall be screened by either:
 - a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d) an alternative method of screening approved by the City.

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

16. At Building Permit Stage, one (1) multiple dwelling on the hereby approved development plans shall meet 'Silver Level' requirements as defined in the Liveable Housing Design Guidelines.

Advice Notes

- 1. The applicant is advised that the development is subject to a Building Permit.
- 2. In relation to condition (7), the applicant is advised that the landscaping plan is to address the recommendations outlined in the Landscape peer review.
- 3. In relation to condition (9), the applicant is advised that as part the Building Permit, a long section of the car park driveway is to be submitted to Technical Services to ensure the vehicle access and circulation areas comply with the AS2890.1.
- 4. The applicant is advised that where a pool is removed, it shall be filled with clean free draining fill and compacted in 300mm layers. A passing compaction test from a suitable qualified structural engineer is required prior to new structures being built in the location of the old pool.
- 5. Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
- 6. Where building works are proposed to the building/tenancy a building permit shall be applied for prior to works commencing. Where required an Occupancy Permit shall be obtained prior to occupying the premises.
- 7. As per the recommendations contained within the acoustic report prepared by Herring Storer Acoustics Acoustic assessment (by a suitably qualified acoustic consultant) is to be carried out for all mechanical equipment/plant once designed (including the use of the waste compactor, exhaust fans, air conditioners and any other plant) demonstrating compliance with the Environmental Protection (Noise) Regulations 1997.
- 8. The enclosure for the storage and cleaning of waste receptacles to be provided on the premises, and managed, as per the requirements of the City's Health Local Laws 2017:
 - a) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - b) Walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - c) Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;

- d) Easily accessible to allow for the removal of the receptacles;
- e) Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
- f) Provided with a tap connected to an adequate supply of water; and
- g) Adequately ventilated, such that they do not create a nuisance to residences (odour).
- 9. The applicant is advised that the development is to comply with the requirements of the Health Act (Laundries and Bathrooms) Regulations and Health Local Laws 1017;
 - a) Laundries are not to be situated in a room where food is prepared, stored or consumed. Where situated adjacent to a kitchen or room where food is stored, prepared or consumed, the facilities are to be separated by a wall, or other approved partition which shall be at least 1.8 metres high (i.e. extending from the floor to the roof or ceiling), and where an opening permitting communication between the laundry and kitchen is provided, the opening shall not extend for more than half the width of the room and it shall not be more than 1.2 metres wide. The door which when closed shall completely fill the opening.
- 10. The applicant is advised that in relation to the demolition works;
 - a) All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/ applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.
- 11. The applicant is advised that in order for the pool to be demolished swimming pool waste Water is to be appropriately disposed of and is not to be discharged into the Water Corporation Sewerage System, City Stormwater drainage system or discharged freely off the residential lot.
- 12. The applicant/landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.
- 13. The applicant is advised that 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.

- 14. 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.
- 15. 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.
- 16. The applicant is advised that the development is to be provided with suitable enclosures for the storage and cleaning of waste receptacles on the premises per the following requirements:
 - a) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - b) Walls not less than 1.8m in height and access of not less than 1m in width fitted with a self-closing gate;
 - c) Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - d) Easily accessible to allow for the removal of the receptacles;
 - e) Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - f) Provided with a tap connected to an adequate supply of water; and
 - g) Adequately ventilated to mitigate odour.
- 17. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. airconditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.
- 18. The applicant is advised that where floodlighting is proposed, the applicant shall seek independent expert advice from a suitably qualified consultant detailing the particulars of the application, specifications of the type of floodlight proposed and certifying that the proposed lighting will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard:
 - a) A full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - b) Times of operation;

- c) A Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
- d) Details of orientation and hooding and/or other measures to minimise their impact in the interests of pedestrian and/or vehicular safety and amenity; and
- e) Details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard.
- 19. The applicant is advised that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via

http://www.NBNco.com.au/develop-or-plan-with-the-NBN/new-developments.html

Once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at http://www.NBNco.com.au/develop-or-plan-with-the-NBN/new-

developments/builders-designers.html

- 20. The applicant is advised that all works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City prior to construction commencing.
- 21. The applicant is advised that a new crossover or modification to an existing crossover will require a separate approval from the City prior to construction commencing.
- 22. The applicant is advised that the contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).
- 23. The applicant is advised that all street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City.

3.0 Background

3.1 Land Details

The subject site is located at 6 Alexander Road, Dalkeith. The land is formally identified as Lot 381 on Plan 3395 and is unaffected by encumbrances or notifications on title. It is owned by BHY Holdings Pty Ltd.

The land covers an area of 1,012sqm and has a 20-metre western frontage to Alexander Road. It is currently occupied by a single storey, pitched roof dwelling, sited centrally on the land between landscaped front and rear gardens including raised garden beds. A driveway and crossover is located to the south-west corner of the property without a front fencing. Two large canopy trees are located in the front verge along Alexander Road.

The land is not the subject of any recent previous application.

Site Photos are included as **Attachment 1**.

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R80
Land area	1012m ²
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No
Land Use	Residential (Multiple dwellings)
Use Class	Permitted (P)

3.2 Locality Plan

3.2.1 Site surrounds

Following the gazettal of the Local Planning Scheme No. 3 (LPS 3) on 16 April 2019, the residential dwellings to the north and south were up coded to R80, and to the east the residential dwellings were up coded to Residential R60. The land to the southeast has been rezoned RAC-3 and forms the Waratah Village.

The land to the west contains a mix of redeveloped two storey contemporary homes, original character homes, duplex that are built to boundary or share a common wall and a development site.

The land to the north at no. 4B Alexander Road and south at no. 8A Alexander Road have been developed with double storey, contemporary townhouse style dwellings. Both adjoining dwellings are set back approx. 6m to the street, providing for driveway access and a limited amount of landscape area. The dwelling at no. 4B Alexander Road features a skillion roof whilst a flat roof is found at 8B Alexander Road.

The dwelling at no. 4B Alexander Road is partially set back from the common boundary at ground level between nil and 3.5m and approximately 2.2m at first floor. There is a 7.5m boundary wall situated at the approximate midpoint of the common boundary and one south facing non- habitable window located at first floor that

interfaces with the application site. The dwelling's primary open space is located to the east (rear) of the dwelling.

The dwelling at no. 8A Alexander Road is set back between 2m and 3.7m from the common boundary. There are three north facing windows located at the first floor which in interface with the application site. The dwelling's primary open space includes a north facing metal patio and rear outdoor area which features a swimming pool in the rear north-east corner of the site. A double string solar panel arrangement is centrally located on the dwelling roof, set back approx. 4m south of the common boundary.

To the east, the land interfaces with the rear landscaped garden at 24 Philip Road which includes a large canopy tree at the south-west corner and abuts the application site.

To the south-east, the land interfaces with at grade car parking associated the Dalkeith Hall located at 97-99 Waratah Avenue.

The streetscape is described as varied, unlike some of the intact character streetscapes within the City. The size, style and character of the homes, hardscape features and vegetative characteristics differ depending on what side of the road and end one is. A streetscape analysis is contained as **Attachment 1**.

3.3.3 Local Context

The application site is located in an existing residential neighbourhood which has undergone some more recent subdivision and redevelopment, having been up coded from R10, R20 and R25 to R80 and R60, is intended to accommodate additional built form and density.

There is a mix of lot sizes, lot widths and dwelling styles along the section of Alexander Road proximate to the application site; located between Philip Road and Waratah Avenue. The street accommodates a mix of dwelling styles. There are examples of recently constructed contemporary double storey duplex / townhouse style developments with skillion or flat rooves, double width garages and driveways and both high permeable and low wall front fencing. There are also remnant examples of single storey interwar and post war dwellings with gabled rooves, single width driveways and low or absent front fencing.

The dwellings generally maintain a detached appearance when viewed from the street being set back from side and rear boundaries. Although there are variations to the extent of front setbacks, the surrounding dwellings sit within a landscaped setting, which is further reinforced by several mature canopy street trees, and the recent planting of new street tree stock.

A location plan and aerial map are included as **Attachment 2 and 3 respectively**.

4.0 Application Details

The applicant seeks development approval for a multiple dwelling development comprising four multiple dwellings over four storeys (see **Attachment 4**), details of which are as follows:

4 x 3 Bedroom multiple dwellings.

Basement garage comprising 8 resident car parking bays and 4 visitor bays.

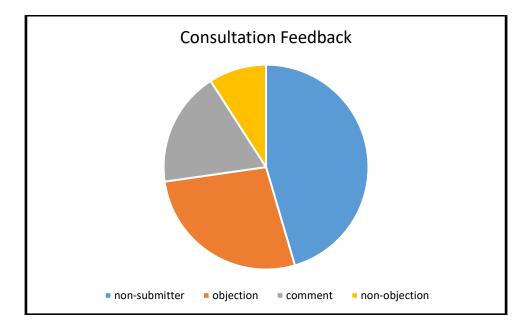
Following public consultation, the applicant submitted an amended set of development plans on 18 February 2020, upon which the following assessment is based. The amended plans included the following modifications:

- A maximum building height of 15 metres which is consistent with the primary control in Table 2.1;
- A 3.5m average side setback for the building, which is consistent with the primary control in Table 2.1;
- An increased front setback at Level 2 to 5.8m. The average setback is now more than triple the default 2m setback in Table 2,1;
- An increased southern boundary setback of 5.5m to the Master Bedroom at Level 4 to reduce bulk;
- An annotated visitor intercom station at Ground Level;
- Provision of a 1.8m high frameless glass fence at Ground Level adjacent to the eastern edge of the refuse store;
- Annotated ceiling height RLs on elevations;
- Provision of an independent street entrance for Unit 1 at the north-west of the site:
- Additional screening annotations to the north facing balconies at Levels 2 to 4 to address perceived privacy concerns; and
- Minor amendments to façade detailing on the southern elevation to reduce the perception of bulk.

By way of justification in support of the development application the applicant has provided an element objective assessment and addressed the submissions received and appended as **Attachments 5 and 6** to this report.

5.0 Consultation

The development application was advertised as a complex application in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 280 residents, business owners and landowners. A total of 79 individual submissions and two petitions were received, 75 of the individual submissions objected to the proposal, and 4 submissions supported the proposal. All persons noted on the petitions objected to the proposal. The submissions are shown graphically in the below pie graph:



The submissions received in support of the application include that:

- The development represents a good example of multiple dwellings with open space, landscaping and high amenity for 'downsizers;' and
- The development achieves the objectives of the Residential Zone, provides basement parking, a high level of parking, includes architectural merit, and sustainable and economic benefits of more residents to support local businesses

A summary of the objections and issues raised in the objections along with Administration's response and action taken in relation to each issue:

Submission	Officer Response	Action Taken
Building height inconsistent with existing streetscape and community interest, does not meet element objectives	Refer to the detailed assessment of Element 2.2 Building height at section 6.3.1 below.	Complies with element objectives – no action required.
Two-three storey development requested	Refer to the detailed assessment of Element 2.2 Building height at section 6.3.2 below.	Complies with element objectives - no action required
Street setback	Refer to the detailed assessment of Element 2.3 Street setback at section 6.3.2 below.	Complies with element objectives - no action required
Side setbacks	Refer to the detailed assessment of Element 2.4 Orientation at section 6.3.2 below.	Complies with element objectives - no action required
Overshadowing / daylight and solar (solar panel) access Building depth	Refer to the detailed assessment of Element 3.2 Orientation at section 6.3.2 below. The proposed dwellings are designed as multiple aspect apartments which together	Complies with the element objectives. No action required. Complies with element objectives
	with generous sized rooms and high	element objectives

Provision of adequate	ceilings (approx. 3.1m) ensures ample opportunity for solar and daylight access and natural ventilation. There are no single aspect apartments proposed and the proposal meets the Natural Ventilation and Daylight objective. Varied building depths provide articulation of the building form and achieve appropriate internal and external residential amenity i.e. daylight/solar access and natural ventilation objectives. The proposal provides three (3) resident	no action required.Complies with
car parking	car bays per dwelling and 1 visitor bay per dwelling in a basement carpark exceeding the parking ratios under Table 3.9 of the Acceptable Outcomes of R-Codes Vol. 2.	element objectives - no action required.
Traffic and impacts on pedestrians and cyclists	A development of four dwellings will not adversely affect the surrounding road network. The City is not able to require a traffic impact assessment as it falls below the 10-dwelling threshold outlined in the State Government Transport Impact Assessment Guidelines.	No action required.
Amenity impacts	Refer to the detailed assessment at section 6.3.1 below.	No action required.
Landscaping and Deep Soil Area provision, loss of tree canopy and vegetation, creation of heat island effect	Refer to the landscaping plan contained as Attachment 11 and the detailed assessment of Element 3.3 at section 6.3.1 below.	Condition no. 11 recommended.
Outlook	The amended proposal provides average side boundary setbacks of 3.5m and a rear setback of 8.4m above level 1. The sufficient separation is provided to enable reasonable outlook within and external to the proposal.	Complies with element objectives – no action required.
Visual privacy	Refer to the detailed assessment of Element 3.5 at section 6.3.1 below.	Condition no. 13 recommended.
Architectural design merit	Refer to the detailed assessment of at section 6.3.1 below	No further action required.
Plot ratio and bulk and scale impacts Waste management related amenity impacts	Refer to the detailed assessment of Element 4.10 at section 6.3.1 below. Refer to the assessment of Element 4.17 at section 6.3.1 below.	No further action required. Condition no. 10 recommended.
Energy efficiency	The submission was in support of proposed energy efficient features of the design	Complies with element objectives - no action required.
Appropriateness of land use and or density Property values	The proposed four storey and four multiple dwelling development is consistent with development expectations for the R80 density code. Property value impacts do not represent a	Complies with element objectives - no action required. No action required.
Froperty values	valid planning matter against which developments should be considered.	ino action required.
Noise related amenity impacts	Refer to the detailed assessment of Element 4.7 at section 6.3.1 below.	Condition no. 12 recommended

Achievement of LPS 3	The proposal is consistent with the relevant	No action required.
aims and objectives	aims and objectives of LPS 3.	
Satisfaction of SPP	The proposal satisfies the broad objectives	No further action
7.0	of SPP7.0 when considered in accordance	required.
	with the recommended conditions.	-

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

The City provided a list of key issues that were informed by the responses.

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

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

6.2 Local Planning Scheme No. 3

The development proposal has been considered in accordance with the provisions of LPS 3, the assessment of which is provided in the table below.

Clause	Provision	Satisfies / Does not Satisfy
9. Aims of Scheme	Protect and enhance the local character and	Satisfies
	amenity.	The City has not yet defined the character of this precinct. However, whilst building height exceeds the existing single and double storey dwellings in the street, the proposed four (4) storey building height remains consistent with the building height expectations of the R80 density code. With one dwelling proposed on each level, the overall dwelling yield is lower than many recent received grouped dwellings applications in this area. By maintaining generous boundary setbacks especially at ground level and in the front setback, the proposal also creates meaningful opportunities for landscaping and canopy tree planting which will replicate the City's leafy residential character as viewed from the street. A detailed assessment of internal and external amenity is provided below.
	Respect the community vision for the development of the district.	The development will increase the number of people with access to community facilities, parks and strengthening the vitality of the Waratah Village.

	Achieve quality residential built form outcomes for the growing population.	The City's architectural peer review supported the proposal as a quality-built form outcome.
	To develop and support a hierarchy of activity centres.	Not applicable The site is not located next to the UWA-QEII Specialised Activity Centre. However, the development will provide a higher number of dwellings to support the Mixed-Use Waratah Village which abuts the application site to the south-east.
	To integrate land use and transport systems.	The proposal is generally consistent with the development expectations attributable to the R80 higher density code. The R80 coded land, forms part of a transitional area around the Waratah Village. The proposal therefore supports the provision of higher density development around a mixed-use node and along a transport corridor being within 120m of Waratah Avenue.
	Facilitate improved multi- modal access into and around the district.	Not applicable.
	Maintain and enhance the network of open space.	Not applicable. The development does not impact the network of open space within the City.
	Facilitate good public health outcomes.	Not applicable The development is not considered to impact public health outcomes within the City.
	Facilitate a high-quality provision of community services and facilities.	Not applicable The development is not considered to impact public health outcomes within the City.
16. Objectives of the Residential Zone	meet the needs of the community.	Partially satisfied. The proposal includes four (4) x three large (approx. 291sqm) bedroom dwellings in a multiple dwelling configuration. Whilst the proposal does not present diverse mix of dwelling options itself, it will contribute to the achievement of greater residential densities and housing choice at the community level.
	To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.	Satisfied. As noted above, the peer review is supportive of the design, streetscape presentation and built form.
	To provide for a range of non-residential uses, which are compatible with and complementary to residential development.	Not applicable.
	To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.	The amended development is now considered to strike a balance between achieving the built form expectations of the R80 density code and responding appropriately to the local context.

1	7.	Zoning	Land use Permissibility (P)	Satisfied.
t	able			
				Residential is a 'P' use in the Residential
				Zone.

6.3 Policy/Local Development Plan Consideration

6.3.1 State Planning Policy 7.0 Design of the Built Environment

This state-wide policy provides the broad framework for the design of the built environment and applies to all levels of the planning hierarchy including development applications. An architectural peer review of the proposed development against the ten design principles of SPP7.0 being context and character; landscape quality; built form and scale; functionality and build quality; sustainability; amenity; legibility; safety; community; and aesthetic was undertaken on behalf the City. The peer review was carried out by a professional architect and landscape architect experienced in medium density development and is appended to this report as **Attachment 7**.

The broad principles under SPP7.0 are expanded upon and outlined specifically for apartment developments in SPP7.3 R-Codes Volume 2. An assessment of R-Codes Volume 2 is provided below.

6.3.2 State Planning Policy 7.3 Residential Design Codes – Volume 2 Apartments

Pursuant to Clause 25 of LPS 3, the R-Codes are to be read as part of the Scheme.

The R-Codes Volume 2 applies to all multiple dwellings (apartments) in areas coded R40 and above, within mixed used development and activity centres. The purpose of this document is to provide a comprehensive basis for control of residential multiple dwelling development.

When assessing applications for development, the City must have regard to the following policy objectives:

- to provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives;
- to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context;
- to encourage design that considers and respects local heritage and culture;
 and
- to facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.

The R-Codes Volume 2 is a performance-based policy and includes 33 Element Objectives with corresponding Acceptable Outcomes and Planning Guidance. Applications for development approval need to demonstrate that the design achieves the objectives of each design element.

Acceptable Outcomes are default provisions to assist in satisfying the objectives. Whilst addressing the Acceptable Outcomes is likely to achieve the Objectives, they

are not a 'deemed to comply' pathway and the proposal will be assessed in the context of the entire design solution to ensure the Objectives are achieved. Proposals may also satisfy the Objectives via alternative means or solutions.

In order to achieve the Element Objectives, proposals may require additional and/or alternative design solutions in response to site conditions, streetscape and design approach where specified in the local planning framework.

The proposed development is considered to be consistent with all the policy objectives of the R-Codes Vol 2, cited above. The proposal balances the development expectations of the R80 density code, which partly inform the future character of the area, with local context and existing neighbourhood character considerations.

The proposed limited number and large apartments intended to meet the 'luxury' apartment market, are considered to appeal to a wide range of demographics, including existing residents considering downsizing. There are no heritage listed properties within the street or identified cultural heritage areas within this immediate locality. The recommendation of this report includes conditions that seek to ensure the long-term reduction of operational costs of running the building and protection of internal and external amenity.

In broad terms, the assessment of the proposal against the R-Codes Vol 2 can be defined in terms of the proposal's form and scale as well as its impact on existing and future levels of external and internal amenity. Each of these are considered in detail below. The remaining elements are contained as **Attachment 12**.

Building Form and Scale

Building form and scale considerations are informed by the proposed building envelope and massing, as guided by the default provisions of Table 2.1 Primary Controls.

The building envelope is a function of building height and setbacks whilst building mass is informed by plot ratio, building depth and building separation. These elements form Part 2 Primary Controls under the R-Codes.

On balance, the proposal meets the default provisions (Acceptable Outcomes) for the majority of Elements 2.2-2.7, other than for Element 2.5 Plot Ratio. That notwithstanding, the proposal meets all objectives for these elements having regard to the local context and existing and future character considerations. On this basis, the building form and scale are considered acceptable. A detailed assessment against these elements is provided below.

Element 2.2 – Building Height

Element Objectives

- O 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.
- O 2.2.2 The height of buildings within a development responds to changes in topography.
- O 2.2.3 Development incorporates articulated roof design and/or roof top communal open space where appropriate.

O 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.

Acceptable Outcomes

Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument.

Table 2.1 allows for 4 storey or 15m.

Proposed

The proposal has a height of 4 storey and a measured height of 15m.

Administration Assessment

The proposal as amended in February 2020 demonstrates compliance with the default development standards under Table 2.1 for building height. In addition, the proposal generally satisfies the Element Objectives as set out below.

The proposed 4 storey, 15m development is consistent with the default development standards for the R80 code which is the indicative starting point when establishing the development expectations for this transitional area.

The amended proposal seeks to respond to the local residential context, through the provision of a graduated front setback where the fourth storey balcony presents as a recessive element in the streetscape being set back beyond Levels 2 and 3 and approx. 8.2m from the street. The proposal seeks to achieve a 'streetwall' type effect to three storeys, which is one storey above the 'as of right' two storey height limit permissible in lower coded areas. This is considered an appropriate transitional height in the context of existing single and double storey dwellings on Alexander Road, the RAC-3 coded Waratah Village to the south-east and lower coded R60 land to the west.

In addition, the proposal responds sensitively to the local character of the area, presenting as a contemporary styled, detached dwelling with 3.5m average side setbacks, generous landscaped front and rear gardens, a concealed roofline common to recently constructed development in the street, low front fencing and single crossover leading to basement car parking.

However, the amended proposal does exceed plot ratio by 0.15 (approx. 152sqm or almost half a floor plate) and will contribute to overshadowing of 8A and 8B Alexander Road as measured at 12pm at the Winter solstice. However, hourly shadow diagrams indicate that over the course of the day, the rear open space at 8A Alexander Road will retain solar access between 9am and before 2pm, although the north facing patio will be wholly shaded by 11am as of 21 June which is the worst case shadow scenario. The solar panels will be wholly shaded between 9am and 1pm, dropping to 91% shadow between 2pm and 4pm.

In this instance, the extent of shadow cast to the south is exacerbated by the previous subdivision and development of 8A and 8B Alexander Road, with 8A Alexander Road being sited within 2m of the common boundary and with private open spaces in the form of a patio and pool area located along the common boundary or at the north-west of the property. If the solar panels on the adjoining property were to be alternatively located at the eastern end of the dwelling's roof, the shadow diagram indicates some capacity for solar access between at least 9am and 11am at the Winter Solstice.

Objective 2.2.4 seeks to ensure that the height of the proposal development recognises the need for daylight and solar access to adjoining residential development.

It is considered that the proposal does demonstrate recognition of the need for daylight and solar access to the south by achieving a minimum 3.5m average setback to the southern boundary above the ground floor and providing extensive rear setbacks which

will ensure solar access is retained to the rear primary open space 8A Alexander Road between 9am and 2pm and to the patio between 9am and 11am.

The proposal has been amended during the application process to remove one level, achieving the minimum 3.5m average boundary setback and provides an increased southern boundary setback of 5.5m to the master bedroom at Level 4, none of these measures have resulted in a significant improvement in solar access to the adjoining property. In order to substantially reduce the impact of overshadowing to 8A Alexander Road, a reduced building height (to two storeys) is likely required, or a combination of increased boundary setbacks (above the minimum 3.5m average setback to the southern boundary) and a reduced plot ratio would likely be required. To eliminate any shading of 8A Alexander Road, the proposed development would need to be set back 20m, that is, outside of the cadastral boundary of the application site.

A reduction of building height to 2 storeys is considered unreasonable given upcoding of the application site under LPS 3. Further, the impact of overshadowing should be weighed against the fact that the recent development of the land to the south has resulted in a maximum building envelope with a north facing patio set back 2m to the boundary, which to some extent, exacerbates the overshadowing impact of any development be it two storey of four. As a reference, the dividing fence already overshadows 25% of 8A Alexander Road.

Element 2.3 – Street Setback

Element Objectives

- O2.3.1 The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street
- O2.3.2 The street setback provides a clear transition between the public and private realm.
- O2.3.3 The street setback assists in achieving visual privacy to apartments from the street
- O2.3.4 The setback of the development enables passive surveillance and outlook to the street.

Acceptable Outcomes

A2.3.1 Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument.

Table 2.1 allows for a minimum 2m primary street setback.

Proposed

The proposal achieves an average front setback of 7m. At ground level the dwelling is set back 8.8m to the street.

Administration Assessment

The proposal, as amended in February 2020, demonstrates compliance with the default development standards under Table 2.1 for Street setbacks. In addition, the proposal generally satisfies the Element Objectives given:

- At ground floor, the landscaping both hard and soft achieves a consistency with the landscape character of the street. The building has articulated elements with cantilevered balconies.
- Several retaining walls and landscaping therein, delineate the public realm from the private realm.
- The street setback provides for an appropriately setback terrace which is slightly elevated, with landscaping demarcating the public and private realms.
- Habitable rooms/balconies interface with the street.
- It is noted that the development proposal is now setback at triple the acceptable outcome, which achieves a consistency with the average setback of the street, particularly with respect to the recently redeveloped properties within the street.

Element 2.4 – Side and Rear Setbacks

Element Objectives

- O2.4.1 Building boundary setbacks provide for adequate separation between neighbouring properties.
- O2.4.2 Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.
- O2.4.3 The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.
- O2.4.4 –The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.

Acceptable Outcomes

A2.4.1 Development complies with the side and rear setbacks set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument. Or a greater setback is required to address 3.5 Visual Privacy.

Table 2.1 allows for a minimum 3m rear and side boundary setbacks and a 3.5m average boundary setback.

Proposed

Excluding the covered walkway, the main building achieves the Table 2.1 default provisions referred in the Acceptable Outcomes for side and rear setbacks. The main building itself also achieves the 3.5m average setback. The walkway could be made compliant by building it to boundary, which is permitted under the R80 density code, however this is considered a poorer outcome as it would have a greater impact on the southern neighbour and would remove landscaping along the boundary.

Administration Assessment

In addition to the achievement of the Acceptable Outcome, the proposal adequately addresses the Element Objectives given that:

- The Alexander Road streetscape is varied, reflecting the varied lot configuration and dwelling characteristics. Most dwellings have 1m-1.5m side boundary setbacks, however some have less.
- Just under half the properties within Alexander Road have development setback less than 6m from the rear boundary.
- In light of the above, the development is considered to exceed the general setbacks of the street and achieves consistency with the streetscape.
- Although no existing trees are proposed, generous DSA is proposed particularly to the rear with 2 medium and one large tree and significant landscaping.
- The upper floor setback will help in transitioning the proposal down to the single dwellings, albeit these are unlikely to remain. The Level 4 setback particularly to the south-east of the dwelling will provide additional transition to the adjoining property at 8A Alexander Road.

Element 2.5 - Plot Ratio

Element Objectives

O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.

Acceptable Outcomes

Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument.

Table 2.1 allows for a Plot Ratio of 1:1.0.

Proposed

The proposal provides for a Plot Ratio of 1:15, exceeding the default provision of Table 2.1by approx. 152sqm.

Administration Assessment

The amended proposal exceeds the default plot ratio control by approx.152sqm, the equivalent to half a floor of the proposed development.

The Element Objective is that the overall bulk and scale of the development is appropriate for the existing or planned character of the area.

The proposal includes a high degree of articulation on the northern side, with the private open space reducing the overall bulk presented to the adjoining property to the north. The street presentation is largely open, having glazed balustrades preventing bulk being presented to the street. The southern elevation has had several design improvements to add modulation of that elevation.

The Planning guidance for this element suggests the built form outcome should be tested against the proposed plot ratio to ensure it is co-ordinated with the building envelope, height, depth and setbacks amongst other site requirements. The plot ratio area is to sit comfortably within the building envelope to allow for building elements and service areas not included in the plot ratio calculation and to allow for building articulation.

The proposed plot ratio exceeds the anticipated volume of development for the R80 coding. In order to achieve the default plot ratio control, a further reduction in building height and/or additional boundary setbacks would be required. Considered on its own, the plot ratio suggests the development as proposed is too large for its context. The massing of the development easily fits within the desired building envelope demonstrated by the fact that the main building meets the default provisions and Element Objectives for Building height, Street setback and Side and rear setbacks. Despite presenting additional plot ratio area, the building is of an appropriate scale, has successfully mitigated the perception of bulk and is appropriate to the existing and planned character of the area.

The development is considered to meet the element objective.

Element 2.6 Building Separation

Element Objectives

- O2.7.1 New development supports the desired future streetscape character with spaces between buildings.
- O2.7.2 Building separation is in proportion to building height.
- O2.7.3 Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.
- O2.7.4 Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings

Acceptable Outcomes

A2.7.1 – Development complies with the separation requirements set out in Table 2.7.

Table 2.7 Building separation

	Building height		
Separation between:	≤ 4 storeys (up to 15m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)
oitable rooms/balconies	12m	18m	24m
oitable and non-habitable rooms	7.5m	12m	18m
n-habitable rooms	4.5m	6m	9m
oitable rooms/balconies and boundary	Refer 2.4 Side and rear setbacks (Table 2.1) and 3.5 Visual privacy (Table 3.5)	9m	12m
oita n-l	able rooms/balconies able and non-habitable rooms habitable rooms	Separation between: (up to 15m) able rooms/balconies 12m able and non-habitable rooms 7.5m habitable rooms 4.5m Refer 2.4 Side and rear setbacks (Table 2.1) and 3.5 Visual privacy (Table 3.5)	Separation between: (up to 15m) (up to 28m) able rooms/balconies 12m 18m able and non-habitable rooms 7.5m 12m habitable rooms 4.5m 6m Refer 2.4 Side and rear setbacks (Table 2.1) and 3.5 Visual privacy (Table 3.5) 9m

Distances apply from major openings of rooms, or the inside of balustrading of balconies.

Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.

Proposed

The proposal satisfies Table 2.7.

Administration Assessment

The proposal satisfies the Acceptable Outcomes to achieve adequate levels of internal separation. In respect of external separation, the proposal satisfies the objectives for Element 2.4 Side and rear setbacks and 3.5 Visual Privacy (with screening) as discussed above and below respectively. The increased southern boundary setback at Level 4 further improves residential amenity to the south with regard to outlook. Increased northern boundary setbacks would improve the extent of external separation to the north and avoid the need for screening.

With respect to O2.7.4 there is more than double the required Deep Soil Area (DSA), including nine small trees, two medium trees and one large tree, with significant landscaping within the generous setbacks.

Amenity Considerations

Amenity considerations are informed by a combination of elements that assess the impact of a development on future residents and on surrounding properties.

External amenity considerations are informed by the development's orientation (overshadowing), landscaping contribution (tree canopy and deep soil areas), visual privacy (overlooking), interface to the public realm (Public domain interface), pedestrian and vehicle access and car and bicycle parking.

In relation to Element 3.6 Public domain interface, the proposal satisfies the acceptable outcomes and objectives given the proposal strikes a balance between visual privacy and passive surveillance, promoting opportunities for social interaction, ensuring residents' perceptions of safety and security, and contributing to streetscape amenity. The ground level dwelling is raised 0.5-1m above ground level and balustrading to the street features a mix of low height retaining wall and permeable balustrades to upper level balconies. At ground level the proposal will read as a residential development with a landscaped front setback with a separate side pedestrian access provided for Unit 1. Service elements such as the booster cupboard and mailboxes are both easily identified and integrated into the façade design along the property frontage. Together with front setback landscaping, the basement car parking and concealed bin storage, enhances the amenity of the adjoining public domain.

In response to Element 3.7 Pedestrian Access, although the lobby is not directly visible from the street, sufficient cues along the southern boundary including the covered and plant lined ramp, will ensure building's main entrance is identifiable from the street. Separate gate with stair access is provided to Unit 1 along the northern boundary. The provision of lighting as part of the landscape proposal will further enhance the legibility of pedestrian access and is recommended as a condition of approval. Visitor access to the basement car park and lobby will be managed by an intercom system.

With respect to Element 3.8 Vehicle Access, the proposal generally satisfies the Acceptable Outcomes. One vehicle access point is proposed which is easily identifiable from the street and minimises the visual impact of vehicle access at the street via the integrated basement vehicle access. A minimum width driveway of 4.4m is proposed and the design ensures there is adequate visibility for pedestrians, cyclists and vehicles with a truncated wall at the street edge. An intercom system is provided to allow access to visitor basement car parking.

The proposal also generally satisfies the Acceptable Outcomes of Element 3.9 Car and bicycle parking given that:

- Secure, undercover bicycle parking is provided in line with Table 3.9 and accessed via a continuous path of travel from the vehicle/bicycle entry point
- Secure car parking exceeds the requirements of Table 3.9 being 4 resident spaces and 1 visitor space as the development proposes 8 resident spaces and 4 visitor spaces. Visitor spaces will be clearly signed and accessible via an intercom management system.
- The basement is set back from the boundary to preserve opportunity for DSA and stormwater management principles.
- The basement is located outside the street setback and not visually prominent from the street. Although the basement car park protrudes more than 1m above ground it is screened by the boundary fence and ameliorated by landscaping the front setback and provides a level of physical separation to the driveway and protection from light spill.
- Basement ventilation which is integrated into the façade design can be provided as a future condition of approval.

However, the basement ramp, car park design and circulation spaces are to demonstrate compliance with AS2890.1 (as amended) and Council's standard condition is recommended in the event the application is approved.

Many of the submissions received during public consultation objected to the proposal due to unreasonable external amenity impacts, particularly in relation to orientation, visual privacy and landscaping. These elements are discussed in detail below.

Element 3.1 – Orientation (Overshadowing)

Element Objectives

O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.

O3.2.2 – Building form and orientation **minimises** overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

Acceptable Outcomes

A3.2.1 – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.

A3.2.2 – Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.

A3.2.3 – Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed:

- adjoining properties coded R25 and lower 25% of the site area¹
- adjoining properties coded R30 R40 35% of the site area¹
- adjoining properties coded R50 R60 50% of the site area¹
- adjoining properties coded R80 or higher Nil requirements (emphasis added)
- (1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)
- **A3.2.4** Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites

Proposed

The extent of shadow cast on the adjoining properties is significant; at 12pm at the Winter Solstice, the amended proposal will cast a significant amount of shadow over both properties 8A and 8B Alexander Road, estimated at 74.8% of the site area at 8A Alexander Road and 53.8% of 8B Alexander Road.

The shadow is cast over almost both entire dwellings at midday, including the solar panels and north facing patio at 8A Alexander Road. However, at 12pm, the 1.9m boundary fence alone will overshadow the patio and part of the rear backyard and pool. However, the rear open spaces at 8A and 8B Alexander Road are unaffected at this time. In fact, the hourly shadow analysis demonstrates that over the course of the day, the rear open space at 8A Alexander Road will retain solar access between 9am and before 2pm, although the north facing patio will be wholly shaded by 11am. The solar panels will be wholly shaded between 9am and 1pm, dropping to 91% shadow between 2pm and 4pm.

Administration Assessment

In terms of O3.2.1, the proposal adequately responds to the Acceptable Outcomes of this element. It faces the street and provides identifiable and direct access to the building, including separate access to the ground floor dwelling. It also provides opportunity for passive surveillance of the public realm with habitable room windows and balconies oriented to the street. The proposal also satisfies solar and daylight access objectives as applicable to internal amenity considerations as it maximises the number of dwellings and open spaces with a northern orientation.

In terms of O3.2.2, the starting point for overshadowing in Residential R80, is that development can overshadow all of the southern adjoining site area. There is consideration afforded to solar panels in A3.2.4 on sites coded R40, however no such provision applies to R80, the implications of which are significant to the subject application. That notwithstanding, it is acknowledged that the extent of shadow cast on the adjoining properties is significant and must be considered in context and against the objective.

In this instance the extent of shadow cast to the south is exacerbated by the previous subdivision and development of 8A and 8B Alexander Road, with 8A Alexander Road being sited within 2m of the common boundary and with private open spaces in the form of a patio and pool area located along the common boundary or at the north-west of the property. It is noted that the single house at 8A Alexander Road is the primary source of overshadowing to 8B Alexander Road, and that in elevation, the development does not impact 8B. Given this, the assessment will primarily relate to 8A Alexander Road. If double string solar panels on the adjoining property were to be alternatively located at the eastern end of the adjoining dwelling's roof, the shadow diagram indicates some capacity for solar access between at least 9am and 11am at the Winter Solstice.

Using development approvals for the southern adjoining lot, the City has modelled four, three and two storey developments to determine what could reasonably be done to minimise the impact of overshadowing to the narrow southern lot. To eliminate any shading of 8A Alexander Road, the proposed development would need to be set back 20m, that is, outside of the cadastral boundary of the application site. In order for the solar panels to remain shadow free at 12pm on June 21, a four storey (15m) development would require a 12.6m setback. At three storeys (12m) the development would require a 6m setback to avoid overshadowing of the rooftop solar panels. Importantly, even a three-storey development with generous 3.5m setbacks has the same impact on the solar panels as the subject proposal. At two storeys setback 1.5m, the solar panels would be shadow-free.

Although the Acceptable Outcomes for this element are met, the proposal even as last amended, demonstrates difficulty complying with the entirety of Objective O3.2.2. The proposal cannot reasonably minimise the overshadowing of habitable rooms and solar collectors of neighbouring properties having regard to the future development expectations of the R80 code and given the siting of the adjoining property.

It does however, through generous rear setbacks, ensure reasonable solar access to the adjoining primary outdoor open spaces at the rear of 8A and 8B Alexander Road and

ensures some access (between 9am and 11am) to the north facing patio over the course of the day. The shadow analysis also demonstrates there would be capacity for solar access to the solar collectors between 9am and 12pm, were they sited to the eastern extent of the adjoining dwelling roof.

Given that there is an opportunity to relocate the solar panels, it is Administration's view that requiring the development to comply with the same height as the R20 density code to maintain the current level of panel output is unreasonable, given that the southern site has maximised its development potential under the previous code by: maximising site cover, lot boundary setbacks; and height — which has exacerbated the development's overshadowing impact. Referring back to the Acceptable outcomes, by omission, it is clear that the R-Codes Vol.2 acknowledges that solar panels on adjoining lots will be impacted by development above two storeys. Administration is of the view that the applicant has done everything reasonably possible to minimise the extent of overshadowing given the southern property's size, orientation and configuration. The development maintains some output on June 21 and could be further improved by relocating the panels from their current location. For the reasons outlined above, the proposal is considered to address Element 3.2.

Element 3.3 Tree canopy and deep soil areas

Element Objectives

- O3.3.1 Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.
- O3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.
- O3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.

Acceptable Outcomes

- A3.3.1 Retention of existing trees on the site that meet the following criteria:
 - · healthy specimens with ongoing viability AND
 - · species is not included on a State or local area weed register AND
 - height of at least 4m AND/OR
 - trunk diameter of at least 160mm, measured 1m from the ground AND/OR
 - average canopy diameter of at least 4m.
- A3.3.2 The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.
- A3.3.3 The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.
- A3.3.4 Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.

Table 3.3a Minimum deep soil area and tree provision requirements

Site Area	Minimum deep soil area	Minimum requirement for trees ¹
Less than 700m²		1 medium tree and small trees to suit area
700 – 1,000 m²	10% OR	2 medium trees OR 1 large tree and small trees to suit area
>1,000m²	7% if existing tree(s) retained on site (% site area)	1 large tree and 1 medium tree for each additional 400m² in excess of 1000m² OR 1 large tree for each additional 900m² in excess of 1000m² and small trees to suit area

A3.3.5 – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.

Table 3.3b Tree sizes

Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m²	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m²	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m²	6m	4.5m (DSA) + 1.5m (RSZ)	500L
¹ Rootable are	¹ Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.					

- A3.3.6 The extent of permeable paving or decking within a deep soil area does not exceed 20 per cent of its area and does not inhibit the planting and growth of trees.
- A3.3.7 Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.

Deep Soil Area of 10 percent is required, along with 1 large tree, with a minimum DSA of 36sqm.

Proposed

No existing trees are identified for retention and site investigations and the peer review indicate that there is no significant tree canopy worthy of retention, although one tree to the north of the pool may have some potential. No arboriculture advice has been provided in respect of tree removal or impact.

An amended landscape plan has not been provided which identifies the relocation of the driveway and crossover to the south-west of the application site. Updated advice is required in respect of the impact of the new crossover on the southern street tree's root zone.

The proposed amount of DSA exceeds the minimum requirement under the Acceptable Outcomes, with the rear area allowing for nine small trees, two medium trees and the large street setback allowing one large tree. The plans indicate provision of an additional medium size tree and a small sized tree to the front setback. Proposed planting indicates a variety of deep soil and planting on structure with a hybrid planting mix and a high degree

of hard landscape elements. The large tree to the rear and trees two front setback are sited close to structures.

Administration Assessment

Although the proposal does not seek to retain existing trees, it provides for one medium sized tree and two small trees in the rear setback and a medium sized tree in the front setback. The proposed landscaping area, especially to the rear, exceeds the DSA requirement of Element 3.3 of the R-Codes Vol.2. There may be additional capacity to increase tree canopy in the northern and southern boundary setbacks in lieu of the proposed general planting areas.

An updated landscape plan will be required as condition in the event the proposed development is approved. The landscape plan should use the site plan to correctly identify the unrestricted area available for tree canopy growth as well as include a detailed planting schedule.

- The amended landscape plan should address the following matters:
- Whether the proposed driveway construction will impact existing verge street trees and if so, incorporate protection measures or pruning into the plan.
- Provide additional pavement connection so bins can be wheeled easily to street verge. This could simply connect to the driveway from top of ramp.
- Consideration of the existing turfed verge as a more ecologically rich and water-wise garden featuring native ground covers with stepping stones to the verge for occupant amenity however all changes to the verge are subject to a Nature Strip Works application.
- The landscape plan should confirm the extent of weather-proof awning to entry and northern access and that the design provides a clear welcoming and safe pedestrian address that creates amenity.
- The landscape plan should be reviewed to relocate the two trees in the front setback so they are free from balcony structures, reduce hardscaping in the northern boundary setback in favour of soft planting and larger scale tree canopy in DSA to mitigate bulk and scale between buildings and assist with privacy and over-viewing. Larger tree planting should be provided in lieu of the 'Tropical Garden' in the southern boundary setback over DSA. In the rear setback, more large-scale, native, canopy trees should be provided in the DSA to support local biodiversity, mitigate bulk and scale and assist with privacy and overlooking as well as urban heat reduction through shade. The extent and location of hard structures should be reviewed, and soft structures prioritised over DSA. Access to deck area should be clarified. The planting schedule should reference ecologically relevant plant material and tree selection that assists with micro-climate. Trees should be located to ensure health, future growth potential and minimise conflict with structures. The large rear tree location should be improved.
- The tree canopy to the front and side setbacks could be significantly improved. The
 Landscape plan indicates trees over DSA in the northern side setback with limited
 crown capacity. It is recommended that the species be reviewed to improve the
 canopy outcome. The 'Lush Tropical Garden' along the southern boundary setback is
 located over precious DSA and should be maximised with a larger scale tree canopy.
- The landscape design should be reviewed to consider whether site topography i.e.
 the low point (SE corner) could be used as a drainage point for stormwater infiltration
 as opposed to a below ground soak-well, which have not been identified. If soak-wells
 are proposed in the DSA, the size and location are to be indicated on the plan and
 the DSA recalculated.

Despite the above recommendations the proposal is supported, given the large area of deep soil area, the revised landscaping will easily address the above items.

Element 3.5 – Visual Privacy

Element Objectives

O3.5.1 – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.

Acceptable Outcomes

- A3.5.1 Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.
- A3.5.2 Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).
- A3.5.3 Living rooms have an external outlook from at least one major opening that is not obscured by a screen.
- A3.5.4 Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.

Proposed

The proposal generally complies with visual privacy setbacks to the southern side and rear boundaries in accordance with Table 3.5 given that bedrooms and living areas are either oriented to the north and major openings restricted along the southern boundary.

Administration Assessment

A 6m cone of vision or more is provided to the rear facing balconies compliant with Table 3.5 but screening in the form of obscured glazing is proposed to the southern edges of the front and rear balconies on all levels to restrict overlooking as the cone of vision is generally limited to 5m rather than 6m at these points. The amended southern boundary setback to the master bedroom on level 4 ensures there is a cone of vision greater than the 6m requirement (7.8m) and therefore screening is not required to the southern edge of the rear balcony at this level.

On the northern boundary, screening is required to the alfresco areas, bedroom 3 balcony and the northern edges of the front and rear balconies to achieve visual privacy compliance.

Aside from the northern and southern edges of the rear balconies which is proposed to be screened with obscure glass, the screening otherwise proposed is vision control glass. It is understood that vision control glass is an adhesive film applied to the glass that restricts the

angle of the view between 50-60 degrees. Administration has concerns with the permanency and durability of the vision control glass film and in the event the application is approved, recommends screening be conditioned to comply with the R-Codes; permanently fixed screening to 1.6m above FFL.

Whilst the glazed screening presents as a light façade element in elevation, it could be avoided on the northern boundary by further recessing the Alfresco and Bedroom 3 balcony. The extent of obscure glass screening along the southern boundary is limited (2.66m) at the south-east corner of the proposed development) and is considered acceptable.

The proposal addresses the other Acceptable Outcomes, given that:

- Balconies are unscreened for more than 25% of perimeter including edges abutting the building.
- Living rooms have an external outlook from at least one major opening that is not obscured by a screen.
- Windows and balconies are sited oriented, offset or articulated to restrict direct overlooking without excessive reliance on high sill levels or permanent screening of windows and balconies.

 All habitable rooms are separated from gallery walkway access and other open circulation space.

Overall, the proposed orientation and building design minimises the direct overlooking of habitable room windows and private outdoor living areas consistent with the objective, although the extent of screening along the northern boundary could be improved by further recessing the outdoor living areas.

Internal Amenity

Internal amenity considers the building design from the perspective of its future residents and takes into account the anticipated level of solar and daylight access, capacity for natural ventilation, the size and layout of the proposed dwellings, provision of private open spaces, storage, dwelling mix and architectural design.

Overall, the proposal satisfies the building design element objectives and is anticipated to achieve a high level of future internal residential amenity given that:

- Each of the dwellings optimises its northern orientation with living rooms and bedrooms maintaining at least one aspect to the north, east or west.
- All dwellings have living rooms and private open spaces with at least 2 hours direct sunlight between 9am and 3pm on 21 June and every habitable room has at least one window in an external wall, visible from all parts of the room, at least 50 percent glazed.
- External shading devices have also been incorporated into the design to minimise direct sunlight to habitable rooms between late September and early March.
- The proposal optimises opportunity for natural cross ventilation for each dwelling. Habitable rooms have openings on at least two walls with a straight-line distance between the centre of the openings of at least 2.1m. The capture and use of prevailing breezes is maximised by orienting windows and controlling façade elements. Although many of the habitable (living) rooms are long, the number of windows will mitigate the length appropriately.
- The proposed dwellings have generous internal floor areas. Room dimensions can easily accommodate a variety of furniture arrangements that exceed the minimum dimension in accordance with Table 4.3a of Element 4.3 Size and Layout of dwellings for both functionality and flexibility. Living areas and bedrooms located on the external face of the building the maximise daylight and bedrooms are provided with robe spaces. Higher ceilings at 3.1m provided an additional sense of spaciousness.
- The proposed dwellings are provided with generously sized private open spaces which exceed the requirements at Table 4.4 of Element 4.4 Private Open Space and Balconies and as supplemented by the communal landscaped rear ground level garden area. Where screening is required to achieve visual privacy, the entire open space is not screened and can be managed to avoid obscuring the outlook from adjacent living rooms. Services and fixtures located in private open space are concealed from the street and integrated into the building design.

- Circulation and common spaces have been designed for universal access being accessible via a continuous path of travel from the primary entry. Circulation and common spaces are very small for a development of this size, reducing the need for passive surveillance. There are limited opportunities for concealment by virtue of their size. The (fire) stairwell has been designed and located as attractive and functional alternatives to the lift. The potential for light spill and the use of anti-slip, trip or fall materials can be further controlled through the City's standard conditions in the event the development is approved.
- Each dwelling has exclusive use of a separate, weatherproof, bulky goods storage area conveniently and securely located in the basement. Store dimensions are consistent with Table 4.6 and basement ventilation will be controlled through the City's standard conditions in the event the development is approved.
- Utilities are either located within the front setback, adjacent to the building entry or roof and are integrated into the building design and landscape elements such that they are accessible for servicing requirements but not visually obtrusive. Hot water units, air-conditioning condenser units and clotheslines are located to ensure safe maintenance without impacting functionality of outdoor living areas or internal storage. Laundries are conveniently located secure, weather-protected and well-vented; and are of an overall size and dimension that is appropriate to the size of the dwelling.

Other matters related to internal amenity considerations, and which were raised in the public submissions, include Element 4.7 Noise Impacts, Element 4.7 Noise Impacts, Element 4.10 Façade Design, Element 4.15 Energy Efficiency and Element 4.17 Waste Management. These are discussed in detail below.

Element 4.7 Noise Impacts

Element Objectives

O4.7.1 – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.

O4.7.2 – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.

Acceptable Outcomes

A4.7.1 – Dwellings exceed the minimum requirements of the NCC, such as a rating under the AAAC Guideline for Apartment and Townhouse Acoustic Rating (or equivalent).

A4.7.2 – Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space and refuse bins are not located adjacent to the external wall of habitable rooms or within 3m of a window to a bedroom.

A4.7.3 – Major openings to habitable rooms are oriented away or shielded from external noise sources.

Proposed

An Acoustic Report was prepared by Herring Storer for the proposal development (based on the original 5 dwelling scheme) and is contained as **Attachment 8**. The report (section 5.0) identifies the main source of noise attributed to the development to be from mechanical services being car park ventilation fans is required and from air conditioning condenser units. Noise received at neighbouring premises from these items need to comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.

The report states that "the air conditioning systems are not known (and not designed) at this stage, however, it would appear that the condenser units are proposed to be located on the southern side of the building on the "Drying" balconies.

Once the design of the system is finalised, an acoustic assessment will be carried out of noise emissions from the mechanical plant and any noise amelioration required will be incorporated into the design to ensure compliance with the Environmental Protection (Noise) Regulations 1997. However, we believe that compliance would be easily achieved, and any noise mitigation would be minimal, with the proposed design.

Noise emissions from the carpark exhaust fans (if required), will also need to comply with the Regulatory requirements. From previous projects, we believe that with careful fan selection and the incorporation of either 1D or 2D unpadded silencers, compliance with the Environmental Protection (Noise) Regulations 1997 is normally achieved. An assessment of noise emissions will be carried out once equipment has been selected and submitted for approval."

Administration Assessment

Major openings to habitable rooms are oriented away or shielded from most external noise sources. In general, the proposal maximises the distance between significant external noise sources and habitable rooms and private open space.

The application has been considered by Council's Environmental Health department which provides the following additional advice notes to form part of any potential approval should the application be approved:

- As per the recommendations contained within the acoustic report prepared by Herring Storer Acoustics - Acoustic assessment (by a suitably qualified acoustic consultant) is to be carried out for all mechanical equipment/plant once designed (including the use of the waste compactor, exhaust fans, air conditioners and any other plant) demonstrating compliance with the Environmental Protection (Noise) Regulations 1997.
- 2. The enclosure for the storage and cleaning of waste receptacles to be provided on the premises, and managed, as per the requirements of the City's Health Local Laws 2017:
 - Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - b. Walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - Smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - d. Easily accessible to allow for the removal of the receptacles;
 - e. Provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City; and
 - f. Provided with a tap connected to an adequate supply of water.
 - g. Adequately ventilated, such that they do not create a nuisance to residences (odour).

With the above changes taken into account, the development has been assessed as being capable of meeting the Noise Regulations (As amended). It is for this reason that a condition imposed requiring the Acoustic report and its recommendations form part of the recommended approval.

The element objectives are capable of being achieved.

Element 4.10 Façade Design

Element Objectives

O4.10.1 – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.

O4.10.2 – Building façades express internal functions and provide visual interest when viewed from the public realm.

Acceptable Outcomes

A4.10.1 – Façade design includes:

- scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm

rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.

A4.10.2 – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.

A4.10.3 – The façade includes design elements that relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights **A4.10.4** – Building services fixtures are integrated in the design of the facade and are not

visually intrusive from the public realm.

At 10.5 — Development with a primary setback of 1m or less to the street includes awnings

A4.10.5 – Development with a primary setback of 1m or less to the street includes awnings that:

- define and provide weather protection to entries
- are integrated into the façade design

are consistent with the streetscape character.

A4.10.6 – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.

Proposed

In terms of A4.10.1 and A4.10.3, The façade of the development has an appropriate scale at street level, by proposing a three-storey street wall, which mimics the height of dwellings within the surrounding area.

The development over-emphasises horizontal elements which in general makes development appear lower than what it otherwise would.

In terms of A4.10.1, Building services fixtures are all integrated into the design, reducing any potential impact on the streetscape presentation.

Administration Assessment

The development achieves A4.10.1 and A44.10.3 which in this instance is considered to achieve O4.10.1. The development The City's independent architecture peer review noted that the design minimises its bulk by setting back the top storey from the street, minimising its impact from flanks with good articulation, materiality and composition.

In terms of O4.10.2, the development provides an attractive contemporary façade, which presents a residential dwelling, that is consistent with the style and design of the surrounding replacement dwellings.

The element objectives are considered to be achieved.

Element 4.15 Energy Efficiency

Element Objectives

O4.15.1 – Reduce energy consumption and greenhouse gas emissions from the development.

Acceptable Outcomes

A4.15.1 -

a) Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) **OR**

b) All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.¹

Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.

Proposed

The development proposes significant amounts of solar panels, which satisfies A4.15.1(a).

Administration Assessment

The provision of the solar panels is considered to meet O4.15.1. In addition, the design, orientation and configuration of the apartments are considered to reduce the need for excessing lighting, heating and cooling by having a significant northern orientation and openings to all elevations to provide ventilation.

The sustainability report notes that the NATHERS rating is close to 8, well above the minimum NATHERS. The applicant sustainability report outlines the ways in which the development overachieves the NATHERS rating are contained as **Attachment 10**. A condition of approval is recommended to ensure the Sustainability report is

The element objectives are capable of being achieved.

Element 4.17 Waste Management

Element Objectives

- **O4.17.1** Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.
- **O4.17.2** Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.

Acceptable Outcomes

- **A4.17.1** Waste storage facilities are provided in accordance with the Better Practice considerations of the WALGA Multiple Dwelling Waste Management Plan Guidelines (or local government requirements where applicable).
- **A4.17.2** A Level 1 Waste Management Plan (Design Phase) is provided in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines Appendix 4A (or equivalent local government requirements).
- **A4.17.3** Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines Level 1 Waste Management Plan (Design Phase) (or local government requirements where applicable).
- **A4.17.4** Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.

Proposed

Proposing four dwellings, the development complies with the provisions of draft LPP - Waste.

An appropriately sized bin store has been proposed as part of the application and reviewed by the City's internal Waste and Health Services.

The Bin store is screened from view and accessible from the street.

Administration Assessment

The application complies with the requirements of draft waste policy and provides an appropriately located bin store that meets the relevant standards.

The applicant's Waste Management Plan, contained as **Attachment 9**, was approved by the City's Waste Services. Given that the development only contains four dwellings, it will not result in the unnecessary proliferation of bins on the verge and complies with the

maximum number permitted under the city's Waste policy. The bin storage area is appropriately sized and located so as to be not be visually obtrusive to adjoining properties and the street.

This element objectives are considered to be achieved.

7.0 Conclusion

Administration acknowledges the proposal represents a stark change to the existing dwellings that adjoin the property. That notwithstanding, there are multiple sites within the street that are likely to take advantage of the R80 and R60 density codes over time. Alexander Road provides an important transition between the newly coded Mixed Use R-AC3 and lower density areas beyond with default height of 6 storey to a default height of 4 storey for R80.

The applicant has made considerable changes to the plans, thereby addressing the City's concerns regarding height, bulk, scale and streetscape presentation. Importantly, the application is considered to address some of the key concerns raised during public consultation for other recent development applications, namely: basement parking, surplus car parking bays, minimal number of dwellings, large areas of landscaping and tree canopy, generous street and side setbacks and – with the exception of plot ratio – compliance with the primary controls.

Approval of the application may encourage future applicants to apply for similarly scaled developments that are more consistent with the landscape and streetscape character of Nedlands, instead of the minimum 10 dwellings that are required for DAP applications.

The changes made to the development are such that it is now considered capable of meeting all relevant element objectives and is recommended for approval, subject to conditions.

Address	Development Type	Description
		Subject site.
6 Alexander		Proposed
	10 10 10 10 10 10 10 10 10 10 10 10 10 1	demolition.
	SHOW THE PARTY OF	
		Large street
		setback area.
		A varied
		vegetation
		species,
		mainly low
		flowering
		bushes,
	AND THE RESERVE TH	hedges.
		Single storey
		dwelling
		5 storey
87 Waratah		mixed-use
Avenue		development
		within the
		Mixed Use
		Zone.
		201161
		Balconies
		have been
		used to
	THE RESERVE THE PARTY OF THE PA	create a
		'street wall'
	THE RESERVE OF THE PARTY OF THE	Awning over
	The same of the sa	the street.
		Built to
		boundary
		which is
	The state of the s	encourage in
		commercial
		areas.
	SALES OF THE PROPERTY OF	
	THE RESIDENCE OF THE PARTY OF T	

7b Alexander Road



Large two storey development – vehicle access to the rear. Contemporary design, concealed roof.





Single storey low pitched roof. Built to boundary. Relatively large street setback due to garage being located to the rear.

Corner commercial premises 105A Waratah Ave



Traditional high street shop front. Built to boundary, with awning, hardscaping and car parking dominating the frontage.

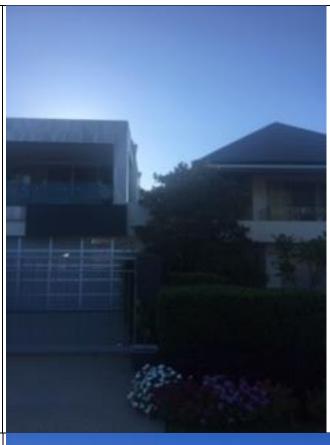
10 Alexander Rd



Single storey original character home (post war). Large street setback. No parking structure in front setback area, no front fence. Lawn is the defining vegetative feature.

8B 2 Storey Alexand Contemporary replacement er Rd dwelling, with pitched roof. Narrow lot size, approx. 5m street setback. Garage takes up more than 50% of the frontage. Low street walls. 8A Two storey Alexand replacement er Rd dwelling. Narrow subdivided lot. Prominent Vehicle Gate. Approx. 5m street setback.

Concealed roof design. Garage takes up more than 50% of the frontage. Nil-



2m side setbacks.

Minimal separation between properties





Large two storey replacement dwelling. Garage to the rear. Minimal vegetative landscaping comprising small bushes and lawn.

Minimal separation between properties

5a and 5b Alexander Rd



Development site.

4a Alexander Rd



Large two storey replacement dwelling.

Approx. 5.5m street setback.

Nil to 2m side setbacks.

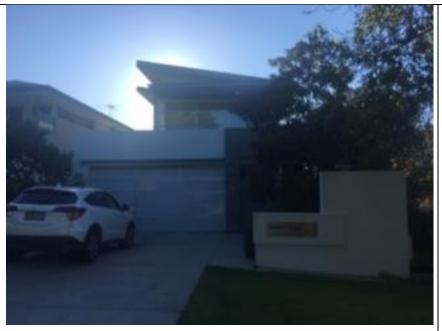
Approx. 20 degree pitched roof.

Street setback area is dominated by vehicle access and hardscaping

Small jacarandah trees, and bushes.

Minimal separation between properties.

4B Alexander Rd



Large two storey replacement dwelling on narrow lot. Garage takes up about half of the frontage.

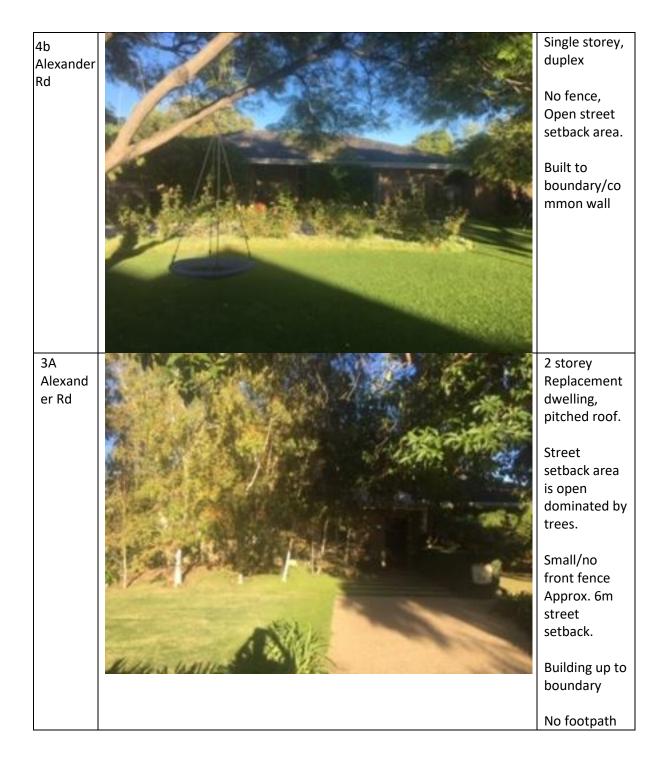
Mainly open street setback area. mix of small to medium trees and bushes. Approx 5m street setback area

3 Alexander Rd

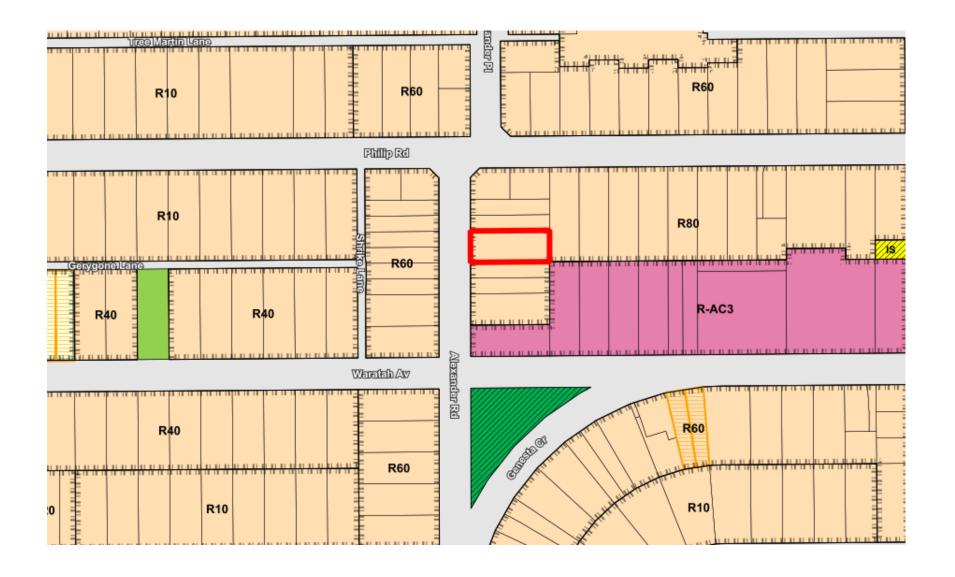


Duplex built to boundary. Small carport in front setback area.

Street setback area is open dominated by vegetation and small bushes Approx. 6m setback area.



View of Alexander Rd looking South





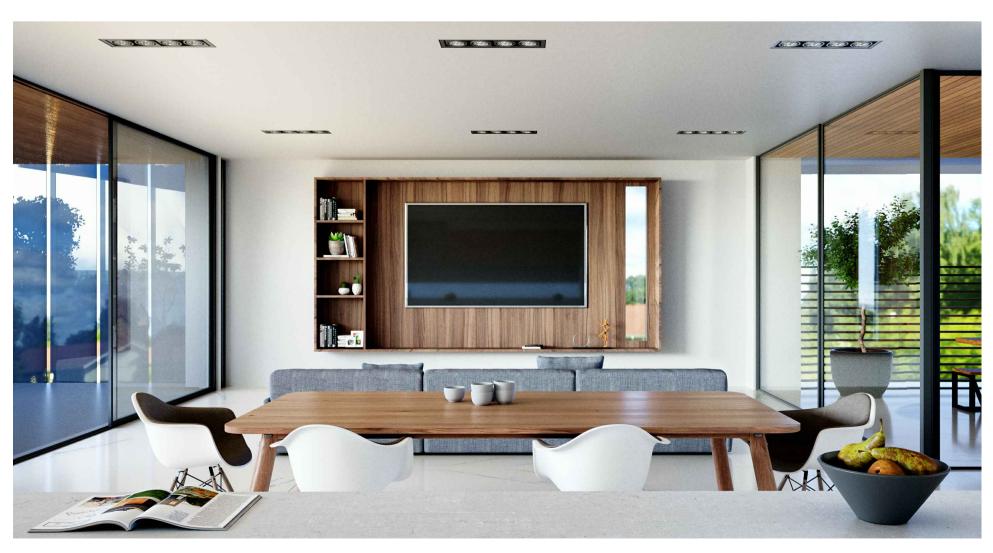




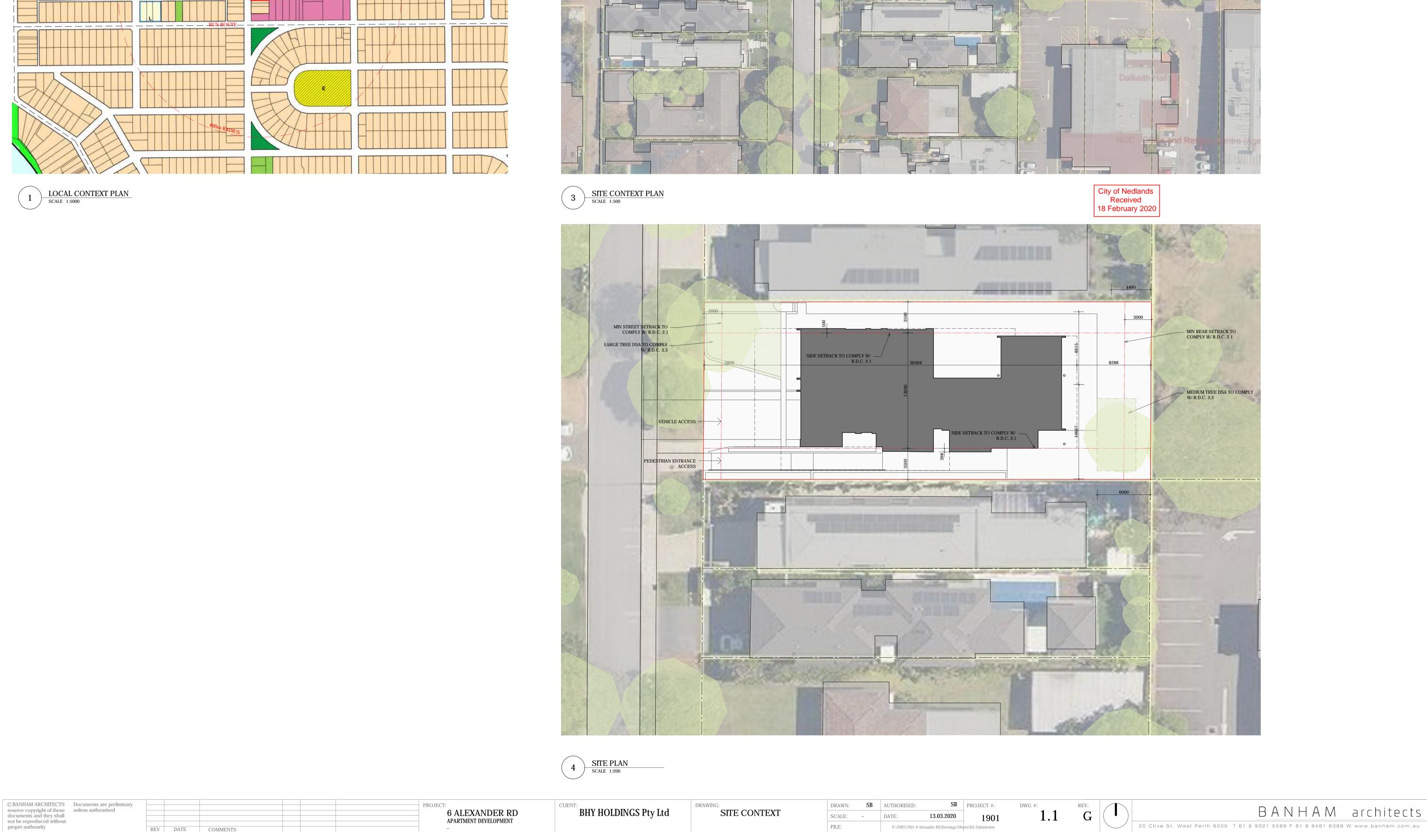


Project Planning Summa Site R-Coding	R80		
Site Area	1012 m ²		
Storeys	4		
Proposed GFA	Level 1 290.9 m ²		
rroposed di A	Level 2 291.0 m ²		
	Level 3 291.0 m ²	_	
	Level 4 291.0 m ²		
	Total 1163.9 m ²		
Primary Controls			
	R80 Compliant	Proposed	
Building Height	4	4	
(storeys)			
Building Height	15m	15m	
(m)			
A 19		F 000	(0.000/)
Minimum Primary	2m	5.990m	(300%)
Minimum Primary street setback	2m	5.990m	(300%)
	2m 3m	3m	(300%)
street setback			(276%)
street setback Minimum side setback Minimum rear setback	3m	3m	
street setback Minimum side setback	3m 3m	3m 8.288m	
street setback Minimum side setback Minimum rear setback Minimum average side setback	3m 3m	3m 8.288m	
Minimum side setback Minimum rear setback Minimum average side setback Boundary wall height	3m 3m 3.5m	3m 8.288m 3.5m	
street setback Minimum side setback Minimum rear setback Minimum average side setback	3m 3m 3.5m	3m 8.288m 3.5m	



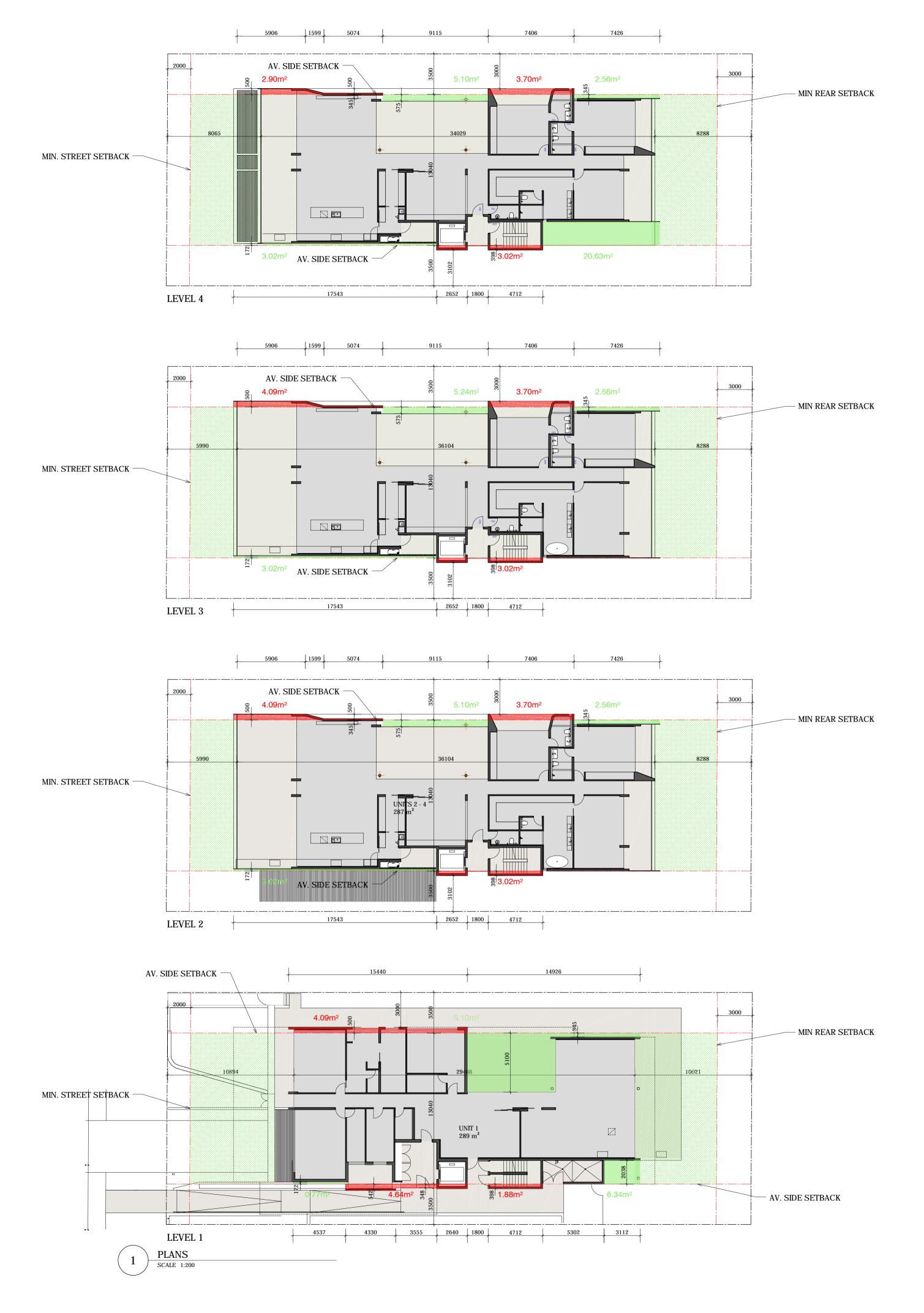


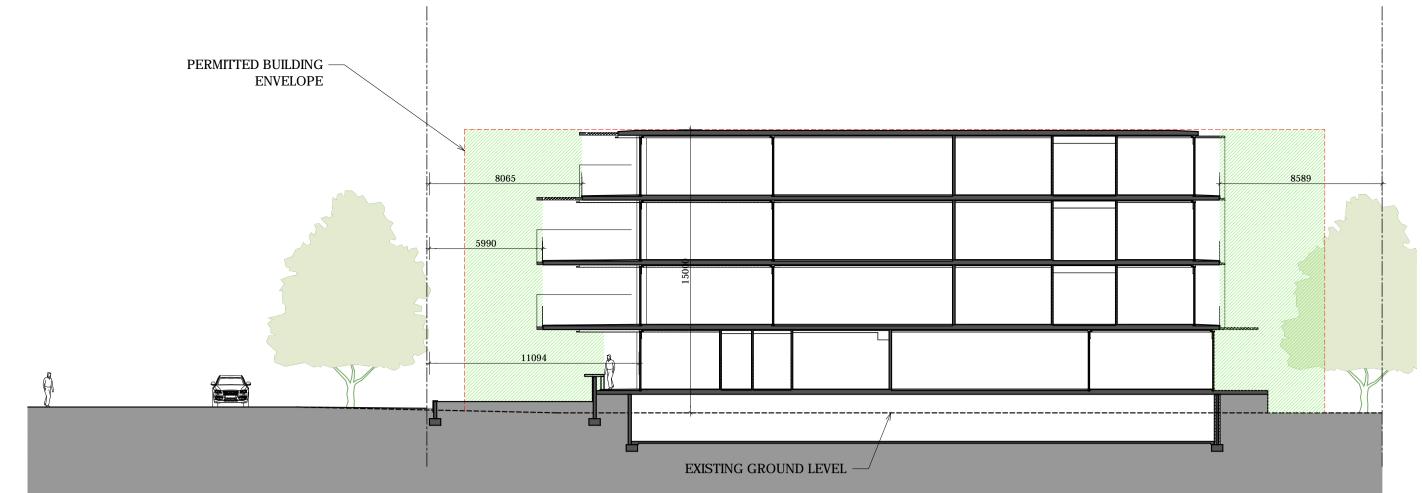




SITE PIAN LEGEND

DEVELOPMENT BUT FIRST BART TO PER TABLES IN THE TABLES



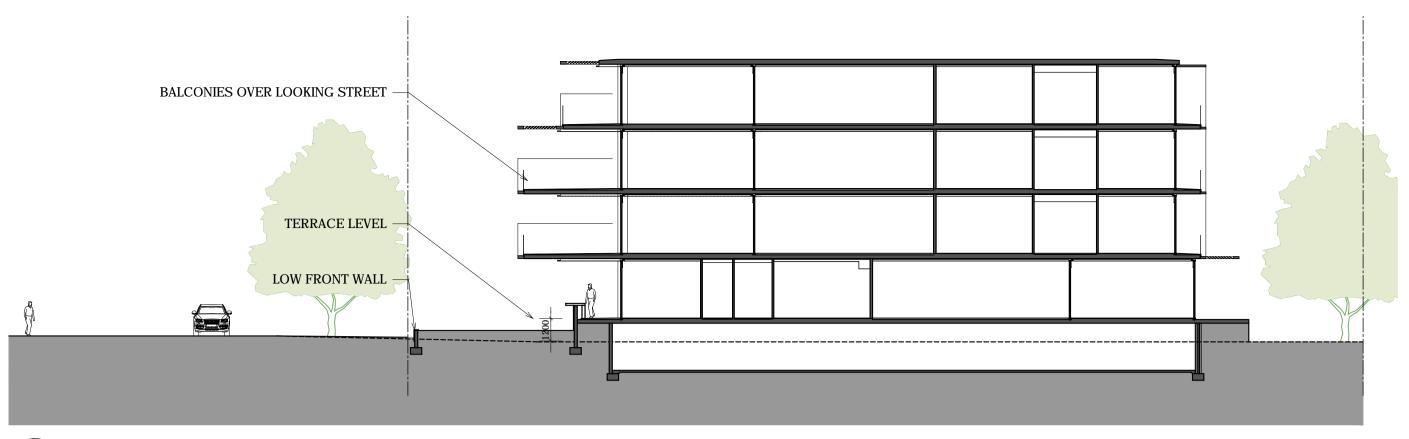


2 SECTION SCALE 1:200

City of Nedlands Received 18 February 2020

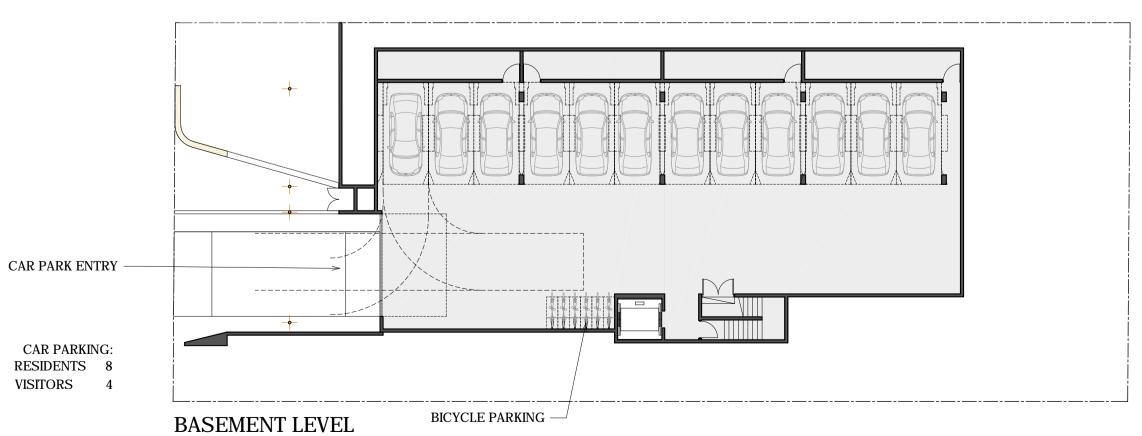
© BANHAM ARCHITECTS reserve copyright of these documents and they shall not be reproduced without proper authourity SB AUTHORISED: SB PROJECT #: BANHAM architects BHY HOLDINGS Pty Ltd 6 ALEXANDER RD PRIMARY CONTROLS 2.0 G SCALE: #####DATE: 13.03.2020 APARTMENT DEVELOPMENT 20 Clive St. West Perth 6005 T 61 8 9321 5588 F 61 8 9481 6389 W www.banham.com.au FILE: F:\JOBS\1901 6 Alexander Rd\Drawings\Sheets\DA Submission REV DATE COMMENTS

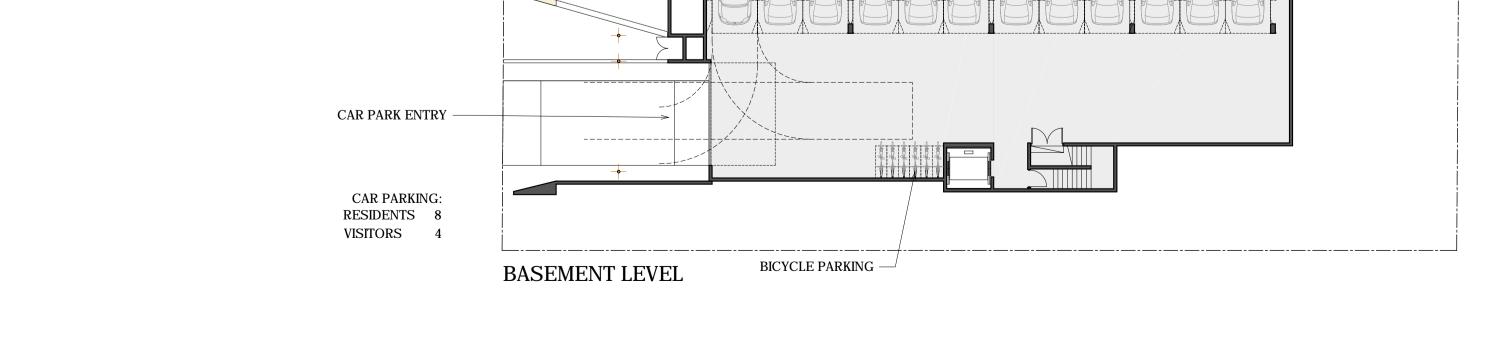




SECTION
SCALE 1:200

City of Nedlands Received 18 February 2020





BHY HOLDINGS Pty Ltd 6 ALEXANDER RD APARTMENT DEVELOPMENT REV DATE COMMENTS

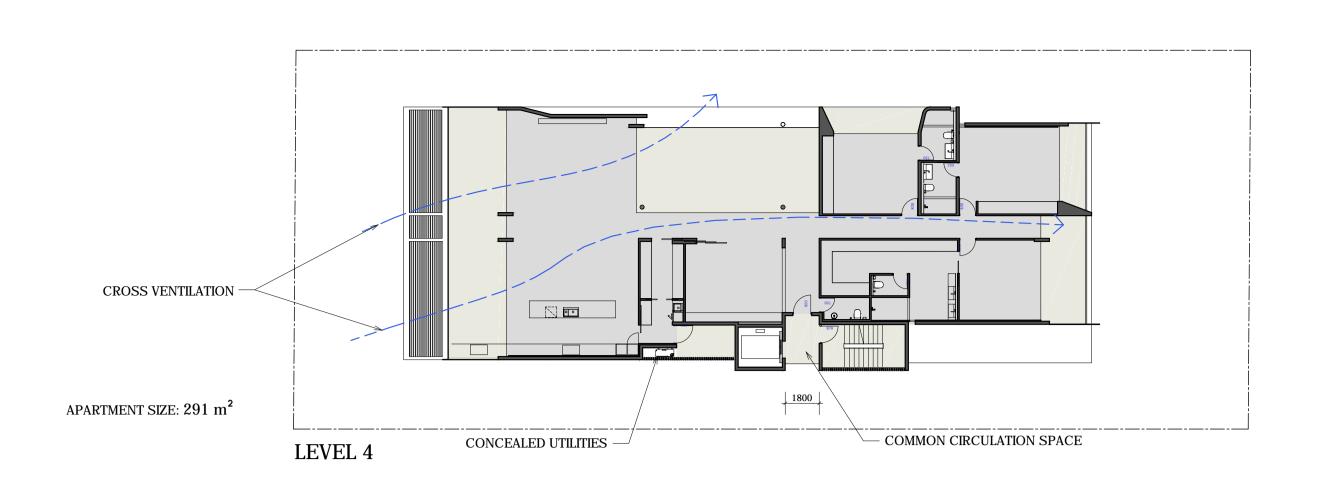
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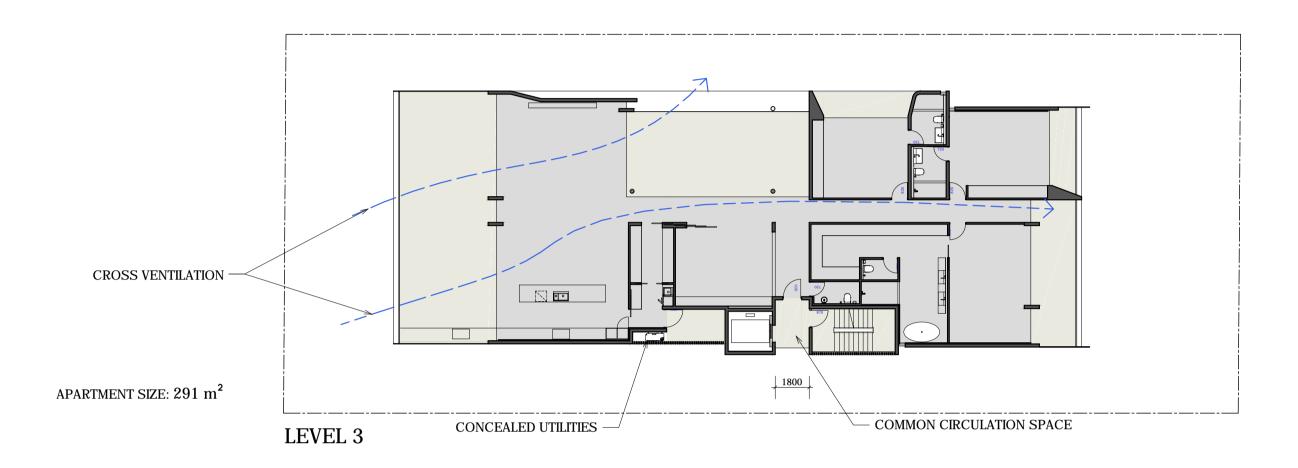
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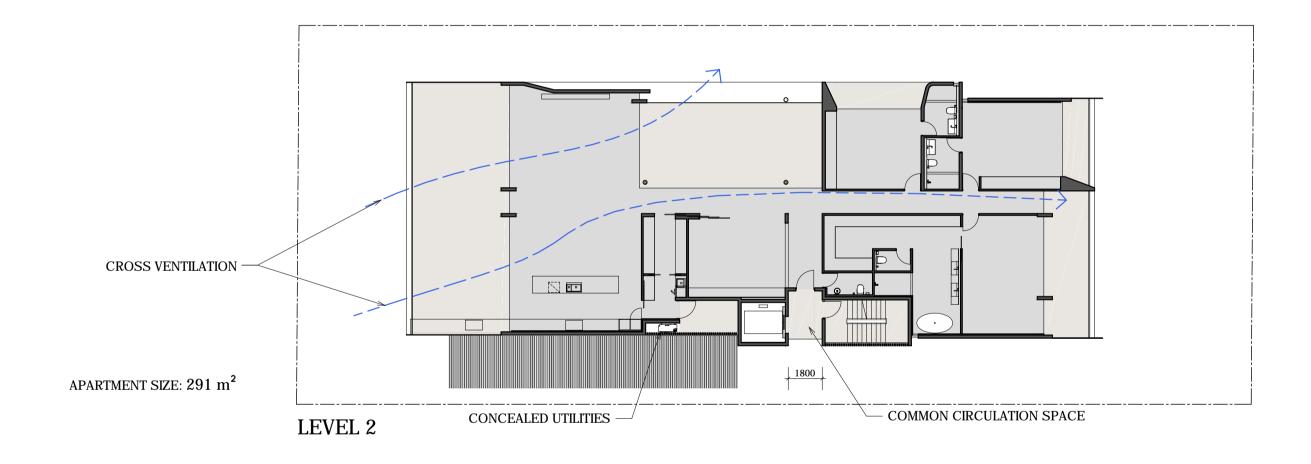


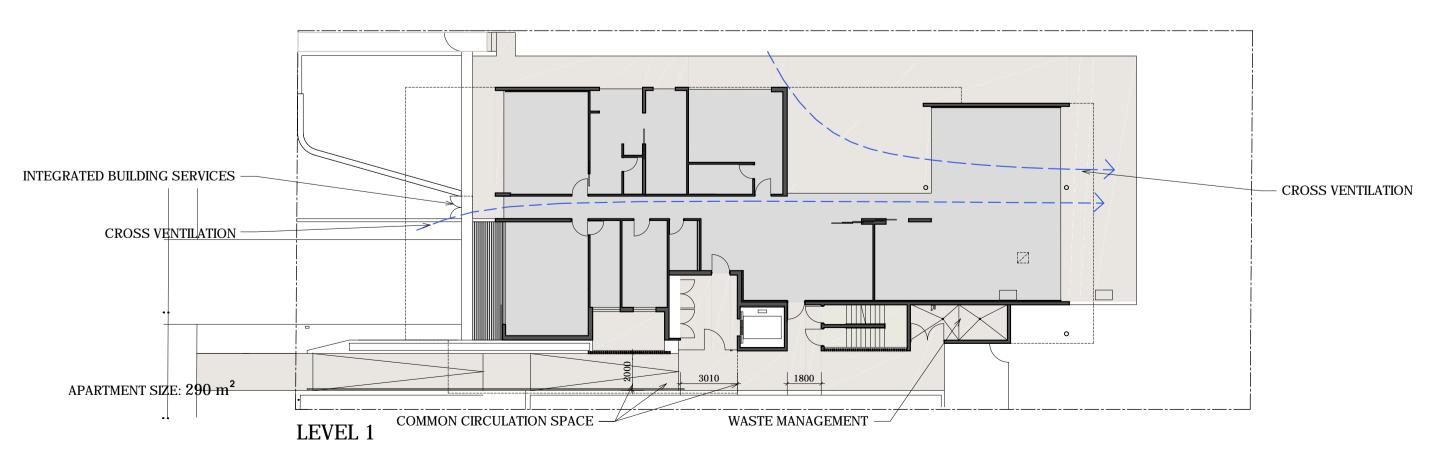
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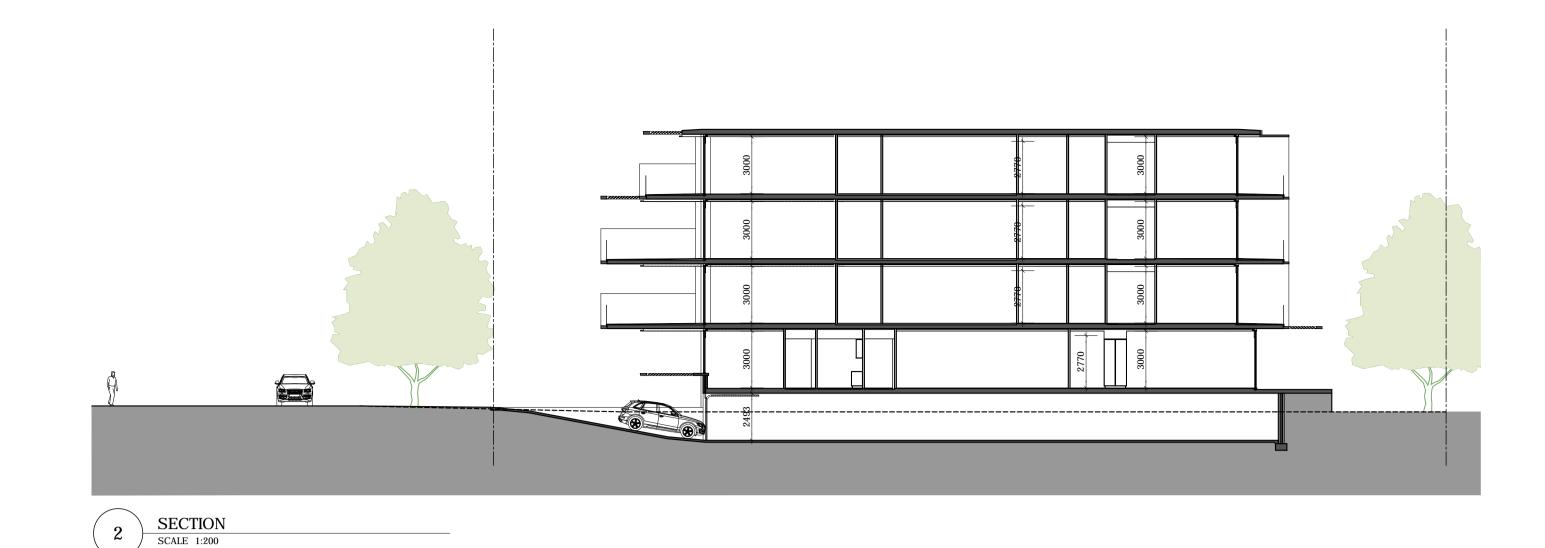




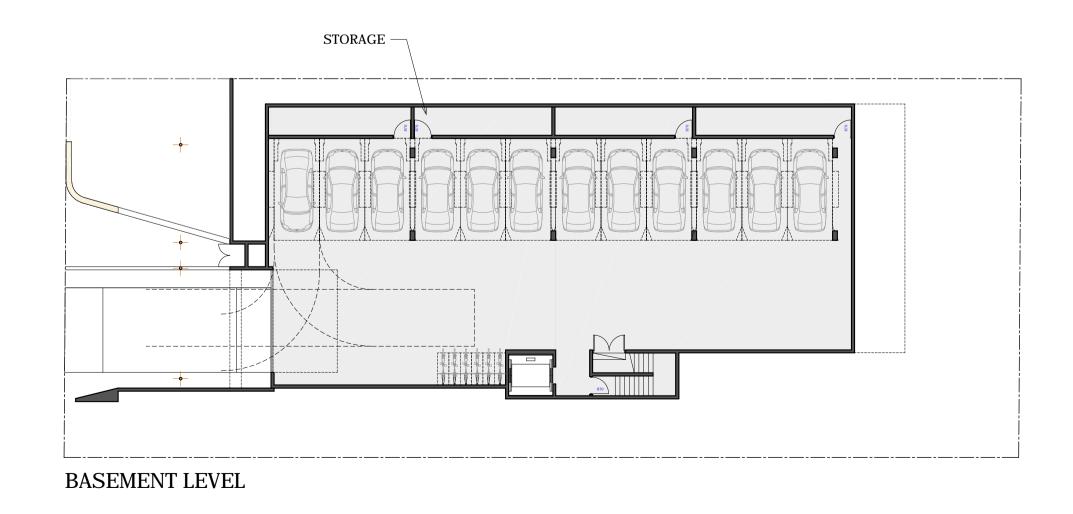








City of Nedlands Received 18 February 2020



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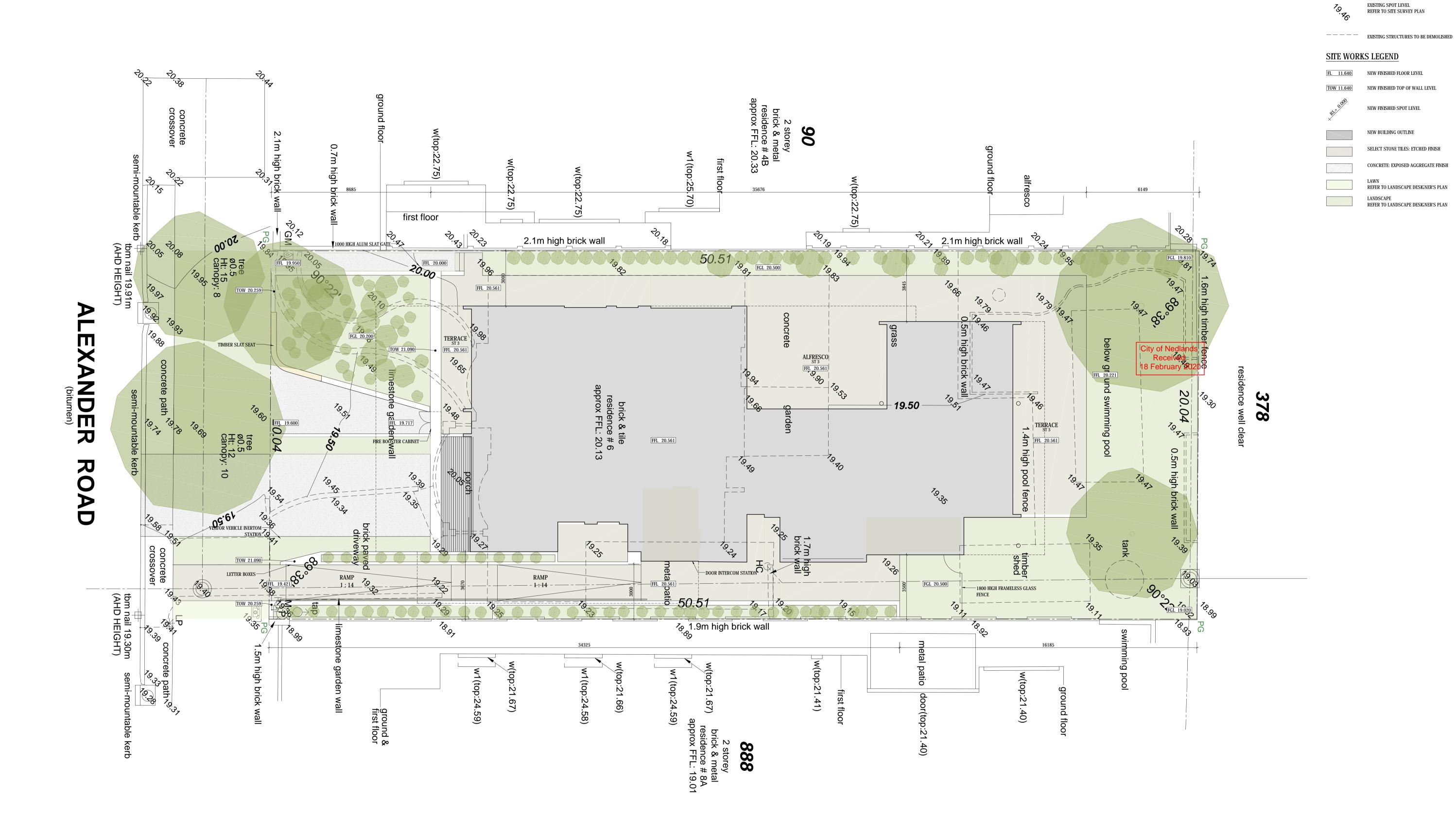
6 ALEXANDER RD APARTMENT DEVELOPMENT REV DATE COMMENTS

BHY HOLDINGS Pty Ltd

BUILDING DESIGN

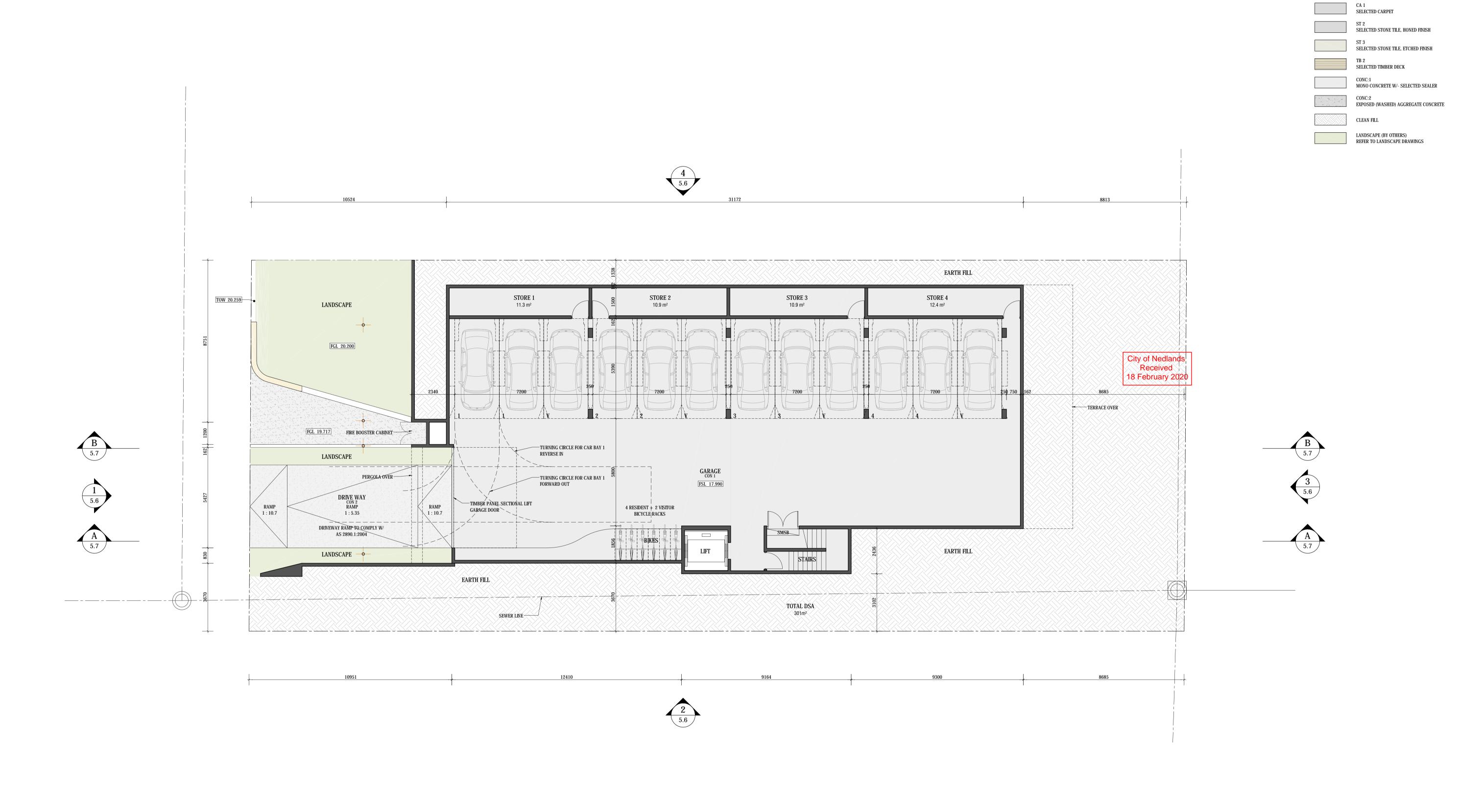
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SURVEY LEGEND

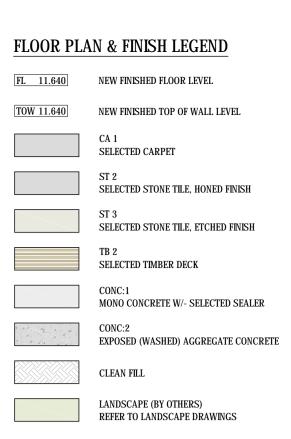
EXISTING CONTOUR LEVEL REFER TO SITE SURVEY PLAN

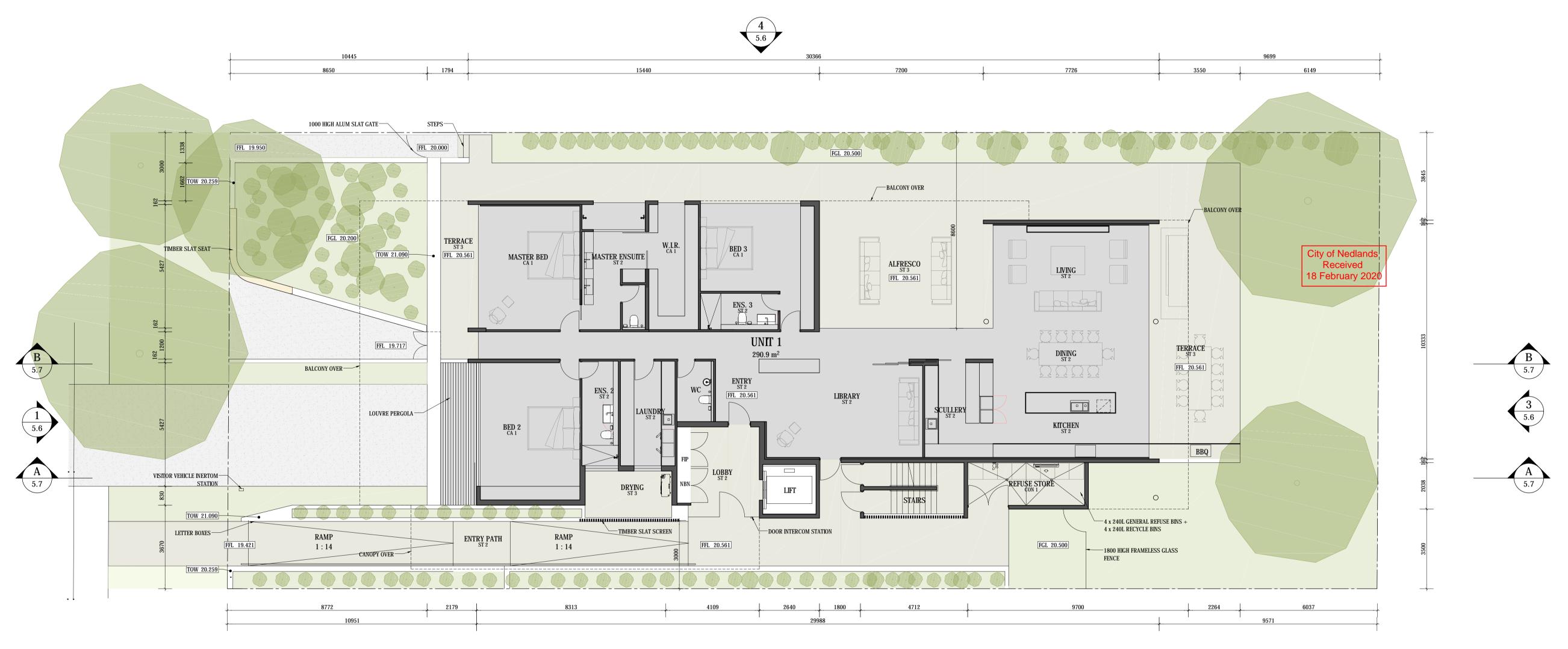


FLOOR PLAN & FINISH LEGEND

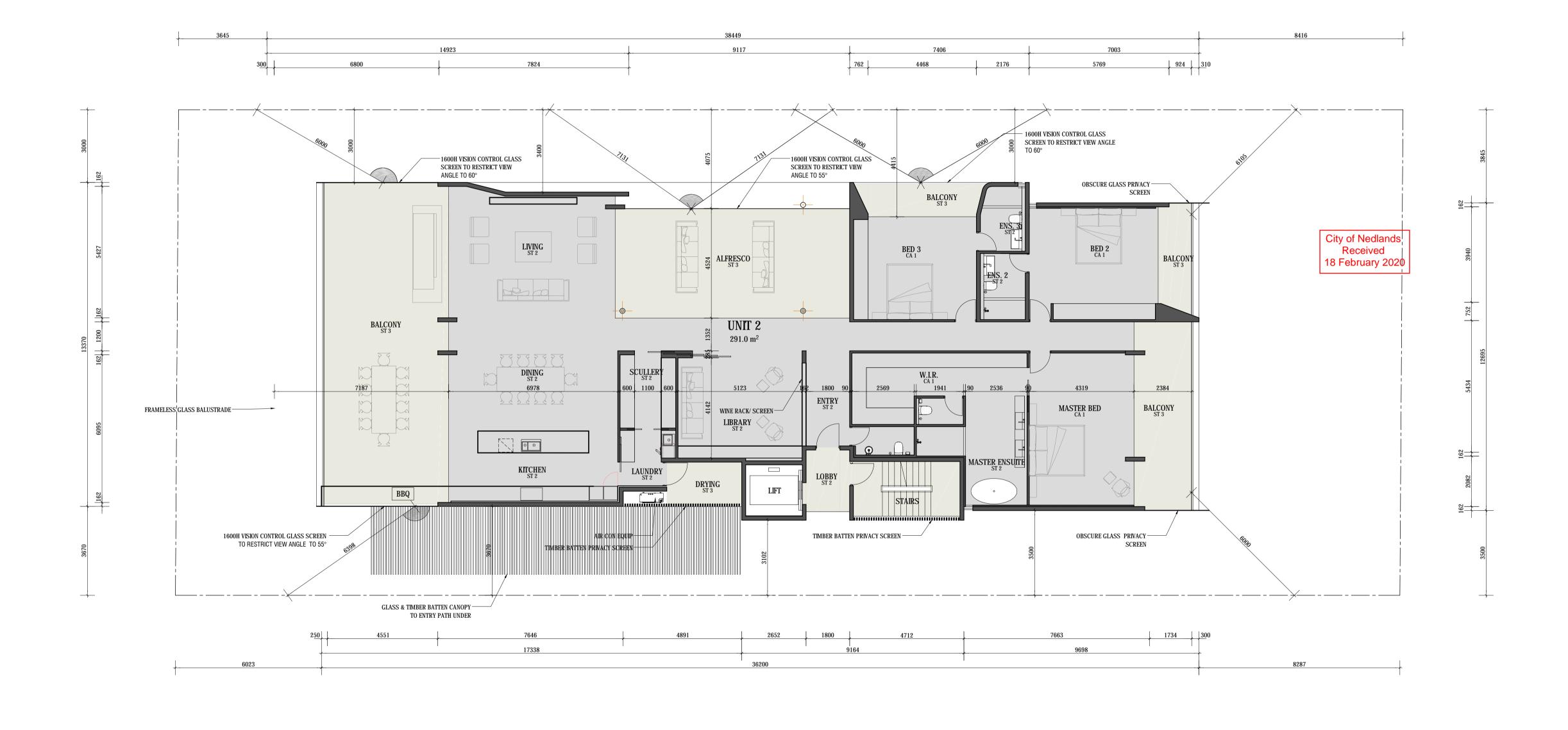
FL 11.640 NEW FINISHED FLOOR LEVEL

TOW 11.640 NEW FINISHED TOP OF WALL LEVEL









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REV DATE COMMENTS

6 ALEXANDER RD
APARTMENT DEVELOPMENT

BHY HOLDINGS Pty Ltd

LEVEL 2 PLAN

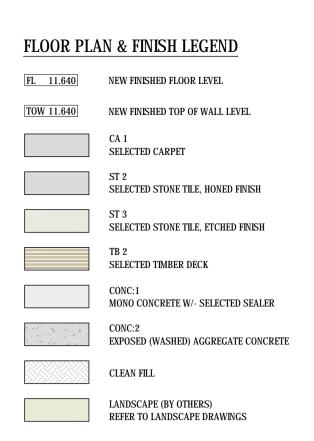
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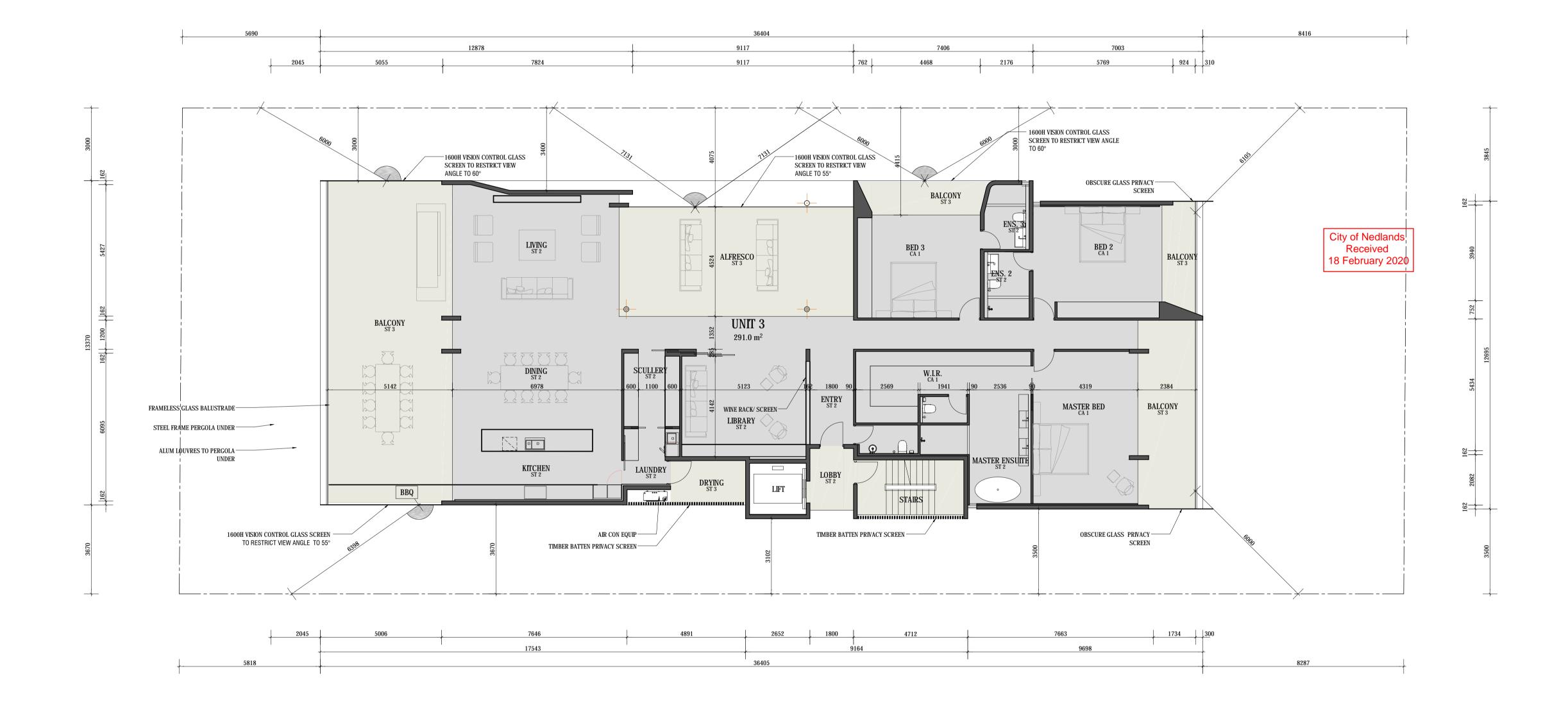
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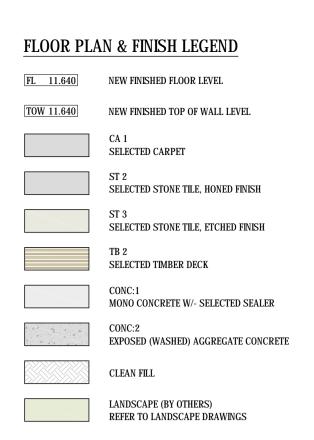
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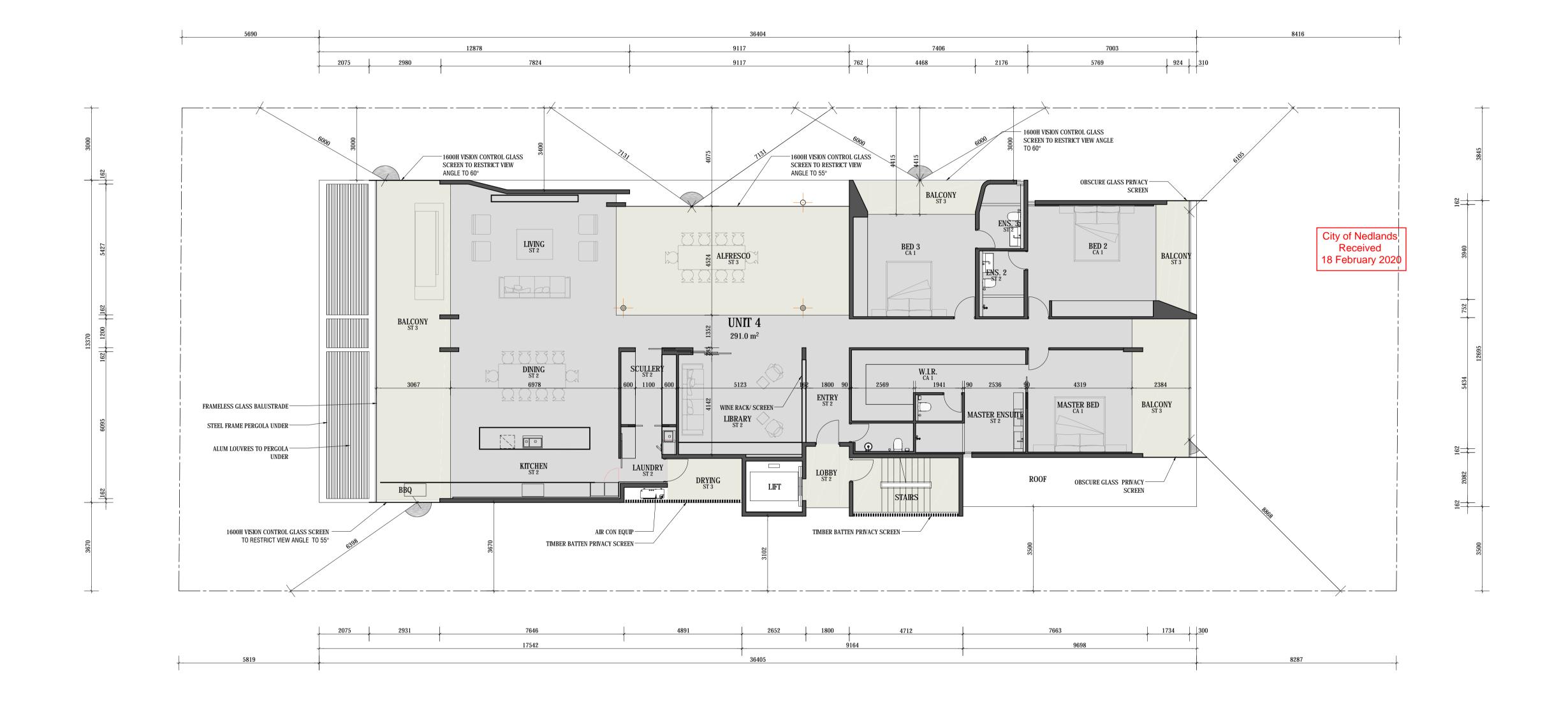
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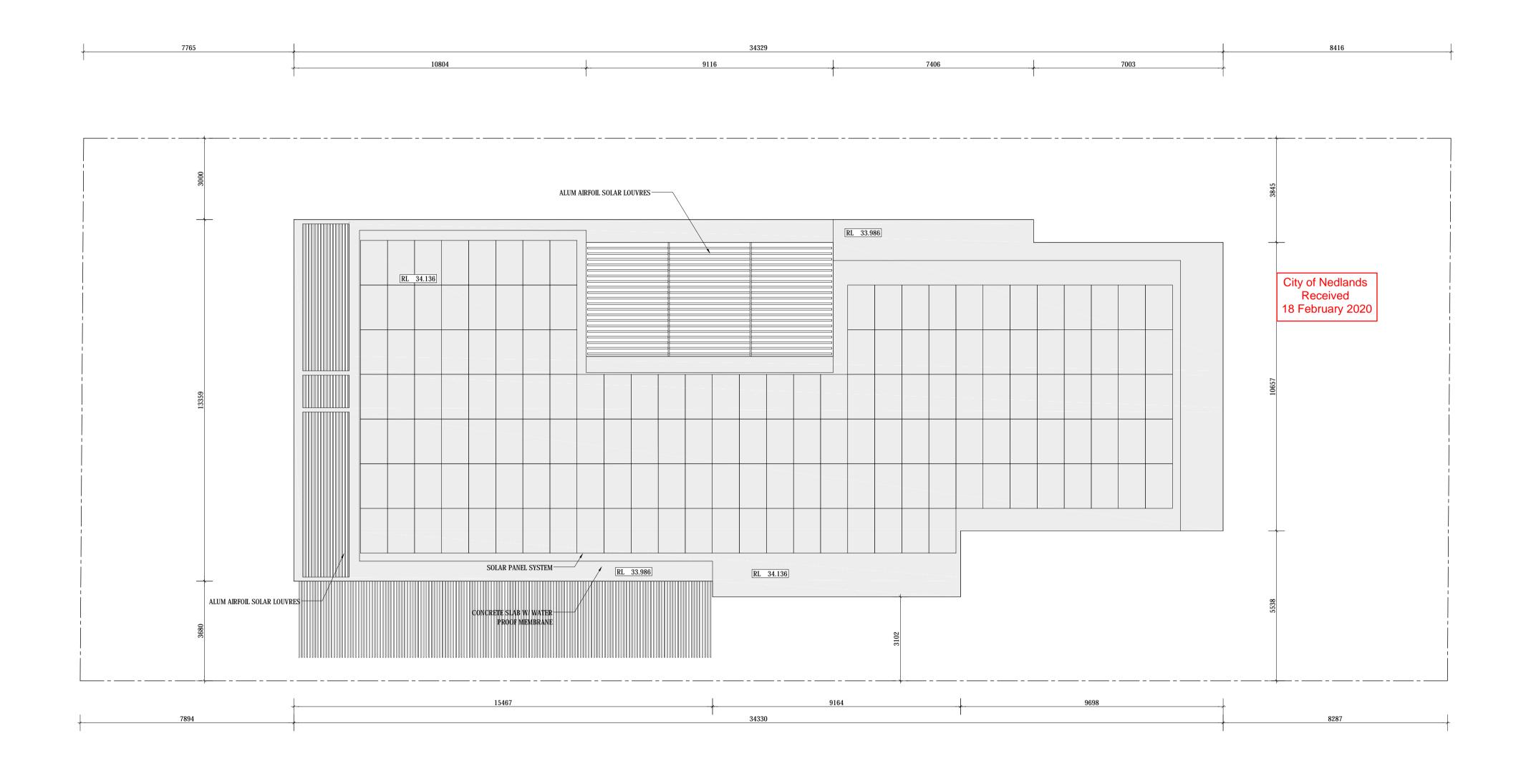
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PROJECT: REV DATE COMMENTS

6 ALEXANDER RD APARTMENT DEVELOPMENT

BHY HOLDINGS Pty Ltd

ROOF PLAN

SB PROJECT #: SB AUTHORISED: SCALE: 1:100 DATE: 13.03.2020 F:\JOBS\1901 6 Alexander Rd\Drawings\Sheets\DA Submission

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FLOOR PLAN & FINISH LEGEND

FL 11.640 NEW FINISHED FLOOR LEVEL

TOW 11.640 NEW FINISHED TOP OF WALL LEVEL

CA 1 SELECTED CARPET

TB 2 SELECTED TIMBER DECK

CLEAN FILL

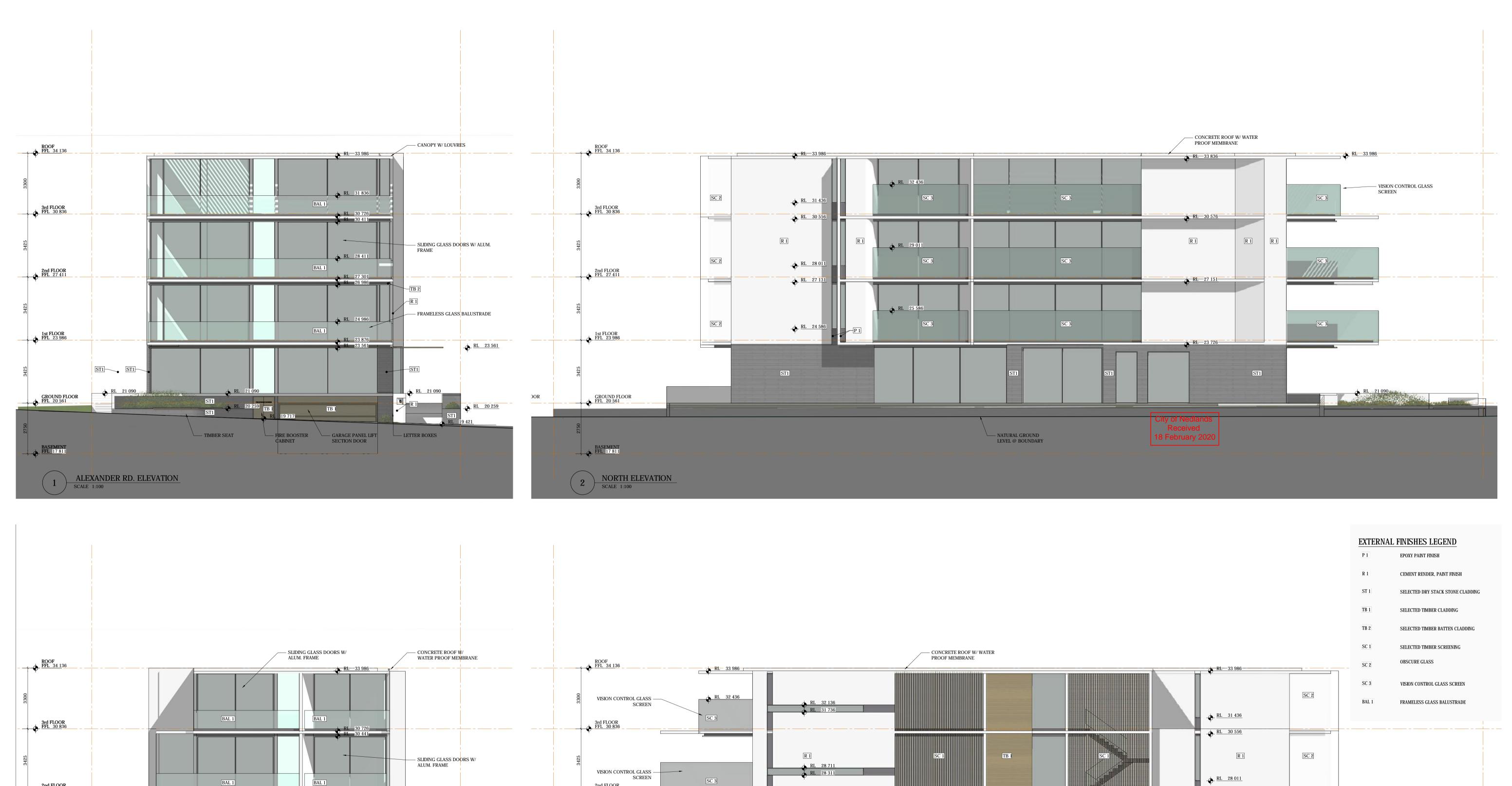
SELECTED STONE TILE, HONED FINISH

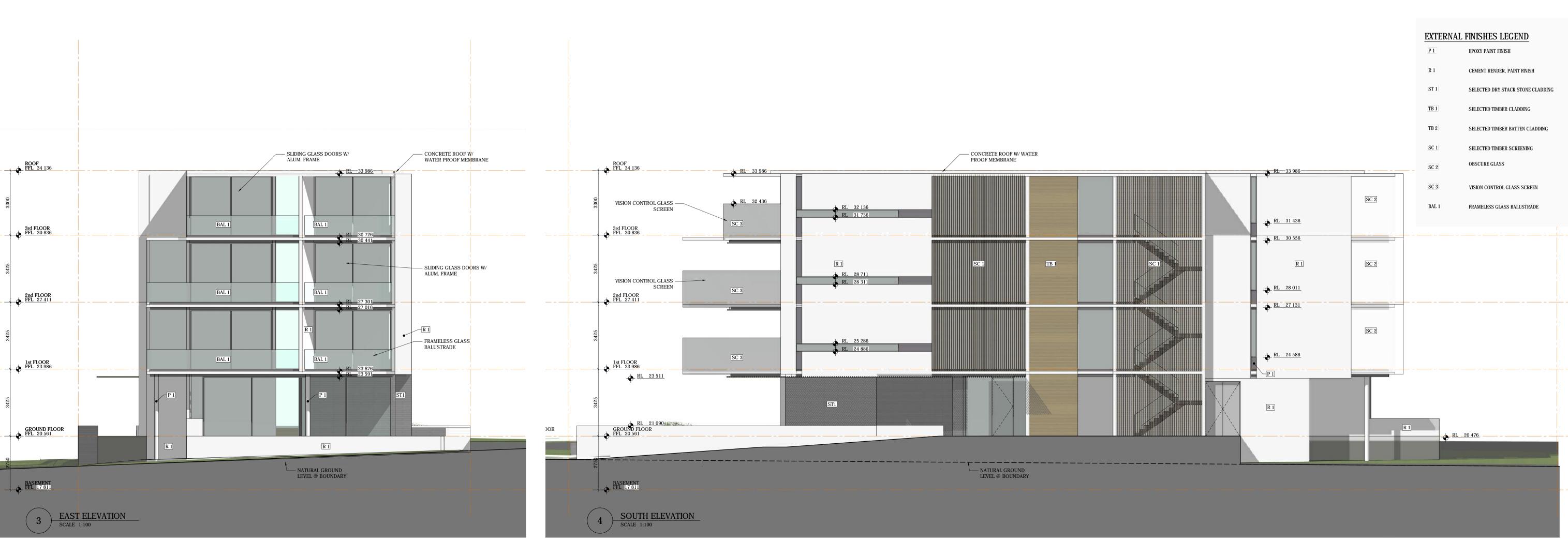
ST 3 SELECTED STONE TILE, ETCHED FINISH

CONC:1 MONO CONCRETE W/- SELECTED SEALER

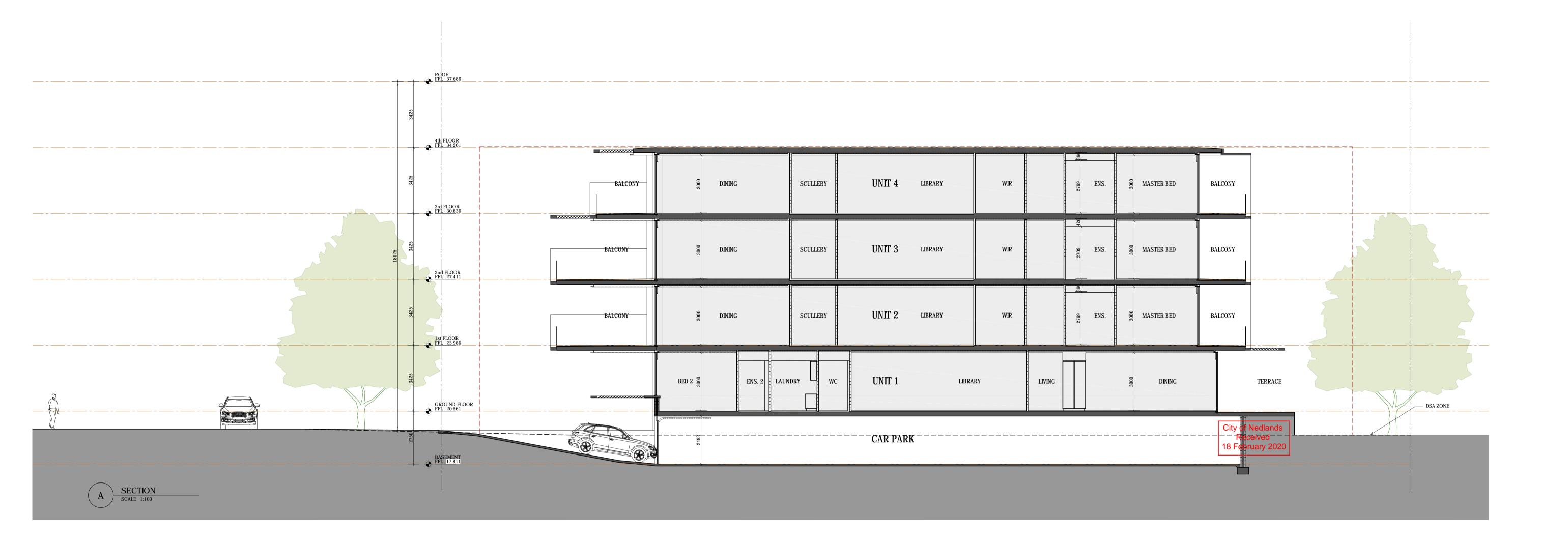
CONC:2 EXPOSED (WASHED) AGGREGATE CONCRETE

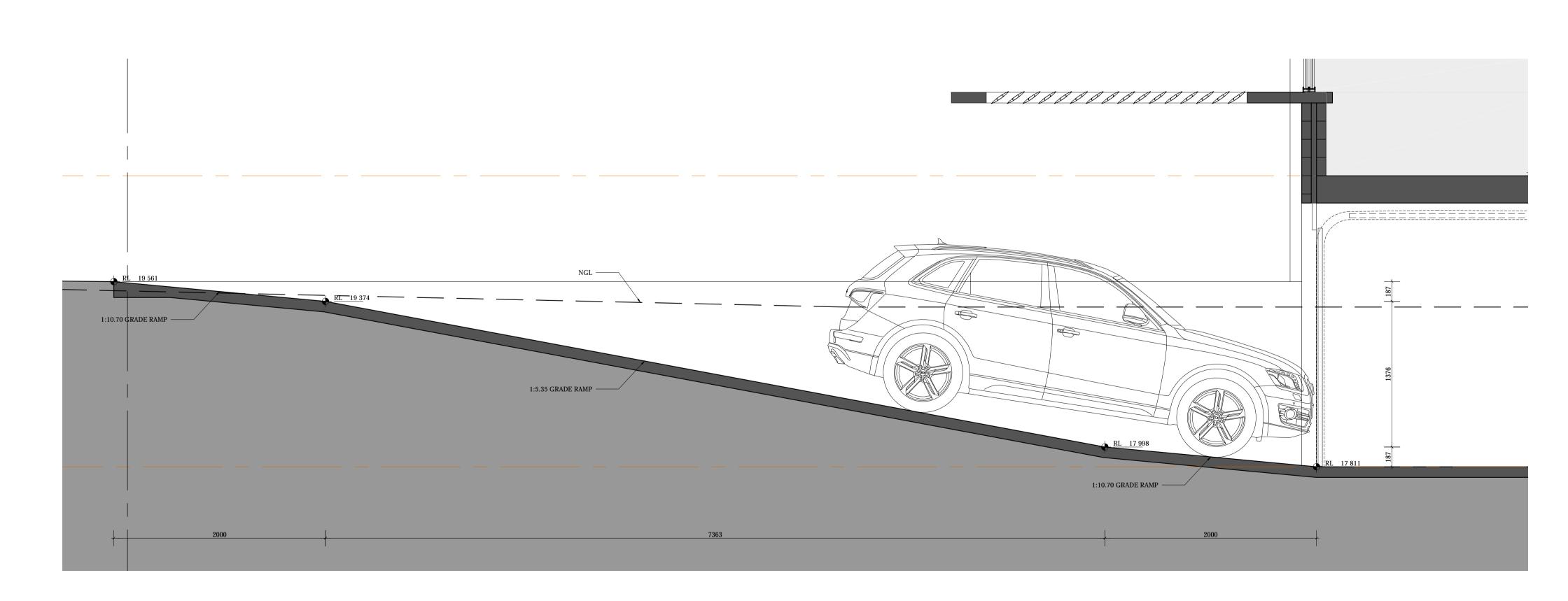
LANDSCAPE (BY OTHERS) REFER TO LANDSCAPE DRAWINGS





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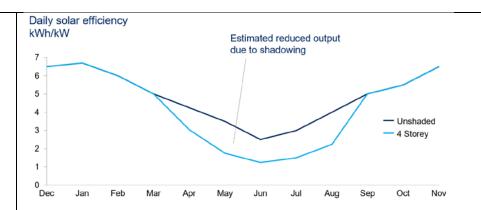


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ELEMENT 2.2 BU	JILDING HEIGHT								
ELEMENT OBJECTIVES Development is to achieve the	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE						
following Element Objectives			proposal has met the Element Objectives, through either a performance-based solution or using the provided in the policy may be of assistance. Acceptable Outcomes in bold italics .						
A2.2.1			Proposed design has been amended to 4 storeys and now complies with Table 2.1						
O2.2.1 – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.			The proposal has been modified to better achieve Objective 2.2.1 with both a reduction in height/number of storeys and additional setback from the street for the top two floors. The height of the proposed development is now fully compliant with the maximum 15 metre building height for four storey developments under the R80 zoning applicable to the property. Alexander Rd is a short street with 17 properties with street frontage on it. Of these 17 properties now zoned R-AC-3, R80 or R60, 9 properties are either vacant or house older dwellings (including properties at 1, 3, 5A, 5B, 6, 9 and 10 Alexander Rd and 99-105A and 107 Waratah Avenue). The majority of properties with frontage to Alexander Rd are therefore development candidates set to house buildings up to a 6 storey maximum height in the near future.						

O2.2.2 – The height of buildings within a	The subject property at 6 Alexander Rd forms part of the block bounded by Alexander Rd, Waratah Avenue, Adelma Rd and Philip Rd designated to house the major re-development opportunities within the suburb of Dalkeith under Local Planning Scheme No. 3. This block already houses medium density developments up to 5 storeys in height and submissions for further medium density development on the block incidately adjacent to Dalkeith Hall (the rear neighbour of 6 Alexander Rd) have already been made. The transition to the desired future scale and character of the local area is therefore well underway. The proposed four storey development is appropriate within the context of both the street and the block of which it forms a part. It is compliant with the current Residential Design Codes in every spatial dimension (both height and boundary setbacks). As observed by the City's independent architectural review: The proposal is a good example of a scheme that is custom designed and skilfully tailored to the site'. The newly established sub-divided residences adjacent to the subject site have themselves changed the streetscape of Alexander Rd following an earlier re-zoning. These properties have: i) Reduced the front and rear setbacks relative to their immediate neighbours; ii) Reduced the side setbacks relative to their neighbours; and iii) Introduced multi-level residences to what was otherwise a single level streetscape. Similar evolution of the streetscape will occur after this more substantive re-zoning, however, it is noted that the proposed development (even in its earlier's storey form) responded to the context of its immediate neighbours and was observed by the City's review architect to 'sit comfortably among the one-off subdivision homes of this locality' and represented the 'high watermark of medium density residential design within a complex and established suburban community'. The proposal accordingly responds to both the desired future scale and character of the street and local area and the existing bu
buildings within a development responds to changes in topography.	
O2.2.3 – Development incorporates articulated ratioroof design and/or roof	The proposal is no longer over height following the removal of the fifth storey. As stated in the Design report, the roof form has been designed to disappear from view intentionally. The final form of the building is a feature of modernism which is the style

top communal open space where appropriate.	adopted for this design. There is a strong precedence for this style within the locality and does not deter from the streetscape of the area. As stated in the City's independent architectural review: "The proposal is legible and coherent on a number of levels. The Architectural language from the street is crisp, modern and attractive. The building is of its period and sits comfortably among 01 the heritage period rendered buildings and 02 the contemporary one-off sub-division homes of this locality." "[the] application for 6 Alexander Road, Dalkeith represents a high watermark of medium density residential design within a complex and established suburban community. The design is modest is palette and tone yet ambitious and well-articulated. The scheme is stylish and timeless." We are open to utilise the rooftop as open space, however this will require an allowance for the elevator and stairwell.
O2.2.4 – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.	The acceptable outcome relevant to consideration of this Objective is A 3.2.3. A 3.2.3 stipulates that there is no requirement from a solar access/overshadowing perspective for adjoining properties coded R80 or higher. The revised 4 storey proposal responds to the need for daylight and solar access to adjoining residences. Please see the supporting pack '20200202 Exploration of City design alterations v7' as presented to the City on Feb 3, 2020 and '20200206 Additional solar analysis detail v0' as requested by the City. A synthesis of the analysis presented in these documents is as follows: - The proposed development effectively avoids casting a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice; - The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and - The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes Volume 2 – Apartments and an effort to minimise overshadowing has been made as per Section O 3.2.2no building roof overshadowing for the majority of the year (September to March) for the adjoining property; - the estimated impact on solar panel output of 8A Alexander is, remaining ~90% effective (i.e. annual impact estimated at 10% or less); and



Above Figure: Relative annual solar efficiency panel output at 8A Alexander compared with unshaded.

The City's reference to plot ratio is unrelated to this objective and is addressed in full in Element 2.5.

ACCEPTABLE OUTCOMES

Acceptable Outcome pathway may not be applicable where a performance solution is provided

A2.2.1 – Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument.

(Excerpt from table 2.1)

Streetscape contexts and character refer A2	Low	-rise	Mediu	um-rise Higher den residenti			Neighbourhood centre	_		density centres	Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Building height (storeys) refer 2.2	2	3	3	4	4	5	3	6	7	9	

LOCAL PLANNING FRAMEWORK	REQUIREMENT	STATUS
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No local planning framework applicable.	N/A

ELEMENT 2.3	STREET SET	TREET SETBACKS							
ELEMENT OBJECTIVES Development is to achieve the	ASSESSOR COMMENT	STAT US	APPLICANT RESPONSE						
following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics .							
O2.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.			The revised proposal adopts the City's recommendation for further setback of the development from the street for the upper floor balconies. Street setbacks now range from 3.9 metres (Ground floor and level 1) to 5.99m for level 2 and 8m for level 3 compared to the code requirement of 2 metres. The proposal accordingly responds to both the desired future scale and character of the street and local area and the existing buildings within the streetscape that are unlikely to change.						
O2.3.2 – The street setback provides a clear transition between the public and private realm.			Noted and agreed.						
O2.3.3 – The street setback assists in achieving visual privacy to apartments from the street.			Noted and agreed.						
O2.3.4 – The setback of the development enables passive surveillance and outlook to the street.			As noted above, the revised proposal adopts the City's recommendation for further setback of the development from the street for the upper floor balconies. Street setbacks now range from 3.9 metres (Ground floor and level 1) to 5.99m for level 2 and 8m for level 3 compared to the code requirement of 2 metres. O2.3.4 relates to passive surveillance and outlook to the street which the proposal clearly achieves via balconies and habitable rooms interfacing with the street.						
			The City's independent architectural review notes "The design proposal integrates good security by design measures to give optimum street surveillance to encourage a safer urban environment while minimising overlooking and privacy for neighbouring properties"						
			The comments regarding O2.3.1 is not related to this section and have been addressed in the relevant section.						
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may n		performance	e solution is provided						
			out in Table 2.1, except where modified by the local planning reet setback set out in the applicable local planning instrument						
(Excerpt from table 2.1)									

Streetscape contexts and character refer A2	Low	-rise	Mediu	m-rise	Higher o		Neighbourhood centre							
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0			
Minimum primary and secondary street setbacks refer 2.3	4m 4	2m	21	m	2r	n	2m or Nil ⁵	2m or Nil ⁵	2m o	r Nil ⁵l				
(4) Minimum second (5) Nil setback appli	icable if		cial use a											
LOCAL PLANN FRAMEWORK	IING		REQL	JIREME	NT									
Does the local pla framework amend the above stated yes, state the app requirement:	d or rep controls											N/A		
ELEMENT	2.4		SID	E AN	ND R	EAR	SETBAC	KS						
	ASSESSOR STAT COMMENT US								APPLI	CANT RESPONSE				
	Development is to achieve the following Element Objectives											s, through either a performar ance. Acceptable Outcome	nce-based solution or using the es in bold italics .	
A2.4.1							Noted	and agree	ed.					
O2.4.1 – Buildir setbacks provid adequate separ between neighboroperties.	- Building boundary s provide for te separation n neighbouring						The built is un accept access orienta As reference the should be s	Noted and agreed. The revised proposal no longer exceeds the primary controls for height. The building boundary setbacks are compliant with Table 2.1. It is unclear how this status is assessed 'Not Achieved' based on the comments which state the acceptable side and rear setbacks are achieved by the proposal and that solar and daylight access/natural ventilation objectives are achieved. The comments refer to height, visual privacy orientation which are addressed in Element 2.2. As referred to in Element 2.2, there are strong arguments for why the proposal height is accept nonetheless, this has been reduced to 4 storeys. It should be noted that the side setbacks provided are significantly more generous than those p by neighbouring properties, even when proportioned for height. The proposal provides 3.5m/4 s = 0.875m/storey which is greater than the ~1m/2 storeys=0.5m/storey for the two narrow block adjacent properties.					comments which state that the chat solar and daylight er to height, visual privacy and proposal height is acceptable, ore generous than those provided roposal provides 3.5m/4 storeys	

	As noted in the response to O2.2.4, the revised 4 storey proposal responds to the need for daylight and solar access to adjoining residences. Please see the supporting pack '20200202 Exploration of City design alterations v7' as presented to the City on Feb 3, 2020 and '20200206 Additional solar analysis detail v0' as requested by the City. A synthesis of the analysis presented in these documents is as follows:
	 The proposed development effectively avoids casting a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice; The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes Volume 2 – Apartments and an effort to minimise overshadowing has been made as per Section O 3.2.2no building roof overshadowing for the majority of the year (September to March) for the adjoining property; the estimated impact on solar panel output of 8A Alexander is, remaining ~90% effective (i.e. annual impact estimated at 10% or less);
	Comments related to visual privacy and orientation are addressed in the relevant sections.
	As noted by the City's Independent architectural review "The scheme is well oriented with appropriate façade treatments to mitigate and maximise the best and worst of Perth's unique climate" and "The design proposal integrates good security by design measures to give optimum street surveillance to encourage a safer urban environment while minimising overlooking and privacy for neighbouring properties"
O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.	As noted above, the revised proposal adopts the City's recommendation for further setback of the development from the street for the upper floor balconies. Street setbacks now range from 3.9 metres (Ground floor and level 1) to 5.99m for level 2 and 8m for level 3 compared to the code requirement of 2 metres. Building boundary setbacks are compliant with Table 2.1 and exceed those of neighbouring properties even when scaled proportionately for the greater building height afforded by the R80 re-zoning. The proposal provides 3.5m/4 storeys = 0.875m/storey which is greater than the ~1m/2 storeys=0.5m/storey for the two narrow block adjacent properties.
O2.4.3 – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.	It is not clear how this status is assessed as 'Not Achieved' given that a) There are no significant existing trees to be retained, the landscaping peer review only refers to the possibility of a tree to be retained, but has only based this observation from satellite imagery and in actual fact refers to minor shrubbery b) A generous rear setback is provided which overall enables significant deep soil area, more than double the acceptable requirement. Additional deep soil area has now been provided to the property by reducing the proposal to four dwellings and a smaller basement footprint. c) Generous tree and landscape coverage have been provided in the design, with new large and medium trees at the rear. d) The minor shrubbery identified can potentially be retained but is not deemed to provide any significant amenity.

	Above image: Minor shrubbery to north of pool (right of image), which can be retained but can be replaced with overall superior landscape plan. Please refer to Landscape review comment responses for further responses regarding landscape design.
O2.4.4 –The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.	As noted above, the revised proposal adopts the City's recommendation for further setback of the development from the street for the upper floor balconies. Street setbacks now range from 3.9 metres (Ground floor and level 1) to 5.99m for level 2 and 8m for level 3 compared to the code requirement of 2 metres. The site is surrounded by sites zoned the same R80, with the exception of the site to the South-West, which is zoned R-AC3, a zoning which allows for greater height and reduced setbacks. As noted, the side setbacks provided in the proposal are significantly more generous than those provided by neighbouring properties, even when proportioned for height. The proposal provides 3.5m/4 storeys = 0.875m/storey which is greater than the ~1m/2 storeys=0.5m/storey for the two narrow block
	adjacent properties. The proposed rear setback of 8.5m provides generous setback significantly in excess of the acceptable outcome of 6m listed in Table 2.1. As noted in the response to O2.2.4, the revised 4 storey proposal responds to the need for daylight and solar access to adjoining residences. Please see the supporting pack '20200202 Exploration of City design alterations v7' as presented to the City on Feb 3, 2020 and '20200206 Additional solar analysis detail v0' as requested by the City. A synthesis of the analysis presented in these documents is as follows:
	 The proposed development effectively avoids casting a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice; The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes Volume 2 – Apartments and an effort to minimise overshadowing has been made as per Section O

- 3.2.2no building roof overshadowing for the majority of the year (September to March) for the adjoining property;
- the estimated impact on solar panel output of 8A Alexander is, remaining ~90% effective (i.e. annual impact estimated at 10% or less);

ACCEPTABLE OUTCOMES

Acceptable Outcome pathway may not be applicable where a performance solution is provided

- A2.4.1 Development complies with the side and rear setbacks set out in Table 2.1, except where:
 - **a)** modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument

AND /OR

b) a greater setback is required to address 3.5 Visual privacy.

(Excerpt from table 2.1)

Streetscape contexts and character refer A2	Low-rise		Medium-rise		Higher density residential		Neighbourhood Mid-rise urban centres		High density urban centres		PI 4
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	F
Boundary wall height (storeys) ^{1,2} refer 2.4	1	3	1 3	23	23		2	3 4		4	
Minimum side setbacks ⁶ refer 2.4	2m	3m	3	3m		m	Nil				
Minimum rear setback refer 2.4	3	m	3	m	6m		6m	Nil	Ν	lil .	
Average side setback where building length exceeds 16m refer 2.4	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	N	IA	

- (1) Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions
- (2) Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code
- (3) Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.
- (6) Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.

A2.4.2 – Development is setback from the boundary in order to achieve the Objectives outlined in 2.7 Building separation, 3.3 Tree canopy and deep soil areas, 3.5 Visual privacy and 4.1 Solar and daylight access.

LOCAL PLANNING FRAMEWORK	REQUIREMENT	REQUIREMENT					
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:				N/A			
ELEMENT 2.5	PLOT RA	ΓΙΟ					
ELEMENT OBJECTIVES Development is to achieve the	ASSESSOR COMMENT	STATUS	APPLICANT	RESPONSE			
following Element Objectives			ating that the proposal has met the Element Objectives, throus sign Guidance provided in the policy may be of assistance.				
			 Ground – 304.9m² 1 – 291.8m² 2 – 291.8m² 3 – 291.8m² Total Plot Ratio Area – 1180.3m² P/R - 1.15:1 				
and scale of development is appropriate for the			The proposed plot ratio has been reduced by 35% (in absolute terms) in the revised submission (from ~50% to 15%) with the removal of level 4 and greater street setbacks for the remaining levels 2 and 3. Plot ratio is a method to control the allowable volume of a development and is expressed in the site area and the building mass as perceived by the human eye.				
character of the area.			the code based on allowable setbacks. 2. It should also be noted that the standard requester corridors and common areas, which contributed designed as full floor apartments, the corridor saving in development bulk and scale which it is a linear and a standard requester in the context of Dalkeir intellectual Western Suburb communities." is custom designed and skilfully tailored to the code- therefore the built form is supported will local authority. In support I note that the design storey from the street and minimising its impaction composition." "[the] application for 6 Alexare."	duced site coverage compared with the coverage in uired calculation of plot ratio area does not include the to the volume of a development. As the proposal is a footprint is significantly reduced, thereby creating a is not fairly represented in the plot ratio calculation. The rail review is supportive of the bulk and scale "The that as one of Perth's most established, affluent and "The proposal is a good example of a scheme that e site. The proposal is taller than the stipulated the conditions upon agreement if acceptable by the gondoes minimise its bulk by setting back the top act from flanks with good articulation, materiality and order Road, Dalkeith represents a high watermark of complex and established suburban community."			
ACCEPTABLE OUTCOMES							

A2.5.1 – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument.

(Excerpt from table 2.1)

Streetscape contexts and character refer A2	Low	/-rise	Mediu	m-rise	_	density ential	Neighbourhood centre	Mid-rise urban centres	_	density centres	PI
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	F
Plot ratio ⁷ refer 2.5	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0	

(6) Refer to Definitions for calculation of plot ratio

LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No local planning framework applicable	N/A

ELEMENT 2.6	BUILDING DEPTH				
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE	
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics .			
O2.6.1 – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.				Noted and agreed.	
O2.6.2 – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.				Noted and agreed.	
O2.6.3 – Room Depths and/or ceiling heights optimise daylight and solar access and natural ventilation.				Noted and agreed.	

ACCEPTABLE OUTCOMES

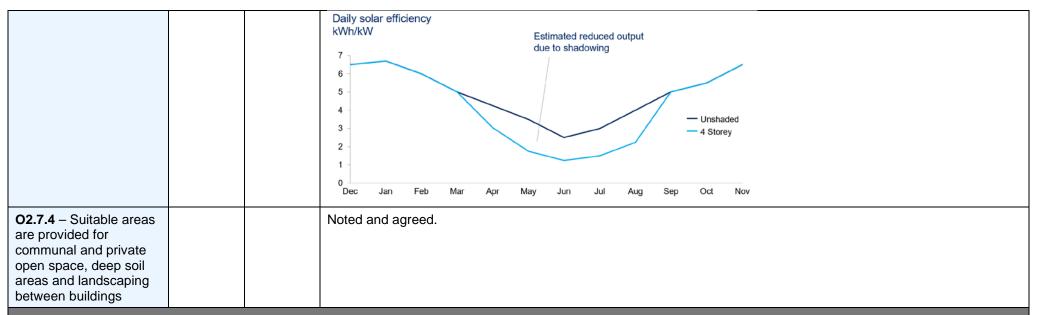
Acceptable Outcome pathway may not be applicable where a performance solution is provided

A2.6.1 – Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on their merits with particular consideration to *4.1 Solar and daylight access* and *4.2 Natural ventilation*.

LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No local planning framework applicable	N/A

ELEMENT 2.7	BUILDING	G SEPAF	RATION
ELEMENT OBJECTIVES Development is to achieve the	ASSESS OR COMMEN T	STATUS	APPLICANT RESPONSE
following Element Objectives			nstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable vidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics .
O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.			It is noted and agreed that the proposal satisfies Table 2.7 and that the proposal achieves adequate separation. The revised proposal adopts the recommendation of additional street setbacks for levels 2 and 3 as suggested. Comments related to overall building envelope are addressed in element objectives 2.2, 2.3 and 2.4 related to building height and setbacks. As reflected in responses in those sections, a revised proposal has been prepared whereby the top floor has been removed, additional street front setbacks have been provided to levels 2 and 3 as per the City recommendation. Compliant side setbacks have been provided for the building which are more generous than existing setbacks of adjacent neighbours, even when proportioned for height and further side setbacks would compromise the architectural integrity of the design proposal which has been deemed by the City's independent architectural review as representing "the high watermark of medium density residential design within a complex and established suburban community"
O2.7.2 – Building separation is in proportion to building height.			The proposal satisfies the acceptable outcomes of Table 2.7 for building separation which take into account proportion related to building height. As noted, the side setbacks provided in the proposal are significantly more generous than those provided by neighbouring properties, even when proportioned for height. The proposal provides 3.5m/4 storeys = 0.875m/storey which is greater than the ~1m/2 storeys=0.5m/storey for the two narrow block adjacent properties. Regarding solar/daylight access to southern properties. As noted in O2.2.4, Acceptable outcome A 3.2.3 stipulates that there is nil requirement for adjoining properties coded R80 or higher.
			The revised 4 storey proposal responds to the need for daylight and solar access to adjoining residences. Please see the supporting pack '20200202 Exploration of City design alterations v7' as presented to the City on Feb 3, 2020 and '20200206 Additional solar analysis detail v0' as requested by the City. A synthesis of the analysis presented in these documents is as follows:
			 The proposed development effectively avoids casting a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice; The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes Volume 2 – Apartments and an effort to minimise overshadowing has been made as per Section O 3.2.2no building roof overshadowing for the majority of the year (September to March) for the adjoining property; the estimated impact on solar panel output of 8A Alexander is, remaining ~90% effective (i.e. annual impact estimated at 10% or less); and

	Daily solar efficiency kWh/kW Estimated reduced output due to shadowing — Unshaded — 4 Storey Additional side setbacks to upper floors will compromise the architectural integrity of a design proposal which has been deemed by the City's independent architectural review as representing "the high watermark of medium density residential design within a complex and established suburban community".
O2.7.3 – Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.	The proposal satisfies the acceptable outcomes of Table 2.7 for building separation which take into account proportion related to building height. As noted, the side setbacks provided in the proposal are significantly more generous than those provided by neighbouring properties, even when proportioned for height. The proposal provides 3.5m/4 storeys = 0.875m/storey which is greater than the ~1m/2 storeys=0.5m/storey for the two narrow block adjacent properties. Regarding solar/daylight access to southern properties. As noted in O2.2.4, Acceptable outcome A 3.2.3 stipulates that there is nil requirement for adjoining properties coded R80 or higher. The revised 4 storey proposal responds to the need for daylight and solar access to adjoining residences. Please see the supporting pack '20200202 Exploration of City design alterations v7' as presented to the City on Feb 3, 2020 and '20200206 Additional solar analysis detail v0' as requested by the City. A synthesis of the analysis presented in these documents is as follows: The proposed development effectively avoids casting a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice; The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes Volume 2 – Apartments and an effort to minimise overshadowing has been made as per Section O 3.2.2no building roof overshadowing for the majority of the year (September to March) for the adjoining property; the estimated impact on solar panel output of 8A Alexander is, remaining ~90% effective (i.e. annual impact estimated at 10% or less); and



ACCEPTABLE OUTCOMES

Acceptable Outcome pathway may not be applicable where a performance solution is provided

A2.7.1 – Development complies with the separation requirements set out in Table 2.7.

Table 2.7 Building separation

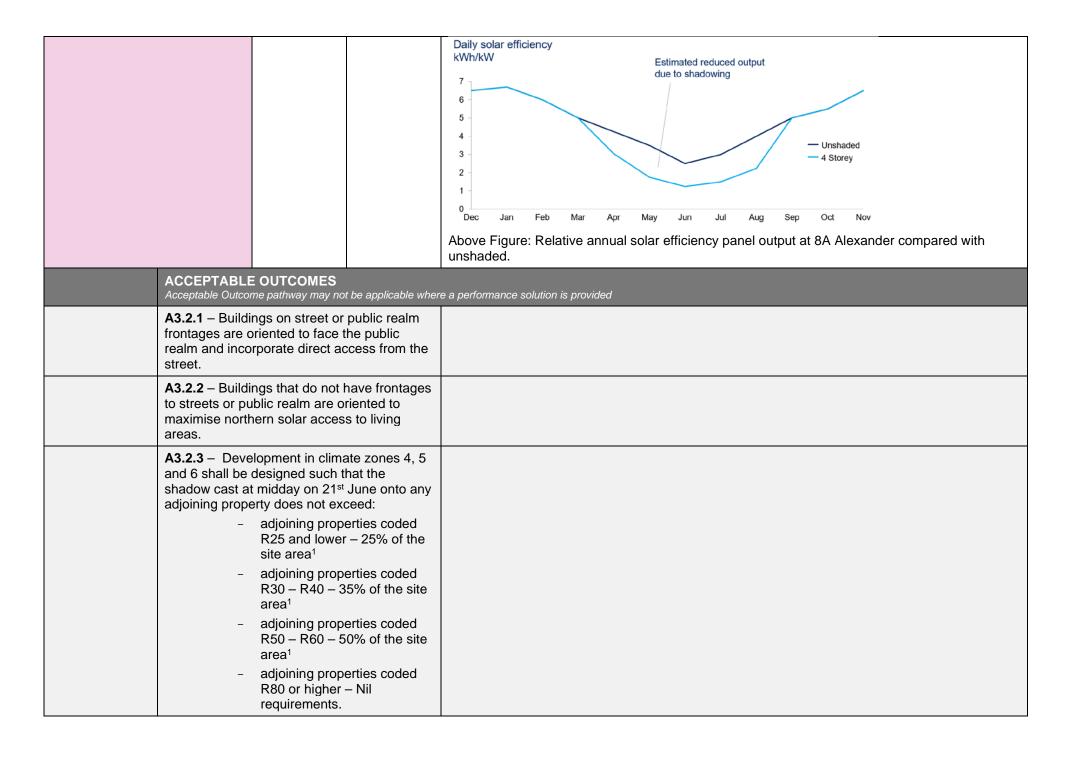
		Building height			
	Separation between:	≤ 4 storeys (up to 15m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)	
	Habitable rooms/balconies	12m	18m	24m	
Within site boundary	Habitable and non-habitable rooms	7.5m	12m	18m	
	Non-habitable rooms	4.5m	6m	9m	
To adjoining property boundaries	Habitable rooms/balconies and boundary	Refer 2.4 Side and rear setbacks (Table 2.1) and 3.5 Visual privacy (Table 3.5)	9m	12m	

Distances apply from major openings of rooms, or the inside of balustrading of balconies.

Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.

LOCAL PLANNING FRAMEWORK	REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A	

ELEMENT 3.2 OR	IENTATION					
ELEMENT OBJECTIVES	ASSESSOR COMMENT	APPLICANT RESPONSE				
Development is to achieve the following Element Objectives	Outline the rationale demonstrat	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics .				
O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.		Noted and agreed.				
O3.2.2 – Building form and orientation minimises		It is noted and agreed that Acceptable outcome A3.2.3 stipulates that there is nil requirement for adjoining properties coded R80 or higher.				
overshadowing of the habitabl rooms, open space and solar collectors of neighbouring	е	The acceptable outcome relevant to consideration of this Objective is A 3.2.3. A 3.2.3 stipulates that there is no requirement from a solar access/overshadowing perspective for adjoining properties coded R80 or higher.				
properties during mid-winter.		The revised 4 storey proposal responds to the need for daylight and solar access to adjoining residences. Please see the supporting pack '20200202 Exploration of City design alterations v7' as presented to the City on Feb 3, 2020 and '20200206 Additional solar analysis detail v0' as requested by the City. A synthesis of the analysis presented in these documents is as follows:				
		 The proposed development effectively avoids casting a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice; The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes Volume 2 – Apartments and an effort to minimise overshadowing has been made as per Section O 3.2.2no building roof overshadowing for the majority of the year (September to 				
		March) for the adjoining property; - the estimated impact on solar panel output of 8A Alexander is, remaining ~90% effective (i.e. annual impact estimated at 10% or less); and				



	-	(1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)	
or l	less, building ours per day s iisting solar co	adjoining sites are coded R40 gs are oriented to maintain 4 solar access on 21 June for ollectors on neighbouring	
LOCAL PLANNING FRAMEWORK		REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		No local planning framework applicable	N/A

ELEMENT 3.3 TRE	EE CANOPY AND DEEP S	SOIL AREA	S
ELEMENT OBJECTIVES	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE
Development is to achieve the following Element Objectives			met the Element Objectives, through either a performance-based solution or using the the policy may be of assistance. Acceptable Outcomes in bold italics .
O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the			Regarding trees on adjoining properties, it is not clear which tree or trees the assessor's comments refer to. Generous setbacks are provided on all sides of the proposed property and there is no credible link to potential for adverse impact to trees on adjoining properties.
viability of adjoining trees.			Referring to the below image, the only tree of potential significance is located on the property to the rear of the block, however the proposed rear setback is 10m and any encroachment of the root system of this tree is currently separated by the swimming pool at the rear of 6 Alexander.
			Above image: perspective photograph of existing subject site.
			Regarding the onsite retention. a) There are no significant existing trees to be retained, the landscaping peer review notes "The site does not appear to provide any significant tree canopy worthy of retention " and only refers to the possibility of a tree to be retained, but has only based this observation from satellite imagery and in actual fact refers to minor shrubbery shown in the below image.
			b) A generous rear setback is provided which overall enables significant deep soil area, more than double the acceptable requirement. Additional deep soil area has now been provided to the property by reducing the proposal to four dwellings and a smaller basement footprint.

	c) Generous tree and landscape coverage have been provided in the design, with new large and medium trees at the rear. d) The minor shrubbery identified can potentially be retained but is not deemed to provide any significant amenity. Above image: Minor shrubbery to north of pool (right of image), which can be retained but can be replaced with overall superior landscape plan.
O3.3.2 – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from predevelopment condition.	The site area is 1012m² which requires 1 large tree and 1 medium tree as per Table 3.3a. As shown in the landscape plan provided in the DA submission, both a large tree and a medium tree is proposed for the rear of the property in addition to small trees at the front of the site.
O3.3.3 – Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.	The design significantly exceeds requirements for deep soil areas which requires 10% of site area (101m²), however the original proposed design provides 246m², which represents 24% of site area. The revised 4-dwelling proposal has reduced the size of the basement and increased the deep soil area further, as well as providing greater setback at the front of the property to accommodate additional landscaping. The independent landscape architect review of the site notes "The proposal includes a handsome DSA to the rear that more than meets RDC requirements".
ACCEPTABLE OUTCOMES	
A3.3.1 – Retention of existing trees on the site that meet the followallow of the second of existing trees on the site that meet the followallow of the second of the seco	wing criteria:
A3.3.2 – The removal of existing trees that meet any of the criteri	a at A3.3.1 is supported by an arboriculture report.

A3.3.3 – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.
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A3.3.4 – Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.

Table 3.3a Minimum deep soil area and tree provision requirements

Site Area	Minimum deep soil area	Minimum requirement for trees ¹
Less than 700m²		1 medium tree and small trees to suit area
700 – 1,000m²	10% OR	2 medium trees OR 1 large tree and small trees to suit area
>1,000m²	7% if existing tree(s) retained on site (% site area)	1 large tree and 1 medium tree for each additional 400m² in excess of 1000m² OR 1 large tree for each additional 900m² in excess of 1000m² and small trees to suit area

¹ Minimum requirement for trees includes retained or new trees Refer Table 3.3b for tree sizes

A3.3.5 – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.

Table 3.3b Tree sizes

Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m²	2m	1m (DSA) + 1m (RSZ)	100L
Medium 6-9m 8-12m 36m² 3m 2m (DSA) + 1m (RSZ) 200L					200L	
Large	>9m	>12m	64m²	6m	4.5m (DSA) + 1.5m (RSZ)	500L
¹ Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.						

A3.3.6 – The extent of permeable paving or decking within a deep soil area does not exceed 20 per cent of its area and does not inhibit the planting and growth of trees.

A3.3.7 – Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.				
LOCAL PLANNING FRAMEWORK				
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A		

ELEMENT 3.4 COMMUNAL OPEN SPACE					
ELEMENT OBJECTIVES Development is to achieve the	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE		
following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O3.4.1 – Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.			Noted and agreed. Number of dwelling has also now been reduced to only 4.		
O3.4.2 – Communal open space is safe, universally accessible and provides a high level of amenity for residents.			Communal open spaces are provided at the front and south side of the development. Refer Architectural Drawings 1901-5.2. The communal open space is separated by a height difference of 1m to the ground floor unit thus providing sufficient privacy separation. The impact to habitable rooms and private open space is minimal. While there is not a significant provision of communal open space, there are only four dwellings in the revised proposal and the balconies and alfresco areas for each apartment and rear garden for the ground floor provides for a generous amount of private open space, landscaping and deep soil areas for residents.		
O3.4.3 – Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.			The rear open space is at Natural ground level, stepping down from the ground floor unit and separated by City standard boundary fence and will not enable overlooking onto the habitable rooms and private open spaces of adjoining properties. The revised proposal only involves 4 dwellings, each are provided with generous open space in the form of balconies and alfresco areas and as a result, the impact of the use of the rear open space is limited to the ground floor unit and not expected to result in adverse amenity that would be any different from any single dwelling backyard.		

ACCEPTABLE OUTC	OMES
	y may not be applicable where a performance
<u> </u>	s include communal open space in 3.4
Table 3.4 Provision of c	ommunal open space
Development size	Overall communal open space requirement
Up to 10 dwellings	Informal seating associated with deep soil of other landscaped areas
More than 10 dwellings	Total: 6m² per dwelling up to maximum 300
	en space located on the ground floor lifts must be accessible from the he development.
A3.4.3 – There is 50 per cent direct sunlight to at least one communal open space area for a minimum of two hours between 9am and 3pm on 21 June.	
A3.4.4– Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.	
A3.4.5 – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.	
A3.4.6 – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.	
A3.4.7 – Communal open space is designed and oriented to minimise the impacts of noise, odour, light-spill and overlooking on the habitable rooms and private open spaces within the site and of neighbouring properties.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or repl above stated controls? If state the applicable requi	es,

ELEMENT 3.5 V	ENT 3.5 VISUAL PRIVACY				
ELEMENT OBJECTIVES Development is to achieve the					
following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O3.5.1 – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.			Improvements have been made to visual privacy by reducing the height of the building by 1 storey and extending the privacy screen glass on the rear north and south corners. The cone of vision analysis shows that visual privacy has been achieved to the pool at 8A Alexander through the combination of adequate setbacks from the side and rear and the extension of the privacy screen glass.		
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided					

A3.5.1 – Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.

 Table 3.5 Required privacy setback to adjoining sites

	First 4	5th storey and		
Cone of vision from unscreened:	Adjoining sites coded R50 or lower	Adjoining sites coded higher than R50	above	
Major opening to bedroom, study and open access walkways	4.5m	3m		
Major openings to habitable rooms other than bedrooms and studies	6m	4.5m	Refer Table 2.7	
Unenclosed private outdoor spaces	7.5m	6m		

- A3.5.2 Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).
- A3.5.3 Living rooms have an external outlook from at least one major opening that is not obscured by a screen.
- **A3.5.4** Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.

LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	No local planning framework applicable	N/A

ELEMENT 3.6	PUBLIC DOMAIN INTERFACE					
ELEMENT OBJECTIVES	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE			
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics					
O3.6.1 – The transition between the private and public domain enhances the privacy and safety of residents.			As noted in the DA design report, the effective floor height of the traversable private open area is designed to be 1m above the street level in accordance with DG 3.6.2 to provide sufficient visual privacy for the residents of the ground floor unit whilst maintaining passive surveillance of the street. The apparent height of the building line at the street level is impacted by the incorporation of a planter box in front of the private open space which sits a further 600mm above the floor height. Nevertheless, the planter boxes enhance privacy while improving the public domain interface as shown in Photo 3.6e as per the design guidance D3.6.1. To dampen the impact of the privacy planter with the public domain, a seating has been incorporating into the planter along with lush landscaping to promote casual interaction in accordance with Design Guidance			
			DG 3.6.6. For the reasons stated above, the design adequately transitions between the private to public domain.			
O3.6.2 – Street facing development and landscape design retains and enhances the amenity and safety of the			As noted in the DA design report, apartments are designed with primary aspect to the street front, enabling upper floors to provide passive surveillance to the street.			
adjoining public domain, including the provision of shade.			Regarding the building entry needing to be made more identifiable, refer image with lighting to provide extra clarity. (Image is in a separate file)			
			Regarding the ground level dwelling not having direct access via a private terrace balcony or courtyard, the design is as proposed to improve security by not having direct access from the front, but instead via the multiple existing entry points either from the main south side entrance or via the basement carpark. It is also arguable that this dwelling is not technically at			

			ground level due to 1m eleva driven by requirements for ba	
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may no	t be applicable where a performance solution is provided			
A3.6.1 – The majority of ground balcony or courtyard.	d floor dwellings fronting onto a street or public open spa	ce have direct access l	by way of a private terrace,	
	ated within the primary street setback; and where car parate with landscaping and the building façade (where part		nd level behind the street	
A3.6.3 – Upper level balconies	and/or windows overlook the street and public domain a	reas.		
A3.6.4 – Balustrading includes casual surveillance of adjoining	a mix of visually opaque and visually permeable materiag public domain areas.	lls to provide residents	with privacy while maintaining	
A3.6.5 – Changes in level betw than 1m and do not exceed 1.2	veen private terraces, front gardens and the ground floor 2m.	level of the building an	d the street level average less	
A3.6.6 – Front fencing includes not exceed 1.2m.	s visually permeable materials above 1.2m and the avera	ge height of solid walls	or fences to the street does	
A3.6.7 – Fencing, landscaping	and other elements on the frontage are designed to elim	inate opportunities for	concealment.	
A3.6.8 – Bins are not located w	vithin the primary street setback or in locations visible fro	m the primary street.		
detract from the amenity and vi	that are located in the primary street setback are integrat isual appearance of the street frontage. such as power and water meters require careful consideration in the d	-	·	
resolve functional requirements in an in		esign of the nontraçade. Col	isuit early with relevant authorities to	
LOCAL PLANNING FRAMEWORK	REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	N/A			

ELEMENT 3.7 PEDESTRIAN AC	CESS AND	ENTRIE	S	
ELEMENT OBJECTIVES	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE	
Development is to achieve the following Element Objectives	solution or using	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a posolution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assist Outcomes in bold italics		
O3.7.1 – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.			As noted in the DA design report, a distinctive entry statement has been designed to clearly identify where the pedestrian entry is for the proposed development. The entry keeps in line with the minimalistic modern design of the apartment that is characteristic of the architecture in the locality.	
			Regarding the building entry needing to be made more identifiable, a revised image has been shown with additional lighting to provide extra clarity. The entry pathway is also visible from the street-facing balconies of all apartments, providing a high level of passive surveillance. Refer image of entry.	
			It should also be noted that with only 4 dwellings, that the development is not a high-volume residence.	
			Regarding the management of visitor access, we confirm that an intercom system will be supplied.	
O3.7.2 – Entries to the development connect to and address the public domain with an attractive street presence.			Noted and agreed.	
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a per	erformance solution	is provided		
A3.7.1 – Pedestrian entries are connected via a leg continuous path of travel to building access areas s accessways and individual dwelling entries.				
A3.7.2 – Pedestrian entries are protected from the	weather.			
A3.7.3 – Pedestrian entries are well-lit for safety and amenity, visible from the public domain without opportunity for concealment, and designed to enable casual surveillance of the entry from within the site.				
A3.7.4 – Where pedestrian access is via a shared a pedestrian path is clearly delineated and/or measur prioritise the pedestrian and constrain vehicle speed	es are incorpora			
A3.7.5 – Services and utilities that are located at the integrated into the design and do not detract from the				

A3.7.6 – Bins are not located at the primary pedestr	ian entry.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A

ELEMENT 3.8 VEHICLE ACCESS						
ELEMENT OBJECTIVES Development is to achieve the following	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE			
Element Objectives			emonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics			
O3.8.1 – Vehicle access points are designed and located to			To address this comment, the design has been revised to move the southern side of the property, providing clearance away from the re			
provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.			Regarding the management of visitor access, we confirm that an intercom system will be supplied.			
O3.8.2 – Vehicle access points are designed and located to reduce visual impact on the streetscape.			The ground floor is elevated to enable ventilation to the basement carpark. This elevation mean that the headlights of incoming vehicles do not shine into the habitable room on the ground floor and thereby achieve this objective.			
			Refer elevation drawing.			
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be a						
A3.8.1 – Vehicle access is limited to	o one opening per 20	m street fron	tage that is visible from the street.			
A3.8.2 – Vehicle entries are identifia primary building line.	A3.8.2 – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.					
A3.8.3 – Vehicle entries have adeq	uate separation from	street interse	ections.			
A3.8.4 – Vehicle circulation areas a	void headlights shini	ng into habita	able rooms within the development and adjoining properties.			
A3.8.5 – Driveway width is kept to a	a functional minimum	, relative to tl	he traffic volumes and entry/egress requirements.			
A3.8.6 - Driveways designed for tw	vo way access to allo	w for vehicle	es to enter the street in forward gear where:			
•	- the driveway serves more than 10 dwellings					
- the distance from an or	•					
·		<u> </u>	orimary distributor, district distributor or integrated arterial road.			
			no higher than 0.75m within 1.5m of where walls, fences, other blic street and where two streets intersect (refer Figure 3.8a).			



ELEMENT 3.9	CAR AND	BICYCL	E PARKING
ELEMENT OBJECTIVES Development is to achieve	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE
the following Element Objectives			rating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable nce provided in the policy may be of assistance. Acceptable Outcomes in bold italics
O3.9.1 – Parking and facilities are provided for cyclists and other modes of transport.			Noted and agreed.
O3.9.2 – Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.			Noted and agreed.
O3.9.3 – Car parking is designed to be safe and accessible.			Noted and agreed.
O3.9.4 – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.			The ground floor is elevated to enable ventilation to the basement carpark whilst ensuring minimal negative visual impact to the street. As noted in the DA design report, the parking configuration proposed is 3 bays per resident, which in effect is an allocation of 2 resident bay and 1 visitor bay per residence. By allocating a generous amount of parking for each resident, the need for visitor parking becomes obsolete. Visitors will be able to pre-arrange visits in advance of arriving to the property and be able to park on the driveway of the subject site to contact residents on their arrival. They can then use the parking bays available within the parking lots. An intercom system will be supplied to facilitate this interaction between guests and residents.

ACCEPTABLE OUTCOMES

Acceptable Outcome pathway may not be applicable where a performance solution is provided

A3.9.1 – Secure, undercover bicycle parking is provided in accordance with Table 3.9 and accessed via a continuous path of travel from the vehicle or cycle entry point.

Table 3.9 Parking ratio					
Parking types		Location A	Location B		
	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling		
Car parking ¹	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling		
	Visitor	1 bay per four dwellings up to	12 dwellings		
		1 bay per eight dwellings for th	e 13th dwelling and above		
Bicycle parking ¹	Resident	0.5 space per dwelling			
	Visitor	1 space per 10 dwellings			
Motorcycle/ Scooter parking ²			cycle/scooter space for every 10 car bays		
Calculations of parking ratios shall be r For each five motorcycle/scooter park			g bays may be reduced by one bay.		
Definitions: Location A: within 800m walkable cate within the defined boundaries of an act Location B: not within Location A.		8/or 250m of a transit stop (bus o	r light rail) of a high-frequency route and/or		
A3.9.2 – Parking is provide	ed for cars and mo	otorcycles in accorda	nce with Table 3.9.		
A3.9.3 – Maximum parking	g provision does r	not exceed double th	e minimum number of bays sp	pecified in Table 3.9	
A3.9.4 – Car parking and vlocal planning instruments.	ehicle circulation	areas are designed	in accordance with AS2890.1	(as amended) or the requirements of applicable	
A3.9.5 – Car parking areas	are not located v	within the street setba	ack and are not visually promi	nent from the street.	
A3.9.6 – Car parking is des	signed, landscape	ed or screened to mit	igate visual impacts when view	wed from dwellings and private outdoor spaces.	
A3.9.7 – Visitor parking is	clearly visible fron	n the driveway, is sig	ned 'Visitor Parking' and is ac	cessible from the primary entry or entries.	
A3.9.8 – Parking shade str reflectance to avoid glare i		sed, integrate with ar	nd complement the overall buil	ding design and site aesthetics and have a low	
A3.9.9 – Uncovered at-gra	de parking is plar	nted with trees at a m	inimum rate of one tree per fo	ur bays.	
A3.9.10 – Basement parkir prevent negative visual imp			ove ground, and where it prot	rudes above ground is designed or screened to	
LOCAL PLANNING R	EQUIREMENT				
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	PP – Parking				TBC

ELEMENT 4.1		SOLAR AND DAYLIGHT ACCESS					
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE			
		ctives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O4.1.1 – In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.		nt to			Noted and agreed.		
O4.1.2 – Windows are doptimise daylight access					Noted and agreed.		
zones 4, 5 and 6	mise heat gain and to autumn in climate	glare: e			Noted and agreed.		

ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a pe	erformance solution is provided				
A4.1.1 – In climate zones 4, 5 and 6 only:	signed with a minimum of 70 per cent of dwellings beging living recome and private open appear				
that obtain at least 2 hours direct sunlight b	nised, with a minimum of 70 per cent of dwellings having living rooms and private open space etween 9am and 3pm on 21 June AND				
b) A maximum of 15 per cent of dwellings in a	building receiving no direct sunlight between 9am and 3pm on 21 June.				
A4.1.2 – Every habitable room has at least one wind cent of the floor area and comprising a minimum of	dow in an external wall, visible from all parts of the room, with a glazed area not less than 10 per 50 per cent of clear glazing.				
A4.1.3 – Lightwells and/or skylights do not form the	primary source of daylight to any habitable room.				
A4.1.4 – The building is oriented and incorporates e	external shading devices in order to:				
 minimise direct sunlight to habitable roc 	oms:				
 between late September and early March in climate zones 4, 5 and 6 only AND 					
 in all seasons in climate zones 1 and 3 					
 permit winter sun to habitable rooms in 	accordance with A 4.1.1 (a).				
LOCAL PLANNING FRAMEWORK	REQUIREMENT				

Does the local planning framework amend or replace	N/A
the above stated controls? If yes, state the applicable	
requirement:	

ELEMENT 4.2 NATURA	NATURAL VENTILATION					
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		ASSESSOR COMMENT	STATUS	APPLICANT COMMENT		
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O4.2.1 – Development maximises the number of apartments with natural ventilation.				Noted and agreed.		
O4.2.2 – Individual dwellings are designed to optimise natural ventilation of habitable rooms.				Noted and agreed.		
O4.2.3 – Single aspect apartments are designed to maximise and benefit from natural ventilation.				Noted and agreed.		

ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a per	rformance solution is provided	
A4.2.1 – Habitable rooms have openings on at least least 2.1m.	two walls with a straight line distance between the centre of the openings of at	
A4.2.2 –		
(a) A minimum 60 per cent of dwellings are, or a building		
(b) Single aspect apartments included within the	e 60 per cent minimum at (a) above must have:	
 ventilation openings oriented between 4 	5° – 90° of the prevailing cooling wind direction AND	
 room depth no greater than 3 x ceiling h 	neight	
(c) For dwellings located at the 10th storey or a		
A4.2.3 – The depth of cross-over and cross-throug exceed 20m.		
A4.2.4 – No habitable room relies on lightwells as the		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	

Does the local planning framework amend or replace	N/A
the above stated controls? If yes, state the applicable	
requirement:	

ELEMENT 4.3	SIZE AND LAYOUT OF DWELLINGS					
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE		
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O4.3.1 – The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.				Noted and agreed.		
O4.3.2 – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.				Noted and agreed.		
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided						

A4.3.1 – Dwellings have a minimum internal floor area in accordance with Table 4.3a.

Table 4.3a Minimum floor areas for dwelling types

Minimum internal floor area
37m²
47m²
67m²
90m²

¹An additional 3m² shall be provided for designs that include a second or separate toilet, and 5m² for designs that include a second bathroom.

A4.3.2 – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.

Table 4.3b Minimum floor are rooms	eas and dimensio	ons for habitable		
Habitable room type	Minimum internal floor area	Minimum internal dimension		
Master bedroom	10m²	'am		
Other bedrooms	9m²	'am		
Living room – studio and 1 bed apartments	N/A	3.6m		
Living room – other dwelling types	N/A	4m		
¹ Excluding robes				
A4.3.3 – Measured from minimum ceiling height – Habitable roo – Non-habitable – All other ceiling A4.3.4 – The length o				
than 3 x the ceiling he kitchen, where the kitc living area provided th				
LOCAL PLANNING FRAMEWORK REQUIREMENT				
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:				١

ELEMENT 4.4 PRIVATE OPEN S	PACE AND	BALCONIES	3					
ELEMENT OBJECTIVES	ASSESSOR COMMENT		APPLICANT COMMENT					
Development is to achieve the following Element Objectives		he Acceptable Outc		nh either a performance based be of assistance. Acceptable				
O4.4.1 – Dwellings have good access to appropriately sized private open space that enhances residential amenity.		O4.4.1 Achieved			Noted and agreed.			
O4.4.2 – Private open space is sited, oriented and designed to enhance liveability for residents.		O4.4.2 Achieved			Noted and agreed.			
O4.4.3 – Private open space and balconies are integrated into the overall architectural form and detail of the building.	O4.4.3 Achieved			Noted and agreed.				
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a pe	rformance solution is	provided						
A4.4.1 – Each dwelling has private open space accordable 4.4 Private open space requirements Dwelling type		n a habitable roon um Area¹	Minimum Dimension ¹	ith Table 4.4.				
Studio apartment + 1 bedroom		8m²	2.0m					
2 bedroom	1	0m²	2.4m					
3 bedroom	1	2m²	2.4m					
Ground floor / apartment with a terrace	1	5m²	3m					
¹ Services and fixtures located within private open space, inc from the street and/or are integrated into the building desig		l to air-conditioner un	its and clothes drying, are not visible					
A4.4.2 – Where private open space requires screen and any screening is designed such that it does not								
A4.4.3 – Design detailing, materiality and landscapi design.	44.4.3 – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building							
	4.4.4 – Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, e not visible from the street and/or are integrated into the building design.							

LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A

ELEMENT 4.5	CIRCULATION AND COMMON SPACES					
ELEMENT OBJECTIVES	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE			
Development is to achieve the following Element Objectives			ating that the proposal has met the Element Objectives, through eitnee provided in the policy may be of assistance. Acceptable Outc			
O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and			It should be noted that the revised proposal is a low volume development with only 4 dwellings. As each dwelling is full floor there are very minimal circulation spaces. Light motion sensors can be provided to the entrance ways and lobbies to avoid light spill and handrails will be provided and appropriate materials selected to prevent slips, trips and falls. These aspects will be detailed in			
convenient access for all residents and visitors.			the building permit stage.			
O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.			As noted above, the revised proposal is a low volume development with only 4 dwellings. As each dwelling is full floor there are very minimal circulation spaces and represents an enclosed space with a width of 1.8m for floors 1-3.			
ACCEPTABLE OUTCOM Acceptable Outcome pathway r		e where a perfor	mance solution is provided			
A4.5.1 – Circulation corrid	dors are a minim	um 1.5m in v	vidth.			
A4.5.2 – Circulation and common spaces are designed for universal access.						
A4.5.3 – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.						
A4.5.4 – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.						
LOCAL PLANNING FRAMEWORK	REQUIREMENT					

tramowork amond or	
framework amend or replace the above stated	
controls? If yes, state the applicable requirement:	

ELEMENT 4.6	ELEMENT 4.6		STORAGE					
ELEMENT OBJECTIVES Development is to achieve the	ASSESS COMME		S					
following Element Objectives				proposal has met the Element Objectives, through either a performance-based so in the policy may be of assistance. Acceptable Outcomes in bold italics	olution or using the Acceptable			
O4.6.1 – Well-designed, functional and conveniently located storage is provided for each dwelling.			above grow	located in the basement where natural ventilation is achieved via a 1m elevation of the ground level. An and vent shall be installed above NGL. duction of the building from 5 to 4 storeys, the basement and storage rooms have been redesigned and ow comply with Table 4.6.				
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may r		e where a performa	nce solution is pro	vided				
A4.6.1 – Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6. Table 4.6 Storage requirements								
Dwelling type	Storage Minimum Minimum dimension height							
Studio dwelling	3m²							
1 bedroom dwelling	3m²	15	2.1m					
2 bedroom dwellings	4m²	1.5m						
3 bedroom dwellings	5m²							
¹ Dimensions exclusive of s	ervices and	plant.						
	A4.6.2 – Bulky good stores that are not directly accessible from the dwelling/private open space are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance.							
A4.6.3 – Storage provided separately from dwellings or within or adjacent to private open space ¹ , is integrated into the design of the building or open space and is not readily visible from the public domain.								
(1) Storage on/adjacent to private of LOCAL PLANNING FRAMEWORK	REQUIRE		open space area	and dimensions.				
Does the local planning framework amend or replace the					N/A			

above stated controls? If yes,	
state the applicable requirement:	

ELEMENT 4.7 MANAGING THE IMPACT OF NOISE							
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE				
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics					
O4.7.1 – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and onsite open space.			The DA submission included an acoustic report as required by the City. The report docume by Herring Storer acoustic engineers and provides confirmation that this objective is achieved as the confirmation of				
O4.7.2 – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.			The DA submission included an acoustic report as required by the City. The report documents a study undertaken by Herring Storer acoustic engineers and provides confirmation that this objective is achieved.				
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may no	t be applicable wher	e a performance	e solution is provided				
A4.7.1 – Dwellings exceed the Acoustic Rating (or equivalent)	A4.7.1 – Dwellings exceed the minimum requirements of the NCC, such as a rating under the AAAC Guideline for Apartment and Townhouse						
	A4.7.2 – Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space and refuse bins are not located adjacent to the external wall of habitable rooms or within 3m of a window to a bedroom.						
A4.7.3 – Major openings to hal	A4.7.3 – Major openings to habitable rooms are oriented away or shielded from external noise sources.						
LOCAL PLANNING FRAMEWORK	REQUIREMENT						
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement				N/A			

ELEMENT 4.8 DWELLING MIX								
ELEMENT OBJECTIVES Development is to achieve the following	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE					
Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics							
O4.8.1 – A range of dwelling	It should be noted that the revised proposal is a low volume development with only 4 dwellings.							
types, sizes and configurations is provided that caters for diverse household types and			In addition to the above, all four apartments have been carefully designed to be universally accessible and meet the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).					
changing community demographics.			The proposal also provides dwelling diversity more broadly to the suburb of Dalkeith where the predomina dwelling type offered is generally single dwellings sited on large parcels of land. With an aging community, the proposed development provides a hassle-free dwelling option that does not require maintenance of gardens and provides a higher level of security. This is confirmed in the City's independent architect review: "The proposal will add diversity to the building stock of this predominantly sub-divided locality. The proposal will increase density and provide the opportunity for downsizers or first timers to buy into this established Western Suburbs location."					
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be	applicable where a	performance sol	lution is provided					
A4.8.1 –								
	n accordance wi	th the objecti	ives, proportions or targets specified in a local housing strategy or relevant local planning					
b) Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers.								
A4.8.2 – Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.								
LOCAL PLANNING FRAMEWORK	REQUIREMENT							
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:								

ELEMENT 4.9		UNIVERSAL DESIGN			
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives	ASSESSO R COMMENT	STATUS	APPLICANT RESPONSE		

		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics						
O4.9.1 – Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.		A review of the design indicates that all apartments comply with universal design, meeting the 7 features required for Silver Level as defined in the Liveable Housing Design Guidelines (Liveab Australia) including: A safe continuous and step free path of travel from the street entrance and / or parking entrance that is level At least one, level (step-free) entrance into the dwelling Internal doors and corridors that facilitate comfortable and unimpeded movement between on the ground (or entry) level that provides easy access A bathroom that contains a hobless shower recess. Reinforced walls around the toilet, shower and bath to support the safe installation of g date. Stairways are designed to reduce the likelihood of injury and also enable future adapted. The parking bays are appropriate as each dwelling contains 3 parking bays between columns of good about the parking bays are appropriate as each dwelling contains 3 parking bays between columns of good about the parking bays are appropriate as each dwelling contains 3 parking bays between columns of good about the parking bays are appropriate as each dwelling contains 3 parking bays between columns of good about the parking bays are appropriate as each dwelling contains 3 parking bays between columns of good and the parking bays are appropriate as each dwelling contains 3 parking bays between columns of good and the parking bays bays between columns of good and the parking bays bays between columns of good and the parking	le Housing area to a dwelling een spaces. A toilet rabrails at a later tion.					
	ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided							
A4.9.1 –	A4.9.1 –							
	a) 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) OR							
b) 5 per cent of dwelling	dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).							
LOCAL PLANNING FRAMEWORK	REQUIREMENT							
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:			N/A					

ELEMENT 4.10 FAÇADE DESIGN						
ELEMENT OBJECTIVES	ASSESSOR COMMENT	STATUS	APPLCANT RESPONSE			
Development is to achieve the following Element Objectives		r using the Ac	ating that the proposal has met the Element Objectives, through either a performance-ceptable Outcomes. The Design Guidance provided in the policy may be of assistance.			

O4.10.1 – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area. O4.10.2 – Building façades express internal functions and provide visual interest when viewed from the public realm.		The City's Independent architect review indicates that this objective is achieved: "[the] application for 6 Alexander Road, Dalkeith represents a high watermark of medium density residential design within a complex and established suburban community. The design is modest is palette and tone yet ambitious and well-articulated. The scheme is stylish and timeless." "The proposal is legible and coherent on a number of levels. The Architectural language from the street is crisp, modern and attractive. The building is of its period and sits comfortably among 01 the heritage period rendered buildings and 02 the contemporary one-off sub-division homes of this locality."
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance	ce solution is provided	
A4.10.1 – Façade design includes:	realm pination of building	
A4.10.2 – In buildings with height greater than four storeys base, middle and top for the building.	s, façades include a defined	
A4.10.3 – The façade includes design elements that relate adjacent buildings through upper level setbacks, parapets, colonnade heights.		
A4.10.4 – Building services fixtures are integrated in the do not visually intrusive from the public realm.	esign of the façade and are	
A4.10.5 – Development with a primary setback of 1m or le awnings that: - define and provide weather protection to entrie - are integrated into the façade design - are consistent with the streetscape character.		
A4.10.6 – Where provided, signage is integrated into the faconsistent with the desired streetscape character.	açade design and is	
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A

ELEMENT 4.11 ROOF DESIGN						
ELEMENT OBJECTIVES Development is to achieve the following Element	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE			
Objectives			rating that the proposal has met the Element Objectives, through either a performance-based solution or using a Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics			
O4.11.1 – Roof forms are well integrated into the building design and respond positively to the street.			As described in the DA design report, the roof form has been designed to disappear from view intentionally. The final form of the building is a feature of modernism which is the style adopted for this design. There is a strong precedence for this style within the locality and does not deter from the streetscape of the area.			
			The City's Independent architect review indicates that this objective is achieved: "The proposal is legible and coherent on a number of levels. The Architectural language from the street is crisp, modern and attractive. The building is of its period and sits comfortably among 01 the heritage period rendered buildings and 02 the contemporary one-off sub-division homes of this locality."			
O4.11.2 – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.			As noted in the DA design report, the roof space in the proposal has been utilised for a large-scale (~24kW) solar PV instalment. This was reflected in the roof plan and in the sustainability assessment provided in the DA submission.			
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable provided	where a performan	ce solution is				
A4.11.1 – The roof form or top of building design and desired streetscape character.		e façade				
A4.11.2 – Building services located on the roof are not visually obtrusive when viewed from the street.						
A4.11.3 – Useable roof space is safe for users and minimises overlooking and noise impacts on private open space and habitable rooms within the development and on adjoining sites.						
LOCAL PLANNING FRAMEWORK REQUIREMENT						
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:			N/A			

ELEMENT OBJECTIVES	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE			
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics					
O4.12.1 – Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.			The landscape peer review provides an overall mark of 2, indicating that the landscape design is supported with conditions. A separate document provides responses to landscape architects comments.			
O4.12.2 – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.			The landscape peer review provides an overall mark of 2, indicating that the landscape design is supported with conditions. No comments from the landscape peer review related to issues regarding plant selection.			
O4.12.3 – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.			As noted in the DA design report, water efficient irrigation is proposed to be included as part of stated aspirations to achieve Green Star 5 Star, Australia Excellence equivalent levels of sustainability.			
O4.12.4 – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.			The landscape peer review provides an overall mark of 2, indicating that the landscape design is supported with conditions. A separate document provides responses to landscape architects comments.			
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a per	rformance solution is	provided				
A4.12.1 – Submission of a landscape plan prepared designer. This is to include a species list and irrigati achievement of Waterwise design principles.						
A4.12.2 – Landscaped areas are located and desig shade-providing trees to open space and the public outlook and amenity to habitable rooms and open s	realm, and to imp					
A4.12.3 – Planting on building structures meets the	requirements of ⁻	Table 4.12.				

Table 4.12 Planting on structure: minimum soil standards for plant types and sizes				
Plant type	Definition	Soil volume	e Soil depth	
Large tree	Over 12m high, crown spread at maturity	76.8m³	1,200mm	
Medium tree	8-12m high, crown spread at maturity	36m³	1,000mm	
Small tree	4-8m high, crown spread at maturity	7.2m³	800mm	
Small ornamentals	3-4m high, crown spread at maturity	3.2m³	800mm	
Shrubs			500-600mm	
Ground cover			300-450mm	
Turf			200mm	
A4.12.4 – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.				
OCAL PLANNING FRAMEWORK			UIREMENT	
Does the local planning framework amend or replace he above stated controls? If yes, state the applicable equirement:				

ELEMENT 4.15 ENERGY EFFICIENCY							
ELEMENT OBJECTIVES Development is to achieve the	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE				
following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or understand the Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics					
O4.15.1 – Reduce energy consumption and greenhouse			As detailed in the DA design report, a qualified sustainability consultant was engaged to sustainability report which includes the development of a strategy for the effective use of				
gas emissions from the development.			Modelling has indicated the building is on track to achieve an 8 Star NATHERS rating an 'Australian Excellence' Green Star equivalent rating. Initiatives include high performance systems, rooftop solar PV and EV charging provision.				
			These are several examples of initiatives which significantly exceed minimum practice.				
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be	oe applicable where	a performance s	colution is provided				
A4.15.1 –							
 a) Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) OR 							
b) All dwellings exceed	I the minimum N	ATHERS rec	uirement for apartments by 0.5 stars.1				
Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.							
LOCAL PLANNING FRAMEWORK	REQUIREMENT						
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement				N/A			

ELEMENT 4.16 W	ATER MANAG	ER MANAGEMENT AND CONSERVATION					
ELEMENT OBJECTIVES Development is to achieve the	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE				
following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance-based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics					
O4.16.1 – Minimise potable water consumption throughouthe development.	ıt		Yes. All dwellings are individually metered for water usage. In addition, as noted in the DA design report, the design will ensure tapware rated within 1 star of the best WELS rating available.				

O4.16.2 – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	•		Yes. As indicated in the DA design report, stormwater run-off from small rainfall events can on site via soakwells and/or drainage pits. A drainage design will be completed as part of the Permit stage.				
O4.16.3 – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	The requirement for an overland flow path from major rainfall events is not considered relevant due to relatively small size of site and building footprint.						
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided							
A4.16.1 – Dwellings are individu	A4.16.1 – Dwellings are individually metered for water usage.						
A4.16.2 – Stormwater runoff ger	nerated from smal	l rainfall even	nts is managed on-site.				
A4.16.3 – Provision of an overla	nd flow path for sa	afe conveyan	ce of runoff from major rainfall events to the local stormwater drainage system.				
LOCAL PLANNING FRAMEWORK	REQUIREMENT						
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:				N/A			

ELEMENT 4.17 WASTE MANAGEMENT							
ELEMENT OBJECTIVES Development is to achieve the following	ASSESSOR COMMENT	STATUS	APPLICANT RESPONSE				
Element Objectives			ting that the proposal has met the Element Objectives, through either a performance-based solution or using the sign Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O4.17.1 – Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.			Noted and agreed.				
O4.17.2 – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.			Noted and agreed.				
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applic is provided	cable where a perforr	mance solution					
A4.17.1 – Waste storage facilities are provided in accordance with the Better Practice considerations of the WALGA Multiple Dwelling Waste Management Plan Guidelines (or local government requirements where applicable).							
A4.17.2 – A Level 1 Waste Management provided in accordance with the WALG Management Plan Guidelines - Appendigovernment requirements).	GA Multiple Dwel	ling Waste					
A4.17.3 – Sufficient area is provided to number of bins for the separate storage and general waste in accordance with Waste Management Plan Guidelines - Plan (Design Phase) (or local governmapplicable).	e of green waste the <i>WALGA Mul</i> Level 1 Waste M	e, recycling tiple Dwelling lanagement					
A4.17.4 – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.							
LOCAL PLANNING FRAMEWORK REQUIREMENT							
Does the local planning framework amend or replace the above stated Confirm status of draft LPP - Waste			TBC				

controls? If yes, state the applicable requirement:		

ELEMENT 4.18 UTILITIES							
ELEMENT OBJECTIVES Development is to achieve the following Element	APPLICANT COMMENT	ASSESSOR COMMENT	STATUS				
Objectives			that the proposal has met the Element Objectives, through either a performance-based solution or using sign Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O4.18.1 –The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.			Yes, all dwellings will be provided with best access to the available fibre services.				
O4.18.2 – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.			Yes. The location of fibre connections will be detailed as part of the Building Permit stage.				
O4.18.3 – Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.			Yes. The details of the service provider requirements will be completed as part of the Building Permit stage.				
O4.18.4 – Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.			The A/C location has been clarified in the updated drawings. The laundry has been redesigned in the updated drawings to better addresses the Health comments.				
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable provided	where a performance	e solution is					
A4.18.1 – Utilities that must be located within the front setback, adjacent to the building entry or on visible parts of the roof are integrated into the design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.							
A4.18.2 – Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.							
A4.18.3 – Hot water units, air-conditioning clotheslines are located such that they can							

visually obtrusive from the street and do n outdoor living areas or internal storage.	ot impact on functionality of	
A4.18.4 – Laundries are designed and loc secure, weather-protected and well-vented dimension that is appropriate to the size o	d; and are of an overall size and	
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A

Exploration of City Design Alternatives – Background and context

- BHY submitted a 5-storey proposal for 6 Alexander Rd, Dalkeith in October 2019
- Following analysis of submission and community comments, City of Nedlands provided comments on 23/12/2019 indicating concerns primarily focused on building height and overshadowing to two southern properties
- BHY provided a revised design on 13/01/2020 with a revision to 4 storeys and increased street setbacks
- At a meeting on 14/01/2020, the City indicated a need to explore:
 - 1. Increased setbacks for top two storeys to improve streetscape
 - 2. Further side setbacks at the south-east corner to further reduce overshadowing of Southern property

Exploration of City Design Alternatives

A detailed analysis of both suggested changes has been undertaken and a synthesis of this work is provided here

1. Shadowing context

- 1.1 The proposed development does not cast a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice;
- 1.2 The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and
- 1.3 The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes Volume 2 Apartments and an effort to minimise overshadowing has been made as per Section O 3.2.2

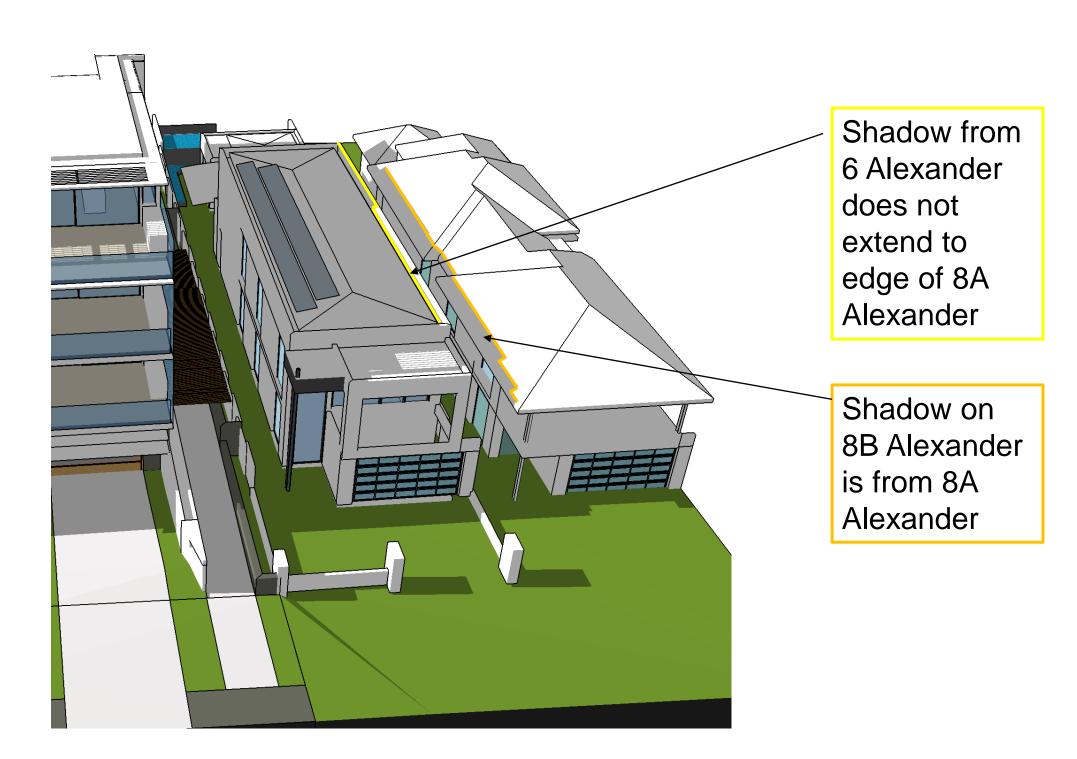
2. Detailed analysis of the overshadowing and privacy impact of the proposal

- 2.1 The sensitive solar areas of 8A include PV panels and rear courtyard / pool area
- 2.2 The 1.9m boundary fence already shadows critical areas such as the pool at 8A
- 2.3 The proportion of impact of shadow/total area on southern neighbour's pool is less than the impact that 8A already has on the pool of 8B
- 2.4 For the majority of the year, there is no overshadowing for a 4 storey design on 8A solar panels
- 2.5 Estimated solar PV impact is very small, ~8% drop in annual output as a result of Winter being the least productive period for PV output
- 2.6 A cut-out at the SE corner of the building will not result in better solar outcomes for 8A Alexander Rd

3. We have modelled the City's requested changes to the front of the building and would like to discuss the outcomes

1.1 The proposed development does not cast a shadow over 8B Alexander Rd as the shadow is cast by 8A on 8B

Most extreme shadow impact - Midday on June 21 (Winter Solstice)



1.2 The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour

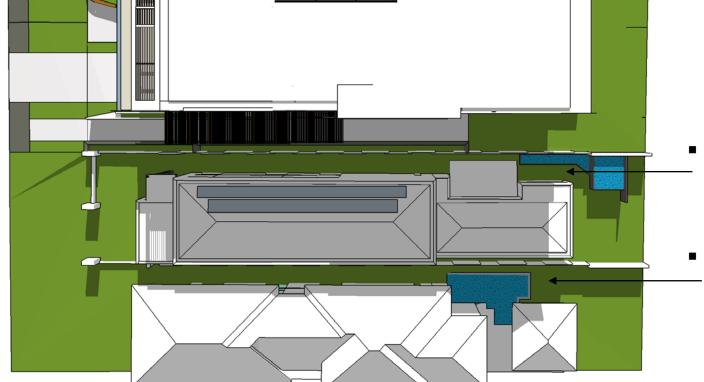
This is a function of the additional rear setbacks that we have incorporated into the design in consideration of 8A's living/outdoor areas

Shadow model of 8A / 8B Alexander with no building at 6 Alexander

8A pool area approx. 60% shaded by fence

8B pool / outdoor area nearly 100% shaded by 8A

Shadow model of 8A / 8B Alexander with proposed 4 storey at 6 Alexander



- No net increase in shade on 8A pool (still 60% shaded by fence)
- Impact on 8B rear outdoor area remains effectively the same as before

Both images: 12pm June 21, Winter Solstice

1.3 The proposed development is compliant with table 2.1 of the Design WA Residential Design Codes

Table 2.1 Primary controls table

	Applies to R-Code areas, default settings apply unless alternative provisions defined in local planning instruments					Applicable where designated by local government in local planning scheme, activity centre plan, structure plan, local development plan, local planning policy							
Streetscape contexts and character				dium-rise sidential	High density urban residential		Neighbourhood Centre	Medium- rise urban centres	Higher density urban centres		Planned areas		
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0		
Building height (storeys) refer 2.2	2	3	3	4	4	5	3	6	7	9			
Boundary wall height (storeys) ^{1,2} refer 2.4	13		13	23	2 ³		2	3	4				
Minimum primary and secondary street setbacks refer 2.3	4m ⁴	2m		2m	2m		2m or Nil ⁵	2m or Nil ⁵	2m or Nil ⁵		Refer to local		
Minimum side setbacks ⁶ refer 2.4	2m	3m		3m	3m		Nil				planning scheme, local dev plan and/ or precinct controls as applicable		
Minimum rear setback refer 2.4	3m		3m	6m		6m	Nil	Nil					
Minimum average side/ rear setback where building length exceeds 16m. refer 2.4	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA				
Plot ratio ⁷ refer 2.5	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0			
Notes 1 Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions 2 Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code 3 Boundary wall only permitted on one boundary, and shall not exceed 2/3 length. 4 Minimum secondary street setback 1.5m 5 Nil setback applicable if commercial use at ground floor 6 Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC. 7 Refer to Definitions for calculation of plot ratio													

Objective O3.2.2 & Acceptable outcome A3.2.3

ELEMENT OBJECTIVES

Development is to achieve the following Element Objectives:

- O 3.2.1 Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.
- O 3.2.2 Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

ACCEPTABLE OUTCOMES

Acceptable Outcomes are likely to assist in satisfying the objectives but are not a comprehensive 'deemed-to-comply' list. In order to achieve the Element Objectives, proposals may require additional and/or alternative design solutions in response to the site conditions, streetscape and design

- A 3.2.1 Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.
- A 3.2.2 Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.
- A 3.2.3 Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed:
 - adjoining properties coded R25 and lower –
 25% of the site area ¹
 - adjoining properties coded R30 R40 35% of the site area ¹
 - adjoining properties coded R50 R60 50% of the site area ¹
 - adjoining properties coded R80 or higher Nil requirements.
- A 3.2.4 Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.

¹Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A 3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)





2.1 The sensitive solar areas of 8A include PV panels and rear courtyard /

pool area



Rear courtyard / pool area

8A currently uses a shaded pergola



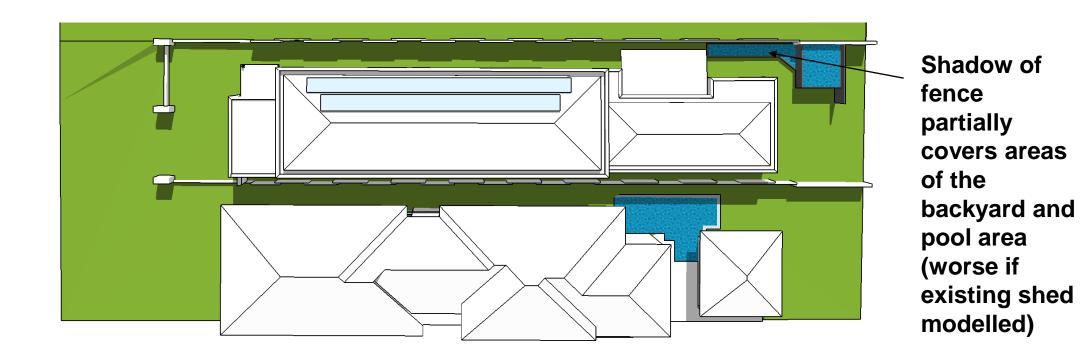


Solar panels

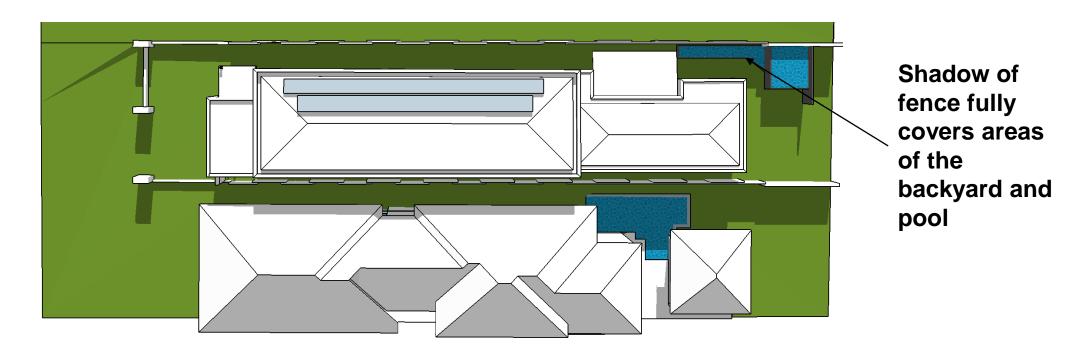
2.2 The 1.9m boundary fence already shadows critical areas such as the backyard and pool of 8A

Shadow model of 8A Alexander with boundary fence and with no building at 6 Alexander

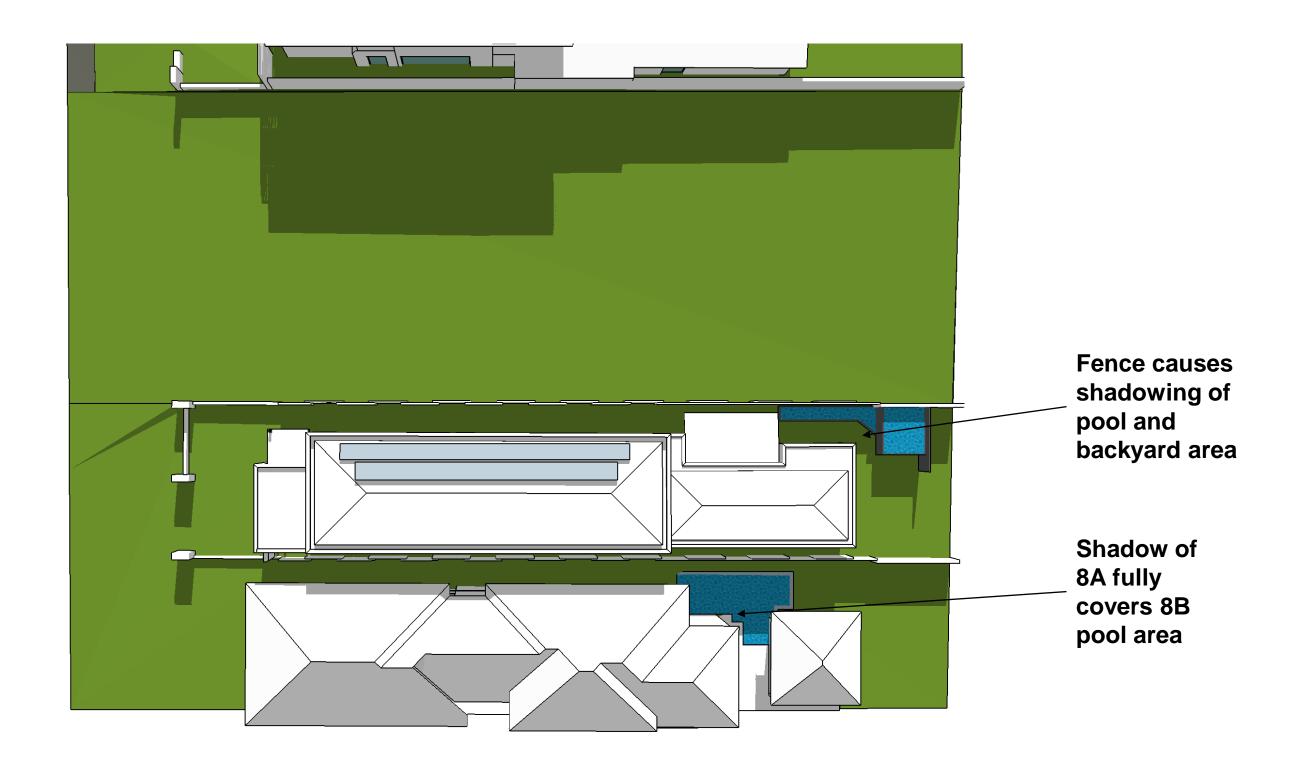
12:00 March 21



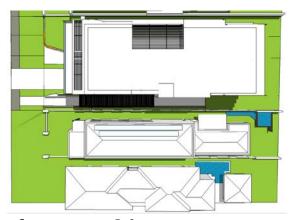
12:00 June 21



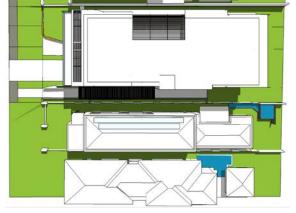
2.3 The proportion of impact of shadow/total area on southern neighbour's pool is less than the impact that 8A already has on the pool of 8B



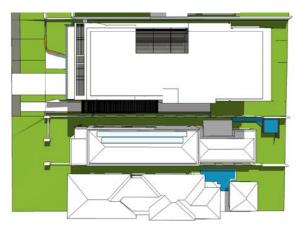
2.4 For the majority of the year, there is no overshadowing on 8A's solar panels



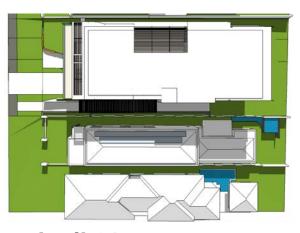
January 21
No shadow on solar



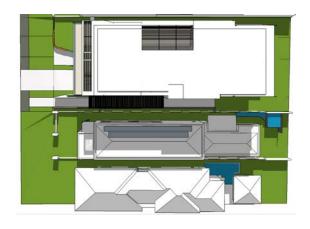
February 21No shadow on solar



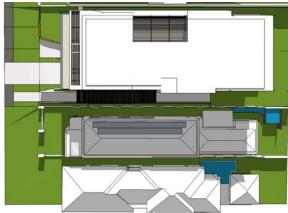
March 21 No shadow on solar



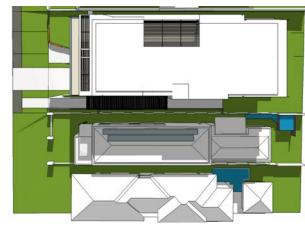
April 21Partial solar shadow



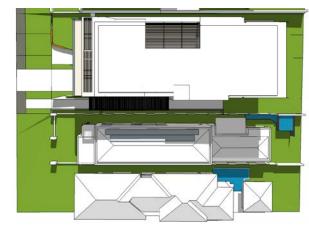
May 21 Shadow on solar



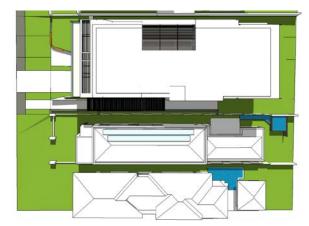
June 21 Shadow on solar



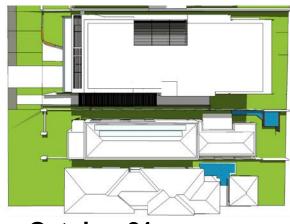
July 21 Shadow on solar



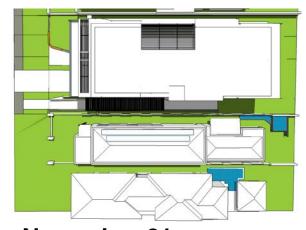
August 21
Partial solar shadow



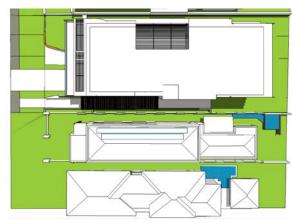
September 21No shadow on solar



October 21
No shadow on solar



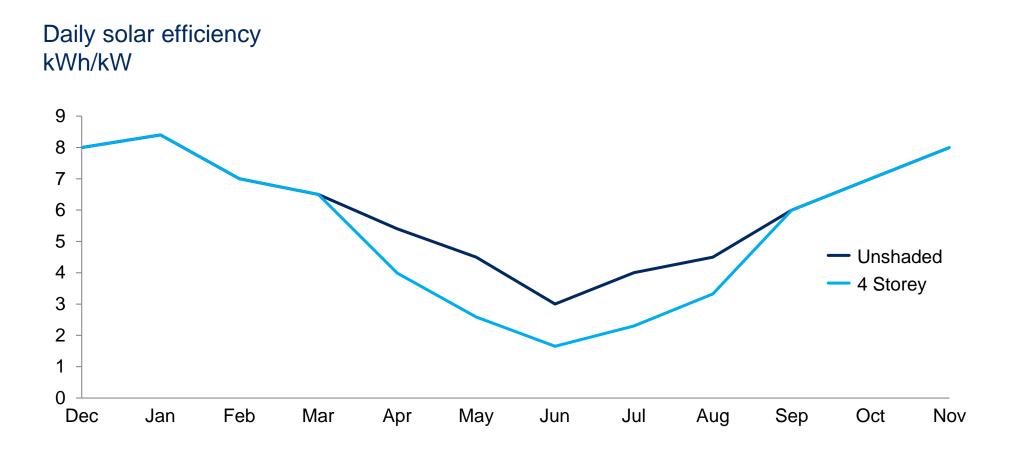
November 21
No shadow on solar



December 21No shadow on solar

2.5 Estimated solar PV impact is very small, ~10% drop in annual output

Solar panel shading		% Impact of shade		50%									
Interpolated shading from 3D model diagram		n											
		December	January	February	March	April	May	June	July	August	September	October	November
4 Storey		0%	0%	0%	0%	52%	85%	90%	85%	52%	0%	0%	0%
Daily solar efficiency ((kWh/kW)												
Unshaded		8.0	8.4	7.0	6.5	5.4	4.5	3.0	4.0	4.5	6.0	7.0	8.0
4 Storey		8.0	8.4	7.0	6.5	4.0	2.6	1.7	2.3	3.3	6.0	7.0	8.0



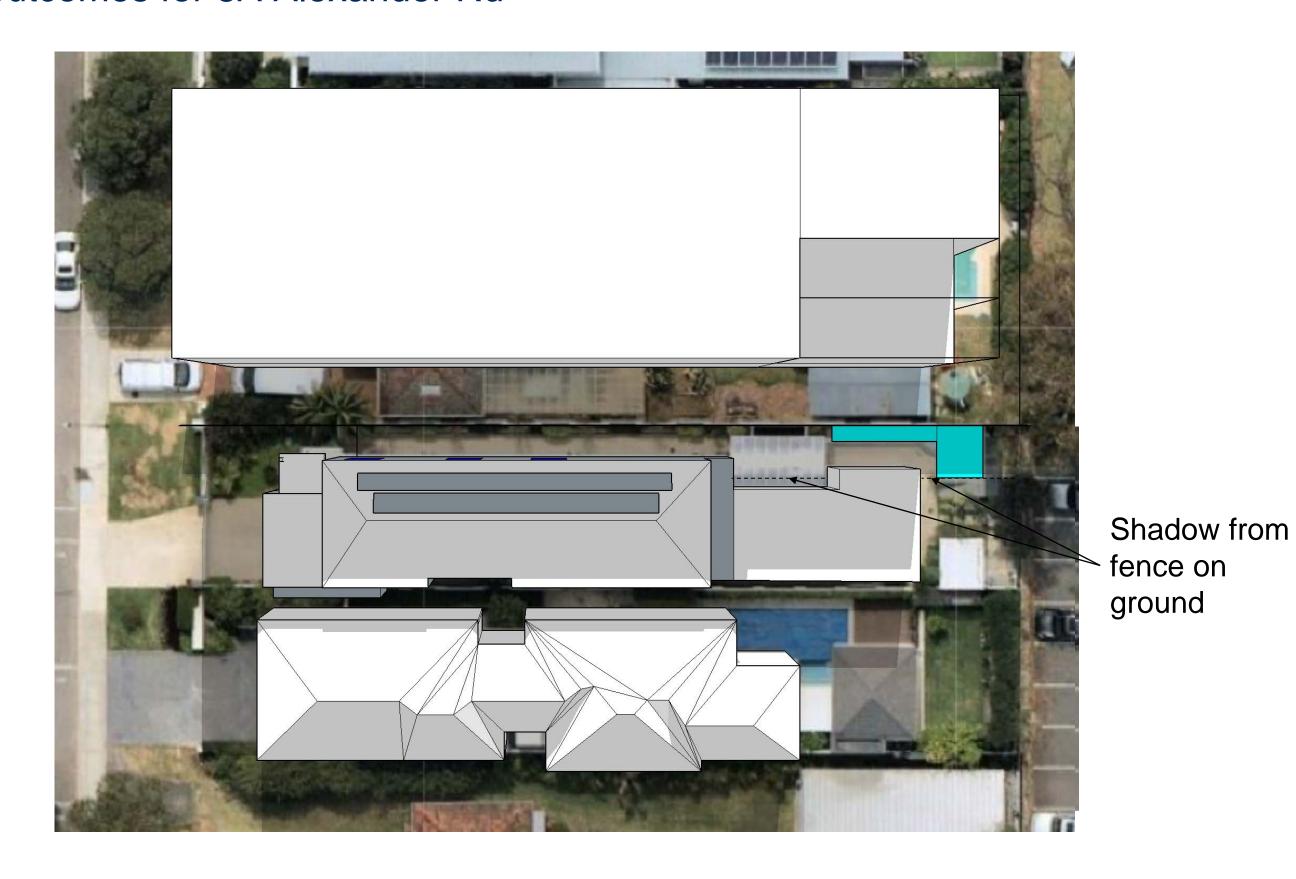
Relative efficiency			
compared to Unshaded			
Unshaded	100%		
4 Storey 90 %			

NOTES / SOURCES:

In months of overshadowing (ie April to August), a conservative 10% of shading is reduced off the midday shadowing estimate to allow for times of day where solar panels are exposed to sun from around the business. This has been validated with an analysis of typical solar output and model shadowing across the day in winter.

For unshaded solar efficiency for Perth: pvoutput.org. For 50% impact of shade https://news.energysage.com/solar-panels-work-shade/ "the general rule with clouds and shade is that solar panels will produce about half as much energy as they would with direct sunlight."

2.6 A cut-out at the SE corner of the building will not result in better solar outcomes for 8A Alexander Rd



2.6 A cut-out at the SE corner of the building will not result in better solar outcomes for 8A Alexander Rd



3.1 The perception of building bulk from the street is improved by increasing the setback and better hiding the fourth floor whilst not compromising architectural integrity

Original October 2019 submission





City design change proposals





Preferred alternative design

Setting the entire building back further from the street improves outcomes and increases DSA





3.2 With greater street setback, the additional DSA allows for planting of a larger mature tree which further mitigates the building bulk through the provision of greater screening

Original October 2019 submission





City design change proposals





Preferred alternative design

The additional DSA afforded by the greater setback allows for greater screening by a mature tree



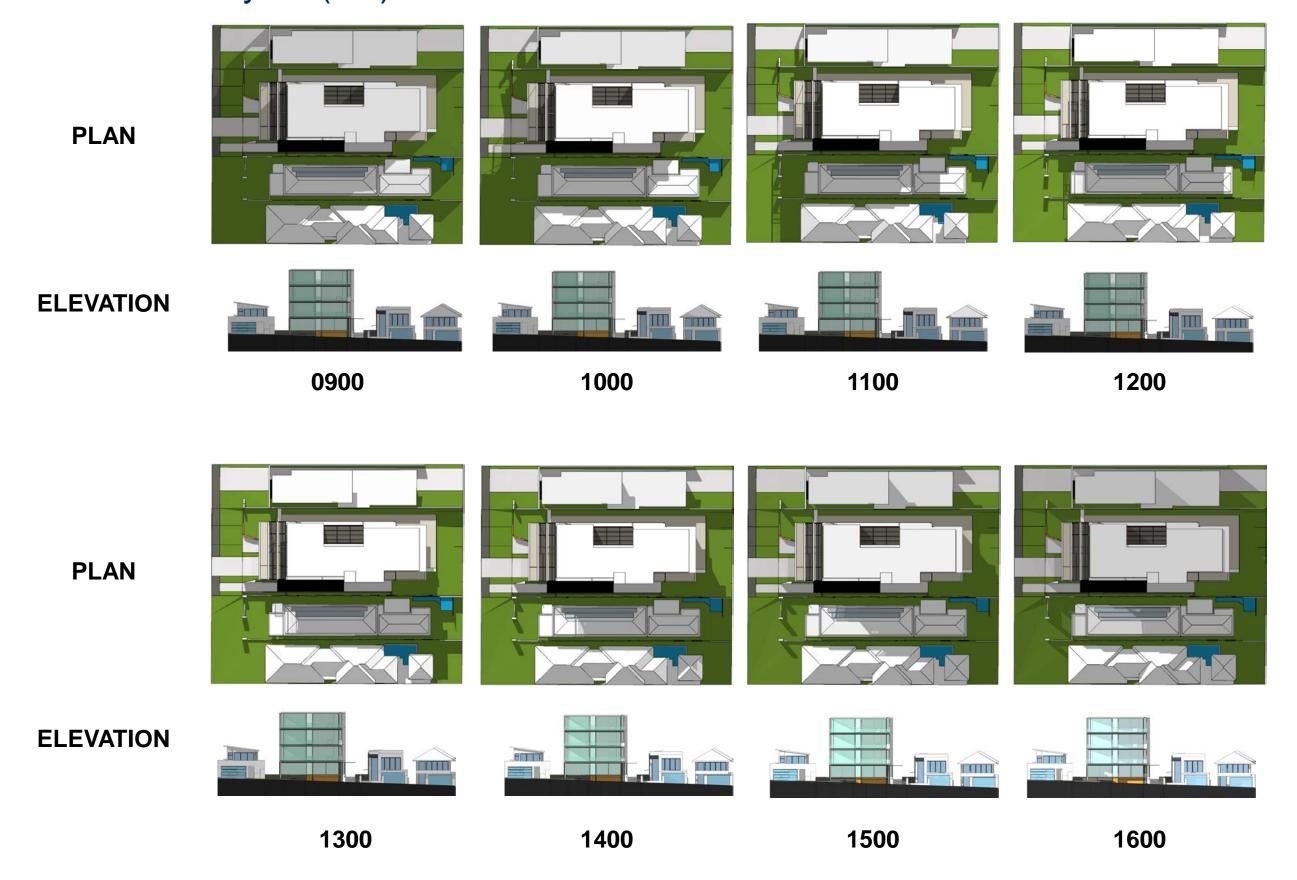


The preferred design allows for a large tree to grow.



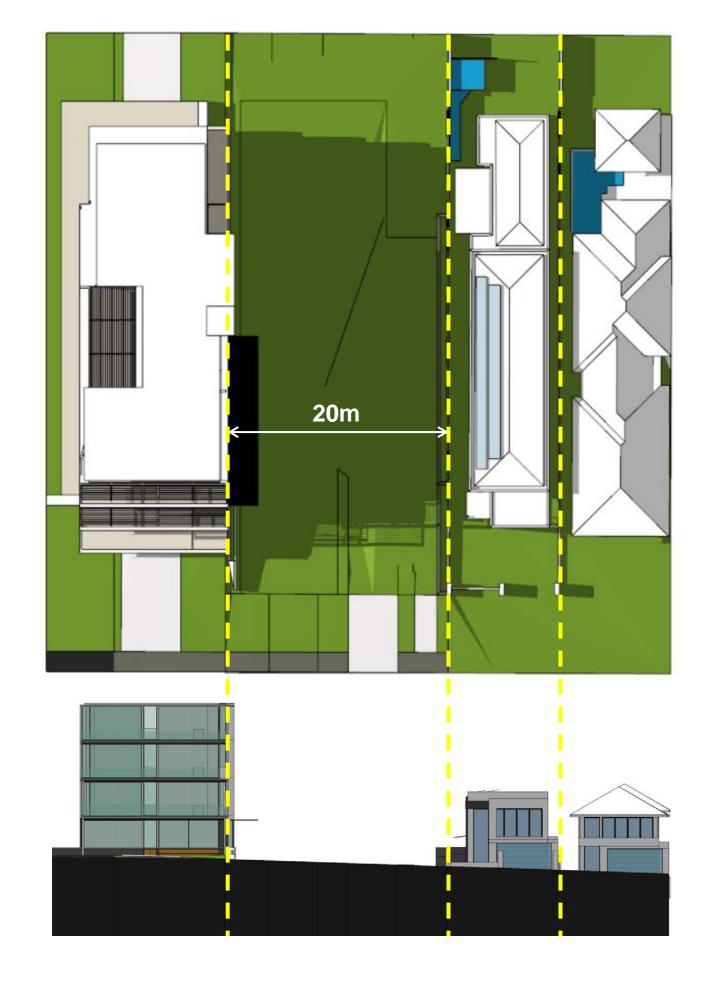


Shadow Analysis (3D) – 21st June

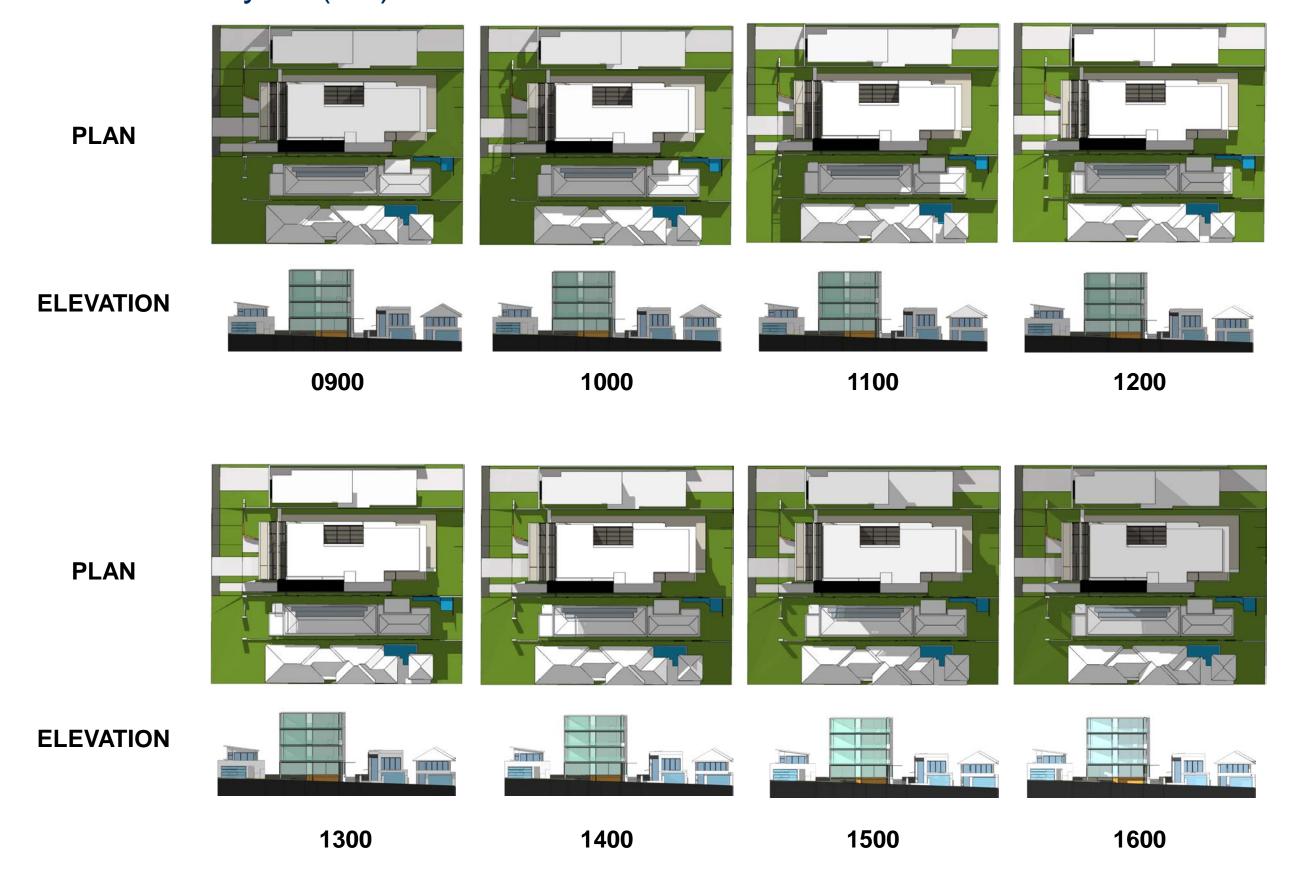


Required distance for no impact is unreasonable. Building would have to sit outside of cadastral boundary.





Shadow Analysis (3D) – 21st June



Comment raised in Objection	Respondents who raised issue	Officer Response	Applicant Response
Building height — inconsistent with existing streetscape and community interest, does not meet element objectives, lack of interface with adjacent development, 5th storey is visible.	1, 3, 4, 7, 10, 11, 14, 15, 16, 17, 18, 16, 20, 22, 23, 25, 26, 28, 29, 30, 31, 33, 34, 35, 38, 39, 41, 43, 44, 45, 46, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 67, 68, 70, 72, 73, 74, 76, 78, 79, P1, P2	The application has been revised to comply with the primary control for height, both in terms of the number of storeys and measured height. Refer to report for a detailed element objective assessment.	The building height has been reduced by one storey to address concerns of the City of Nedlands and community respondents. The height and bulk of the building have been further reduced through revisions to the plans providing for additional setbacks from the street for levels 2 and 3 of the proposal. The building height is compliant with the maximum height set out in the R-codes. The applicant's view is that there were strong grounds to support a five storey proposal, in particular with the limited visual impact of the fifth storey. The property is located immediately adjacent to a property zoned R-AC3 designated for six storey development and would have provided a staged reduction in height from the residences that will be built to the rear through to the R60 properties on the Western side of Alexander Rd. However, in light of the concerns raised, the applicant has responded by reducing the building height to within a compliant 15 metre height envelope that satisfies Acceptable Outcome A2.2.1 of the Element Objectives. Street setbacks now range from 3.9m (ground and first floor) to 5.99m for level 2 and 8m for level 3 compared to the code requirement of 2m. The existing streetscape has been developed in the context of R10 and R20 zonings. The majority of properties on Alexander Rd are development candidates. The subdivided townhouses neighbouring the development proposal have themselves changed the Alexander Rd streetscape following a rezoning event by: i) Reducing the front and rear setbacks relative to their immediate neighbours; ii) Reducing multi-level residences to what was otherwise a single level streetscape. Similar evolution of the streetscape will occur after this more substantive re-zoning, however, it is noted that the proposed development (even in its earlier 5 storey form) responded to the context of its immediate neighbours and was observed by the City's review architect to 'sit comfortably among the one-off subdivision homes of this locality' and represented the 'high watermark of medium de

Cido acthodica	10 20 22 20	Mith the execution of	Cide aethopics for the proposal are samelined
Side setbacks	19, 20, 32, 39, 53, 59, 62, 64, 68, 79, P1	With the exception of the ground floor southern wall, the application is consistent with the primary control for side setbacks. Refer to report for a detailed element objective assessment.	Side setbacks for the proposal are compliant with the Element Objectives (O2.4.1). Side setbacks provided are greater than neighbouring properties (even when scaled proportionately for the number of storeys in the building).
Street setback	19, 20, 39, 52, P1	The lodged application was compliant with the primary control for street setback. During the application process, the City negotiated with the applicant to improve the setback and overall streetscape presentation. The City is now of the view that the street setback achieves the element objectives. Refer to Council report for a detailed assessment of street setback.	The building envelope has been set back further from the street in the revised version to address these concerns. Additional street setbacks for levels 3 and 4 have been imposed to further reduce the bulk of the building when viewed from the street. The street setback is compliant with the requirements of the Element Objectives. The street setback of the ground floor (street facing) wall under the revised proposal is consistent with neighbours to both the North and South of the proposal aligning the property visually to its immediate neighbours.
Overshadowing/Ac cess to light/solar panels – does not meet element objectives for orientation	1, 2, 3, 6, 7, 9, 10 12, 14, 16, 19, 21, 25, 26, 27, 28, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 51, 53, 59, 61, 64, 67, 68, 70, 71, 72, 73, 74, 75, 76, 78, P1, P2	The proposal was and remains compliant with the Acceptable outcomes for overshadowing. Notwithstanding, it is acknowledged the that the development will impact the southern adjoining property due to the southern lot orientation, dimensions and dwelling layout. Following a detailed assessment, Administration is of the view that the impact acceptable given that the solar panels will be able to operate on June 21 when the sun is at its lowest. A detailed assessment is provided in the Council report.	The Acceptable outcome relevant to consideration of this Objective is A3.2.3. A3.2.3 stipulates that there is no requirement from a solar access/overshadowing perspective for adjoining properties coded R80 or higher. Despite the absence of requirements in the Element Objectives, the proposal responds to the need for daylight and solar access to adjoining residences. This is demonstrated by the fact that: • The proposed development effectively avoids casting a shadow over 8B Alexander Rd at any time of the year including during the Winter Solstice; • the estimated impact on solar panel output of 8A Alexander is, remaining ~90% effective (i.e. annual impact estimated at 10% or less); • The proposed development casts a lesser shadow on 8A's pool/outdoor area than the shadow cast by 8A over its own Southern neighbour at 8B Alexander Rd (as a percentage of outdoor living area) including during the Winter Solstice; and • Accommodation of the living areas of the neighbouring property by rear setbacks of the building that exceed the requirements set out in the R codes and thereby provide greater solar access for these areas.
Building Separation – lack of acoustic and visual privacy	10, 17, 53, 59, 62, 64	The development proposal satisfies the building separation requirements and	The building meets or exceeds the required setbacks in all spatial dimensions providing for maximum building separation. Side setbacks are more than three times greater than

		meets the element objectives. A detailed assessment of the element objectives is provided in the Council report	neighbouring properties. Design of the building has specifically accommodated the visual privacy of neighbours with an East/West orientation and lack of windows/outdoor areas adjacent to neighbouring windows along with restricted cone of vision from East/West outdoor living areas.
Building Depth	53, 59	The development proposal does not include any single aspect apartments and the floor to ceiling heights allow ventilation and solar access. The proposal meets the element objectives.	The building meets or exceeds the required front and rear setbacks meaning its depth is substantially reduced compared to what is provided for on the site by the R codes.
Parking/Vehicle Access	1, 3, 11, 16, 18, 26, 32, 39, 43, 44, 45, 48, 53, 55, 56, 59, 62, 64, 68, 69 72, 75, 78, P1	The development supplies more bays than is demanded in the R-Codes. Three bays are allocated to each apartment, as per the demand outlined in the draft parking provision in LPP – Parking.	Each apartment has multiple car parking bays allocated to it along with an additional apartment specific visitor bay. The low dwelling density of the proposal means that parking provision is far greater than what could otherwise be expected in a higher density design and is accommodated within a fully contained underground basement.
Traffic/Impact of traffic on pedestrians and cyclists	11, 12, 14, 15, 16, 17, 18, 22, 23, 25, 26, 28, 30, 31, 32, 33, 39, 42, 44, 46, 51, 52, 53, 55, 56, 57, 59, 60, 64, 66, 68, 69, 72, 75, 76, 78, 79, P1, P2	The development has been assessed by the City's Technical Services and achieves all relevant standards. Development proposals under ten dwellings do not require a TIS under the WAPC guidelines due to their low impact on the road network.	The Waratah Village precinct (of which the proposal forms part) is designated for the highest density dwelling to be accommodated within Dalkeith. The low density nature of the proposal means that it will have a far lower impact on traffic/pedestrians either than neighbouring properties or on what could have been accommodated on the site under a higher density design.
Objects to the impact the development will have on amenity.	1, 8, 9, 10, 11, 14, 15,16, 22, 28, 31, 37, 39, 42, 50, 51, 53, 57, 59, 64, 66, 67, 69, 70, 73, 74, 75, 76,	Not supported The development is considered to be a higher quality development, which respects the existing streetscape by having generous street setbacks, and	The proposal has been designed with community amenity in mind. The green and open nature of the street setback and the provision for mature trees in this area enhances the streetscape.
Public infrastructure requires upgrading prior to development approval of multiple dwellings	23, 55, 69, 72, 75, P1		It is difficult to comment on this in the absence of knowledge of the infrastructure being referred to.
Objects to the lack of Trees, Deep Soil Areas and landscaping	1, 2, 19, 25, 38, 41, 53, 55, 59, 64, 66, 68, 69, 73, 74	Not supported. The application exceeds deep soil area and tree canopy provisions.	Provision for Deep Soil Areas in the original proposal significantly exceeds the R-code requirements. The smaller footprint of the basement associated with the reduced four storey proposal further increases the provision of Deep Soil Area.

Outlook	57	Not supported The proposed outlook is improved by the proximate tree canopy and unscreened balconies.	Each dwelling has a street facing outlook by virtue of its own balcony. This enhances the security of the street.
Visual Privacy	1, 2, 6, 10, 11, 17, 19, 22, 25, 26, 28, 32, 33, 39, 43, 51, 53, 55, 57, 61, 64, 68, 69, 72, 73, 74, 75, 76, 78, 79, P1, P2	Not supported The development complies with all visual privacy setbacks. A screening condition will be imposed to ensure ongoing compliance.	The proposal has been set back further from the street in response to this report. Additional setbacks have been imposed for levels 2 and 3. Visual privacy screens accompany all outdoor living areas in the proposal and further improvements have been made by extending the privacy screen glass on the rear north and south corners. The cone of vision analysis shows that visual privacy has been achieved to the pool at 8A Alexander through the combination of adequate setbacks from the side and rear and the extension of the privacy screen glass.
Loss of tree canopy/vegetation	25, 28, 41, 64, 66	Not supported Tree canopy is improved. The application meets the element objectives for Tree Canopy and Deep soil areas. Refer to assessment in the report.	There are no mature trees on the site of any significant scale that could be retained. Consequently, there is no loss of canopy nor significant loss of vegetation.
Architectural merit/Roof Design – square, unimaginative.	1, 5, 62	Not supported The City's architectural peer broadly supports the design.	The design is by a prominent local architect and has been observed by the City's independent architectural review to constitute the "high watermark of medium density residential design"
A local development plan/policy or precinct plan must be in place before development is approved	P1	Not supported The application can be determined without a policy in place.	The absence of a local development plan/policy has no bearing on the ability for the proposal to be approved
Waste – number of bins on verge	2	Not supported. The application has been assessed by the City's waste services and meets the City's waste policy.	The number of bins on the verge has been reduced as a consequence of the reduction in the number of dwellings/storeys associated with the revised proposal.
Energy Efficiency	55	Not supported The application achieves the element objectives by having solar panels and overall design/orientation. Refer to assessment of Energy efficiency.	Modelling has indicated the building is on track to achieve an 8 Star NATHERS rating and a 5 star 'Australian Excellence' Green Star equivalent rating. Initiatives include high performance glass and framing systems, rooftop solar PV and EV charging provision. These are several examples of initiatives which significantly exceed minimum practice.
Objects to the multiple dwelling land use	5	Multiple dwellings are classified as 'Residential', which is a permitted land use in Residential R80.	This is a function of LPS3 and not the current proposal. Multiple dwellings have been constructed previously on Alexander Rd as demonstrated by the townhouse developments already in existence.

Requests a two/three storey development/ grouped dwellings	7, 9, 12, 26, 28, 29, 31, 38, 39, 41, 44, 62, 66, 68, 71, 72, 76, 78, 79 P2	Not supported. The City must assess the application before it, on its merits.	A 2/3 storey development would be inconsistent with the future use and streetscape of the Waratah Village precinct. Properties with frontage to Alexander Rd have been rezoned to provide for up to 6 storey dwellings that are compliant with the R-codes. A 5 storey development on the same block has already been completed and an application for a near neighbour to the rear of the property has already been submitted. The proposal provides for a sophisticated alternative style of dwelling and increases the diversity of housing supply available to prospective residents.
Objects to the proposed plot ratio	10, 17, 20, 23, 25, 39, 41, 50, 52, 53, 59, 62, 64, 68, 70, 71, 76, 78, P1		The proposal has responded to these concerns by removing the proposed 5 th storey dwelling. The plot ratio has commensurately reduced and the marginal excess plot ratio does not provide for any additional dwellings on the site. The whole floor nature of the dwellings and the associated absence of any communal areas means that building bulk has been reduced and this is not reflected in the plot ratio.
Bulk and scale	10, 14, 18, 20, 25, 39, 53, 59, 62, 67, 68 76, P1		The proposal sits within an entirely compliant building envelope (height, street, rear and side setbacks all meet or exceed requirements). The bulk and scale of the revised proposal has been reduced to accommodate these concerns. The height of the proposal has been reduced and is compliant with the Element Objectives. The rear setback of the proposal exceeds requirements. Additional street setbacks have been imposed on levels 2 and 3. The side setbacks are both compliant and substantially greater than neighbouring properties.
Exceeds the density for the zone Property values	55 14, 17, 23, 75, 76		The proposal represents a substantial reduction to the approved dwelling density provided for by the zoning. The impact of LPS3 on property values is a consideration relevant to the scheme as a
Heat island effect Noise/ Air conditioners	23, 55 15, 17 34, 53, 59, 64, 73, 74, 76,78, 79, P2		whole and not to substantively compliant proposals made in response to it. There is no evidence to suggest that the property will create a heat island. The building setbacks are greater than those provided for by neighbouring properties mitigating the proximity of air conditioners to boundaries relative to neighbours.
			The DA submission included an acoustic report as required by the City. The report documents a study undertaken by Herring Storer acoustic engineers and provides confirmation that building code requirements related to noise will be achieved. The noise impact of the proposal is substantially less than what would have been associated with an alternative compliant, higher density design.

Does not achieve Aims and objectives of Scheme/LPS/R- Codes	-, , -,,	Every Element Objective of the scheme is satisfied with the sole exception of a marginal excess plot ratio that improves the amenity of the existing residences but does not provide for an incremental dwelling or storey.
Does not satisfy SPP 7.0	53, 59, 64	The proposal does satisfy SPP7.3 as set out in the response to the Element Objectives
Supports development as a good example of multiple dwellings with open space, landscaping, high amenity for downsizers.	8, 21, 47, 49	

	y 7.0	v Assessment 0 Design of the Built Environment; Schedule 1 - Design Principles) N- 10.12.2019- PRINCIPAL BUCHAN
Design quality eva	luati	on
Apply the	3	Supported
applicable rating to	2	Supported with conditions
each Design Principle	1	Further information required
. Timespie	0	Not supported
Principle 1 - Context and character		Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
3		1a. The proposal sits well within the context of Dalkeith as one of Perth's most established, affluent and intellectual Western Suburb communities.The accommodation is suited to the culture, climate and the community in this
Principle 2 - Landscape quality		are of Perth. I would judge that the and would be highly sought after this demographic and Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.
Principle 3 – Built form and scale		NA. 2a. The landscape proposal is simple yet effective and compliments the built form design. Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.
2		3a. The proposal is a good example of a scheme that is custom designed and skilfully tailored to the site. The proposal is taller than the stipulated code—therefore the built form is supported with conditions upon agreement if acceptable by the local authority. In support I note that the design does minimise its bulk by setting back the top storey from the street and minimising its impact from flanks with good articulation, materiality and composition.
Principle 4 - Functionality and build quality		Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.
3		4a. The apartments are well designed to suit the target market and would b successful long term living accommodation. The apartments have sufficier storage space, parking and with a good number of rooms to support short term flexibility and long term adaptability.
Principle 5 - Sustainability		Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
3		5a. The application is supported with a thorough and detailed ESD consultants report that clarifies the high standard of integrated sustainable design that have

	been developed within the proposals. This report verifies the compliance standards that have been referenced and targets met. In addition the scheme successfully tackles passive design principles. The scheme is well oriented with appropriate façade treatments to mitigate and maximise the best and worst of Perth's unique climate.
Principle 6 - Amenity	Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.
3	6a. The amenity provided for residents would be successful on a day to day basis and in the long term. Each apaertment has an array of outside spaces from street facing balconies, dryng courts, Internal courtyards. The consequence of these spaces is ease of use through-out the year for residents and an articulated façade that animates the building for the benefit of neighbouring properties.
Principle 7 - Legibility	Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.
3	The proposal is legible and coherent on a number of levels. The Architectural language from the street is crisp, modern and attractive. The building is of its period and sits comfortably among 01 the heritage period rendered buildings and 02 the contemporary one-off sub-division homes of this locality.
Principle 8 – Safety	Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
3	8a. The design proposal integrates good secure by design measures to give optimum street surveillance to encourage a safer urban environment while minimising overlooking and privacy for neighbouring properties. The scheme will increase density around existing local amenity.
Principle 9 - Community	Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction
3	9a. The proposal will add diversity to the building stock of this predominantly sub-divided locality. The proposal will increase density and provide the opportunity for downsizers or first timers to buy into this established Western Suburbs location.
Principle 10 Aesthetics	Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.
3	10a. BHY Holdings and Banham Architects led DA application for 6 Alexander Road, Dalkeith represents a high watermark of medium density residential design within a complex and established suburban community. The design is modest is palette and tone yet ambitious and well articulated. The scheme is stylish and timeless.

(State Plai	nnii	Landscape Peer Review Assessment ng Policy 7.0 Design of the Built Environment; Schedule 1 - Design Principles)			
Design quality eva	ılua	ation			
Apply the	3	Supported			
applicable rating to	2	Supported with conditions			
each Design	1	Further information required			
Principle	0	Not supported			
Principle 1 - Context and character		Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 3.9, 4.10, 4.11, 4.12 as relevant.			
		1a.[Comments] 1b. [Recommendations]			
Principle 2 - Landscape quality	2	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context. As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 4.12 and 4.16 as relevant.			
		2a.[Comments]			
		Documents received:			
		 A full set of architectural drawings has been received except for: 			
		 Elevations (and views) do not include an outline of proposed tree canopy. 			
		 A comprehensive Landscape Plan except for: 			
		 Verge treatments 			
		• Verge			
		Cross-over shown on architectural plans is located tightly between two existing street trees that are small/medium size and in reasonable condition. Based on preliminary investigation of existing conditions, pruning (lifting of crown) will be required to ensure no conflict between tree and vehicles accessing the driveway. Likewise, the construction of the driveway will likely impact root zones for both trees.			
		 Cross-over may require relocation of existing side-entry pit stormwater drain – however plan shows narrowing of entry drive which may not be permissible? 			
		 Bin/Service ramp ends in grass, making rolling of bins difficult. 1:8 ramp may also be challenging particularly if residents are elderly. 			
		 Proposal shows large format stepping stones adjacent to boundary. 			
		 Verge is shown to be turfed (as per existing). 			
		Deep Soil Area			
		 Site is over 1,000sqm so RDC requires 1 large tree – noted as being a minimum allocation of 6x6m. 			
		 The proposal includes a handsome DSA to the rear that more than meets RDC requirements. The large DSA allows for more than 1 large tree. Drawings show an additional medium size tree to the rear and 			

small sized tree to the front set back.

- Landscape plan is claiming DSA where a deck structure is shown to NE corner. Technically DSA must have no structure above or below.
 This area can however be included as RSZ (Rootable soil zone).
 Regardless the proposal is likely to meet RDC requirements.
- Other deep soil areas are included, however general planting areas are shown in lieu of potential tree canopy e.g. the southern side adjacent stair well and northern side adjacent alfresco area to Unit 1.

• Existing Tree Retention

No existing trees are identified as part of the proposal for retention onlot. The site does not appear to provide any significant tree canopy worthy of retention (based on desktop review). There is however one tree (identified on the aerial) that may have some potential and is located in future DSA. This is currently located to the north of the pool.

Street Activation & Entry

- Level change between street and first floor is an average of about 800mm and represents a good opportunity for visual connectivity and activation between street and building. Planting heights to be considered.
- The extent of awning & design to entry is unclear on architectural plans.

Landscape Design & Planting

- o Front:
 - Two trees are shown under the balconies over and so cannot grow to full height.

o North side:

- Large stepping stones to north side of alfresco is considered excessive hard surface over deep soil. Alfresco is already a very significant space.
- The 'narrow planter box' and 'upright trees' are not going to provide the broader canopy form that will assist with mitigating bulk and form between buildings and assist with privacy and over-viewing into the future.

South side:

 Limited tree canopy provided to south side as per previous point.

o Rear

- A significant deck area is provided to the north east.
- An area adjacent to the deck is unclear
- Planting plans have a high degree of hard elements over DSA particularly to the sides.
- Planting plans indicate a hybrid planting mix .
- Large tree to rear is not well located to ensure healthy growth and to minimise obstructions with proposed structures.

 Additional and large-scale tree canopy could be supported given the DSA provided.

Communal Open Space

 Limited communal open space provided however project typology and RDC does not require.

2b. [Recommendations]

Verge

- An Arboriculturalist should be consulted to provide advice regarding impact on trees by the proposed driveway location prior to construction approval. Construction & pruning advice may form part of the recommendation from the Consulting Arboriculturalist
- An additional pavement connection should be considered so bins can be wheeled easily to street verge. This could simply connect to the driveway from top of ramp.
- With agreement from the City, the existing turfed verge should be reconsidered as a more ecologically rich and water-wise garden featuring native ground covers.
- Stepping stones to verge are supported for occupant amenity however the City is to confirm.

Deep Soil Area

- The proposal supports a good allocation of DSA. However, the DSA landscape diagram is to be recalculated to take into consideration the decking element and RSZ under – this will produce less DSA but expectation is project will still comply.
- Tree canopy to the front and side setbacks could be more significant than that shown. Landscape plan to north side indicates trees over DSA with limited crown capacity – recommend to review species to improve canopy outcome. Equally the 'Lush Tropical Garden' is located over precious DSA and should be maximised with a larger scale tree canopy.
- The landscape design could explore how the low point in the development (SE corner) can become a drainage point (for infiltration of stormwater at surface level (as opposed to a below ground soakwell).
- Soak wells are not shown on the drawings. If soak-wells are to be included in the DSA then the size and location are to be indicated and DSA recalculated.

Existing Tree Retention

 An existing tree to the north of the pool to be reviewed for potential retention.

Street Activation & Entry

 Provide information to clearly indicate extent of weather-proof awning to entry and northern access. Some drawings indicate a timber slatted

	element to entry?
	 The proponent should demonstrate how the design provides a clear welcoming and safe pedestrian address that creates amenity.
	Landscape Design & Planting
	o Front:
	 Consider relocation of two trees under balconies
	o North Side:
	 Consider reducing hardscaping in favour of soft planting and tree canopy
	 Provide larger scale tree canopy in DSA to mitigate bulk and scale between buildings and assist with privacy and over- viewing.
	o South side:
	 Explore inclusion of larger scale tree planting to location of 'Tropical Garden' over DSA.
	o Rear:
	 Provide more large-scale tree canopy (trees) in DSA to mitigate bulk and scale of building and assist with privacy and over-viewing as well as urban heat reduction through shade. Consider more native tree species to support local biodiversity.
	 Explore optimisation of hard structures in favour of soft over DSA. Ensure ease of access to deck area – currently not clear.
	 Planting palette proposes a hybrid of exotic and native species. Ecologically relevant plant material is encouraged. Like-wise tree selection that assists with micro-climate.
	 Locate trees to ensure health, future growth potential and minimising conflict with structures. The large rear tree is not well located.
Principle 3 - Built form and scale	Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.
	As informed by SPP7.3Element Objectives 3.2, 3.3, 4.10 and 4.11 as relevant.
	3a. [Comments]
	3b. [Recommendations]
Principle 4 - Functionality and build quality	Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.
. ,	As informed by SPP7.3 Element Objectives 4.3, 4.4, 4.6, 4.7, 4.12, 4.15, 4.17, 4.18 as relevant.
	4a. [Comments]
	4b. [Recommendations]
Principle 5 -	Good design optimises the sustainability of the built environment, delivering positive

environmental, social and economic outcomes.
As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.9, 4.1, 4.2, 4.3, 4.11, 4.12, 4.15, 4.16, 4.17 as relevant.
5a. [Comments]
5b.[Recommendations]
Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.
As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3,4.4, 4.5, ,4.7, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17,4.18 as relevant.
6a. [Comments]
6b.[Recommendations]
Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.
As informed bySPP7.3 Element Objectives 3.1, 3.4,3.6, 3.7, 3.8, 3.9, 4.5 as relevant.
7a. [Comments]
7b.[Recommendations]
Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
As informed by SPP7.3 Element Objectives 3.1,3.4, 3.6, 3.7, 3.8,3.9, 4.5 as relevant.
8a.[Comments]
8b.[Recommendations]
Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.
As informed by SPP7.3 Element Objectives 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.5, 4.9,4.18 as relevant.
9a.[Comments]
9b.[Recommendations]
Good design is the product of a skilled, judicious design process that results in
attractive and inviting buildings and places that engage the senses.
As informed by SPP7.3 Element Objectives 3.1, 3.4, 4.8 as relevant.
10a.[Comments]
10b.[Recommendations]



BHY PTY LTD

6 ALEXANDER ROAD, DALKEITH DEVELOPMENT APPLICATION ACOUSTIC REPORT

OCTOBER 2019

OUR REFERENCE: 24907-1-19272



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DA ACOUSTIC REPORT

6 ALEXANDER ROAD, DALKEITH

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1.0 INTRODUCTION

Herring Storer Acoustics was commissioned by BHY Pty Ltd, to conduct a preliminary review of the proposed development at 6 Alexander Road, Dalkeith, to accompany the Development Application.

This report has been based on the Development Application drawings provided.

2.0 PROPOSED DEVELOPMENT

The proposed development site is located at 6 Alexander Road, Dalkeith.

The development consists of a 5 floor apartment building with basement parking.

Each apartment spans an entire floor (i.e. there are 5 apartments within the development).

3.0 CRITERIA

3.1 BCA PROVISIONS

For Class 2 or 3 buildings, Part F5 of the National Construction Code (NCC), outlines the minimum acoustic isolation of sole occupancy units, and is applicable to the apartments. The following summarises the acoustic criteria:

3.1.1 Walls

Wet to wet $R_W + C_{tr}$ not less than 50 dB.

Living to living $R_W + C_{tr}$ not less than 50 dB.

Wet to living $R_W + C_{tr}$ not less than 50 dB plus discontinuous

construction.

Kitchens to living $R_W + C_{tr}$ not less than 50 dB plus discontinuous

construction.

Note: Where kitchens are part of an open living area, we consider the kitchen to be part of the living area and in these cases a discontinuous construction is

required. This also includes cases where kitchens are back-to-back, however, discontinuous construction is only required on one side.

3.1.2 <u>Floors</u>

Floors $R_W + C_{tr}$ not less than 50 dB.

Impact Isolation L_{n,w} not more than 55 dB is recommended.

Note: The impact isolation criteria under the BCA is an L_{n,w} of not more than 62

dB. However, as a member firm of the Association of Australasian Acoustic Consultants, (AAAC) we recommend a criteria of an $L_{n,w}$ of not more than

55 dB be adopted for a development of this type.

3.1.3 <u>Service Risers</u>

to Habitable Rooms R_W + C_{tr} not less than 40 dB.

to Non-Habitable Rooms R_W + C_{tr} not less than 25 dB.

3.1.4 Hydraulics

The above requirements also apply to storm water down pipes.

3.1.5 Doors

Door (Connecting) R_W not less than 30 dB.

The development will be designed to comply with the requirements of Part F5 of the BCA.

3.2 ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997

The *Environmental Protection (Noise) Regulations 1997* stipulate the allowable noise levels at any noise sensitive premises from other premises. The allowable or assigned noise levels for noise sensitive premises are determined by the calculation of an influencing factor, which is added to the baseline criteria set out in Table 1 of the Regulations. The baseline assigned noise levels are listed in Table 3.1. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern.

For commercial premises, the allowable or assigned noise levels are the same for all hours of the day. Table 3.1 also lists the assigned noise levels for commercial and industrial premises.

TABLE 3.1 – ASSIGNED NOISE LEVELS

Premises Receiving	Time of Day	Assigned Level (dB)			
Noise	Time of Day	L _{A 10}	L _{A 1}	L _{A max}	
	0700 - 1900 hours Monday to Saturday	45 + IF	55 + IF	65 + IF	
Noise sensitive	0900 - 1900 hours Sunday and Public Holidays	40 + IF	50 + IF	65 + IF	
premises within 15 metres of a dwelling	1900 - 2200 hours all days	40 + IF	50 + IF	55 + IF	
metres of a dwelling	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	35 + IF	45 + IF	55 + IF	
Commercial Premises	All Hours	60	75	80	
Industrial Premises	All hours	65	80	90	

Note: The L_{A10} noise level is the noise that is exceeded for 10% of the time.

The L_{A1} noise level is the noise that is exceeded for 1% of the time.

The L_{Amax} noise level is the maximum noise level recorded.

It is a requirement that noise from the site be free of annoying characteristics (tonality, modulation and impulsiveness) at other premises, defined below as per Regulation 9.

"impulsiveness"

means a variation in the emission of a noise where the difference between L_{Apeak} and $L_{Amax\;Slow}$ is more than 15dB when determined for a single representative event;

"modulation"

means a variation in the emission of noise that -

- (a) is more than 3dB $L_{A\,Fast}$ or is more than 3dB $L_{A\,Fast}$ in any onethird octave band;
- (b) is present for more at least 10% of the representative assessment period; and
- (c) is regular, cyclic and audible;

"tonality"

means the presence in the noise emission of tonal characteristics where the difference between –

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A Slow}$ levels.

Where the above characteristics are present and cannot be practicably removed, the following adjustments are made to the measured or predicted level at other premises.

TABLE 3.2 – ADJUSTMENTS FOR ANNOYING CHARACTERISTICS

Where tonality is present	Where modulation is present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB

From a review of the development, the influencing factor for this development would be 11 dB, based on the following:

Commercial Premises within the inner circle;

20 % + 1 dB

Commercial Premises within the outer circle;

10 % + 0.5 dE

Total IF +1 dB (rounded down)

Hence the influencing factor would be +1 dB and the assigned noise levels would be as listed in Table 3.3.

TABLE 3.3 - ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving	Time of Day		Assigned Level (dB)			
Noise			L _{A1}	L _{Amax}		
	0700 - 1900 hours Monday to Saturday	46	56	66		
Noise sensitive	0900 - 1900 hours Sunday and Public Holidays	41	51	66		
premises within 15	1900 - 2200 hours all days	41	51	56		
metres of a dwelling	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays					

Note: L_{A10} is the noise level exceeded for 10% of the time.

 L_{A1} is the noise level exceeded for 1% of the time.

 $L_{\mbox{\scriptsize Amax}}$ is the maximum noise level.

We note that noise emissions from the premises need to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. In this instance the noise sources where the regulations are applicable are considered to be limited to mechanical services (ie air conditioning and ventilation systems),

4

3.3 NOISE INGRESS

Noise ingress into the development is not considered likely to be govern by any specific state or local council policy, however, it is recommended that the development be designed such an appropriate internal noise level environment is attained.

Based on other noise ingress policies, and our experience, it is recommended that a design level listed below is implemented.

INTERNAL

 $L_{Aeq(Day)}$ of 40 dB(A) in living and work areas; and $L_{Aeq(Night)}$ of 35 dB(A) in bedrooms.

Given the location of the proposed development, the above internal noise criteria is not considered onerous to achieve.

4.0 BCA REQUIRMENTS

The proposed development will be constructed to comply with the requirements of Part F5 of the NCC.

5.0 NOISE FROM DEVELOPMENT

The main source of noise from the proposed development will be from mechanical services consisting of a car-park ventilation fans (if required) and air-conditioning condenser units. Noise received at neighbouring premises from these items need to comply with the assigned noise levels as determined under the *Environmental Protection (Noise) Regulations 1997*.

5.1 MECHANICAL SERVICES

The main source of noise from the proposed development will be from mechanical services consisting of a car-park ventilation fans (if required) and air-conditioning plant and condenser units. Noise received at noise sensitive premises (premises in the vicinity and apartments that form part of the development) from these items need to comply with the assigned noise levels as determined under the *Environmental Protection (Noise) Regulations 1997*.

As the mechanical services could operate during the night, noise emissions from the development needs to comply with the assigned $L_{\rm A10}$ night period noise level of 36 dB(A) at noise sensitive premises. Potentially, noise emissions from mechanical services could be tonal, in which case an +5 dB(A) penalty for a tonal component could be applied to the resultant noise levels. Therefore, the design level at the neighbouring residential premises would be 31 $L_{\rm A10}$ dB.

5.1.1 Air Conditioning

The air conditioning systems are not known (and not designed) at this stage, however, it would appear that the condenser units are proposed to be located on the southern side of the building on the "Drying" balconies.

Once the design of the system is finalised, an acoustic assessment will be carried out of noise emissions from the mechanical plant and any noise amelioration required will be incorporated into the design to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*. However, we believe that compliance would be easily achieved and any noise mitigation would be minimal, with the proposed design.

5.1.2 Car Park Exhaust Fans

Noise emissions from the carpark exhaust fans (if required), will also need to comply with the Regulatory requirements. From previous projects, we believe that with careful fan selection and the incorporation of either 1D or 2D unpodded silencers, compliance with the *Environmental Protection (Noise) Regulations 1997* is normally achieved.

An assessment of noise emissions will be carried out once equipment has been selected and submitted for approval.



Waste Management Plan

6 Alexander Road, Dalkeith

February 2020 – B DA Submission

Document Control

Revision	Date	Prepared	Checked	Comments
Α	01/09/2019	BY		Draft
В	11/02/2020	BY		DA Submission

LIMITATION: While steps have been taken to ensure the accuracy of this document, BHY Holdings Pty Ltd cannot accept responsibility or be held liable to any person for any loss or damage out or in connection with this information being inaccurate, incomplete or misleading.

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1 Introduction

BHY Holdings Pty Ltd as trustee for BHY Alexander Unit Trust is the proprietor of the property at 6 Alexander Road Dalkeith. It is intended by the proprietors to develop 4 x three bedroom apartments.

As part of this development, a **Waste Management Plan (WMP)** is prepared to effectively manage the waste generated from the property. The WMP is also a component required for the Development Approval (DA) submission of the proposal.

This WMP is prepared in accordance with:

- Preliminary Planning Assessment and discussions with City of Nedlands planning and waste services departments at the following dates:
 - o Preliminary Planning Assessment completed on 17th of July 2019
 - o Email advice from City of Nedlands on 30th of July 2019
 - Meeting with City of Nedlands Waste Services Coordinator on the 12th of August 2019
 - Further meetings with the City of Nedlands subsequent to DA Submission in October
 2019
- Residential Design Codes Volume 2 Apartments
- Information supplied by Waste Initiatives
- Architectural considerations by Banham Architects

2 Objective and Scope

The WMP is established to clearly outline the strategy behind the management of the waste generated from the proposed development on the property. It will include:

- Waste generation
- Waste transfer and storage
- Waste collection
- Ongoing management

It will provide clear guidelines to the City of Nedlands and other relevant authorities information on how waste is handled on the property. It will also form part of to the Strata Management by laws to ensure owners and occupants are fully aware of their obligations in terms of waste management on site.

3 Waste Generation

Waste generation for the development have been determined based on guidelines supplied by the City of Nedlands. The rate for waste generation is as follow:

- 120 litres of general waste per apartment per week
- 240 litres of recycled waste per apartment per fortnight
- provision for additional 240 litres of recycled waste per apartment per fortnight is to be allowed
- provision for bulky waste

The summary of the total waste generated for the development is presented in Table 1 below:

Table 1: Waste Generation for 6 Alexander Road Dalkeith

Source	Qty	General waste generated (L/apt/week)	Total general waste (L/week)	Recycle waste generated (L/apt/fortnight)	Total recycle waste (L/fortnight)
Residential					
3 bedroom apartment	4	120	480L/week	480	1,920L/fortnight

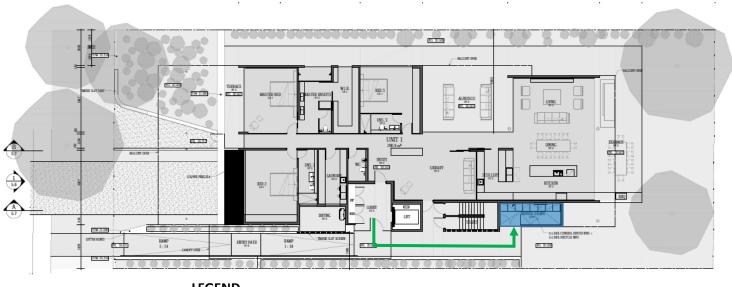
4 Waste Transfer

This section covers the transfer of waste from the apartments to the storage areas.

4.1 General and recycle waste transfer

Waste generated by apartments will be first separated into the two different types of waste (general and recycle) by the respective occupants. Waste shall be properly sealed prior to transfer to prevent any leakage.

The waste are then transferred from their individual tenancies to the bin room at the basement of the property. The waste is then placed into clearly marked and colour coded bins designating the type of waste. The flow path for waste on the basement is shown in Figure 1 below:





Bin room

Waste flow path for residential tenants

Figure 1: Waste transfer (image not to scale)

4.2 Bulky waste transfer

Bulky waste is transferred from individual units into the respective store units located at the basement of the property. These store units have been designed to be larger than the required store room sizes to allow for the temporary storage of bulky waste.

5 Waste Storage and Handling

This section discusses the bins used, how it is handled and ultimately the how the size of the bin room is determined.

5.1 Waste Storage Bins

The total number of bins and the bin room area is designed in compliance with standard bin dimensions shown below and the requirements of the City of Nedlands. 240L bins are selected for the site:

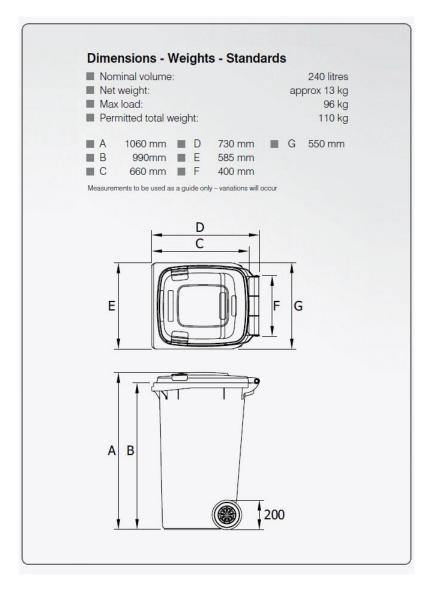


Figure 2: 240L Bin Dimensions

5.1.1 Frequency of Collection

The City of Nedlands adopts the following frequency for waste collection:

General waste: weeklyRecycle waste: fortnightly

5.1.2 Total Number of Bins

Based on the bin sizes and the frequency of collection the total number of bins required is calculated as follow:

Table 2: Number of Bins and Collection Frequency

Waste Type Volume		pe Volume Bin Type Proposed collection Used frequency		No. of bins	
Residential					
General	General 480L/week		1 time/week	4	
Recycle 1,920L/fortnight		240L	1 time/week	4	
			TOTAL	8	

The City of Nedlands limits the total number of bins to be presented for verge collection to 8, therefore the proposal will not exceed this limitation.

5.2 Bin Room

The bin room is positioned on the basement of the property, and is designed by taking into consideration the following:

- Total number of bins required, i.e. 8 x 240L bins
- Access and egress of the bin room to allow bins to be taken out for verge collection
- Manoeuvrability of bins to access and service each bin without having to relocate other bins
- Adequately ventilated that will affect residents
- Clearly signed to ascertain waste types and operational requirements
- Built in wash down facilities including graded floors, taps and drains
- Well lit by sensor lights
- Graded at a maximum grade of 1:14 and completed with a smooth finish

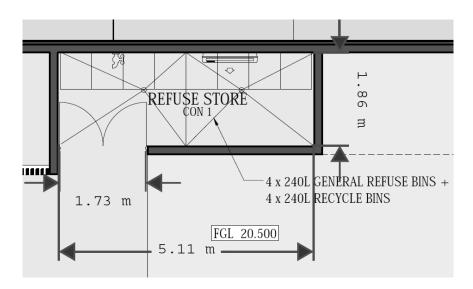


Figure 4: Bin Room

6 Waste Collection

6.1 General and Recycle Waste Collection

General and recycle waste bins will be presented at the verge along Alexander Road for verge collection during their respective collection days. The bins will be wheeled out by a caretaker of the property during the respective collection days and wheeled back in the bin room after collection.

6.2 Bulky Goods Collection

During bulky goods collection day, owners and occupants will transfer the waste from their storerooms to the verge for collection. Ongoing Management

7 Ongoing Management

7.1 Custodian of the WMP

The Waste Management Plan will be owned and implemented by the Strata Body Corporate of the property. They will be ultimately responsible for the clear communication of the waste management plan to the respective tenants and occupants and the effective implementation of the plan.

7.2 Ongoing Education and Communication

The waste management plan will be incorporated as part of the strata by laws issued to all owners. To ensure that the waste management for commercial and residential tenancies is made clear to all occupants of the property.

Property managers managing leases within the property will also be made aware of the waste management plan to clearly outline tenants their responsibility in the waste management of the property.

Notices will be regularly posted on the communal notice boards to adequately remind occupants on their responsibilities to adhere to the waste management plan.

Signs will be erected in the bin rooms to clearly indicate operational rules of the waste management plan.

7.3 Security and housekeeping

Bin rooms will be locked and keys or access cards will be given to residents to access the rooms. The strata company will be given access to the bin rooms to allow the caretaker to wheel the bins out for verge collection

7.4 Review and Improvements

This Waste Management Plan is a live document and will be reviewed regularly by the council of owners in consultation with waste services of the City of Nedlands.

8 Summary

A total of 8 bins are provided which includes:

- 4 x 240L general waste bins
- 4 x 240L recycle waste bins

The bins will be presented on the verge for collection on the scheduled collection days.

Bulky waste are stored in store rooms of the property. The store rooms are designed with generous space to allow for storage of unused bulky items.

9 References

WALGA (2015) Multiple Dwelling Development Waste Management Plan Guidelines. **Available online**: https://www.wastenet.net.au/Profiles/wastenet/Assets/ClientData/Document-Centre/WAL2710 Multi Dwelling Development waste A4 WEB.pdf



September 2019

6 Alexander Road

Sustainability Assessment



Graham Agar FULL CIRCLE DESIGN SERVICES



Full Circle Design Services	
Telephone: 0412 475 819	Report №: 2019_034_ESD_REP_01
Email: graham.agar@fcds.com.au	Original Date of Issue: 2 nd September 2019
ACN: 163 742 890	
ABN: 84 163 742 890	

Title:	6 Alexander Road Nedlands – Sustainable Design Report
Author:	Graham Agar
Client:	BHY Holdings Pty Ltd
Contact:	Garrett Bray
Description:	This report summarises the sustainable design approach for the proposed residential development on 6 Alexander Road in Nedlands.
	The design clearly demonstrates best practice in sustainable design, with recommended design features exceeding the Green Star 4 Star level by 20%, with a good chance that the project will deliver Australian Excellence in Sustainable Design.

Revision	Date	Checked by	Transmitted by
Α	2 nd September 2019		GEA
В	9 th September 2019		GEA

Distribution				Revision		
Receiver	А	В				
ВНҮ	Х	Х				
Banham	Х	Х				

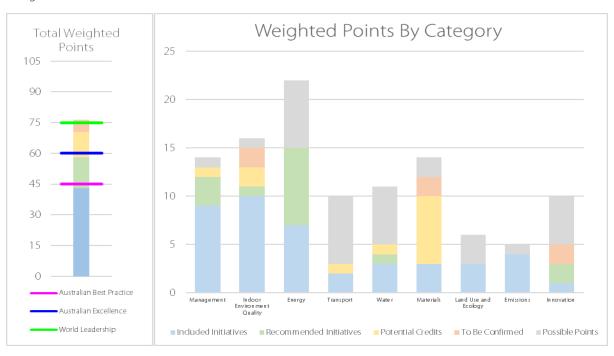


Executive Summary

FCDS have been commissioned to provide design assistance and review for the proposed residential development on 6 Alexander Road in Nedlands. This report provides a brief summary of the intended and recommended ESD features for the design, demonstrating that the project clearly exceeds current market best practice and is intending to deliver Australian Excellence in Sustainable Design.

FCDS have used the Green Star Design and As Built V1.2 tool to complete a self-assessment on the proposed development. Whilst the design remains only at concept stage, FCDS have worked with the project team to identify features which will add value to the development and are recommended to be included. The self-assessment is based on achieving no fewer than 60% of the Green Star initiatives, meeting the target for 5-Star performance, in keeping with the development target of excellence in design.

The current design would be expected to meet the intent of 43% of the Green Star Design and As Built V1.2 credit requirements. The initial review has also identified a further 27 points (sufficient to meet the 5-star threshold with 16% margin for safety). In addition, there are 8% of credits requiring further design progression to confirm. The design will therefore readily achieve it's target of 5-Stars. - Australian Excellence in Sustainable Design:



Key features supporting the rating are:

- Achieve >8 star average NatHERS rating for apartments
- Provision of solar array to offset common area energy consumption
- Embedded meter network to monitor energy consumption and allocate cost correctly
- Occupant engagement through users guides, operational data and the like.
- High efficiency building services
- Cross flow ventilation for all apartments
- High levels of noise separation between apartments
- BCA 2019 compliance for building envelope
- Active transport facilities and excellent access to local amenities.



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1. Introduction

The development at 6 Alexander Road in Nedlands will include a single apartment tower, including 5, whole floor apartments over an under-croft car park.

The design is to exceed the minimum compliance requirements of the BCA 2019, including upper limits on both heating and cooling loads for NatHERS compliance, by averaging more than 8 stars for the NatHERS ratings for the apartments.

Beyond this base level of sustainability, the project team are also seeking to demonstrate excellence in sustainable design by self-assessment to a 5 star level under the Green Star Design and As Built V1.2 rating tool. This outcome will be achieved by including features such as; energy and water consumption, materiality and waste, occupant wellbeing and building management.

This report presents FCDS review of the current project design and identifies features which are recommended to be included in the next design phase.





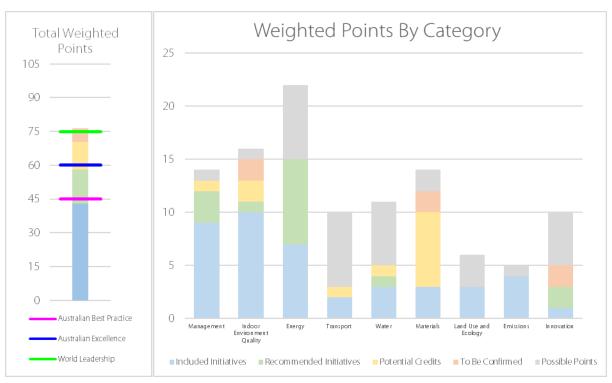
2. Sustainable Design Approach

FCDS have utilised the Green Star Design and As Built V1.2 tool as an objective measure of sustainable design features, including the relative benefits of various sustainable design features. The project is considered too small for a cost-effective formal assessment under the Green Star tool and, as such, is following a self-assessed pathway only. Notwithstanding, the team are Australian Excellence in sustainable design (60% of available points), exceeding the 5-Star threshold under the Green Star Design and As Built V1.2 rating tool.

The current design would be expected to meet the intent of 43% of the Green Star Design and As Built V1.2 credit requirements. The initial review has also identified a further 27 points (sufficient to meet the 5-star threshold with 16% margin for safety). In addition, there are 8% of credits requiring further design progression to confirm. The design will therefore readily achieve it's target of 5-Stars. - Australian Excellence in Sustainable Design:

The design team are therefore very confident of exceeding best practice and demonstrating Australian Excellence in Sustainable Design.

The graphs below show the overall point allocation, the majority of the credits being included in management, indoor environment quality, energy and materials categories. This reflects a design approach which prioritises owner experience, health and reduced operating costs:



The following sections outline the credits within each category which are expected to be achieved.

Please also refer to the attached green star scorecard.



2.1 Management Considerations

The following elements are expected to be included:

2.1.1 Green Star Accredited Professional

Graham Agar of Full Circle Design Services has been appointed the project ESD consultant and has been a GSAP (Green Star Accredited Professional) since 2008.

2.1.2 Commissioning and Tuning

The requirements for commissioning, maintenance reviews and building tuning are intended to be overseen by the project owners who have engineering and design backgrounds. Commissioning is intended to be carried out to international standards and is likely to include building pressure testing on the façade.

Design team members will be required to fully document commissioning requirements within their specifications, including:

- Design parameters
- Commissioning Activities
- Description of operation
- Witnessing requirements
- Performance requirements and allowable tolerances

2.1.3 Climate Change Adaptation and Resilience

As the project has a useful life of over 50 years (up to 100 years) it makes little sense to be designing for current climatic conditions when global warming will have a significant impact on how buildings operate in the future.

The design team will be reviewing climate risks and including design features to mitigate their expected impacts.

2.1.4 Building Information

The project brief included the requirement for project handover documentation to be generated and maintained in an editable format on an online platform.

ESD specification will include the requirements for O+M information to be generated in accordance with the Green Star Benchmarks and to be provided in an online manner for future use. FCDS will also produce a design report which will act as a building users guide to present relevant information in a simple manner to facilities management and occupants.





2.1.5 Commitment to Performance and Building Performance Monitoring

As part of minimising life cycle costs, the design team have included an embedded meter network which will be connected to major electrical and water uses and individual occupants. The strata company is expected to monitor and report on common area usage through building operation.

The project team are also expecting to minimise the project end of life waste production by designing common areas with a 10+ year life expectancy.

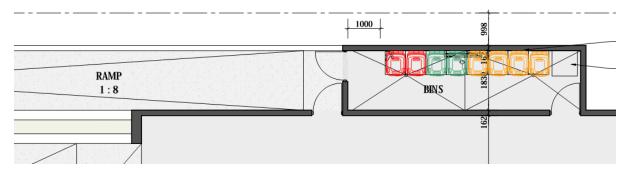
The building is to be provided with a metering system to track energy and water consumption, potentially with a reading system which can inform occupants of their usage in close to real time, check for missing data and assist in billing and power use reconciliation.

2.1.6 Construction Environmental Management

The specification will include a requirement for the builder to utilise an Environmental management system, including audit of operations during construction, this will include a site specific environmental management plan.

2.1.7 Operational Waste

The design includes a large waste store at ground level, with easy access to the street for collection and ample space to segregate waste into at least three streams, in accordance with council waste collection policies:



Suez – the expected waste contractor – meets Green Star requirements by separating waste in the recycling bins into; glass, plastic, paper and aluminium.



2.2 Indoor Environment Quality

2.2.1 Quality of Indoor Air

The design will provide natural ventilation as a means to provide outdoor air for apartments. Currently, the team are reviewing the potential to integrate outside air intakes with air conditioning systems to improve the control of air flow and air quality in the space.

In addition, all kitchen exhausts are to be ducted to outside the occupied zone, including for commercial kitchens on ground level.

2.2.2 Acoustic Comfort

The design team are to target acoustic comfort by:

- All spaces are to be within 5dB(A) of the satisfactory sound levels of AS 2107
- Achieving noise separation >45 between apartments

The fact that each apartment takes and entire floor provides significant benefits for noise separation.

2.2.3 Lighting Comfort

The electrical design will include high frequency ballasts or electronic ballasts for High Intensity Discharge lighting, with a minimum colour rendering index of 80 and a minimum of 3 McAdam ellipses for residential lighting.

Within apartments, the electrical design will include power points to facilitate the use of stand lamps or similar for local illumination of tasks, such as reading.

2.2.4 Visual Comfort

The design will be provided with strong solar passive design and external shading to avoid glare.

At least 60% of the floor area is expected to have good access to natural light – this will be confirmed as the design progresses.

The design easily complies with the requirements for access to views, with most apartments having access to north, east and west light across multiple, well shaded facades.

2.2.5 Reduced Exposure to Pollutants

The ESD specification will include emissions limits and reporting requirements for all:

- Paint
- Floor coverings
- Adhesives
- Sealants
- Composite wood products

2.2.6 Thermal Comfort

The building has been modelled in accordance with NatHERS protocols and has already an average of at 7.7 stars. As the design progresses, consideration will be given to features such as additional shading and insulation to increase the average rating above 8 stars. This is a 33% improvement on BCA minimum requirements and provides significant benefits for occupant comfort, energy consumption and solar passive design.

Through the use of high performance glazing and framing, these outcomes will be achieved without compromising natural light or occupant outlook.



2.3 Energy

The design will be highly energy efficient, in terms of building envelope and services design. Indicatively, the design team will be aiming for:

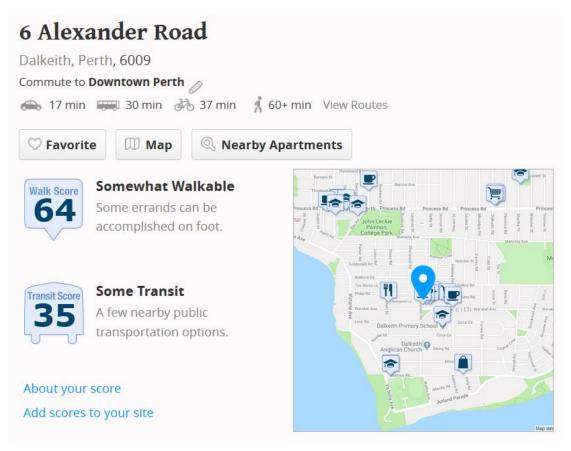
- High efficiency mechanical plant, targeting 15% energy reduction over BCA allowances
- High performance glazing and framing
- Well shaded building facades
- Insulation to car park and exposed floors
- Use of solar PV between 5kW and 25kW peak output.
- Provision of drying court for all apartments

The features above are expected to reduce total energy consumption as well as peak energy consumption.

2.4 Transport

2.4.1 Public Transport

The site has reasonable access to public transport and local amenity provision, as shown by the Walk-Score extract below:



Bike parking has been included in the development, with five occupant racks and four visitor bays.



2.5 Water

The design will review the potential to include tapware only which is within 1 star of the best WELS rating available, provided fittings which can provide good amenity and value for money are available:

Fixture Type	Best Available WELS rating
Taps	6 stars
Urinals	6 stars
Toilets	6 stars
Showers	4 stars*
Clothes Washing Machines	5 stars
Dishwashers	6 stars

At this stage, provision of appliances is to be confirmed.

Air conditioning systems are expected to be air cooled, with limited water use for fire testing. Irrigation design is ongoing, but is expected to minimise usage through controls, plant selection and watering systems.

2.6 Materials

2.6.1 Materials Life Cycle Impact

The design team are considering completing a detailed analysis on building embodied energy and operational performance to minimise overall life cycle impact, however, as the project already has expectations of strong energy efficiency, low embodied energy and sustainable product selections, the formalised reporting is considered of limited value. At this stage in the design initial considerations are focusing on longevity of selections and reduction of operational energy as far as practical.

2.6.2 Responsible Materials

In addition to the above, the design is expected to include requirements for sustainable sourcing of steel and PVC (best practice or PVC replacement).

Depending on design progression, the team may also include requirements for timber procurement.

2.6.3 Material Selection

As described above, the team are recommending a materiality review be undertaken to select materials with low life cycle costs and improved environmental reporting. The majority of this analysis would be undertaken during design development.

2.6.4 Construction and Demolition Waste

The main construction contract will have a specified requirement to achieve at least 90% recycling rate. This performance is consistently reached in Perth through the use of a reputable, comingled construction waste collection and sorting facility.

The more stars the more water efficient

VATER RATING

A per percent and charp plages

Long tax 15%

Vater Commander

Management of the charpes

Management

^{*} Showers must use less than 7.5 I/minute to be considered compliant.



2.7 Ecology

The site's ability to achieve points due to ecological impact is fairly limited.

The building is to be constructed on a previously developed site, as part of an existing residential area. The demolition process will ensure hazardous materials are removed from the site.

The design team will also be seeking – through the use of light colours and solar panels – to reduce the heat island effect of the site.

2.8 Emissions

2.8.1 Stormwater

The site is expected to use a mixture of stormwater collection, storage and treatment, with on-site flows being captured and suitably filtered prior to infiltration back into the ground. By minimising exposed roads and car parks the design minimises the risk of contamination by free oils and hydrocarbons.

Indicatively the design is targeting filtration performance in either column B or C below:

Pollutant	Reduction Target (% of the typical urban annual load)					
Pollutarit	А	В	С			
Total suspended solids (TSS) ¹	80%	80%	90%			
Gross Pollutants	85%	90%	95%			
Total Nitrogen (TN) ²	30%	45%	60%			
Total Phosphorus (TP) ²	30%	60%	70%			
Total Petroleum Hydrocarbons ³	60%	90%	90%			
Free Oils ³	90%	90%	98%			

 $^{^{1}}$ Load based on the following particulate size distribution (by mass): 20% <20 μm; 20% 2060 μm; 20% 60-150 μm; 20% 150-400 μm; 20% 400-2000 μm.

² Load includes particulate and dissolved fraction.

³ This requirement is not applicable where the site contains less than a total of 200m2 of uncovered areas where vehicles are likely to transit and/or park e.g. roads, loading docks, refuelling bays, car parking etc.



2.8.2 Light Pollution

The project design is expected to comply with AS 4282 'Control of the Obtrusive Effects of Outdoor Lighting' – based on the assumption of residences adjacent.

In addition, relative to its particular mounting orientation, no external luminaire has an Upward Light Output Ratio that exceeds 5% or direct illuminance from external luminaries produces a maximum initial point illuminance value no greater than 0.5 Lux to the site boundary and no greater than 0.1 Lux to 4.5 metres beyond the site into the night sky, when modelled using a calculation plane set at the highest point of the building

Ongoing review of landscaping and building security lighting will test these assumptions as design progresses.

2.8.3 Microbial Control

The design will not include cooling towers.

In addition, the team will review the potential to include a pasteurization cycle, or UV sterilisation in the hot water system to kill legionella bacteria in the water.

2.9 Innovation

Innovation in Green Star could best be renamed as 'other'. The category includes a number of ways to score points, including world or Australian sustainable design firsts, as well as exceeding benchmarks for other credits, market transformation and social sustainability.

2.9.1 PV Array

Depending on the size of solar the design team is expecting to achieve two or three innovation points.

2.9.2 Extreme Low VOC Paints

The design is seeking to utilise very low VOC (<5 g/Ltr) paints for walls and ceilings. These areas make up more than 50% of the total internal painting on site and will contribute to improved air quality outcomes for occupants.

3. Water Conservation

The development has considered water minimisation through passive means, rather than active systems.

All provided appliances and sanitary fittings will target a WELS rating that is within a star of the best available, including maintaining shower water flow below 7.5 l/min.

In addition, the design will include water metering with a digital connection to allow users to read their own water consumption in close to real time and help identify if and where water is being used.

By utilising deep planted landscaping and targeting water wise plants the development is minimising irrigation water. Additionally, no water is required for building cooling or fire testing.

Perth weather patterns generally make rain water capture problematic, with health regulations limiting its available use – other than landscape – and the garden design not requiring irrigation during periods of rainfall.

Grey or blackwater capture is similarly difficult in areas with sewer connection and, even if approved by the Department of Health, presenting a significant ongoing maintenance burden for the development.

Passive water minimisation and management is therefore considered the most effective approach for the development.



4. NatHERS Analysis

FCDS have undertaken NatHERS modelling on the three typical apartment types to determine expected performance. Modelling was undertaken based on the following inputs:

Construction Element	Description	Insulation / Performance
External Walls	Tilt up concrete, lined. Light colour 3,425mm High	R3.0 Bulk, Rt3.13
Internal Walls	Plasterboard lined stud wall. 3,000mm 200mm concrete to lift core.	Nil / R0.28
		Nil/R0.14
Floors – Internal	Slab above apartment, carpet/ ceramic tiles. Tiles to:	Nil / R0.24
	 Family/dining/kitchen 	
	 Corridor 	
	 Scullery / Laundry 	
	 Ensuite / WC/ Bath 	
	Carpet else.	
Floors – Exposed	Concrete	R2.0, Rt 2.24
Below		,
Floors – Exposed Above	Concrete	R2.0, Rt 2.24
Ceiling	Flat plasterboard, void to concrete	R3.0 Bulk – Level 5
	3000mm above floor level	Nil otherwise
Roof	Hip, concrete tiles, 5 degree slope, light colour	R1.3, Bulk Ru 1.8, Rd 1.93
Eaves	As per plans	
Doors	As per plans	
Sliding Door	Double glazed clear, with aluminium frame	ATB-006-04 B - U=3.0, SHGC = 0.26
Hinged Doors	2040x820 – hollow core internal, solid core external	
Windows	Double glazed clear, with aluminium frame	ATB-006-04 B - U=3.0, SHGC = 0.26
Other	Draught seals to all doors and windows	
	No unsealed chimneys	
	No vents for unflued gas heater	
	No wall or ceiling vents	
	No unsealed exhaust fans	
	No vented down lights	
	No Insect Screens	
	All roof combined and unventilated	

The performance above achieved an average star rating for the development of 6.4 stars.



Design review indicated that the glass performance the worst performing element and, as such, modelling was carried out with improved glazing, reflecting the use of double glazing in a high performance such as the Cortizo Cor Vision Plus system (modelled as overall SHGC 0.18, U 2), which significantly improved the overall performance to an overall average of 7.7 stars:

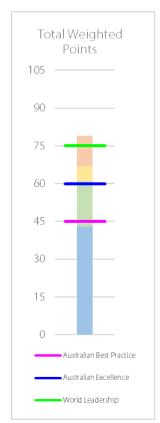
Apartment Reference	Cooling Load	Heating Load	Overall	Stars
1	12.4	40.3	48.4	7.2
2	13.8	25.2	39.0	7.8
3	13.8	25.2	39.0	7.8
4	13.8	25.2	39.0	7.8
5	12.4	15.1	29.1	8.2

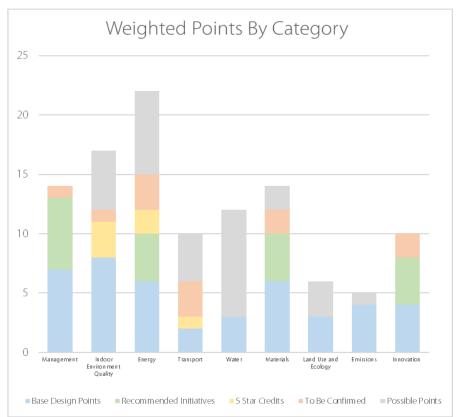
Further design development of external shading, internal thermal mass and potential ceiling fans is expected to improve performance further. Based on the above, the development is targeting an overall average of 8 star NatHERS ratings for the project:



5. Conclusion

As noted above, the design team are confident that the solutions, as nominated above, will achieve an overall outcome of more than 60 points in the self-assessment.





Currently, the design team have identified 43 points which are considered standard design, or a briefed requirement for the project.

In addition to the standard design elements, there are a further 18 points which are recommended for consideration or inclusion and six points which could be included to assist with Green Star outcomes. There are also 12 points which require further design development to determine their status.

If the design team include only the recommended initiatives they will meet the target level, however, have an additional 18 points which may be incorporated if required. Therefore, FCDS expect that the design team will easily exceed the required self-assessed outcome of 60 points.



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Caesalpinia ferrea Cupaniopis anacardioides

























Magnolia grandiflora

































INSPIRATIONAL IMAGES

INSPIRATIONAL IMAGES



- 1 A row of Pyrus calleryana along the ramp as a screen and buffer to adjacent
- property.

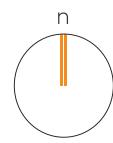
 2 Mix of exotic and native shrubs with hedges giving color and texture variations to the front planter box. 3 Hedges such as Murraya paniculata along the ramp planter box giving sense of direction and also formal look to the entry.
 4 Ficus hillii along the ramp to be well trimmed providing formal look towards
- Seating area with a mix of shrubs and groundcovers adding another unique
- feature to the property.

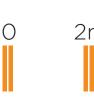
 6 Design intent to create a lush green 'Tropical garden' which to be filled with exotic species of shrubs and groundcovers.

 7 A small seating area as a node towards the back garden suitable for private
- 8 Stepping stones with Dichondra repens in between along with various type of lush green exotic species.
- Mix of exotic and native species of shrubs and groundcovers along the back fence adding visual interest to the fence.
 Steps down to the open lawn area which can be used as a seating.
 Large tree such as Cupaniopsis anacardioides to be a feature tree providing a good shade to the backyard.



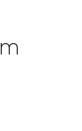


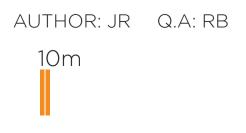


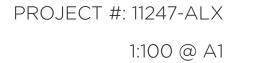














Due to the length of the applicant comments they have been included in Attachment 5.

ELEMEN	T 2.6	BUILDING DEPTH			
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS	
		through either a perfo	e demonstrating that the proposal has met the Element Objectives, ormance based solution or using the Acceptable Outcomes. The Design of the policy may be of assistance. Acceptable Outcomes in bold italics .		
O2.6.1	6.1 Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.			 There are no single aspect apartments proposed. The proposal meets the Natural Ventilation and Daylight objective. 	O2.6.1 Achieved
O2.6.2	Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.			 Varied building depths provide articulation of the building form and achieve appropriate internal and external residential amenity i.e. daylight/solar access and natural ventilation objectives 	O2.6.2 Achieved
O2.6.3	Room Depths and/or ceiling heights optimise daylight and solar access and natural ventilation.			 Generously sized rooms with ceiling heights at 3.14m, multiple aspect and, as much as possible, a northern orientation optimise daylight and solar access, and natural ventilation. 	O2.6.3 Achieved
	ABLE OUTCO ble Outcome pa	MES athway may not be applicabl	e where a performance	e solution is provided	Status
A2.6.1	A2.6.1 Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on their merits with particular consideration to 4.1 Solar and daylight access and 4.2 Natural ventilation.				Satisfied
LOCAL PLANNING FRAMEWORK			REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:			No local planning fr	amework applicable	N/A

ELEMEN	NT 3.7 PED	ESTRIAN	ACCESS AND ENTRIES		
ELEMEN	IT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Develop	Development is to achieve the following Element Objectives		Outline the rationale demonsor using the Acceptable Oubold italics		
O3.7.1	7.1 Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.			 The pedestrian entry could be further improved, however appropriate cues in the form of letter boxes, ramp and awning ensure access is legible along the southern boundary. Entries designed with universal access design principles (minimised level changes along pathways and at entries, entry at street level and ramps and steps integrated into the overall building and landscape design) Pedestrian entries are connected via a legible well defined continuous path of travel to building access areas (lift lobbies, stairs, accessway and individual dwelling entries Adequate lighting for pedestrian entries will be addressed by the recommended lighting plan condition. Pedestrian and vehicle access separated Pedestrian intercom systems are proposed manage visitor access to private areas as annotated on the amended plans. 	O3.7.1 Achieved
03.7.2	Entries to the devel connect to and addi public domain w attractive street pres	ress the vith an		 The communal pedestrian entry is protected from the weather. Services and utilities including mailboxes are located at the pedestrian entry integrated into the design and not detract from the streetscape Bins are located away from the primary pedestrian entry to the rear of the lift and stair core. 	O3.7.2 Achieved
	ABLE OUTCOMES ble Outcome pathway	/ may not	be applicable where a perfor	mance solution is provided	
A3.7.1		are conne	cted via a legible, well-defined	d, continuous path of travel to building access areas such as lift lobbies, stairs,	Υ
A3.7.2	Pedestrian entries a	are protec	ted from the weather.		Υ
A3.7.3			for safety and amenity, visib of the entry from within the s	le from the public domain without opportunity for concealment, and designed ite.	Condition
A3.7.4	Where pedestrian access is via a shared zone with vehicles, the pedestrian path is clearly delineated and/or measures are incorporated to prioritise the pedestrian and constrain vehicle speed.				
A3.7.5	Services and utilities entry.	Υ			
A3.7.6	Bins are not located	at the pr	imary pedestrian entry.		Υ
LOCAL	PLANNING FRAMEV	WORK	REQUIREMENT		

Does the local planning framework	N/A
amend or replace the above stated	
controls? If yes, state the applicable	
requirement:	

ELEMENT 3.8 VEHICLE AC		CESS	S				
FLEME	ELEMENT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS		
Development is to achieve the following Element Objectives			Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics				
O3.8.1 Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.			 The proposal reduces the visual impact of vehicle access at the street front by locating the car parking area at basement level, which is integrated into the design. The driveway designed is to ensure there is adequate visibility for pedestrians, cyclists and vehicles. As per internal engineering referral comments, a 1:25 long section of the driveway from the road to the basement showing the NSL and FSL levels is to be provided as a condition. A condition is also to be imposed to ensure vehicle clearances accord with the requirements of AS2890.1. The retaining wall (mailboxes) is truncated where it adjoins the driveway. Basement visitor parking bays are readily accessed from the driveway via intercom access 	O3.8.1 Achieved through condition			
O3.8.2 Vehicle access points are designed and located to reduce visual impact on the streetscape.			 Vehicle access limited to one opening per 20m street frontage visible from the street. Vehicle entries identifiable but integrated into the face and located behind the primary building line. Vehicle circulation spaces avoid headlights shining into habitable rooms on and adjoining the site. The vehicle entry adequately separated from the street intersection. There is a greater than 1m clearance to the light pole located proximate to the proposed crossover. The driveway width is minimised relative to traffic volume and access/egress Design solutions applied including changes in materials, colours, levels or landscaping help delineate pedestrian and vehicle circulation areas. 	O3.8.2 Achieved			

ACCED	TABLE OUTCO	MEC			
			be applicable where a performance solution is provided		
A3.8.1	Vehicle acces	s is limited to o	ne opening per 20m street frontage that is visible from the street.	Υ	
A3.8.2	Vehicle entries building line.	s are identifiab	e from the street, while being integrated with the overall façade design and/ or located behind the primary	Y	
A3.8.3	Vehicle entries	s have adequa	te separation from street intersections.	Υ	
A3.8.4	Vehicle circula	ation areas avo	id headlights shining into habitable rooms within the development and adjoining properties.	Υ	
A3.8.5	Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.				
A3.8.6	 Driveways designed for two way access to allow for vehicles to enter the street in forward gear where: the driveway serves more than 10 dwellings the distance from an on-site car parking to the street is 15m or more OR the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road. 				
A3.8.7	Walls, fences vehicle access	truncation fence ar structures from (max heigh	ctures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin a driveway meets a public street and where two streets intersect (refer Figure 3.8a).	Y	
	A3.8.7).	AMEMORY	DECUIDEMENT		
Does the amend of controls requiren	LOCAL PLANNING FRAMEWORK Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:				
ELEME	NT 3.9	CAR AND BI	CYCLE PARKING		

ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS	
		performance base	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics		
O3.9.1	Parking and facilities are provided for cyclists and other modes of transport.		 Secure, undercover bicycle parking is provided in line with Table 3.9 and accessed via a continuous path of travel from the vehicle/bicycle entry point Car and cycle parking provided in line with Table 3.9 Parking provision balanced with DSA, stormwater management. Importantly, the parking is at basement level, reducing the impact to the street. The portion of the basement that is above the ngl, provides an attractive terrace level to delineate the ground floor apartment from the public real, 	O3.9.1 Achieved	
O3.9.2	Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.		Car and motorcycle parking provided in line with Table 3.9.	O3.9.2 Achieved	
O3.9.3	Car parking is designed to be safe and accessible.		 Car parking circulation spaces are designed in accordance with AS2890.1 (as amended) or local planning instruments. Circulation and car parking areas are separated from the main pedestrians / cyclist, entry. Circulation spaces have clear sightlines The visitor parking is visible and accessible The development has been designed to minimise headlight spill into habitable rooms on and off site. It should also be noted that a development just four dwellings will not result in an excessive amount of vehicle movements. 	O3.9.3 Achieved	
O3.9.4	The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.		 Car parking areas located outside the street setback and not visually prominent from the street Car parking designed, landscaped and screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces Visitor parking is accessible via intercom Ventilation grills or screening devices for basement car park openings integrated into the façade/landscape design 	O3.9.4 Achieved	

A3.9.1 Fable 3.9 P	or cycle entry point		s provided in accorda	fice with Table 3.9 and access	ed via a continuous path of travel from the vehicle	Y
Parking	types		Location A	Location B		
		1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling		
		2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling		
Car parkin	g'	Visitor	1 bay per four dwellings up to 1 1 bay per eight dwellings for th	•		
		Resident	0.5 space per dwelling	-		
Bicycle pa	rking ¹	Visitor	1 space per 10 dwellings			
Motorcycl	e/ Scooter parking²	Developments exceeding	ng 20 dwellings provide 1 motorc	ycle/scooter space for every 10 car bays		
within the	A: within 800m walkable catch defined boundaries of an activ b: not within Location A.	vity centre.		r light rail) of a high-frequency route and/or		
A3.9.2	Parking is provided	I for cars and mote	orcycles in accordance	e with Table 3.9.		Υ
A3.9.3	Maximum parking	provision does not	exceed double the m	inimum number of bays specific	ed in Table 3.9	Y
A3.9.4	Car parking and verplanning instrumen		reas are designed in	accordance with AS2890.1 (as	amended) or the requirements of applicable local	Y
A3.9.5	Car parking areas	are not located wi	thin the street setback	and are not visually prominent	from the street.	Υ
A3.9.6	Car parking is desi	gned, landscaped	or screened to mitiga	te visual impacts when viewed	from dwellings and private outdoor spaces.	Y
A3.9.7	Visitor parking is cl	early visible from	the driveway, is signe	d 'Visitor Parking' and is access	sible from the primary entry or entries.	Y
A3.9.8	Parking shade stru reflectance to avoid			d complement the overall bui	lding design and site aesthetics and have a low	N/A
A3.9.9	Uncovered at-grad	e parking is plante	ed with trees at a minir	num rate of one tree per four ba	ays.	N/A
A3.9.10 Basement parking does not protrude more than 1m above ground, and where it protrudes above ground is designed or screened to prevent negative visual impact on the streetscape.					N	
OCAL	PLANNING FRAME	WORK	REQUIREME	NT		
				Yes		

ELEMEN	NT 4.1	SOLAR AND DAYLIGHT A	CCESS		
	NT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Development is to achieve the following Element Objectives		based solution o	ale demonstrating that the proposal has met the Element Objectives, through eit rusing the Acceptable Outcomes. The Design Guidance provided in the otable Outcomes in bold italics		
O4.1.1	development optimise the nu winter sunlight	ones 4, 5 and 6: the is sited and designed to umber of dwellings receiving to private open space and habitable rooms.		 All dwellings have living rooms and private open spaces with at least 2hrs direct sunlight between 9am and 3pm on 21 June The proposal optimises direct sunlight via mutli aspect apartments, high ceilings and tall east and west facing windows/doors. 	O4.1.1 Achieved
O4.1.2	Windows are designed and positioned to optimise daylight access for habitable rooms.			 Every habitable room provided is provided with at least one window in an external wall, visible from all parts of the room with a glazed area at least 10 percent of the floor area and comprising at least 50 percent clear glass Ceiling heights have been increased to increase the overall window height and light reflectance from the ceiling. 	O4.1.2 Achieved
O4.1.3	and glare con and glare:	nent incorporates shading trol to minimise heat gain pring to autumn in climate and 6 AND		The building incorporates external shading/screening devices to minimise direct sunlight to habitable rooms between late Sept and early Mar in climate zones 4, 5, 6 only and in all seasons in climate zones 1 and 3, and permit winter sun to habitable rooms in accordance with A4.1.1(a)	O4.1.3 Achieved
	- year-round	in climate zones 1 and 3.			
	TABLE OUTCOI ble Outcome pat	MES thway may not be applicable	where a performan	ce solution is provided	
A4.1.1	•	es 4, 5 and 6 only:	· · ·	·	Υ
	that obtain	n at least 2 hours direct sunli	ght between 9am a	inimum of 70 per cent of dwellings having living rooms and private open space nd 3pm on 21 June AND ving no direct sunlight between 9am and 3pm on 21 June.	
A4.1.2	Every habitable		dow in an external v	wall, visible from all parts of the room, with a glazed area not less than 10 per	Υ
A4.1.3	Lightwells and	or skylights do not form the p	orimary source of d	aylight to any habitable room.	Υ
A4.1.4	The building is oriented and incorporates external shading devices in order to: - minimise direct sunlight to habitable rooms: - between late September and early March in climate zones 4, 5 and 6 only AND - in all seasons in climate zones 1 and 3				Y
		nter sun to habitable rooms ir		A 4.1.1 (a).	
LOCAL	PLANNING FRA	AMEWORK	REQUIREMENT		

Does the local planning framework amend or	N/A
replace the above stated controls? If yes, state the	
applicable requirement:	

ELEMEN	IT 4.2	NATURAL VENTILATION			
	ELEMENT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Developi Objective		eve the following Element	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy materials assistance. Acceptable Outcomes in bold italics		
O4.2.1 Development maximises the number of apartments with natural ventilation.				 Habitable rooms have openings on at least two walls. Each dwelling has aspect to north, south, east and west. The proposal optimises the capture and use of prevailing breezes by orienting windows and controlling façade elements. While many of the habitable (living) rooms are long, the number of windows will allow proper ventilation. 	O4.2.1 Achieved
O4.2.2		wellings are designed to ural ventilation of habitable		All dwellings can be naturally cross ventilated.	O4.2.2 Achieved
O4.2.3		t apartments are designed to nd benefit from natural		N/A	O4.2.3 N/A
	ABLE OUTCO	OMES athway may not be applicable	where a performan	ce solution is provided	
A4.2.1	Habitable roo	ms have openings on at least	two walls with a str	aight line distance between the centre of the openings of at least 2.1m.	Υ
 A4.2.2 – (a) A minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated in the first nine storeys of the building (b) Single aspect apartments included within the 60 per cent minimum at (a) above must have: ventilation openings oriented between 45° – 90° of the prevailing cooling wind direction AND room depth no greater than 3 x ceiling height (c) For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings. 					Y
A4.2.3	The depth of	cross-over and cross-through	apartments with op	enings at either end and no openings on side walls does not exceed 20m.	Υ
A4.2.4					

LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A

ELEMEN	NT 4.3	SIZE AND LAYOUT OF DWELLINGS				
ELEMENT OBJECTIVES Development is to achieve the following Element Objectives		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS		
		eve the following Element	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance. Acceptable Outcomes in bold italics			
O4.3.1	The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.			 All dwellings have minimum internal floor areas that accord with Table 4.3a Habitable rooms provided with minimum floor areas and dimensions in accordance with Table 4.3b. The proposal provides room sizes and dimensions that can accommodate a variety of furniture arrangements The proposal includes indicative furniture layouts, which exceed the minimum dimension and area for both functionality and flexibility. Living areas and bedrooms located on the external face of the building maximise daylight. Bedrooms provided with ample WIR robe spaces. 	O4.3.1 Achieved	
O4.3.2	provide for we	nts and room dimensions ell-proportioned spaces that d natural ventilation and ss.		 All dwellings exceed ceiling height (FFL to FCL) of 2.7m for habitable rooms, 2.4m for non habitable rooms and NCC requirements for all other ceilings Higher ceilings proposed for spaciousness, increased light and ventilation. 	O4.3.2 Achieved	

Table 4-3a Minimum floor	reas for dwelling	types		
Dwelling type		um internal or area		
Studio		37m²		
1 bed	47m²			
2 bed × 1 bath ¹	ed × 1 bath ¹ 67m ²			
3 bed ×1 bath ¹		90m²		
'An additional 3m² shall be pro second or separate toilet, and bathroom.				
Habitable room type	Minimum internal floor area	Minimum internal dimension		
	moor area	unnension		
Master bedroom	10m²	'am		
Master bedroom Other bedrooms Living room – studio and 1 bed apartments	10m²	,3m		
Other bedrooms Living room – studio and	10m² 9m²	'3m 'am		
Other bedrooms Living room – studio and 1 bed apartments Living room – other	10m² 9m² N/A	'am 'am 3.6m		
Other bedrooms Living room – studio and 1 bed apartments Living room – other dwelling types *Excluding robes 4.3.3 Measured – Habitab – Non-ha	10m² 9m² N/A N/A from the finis le rooms – 2 pitable rooms	am am 3.6m 4m shed floor level 7.7m s - 2.4m	I to finished ceiling level, minimum ceiling heights are: ne requirements of the NCC.	Y
Cother bedrooms Living room - studio and 1 bed apartments Living room - other dwelling types Excluding robes 4.3.3 Measured - Habitab - Non-ha - All othe 4.3.4 - The length or a kitchen, where the company is a content of the content of th	10m² 9m² N/A N/A from the finis le rooms – 2 pitable rooms r ceilings me of a single as	am am 3.6m 4m shed floor level 7.7m s - 2.4m et or exceed the spect open plan		Y
Other bedrooms Living room - studio and 1 bed apartments Living room - other dwelling types *Excluding robes 4.3.3 Measured - Habitab - Non-ha - All othe 4.3.4 - The length	10m² 9m² N/A N/A from the finis le rooms – 2 pitable rooms r ceilings me of a single as he kitchen is	am am 3.6m 4m 4m shed floor level 7.7m s - 2.4m et or exceed the spect open plans the furthest positions are shown in the furthest positions.	he requirements of the NCC. In living area is equal to or less than 3 x the ceiling height. An additional 1.8m length may be provided	

ELEMENT 4.4	<u></u>			
Element Objectives		APPLICANT COMMENT	ASSESSOR COMMENT	
		Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be Acceptable Outcomes in bold italics .		
D4.4.1 Dwellings have good access to appropriately sized private open space that enhances residential amenity.			 All balconies exceed the dimensions in Table 4.4. Private open space is located adjacent to living spaces, screened appropriately to the sides; providing outlook. 	O4.4.1 Achieved
O4.4.2 Private open space is sited, oriented and designed to enhance liveability for residents.			 All private open space utilises high quality materials, providing amenity to residents. No utilities located on balconies. 	
Private open space and balconies are integrated into the overall architectural form and detail of the building.			Achieved, the balconies to the street form a 'street wall' which helps achieve consistency with the predominant height of the two storey contemporary dwellings in the street.	O4.4.3 Achieved
CCERTARI E OUTCOI	MES			
cceptable Outcome para	thway may not be applicat has private open space ac	·	e solution is provided habitable room with dimensions in accordance with Table 4.4.	Υ
cceptable Outcome par 4.4.1 Each dwelling able 4.4 Private open sp	thway may not be applicat has private open space ac	·	nabitable room with dimensions in accordance with Table 4.4.	Υ
4.4.1 Each dwelling able 4.4 Private open sp	thway may not be applicate has private open space accare requirements	ccessed directly from a h	nabitable room with dimensions in accordance with Table 4.4.	Υ
4.4.1 Each dwelling able 4.4 Private open sp Dwelling type Studio apartment + 1 bedro	thway may not be applicate has private open space accare requirements	Minimum A	nabitable room with dimensions in accordance with Table 4.4. Minimum Dimension ¹	Υ
cceptable Outcome para 4.4.1 Each dwelling able 4.4 Private open sp Dwelling type Studio apartment + 1 bedro 2 bedroom	thway may not be applicate has private open space accare requirements	Minimum A	mabitable room with dimensions in accordance with Table 4.4. Minimum Dimension¹ 2.0m	Y
cceptable Outcome par 44.4.1 Each dwelling	thway may not be applicated has private open space according to the private open space according to the private open space according to the private open space.	Minimum A 8m² 10m²	Minimum Dimension¹ 2.0m 2.4m	Y
cceptable Outcome para 4.4.1 Each dwelling ble 4.4 Private open sp Dwelling type Studio apartment + 1 bedro 2 bedroom 3 bedroom Ground floor / apartment v	thway may not be applicated has private open space according to be applicated as pace requirements become	Minimum A 8m² 10m² 12m² 15m² ncluding but not limited to air-	Minimum Dimension¹ 2.0m 2.4m 2.4m	Y
A.4.1 Each dwelling able 4.4 Private open sponsor. Dwelling type Studio apartment + 1 bedrown abdroom Ground floor / apartment with a street and/or are in the street and the	has private open space accard pace requirements com with a terrace ed within private open space, ir integrated into the building desi	Minimum A 8m² 10m² 12m² 15m² ncluding but not limited to airign.	Minimum Dimension¹ 2.0m 2.4m 2.4m 3m conditioner units and clothes drying, are not visible ivacy requirements, the entire open space is not screened and any screening	Y
Dwelling type Studio apartment +1 bedro 2 bedroom 3 bedroom Ground floor / apartment v 1 Services and fixtures locate from the street and/or are in the street str	has private open space accard requirements oom with a terrace ed within private open space, ir integrated into the building desi open space requires scree ch that it does not obscure	Minimum A 8m² 10m² 12m² 15m² ncluding but not limited to airign. ening to achieve visual presente the outlook from adjace	Minimum Dimension¹ 2.0m 2.4m 2.4m 3m conditioner units and clothes drying, are not visible ivacy requirements, the entire open space is not screened and any screening	

LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A

ELEMEN	IT 4.5	CIRCULATION AND C	OMMON SPACES		
	ELEMENT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Development is to achieve the following Element Objectives		Outline the rationale demonstrating that the proposal has met the Element Objectives, through eith based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may Acceptable Outcomes in bold italics			
O4.5.1	4.5.1 Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.			 Circulation corridors min 1.5m in width Circulation and common spaces designed for universal access. The fire stairs been designed and located as attractive and functional alternatives to the lift, and screened to avoid privacy issues. Any potential light spill to be controlled via lighting plan. 	O4.5.1 Achieved
O4.5.2	5.2 Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.			 Circulation and common spaces are small, reducing the need for passive surveillance. There are limited opportunities for concealment by virtue of their size. Circulation and common spaces to be illuminated at night without causing light spill into the habitable rooms of adjacent dwellings. Lobbies provide an internal porch for each dwelling There are no dwelling windows that open directly onto circulation or common spaces. 	O4.5.2 Achieved
	ABLE OUTCO ple Outcome pa		able where a performance	e solution is provided	
A4.5.1	.5.1 Circulation corridors are a minimum 1.5m in width.			Υ	
A4.5.2	5.2 Circulation and common spaces are designed for universal access.				Υ
A4.5.3	4.5.3 Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.				Υ
A4.5.4	A4.5.4 Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.				Condition
LOCAL PLANNING FRAMEWORK		REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:				N/A	

ELEMENT 4.6	STORAGE				
ELEMENT OBJECTIVI	ES		PPLICANT OMMENT	ASSESSOR COMMENT	STATUS
Development is to achieve the following Element Objectives		based	d solution or us	e demonstrating that the proposal has met the Element Objectives, through eith sing the Acceptable Outcomes. The Design Guidance provided in the policy may ses in bold italics	
94.6.1 Well-designe conveniently for each dwell	located storage is p	and rovided		 Each dwelling has exclusive use of a separate, weatherproof, bulky goods storage area that is either internally or externally located. Store dimensions are consistent with Table 4.6. Storage areas wide enough to accommodate larger and less frequently accessed items. Stores provided separately from dwellings. 	O4.6.1 Achieved
CCEPTABLE OUTCO		annlicable wher	e a nerforman	ce solution is provided	
Table 4.6 Storage Dwelling type	Storage area1	Minimum dimension ¹	Minimum height ¹		
Studio dwelling	3m²				
1 bedroom dwelling	g 3m²	15	0.1		
2 bedroom dwellin	gs 4m²	1.5m	2.1m		
3 bedroom dwellin	gs 5m ²				
¹ Dimensions exclus	ive of services and	plant.			
	tores that are not dir d subject to passive		e from the dwe	lling/private open space are located in areas that are convenient, safe, well-	Υ
space and is	not readily visible from	om the public do	omain.	nt to private open space1, is integrated into the design of the building or open o required open space area and dimensions.	N/A

LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		N/A

ELEMENT 4.8	DWELLING MIX			
ELEMENT OBJECTIVE		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Development is to achie Objectives	eve the following Element		demonstrating that the proposal has met the Element Objectives, through eithing the Acceptable Outcomes. The Design Guidance provided in the policy may in bold italics	
configurations is provid	dwelling types, sizes and ed that caters for diverse d changing community		 The proposal will contribute to the City's dwelling target. All four dwellings are 3 x 3 - this is appropriate for the number of apartments provided. The development will also help contribute to the community desire to 'age in place'. Medium density infill development is predominated by 2 storey, grouped dwellings which precludes those who want to age in place. Flexible configurations been provided to respond to changes in household composition through provision for adaptable and accessible dwellings, all rooms and particularly the bedrooms are of a larger size that can be easily retrofitted for a different purpose should the need arise. There are three master bedroom apartments with ensuites. The ground floor dwelling is suitable to aged or disabled occupants having been provided with good accessibility, are adaptable and universally designed. 	O4.8.1 Achieved
ACCEPTABLE OUTCO Acceptable Outcome pa	MES othway may not be applicabl	e where a performance	e solution is provided	
 a) Dwelling mix is provided in accordance with the objectives, proportions or targets specified in a local housing strategy or relevant local planning instrument OR b) Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers. 			N	
A4.8.2 Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.			N/A	
LOCAL PLANNING FR	LOCAL PLANNING FRAMEWORK REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:				N/A
ELEMENT 4.9	UNIVERSAL DESIGN			

ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Development is to achieve the following Element Objectives		demonstrating that the proposal has met the Element Objectives, through eithing the Acceptable Outcomes. The Design Guidance provided in the policy mayes in bold italics	
O4.9.1 Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.		 Applicant report notes that all apartments meet Silver Level requirements per the Liveable Housing Design Guidelines. Condition to require one of the apartments to meet silver level requirements as defined in the liveable housing Design Guidelines. 	O4.9.1 Achieved through condition.
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable	e where a performanc	ee solution is provided	
Guidelines (Liveable Housing Australia) OR	5	et Silver Level requirements as defined in the Liveable Housing Design in the Liveable Housing Design Guidelines (Liveable Housing Australia).	
LOCAL PLANNING FRAMEWORK	REQUIREMENT		
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:			N/A
ELEMENT 4.11 ROOF DESIGN			
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Development is to achieve the following Element Objectives		demonstrating that the proposal has met the Element Objectives, through eith ing the Acceptable Outcomes. The Design Guidance provided in the policy may es in bold italics	
O4.11.1 Roof forms are well integrated into the building design and respond positively to the street.		 The architect peer review supports the design stating the development: represents a high watermark of medium density residential design within a complex and established suburban community. The design is modest in palette and tone yet ambitious and well articulated. The scheme is stylish and timeless. The roof design is particularly complimentary to the existing replacement homes that were built upon subdivision of the character homes, which are characterised by concealed or skillion roofs. 	O4.11.1 Achieved
O4.11.2 Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.		■ The roof accommodates solar panels. Communal open space on the roof is not needed for a development of this scale, given the number of apartments and the available private open space.	O4.11.2 Achieved

ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicated as a second control of the	ble where a performar	nce solution is provided		
A4.11.1 The roof form or top of building complete	nents the façade desig	gn and desired streetscape character.	Υ	
A4.11.2 Building services located on the roof are	e not visually obtrusive	when viewed from the street.	Y	
A4.11.3 Useable roof space is safe for users an development and on adjoining sites.	d minimises overlookin	ng and noise impacts on private open space and habitable rooms within the	N/A	
LOCAL PLANNING FRAMEWORK	REQUIREMENT			
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:			N/A	
ELEMENT 4.12 LANDSCAPE DESIGN				
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT	STATUS	
Development is to achieve the following Element Objectives	based solution or u	Outline the rationale demonstrating that the proposal has met the Element Objectives, through eit based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy mathematical Acceptable Outcomes in bold italics		
O4.12.1 Landscape design enhance streetscape and pedestrian amenity improves the visual appeal and comfo of open space areas; and provides a attractive outlook for habitable rooms.	; t	 The landscape peer review supports the proposal with recommendations. A condition of approval is recommended to ensure the development is in accordance with the landscaping plan. 	O4.12.1 Achieved.	
O4.12.2 Plant selection is appropriate to th orientation, exposure and site condition and is suitable for the adjoining uses.		 The landscape peer review supports the proposed species, as it has a suitable mix of native and introduced species, which are suited to the climate and onsite location. 	O4.12.2 Achieved.	
O4.12.3 Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.	e r	Condition recommended for a water tank to utilise rainwater for the garden.	O4.12.3 Achieved through condition.	
O4.12.4 Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functions areas and sustainability strategies.		The proposed landscaping is integrated into the design intent by locating the medium to large trees adjacent to private open space, thereby providing an attractive outlook and increased apartment amenity.	O4.12.4 Achieved.	
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicated.	ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided			
	ared by a competen	t landscape designer. This is to include a species list and irrigation plan	Υ	

_	uilding structures meets the n structure: minimum soil s	•			N/A
Plant type	Definition	Soil volume	Soil depth	Soil area	
_arge tree	Over 12m high, crown spread at maturity	76.8m³	1,200mm	64m² with minimum dimension 7m	
Medium tree	8-12m high, crown spread at maturity	36m³	1,000mm	36m² with minimum dimension 5m	
Small tree	4-8m high, crown spread at maturity	7.2m³	800mm	3m × 3m	
Small ornamentals	3-4m high, crown spread at maturity	3.2m³	800mm	2m × 2m	
Shrubs			500-600mm		
Ground cover			300-450mm		
Turf			200mm		
1.12.4 Building serv	ices fixtures are integrated in	the design of the landso	aping and are not visu	ally intrusive.	
DCAL PLANNING F	RAMEWORK	REQUIREMENT			
	g framework amend or ed controls? If yes, state				N/A

ELEMENT 4.15	ENERGY EFFICIENCY			
ELEMENT OBJECTIVES		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Development is to achie Objectives	ve the following Element	based solution or us	Outline the rationale demonstrating that the proposal has met the Element Objectives, through eith based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may Acceptable Outcomes in bold italics	
O4.15.1 Reduce ene			The proposal incorporates rooftop solar panels	04.15.1
greenhouse (development.	gas emissions from the		The proposal increases the likely NATHERs rating of individual dwellings by maximising dwellings with a northern orientation and opportunities for natural ventilation, achieving effective shading of private open space from summer sun.	Achieved
ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A4.15.1 –	A4.15.1 –			Υ
 a) Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) OR 				
b) All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.1				
Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.				
LOCAL PLANNING FR	AMEWORK	REQUIREMENT		
Does the local planning replace the above stated the applicable requirements	d controls? If yes, state			N/A

ELEMENT	Γ 4.16	WATER MANAGEMENT	AND CONSERVATION	N .	
	Γ OBJECTIVI		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
	Development is to achieve the following Element Objectives		Outline the rationale based solution or usin Acceptable Outcome		
O4.16.1	•	otable water consumption the development.		 Condition recommended to ensure dwellings are individually metered – as per the Sustainability report. Water efficient appliances are proposed as part of the sustainability report. Condition is recommended to ensure compliance. 	O4.16.1 Achieved through condition.
O4.16.2		runoff from small rainfall nanaged on-site, wherever		 Condition recommended for stormwater run-off from rainfall events to be managed on site. 	O4.16.2 Achieved through condition.
O4.16.3	Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.			 The extensive amount of DSA will ensure that water is drained onsite, mitigating the risk of flooding. 	O4.16.3 Achieved
	ABLE OUTCO le Outcome pa	DMES athway may not be applicabl	e where a performance	e solution is provided	
A4.16.1	Dwellings a	re individually metered for wa	ater usage.		Achieved through condition.
A4.16.2	Stormwater	runoff generated from small	rainfall events is mana	aged on-site.	Achieved through condition.
A4.16.3	Provision of	f an overland flow path for sa	fe conveyance of runo	ff from major rainfall events to the local stormwater drainage system.	Υ
LOCAL P	LANNING FR	RAMEWORK	REQUIREMENT		
replace th		g framework amend or ed controls? If yes, state nent:			N/A

ELEMENT 4.17	WASTE MANAGEMENT				
ELEMENT OBJECTIVI		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS	
Development is to achi Objectives	eve the following Element	performance bas	Outline the rationale demonstrating that the proposal has met the Element Objectives, through performance based solution or using the Acceptable Outcomes. The Design Guidance providing the providing the providing that it is a pro		
O4.17.1 Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.			 The proposal provides waste storage facilities in accordance with local government requirements. Sufficient area has been provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with local government requirements. 	O4.17.1 Achieved	
safe and conv	dfill is minimised by providing venient bins and information for n and recycling of waste.		 The communal waste storage has been sited and designed to be screened from view from the street, open space and dwellings. 	O4.17.2 Achieved	
	ACCEPTABLE OUTCOMES Acceptable Outcome pathway may not be applicable where a performance solution is provided				
A4.17.1 Waste storage	A4.17.1 Waste storage facilities are provided in accordance with the Better Practice considerations of the WALGA Multiple Dwelling Waste Management Plan Guidelines (or local government requirements where applicable).			Υ	
Guidelines - Appendix 4A (or equivalent local government requirements). f			Y – Now that the development is for four dwellings, a WMP is not required.		
waste in acco	A4.17.3 Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines - Level 1 Waste Management Plan (Design Phase) (or local government requirements where applicable).				
A4.17.4 Communal w	aste storage is sited and design	ed to be screened	from view from the street, open space and private dwellings.	Υ	
LOCAL PLANNING FR	RAMEWORK	REQUIREMENT			
	framework amend or replace ols? If yes, state the applicable	draft LPP - Was	ate	The application has been assessed in accordance with the draft policy.	

ELEMENT 4.18	UTILITIES			
ELEMENT OBJECTIV		APPLICANT COMMENT	ASSESSOR COMMENT	STATUS
Development is to act Objectives	nieve the following Element	performance b	ationale demonstrating that the proposal has met the Element Objective based solution or using the Acceptable Outcomes. The Design Guidance provides. Acceptable Outcomes in bold italics	
O4.18.1 The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.			Utilities are located within the front setback, adjacent to the building entry or on visible parts of the roof integrated into the building, design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.	O4.18.1 Achieved
accessible for	are located such that they are or maintenance and do not restrict ent of vehicles or pedestrians.		All utilities noted on the plans are conveniently located, integrated into the overall design.	O4.18.2 Achieved
and water m buildings an visually obt	ch as distribution boxes, power eters are integrated into design of a landscape so that they are not rusive from the street or open in the development.		All utilities metering, distribution, onsite reticulation and maintenance access.	O4.18.3 Achieved
O4.18.4 Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.			 Hot water units, air-conditioning condenser units and clotheslines are located such that they can be safely maintained, and are not visually obtrusive from the street and do not impact on functionality of outdoor living areas or internal storage. Health advice Note to address laundries. 	O4.18.4 Achieved
ACCEPTABLE OUTC	COMES pathway may not be applicable wh	ere a performan	ace solution is provided	
A4.18.1 – Utilities that	must be located within the front se	etback, adjacent	to the building entry or on visible parts of the roof are integrated into the ssible for servicing requirements but not visually obtrusive.	Y
A4.18.2 – Developme	nts are fibre-to-premises ready, inc	cluding provision	for installation of fibre throughout the site and to every dwelling.	Υ
			nes are located such that they can be safely maintained, are not visually ring areas or internal storage.	Υ
	re designed and located to be concopriate to the size of the dwelling.	venient to use, s	secure, weather-protected and well-vented; and are of an overall size and	Υ
LOCAL PLANNING F	RAMEWORK	REQUIREMEN	NT	
	ng framework amend or replace rols? If yes, state the applicable			N/A

PD17.20	Local Planning Scheme 3 – Local Planning Policy:
	Rose Garden Transition Area and Stirling Highway
	West Precincts

Committee	14 April 2020
Council	28 April 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee	
Disclosure	
under section	Nil
5.70 Local	INII
Government	
Act 1995	
Reference	Nil
Previous Item	NOM Item 14.6 OCM 25 February 2020
Attachments	 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community Plan of precinct areas within the City Draft Community Working Groups – Terms of Reference Administration comments on 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community Administration's alternate recommendation to Council

1.0 Executive Summary

This report is presented to Council so that it can prepare the Local Planning Policy – Rose Garden Transition Area and Stirling Highway West Precincts and proceed to advertising, to consider the draft Community Working Groups – Terms of Reference.

2.0 Recommendation to Committee

Council:

- 1. Prepares and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2, Part 2, Clause 4, the Local Planning Policy Rose Garden Transition Area (Attachment 1);
- 2. Adopts the Rose Garden Precinct Community Working Group Terms of Reference (Attachment 3); and
- 3. Instructs the Chief Executive Officer to establish the Rose Garden Precinct Community Working Group in accordance with the Community Working Group Terms of Reference (Attachment 3).

3.0 Background

At the 25 February 2020 Council Meeting, a Notice of Motion was presented to Council regarding a document prepared by members of the City of Nedlands community, entitled 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands'. In regard to this document, Council resolved as follows:

42. As a high priority instructs the CEO to prepare a Local Planning Policy for the Peace Memorial Rose Garden Precinct taking into consideration the draft submitted as per attachment 1, and once prepared seeks Council approval in April 2020 to advertise in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015;

4. Instructs the CEO to:

- Involve the precinct community directly in the preparation of the formal Local Planning Policy for the Peace Memorial Rose Garden Precinct, including by the establishment of a working group with precinct community representatives and by workshops with the precinct community;
- b. Ensure that the preparation of the formal Local Planning Policy for the Peace Memorial Rose Garden Precinct takes into account the need to sensitively plan and manage the interfaces between adjoining zones and with adjoining precincts.'

Following the 25 February 2020 Council Meeting, the City met with members of the community to discuss the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands'. Subsequently, an amended 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' was provided to the City on 19 March 2020 (Attachment 1).

The City recognises the importance of involving the community in the greater precinct planning for the City. To ensure a consistent approach in developing local planning policies for the Precincts, the City is developing a Stakeholder Engagement and Communications Framework for precinct planning that will provide an overview of and identify appropriate engagement approaches to be used for developing the precincts. It is envisaged that this will function as a reference document to inform specific engagement plans for each of the precinct plans as they are developed. The City intends to provide a report to Council for consideration in May 2020.

This purpose of this Council Report is to provide Administration's response to these Council Resolutions and to seek advertising of the Draft Local Planning Policy.

4.0 Discussion

The 25 February 2020 Council Resolutions noted above outlines the following specific actions for Administration:

- 1. Establish a community working group for the Peace Memorial Rose Garden precinct:
- 2. Engage with the abovementioned community working group to prepare a local planning policy for the Peace Memorial Rose Garden precinct, which also

considers the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community; and

3. Present the abovementioned local planning policy to Council in April 2020 for adoption to advertise.

Existing Schedule of Work

These actions above already form part of Administration's schedule of work for 2020, as outlined below.

These actions above already form part of Administration's schedule of work for 2020, as outlined below.

Local Planning Policy Review – Consultation of Planning Proposals

Administration recognises the need and value of engaging with the community in a more meaningful and collaborative way, through such mechanisms as establishing Community Reference Groups (CRGs). As part of the wider review being undertaken for the Local Planning Policy - Consultation on Planning Proposals, Administration will be developing more concise guidance relating to engagement approaches and techniques to deliver this more collaborative outcome. In regard to Community Reference Groups, specific guidelines are being developed to outline how and when CRGs are established and function. This will also include a Terms of Reference template to be used in establishing such groups, to ensure a consistent approach.

Administration intends to present the revised Local Planning Policy – Consultation of Planning Proposals to the 23 June 2020 Council Meeting for adoption to advertise.

Precinct Plan – Local Planning Policies

The City's Local Planning Scheme No. 3 (LPS 3) was gazetted in April 2019 and as a result, properties along Stirling Highway, Hampden Road, Broadway and Waratah Avenue were rezoned to Mixed Use, and residential densities surrounding these corridors were increased. Noting the need to provide localised planning controls for these areas, Administration has split this area into a number of activity and transition precincts, with the intent to create a local planning policy for each precinct. A plan showing these identified precincts is included as Attachment 2.

The Western Australian Planning Commission (WAPC) released Draft State Planning Policy 7.2 – Precinct Design (draft SPP 7.2) in August 2019 for public comment. Draft SPP 7.2 sets out that precincts are areas that require a high level of planning and design focus due to their complexity, whether this is due to mixed use components, higher levels of density, an activity centre designation or character, heritage and/or ecological value. Draft SPP 7.2 sets out a sound methodology to follow when planning for redevelopment in infill scenarios, which includes detailed context analysis and stakeholder and community participation. Administration considers the process advocated by SPP 7.2 is a best practice model and intends to adopt this process for the development of localised planning controls for the City's identified activity and transition precincts. Noting that draft SPP 7.2 is not yet operational, therefore Administration intends to follow the process set out in draft SPP 7.2 but adopt the localised planning controls through local planning policies, which are already afforded statutory weight under the Planning Regulations.

Administration has started the process of developing local planning policies, using the methodology set out in draft SPP 7.2, for a number of precincts within the City, as outlined in the table below.

Precinct	Stage of policy development
Nedlands Town Centre	 Community engagement undertaken August 2019 Draft local planning policy adopted by Council for advertising September 2019 Draft local planning policy being advertised March – April 2020 Detailed context analysis and built form modelling currently being undertaken to inform revision of the draft local planning policy
Broadway Activity and Transition Areas	 Draft local planning policy adopted by Council for advertising January 2020 (Mixed Use-zoned portion only) Draft local planning policy advertised February – March 2020 Detailed context analysis and built form modelling currently being undertaken to inform revision of the draft local planning policy
Waratah Village Activity and Transition Area	 Community engagement undertaken November 2019 Detailed context analysis and built form modelling currently being undertaken to inform preparation of the draft local planning policy
Hollywood West Transition Area Hollywood Central Transition Area Hollywood East Transition Area Rose Garden Transition Area Melvista Transition Area	Local character studies undertaken March 2020, which will inform detailed context and character analysis for these areas.

The 'Rose Garden Precinct' area proposed in Attachment 1 encompasses three street blocks, bound by Stirling Highway to the north, Doonan Road to the west, Jenkins Avenue to the south, and Mountjoy Road to the east. This proposed area covers portions of two precincts identified by Administration: Rose Garden Transition Area and Stirling Highway Activity West. These precinct boundaries were established using guidance from draft SPP 7.2, which recommends consideration of a range of factors in establishing precinct boundaries, including zoning, land use transition and location of major roads. Administration recommends that policy development in this area be consistent with the precinct boundaries identified using this guidance (being the Rose Garden Transition Area and Stirling Highway Activity West precincts).

The precinct planning schedule of works to date has been designed to balance the need to ensure policy is based on sound planning grounds by following the best practice model for policy development (as identified through draft SPP 7.2), and the need to expedite policy development for all precinct areas. External consultants have also been engaged to assist Administration in undertaking community engagement, context analysis and built form modelling as part of this policy development. Commencement of policy development for the remaining activity precincts is scheduled for mid-late 2020.

Administration Response to 25 February 2020 Council Resolutions

1. Establish a community working group for the Peace Memorial Rose Garden precinct.

As noted above, Administration is currently in the process of reviewing the Consultation of Planning Proposals Local Planning Policy. CRGs are proposed to be included as a method of engagement for strategic planning proposals, such as precinct plan local planning policies.

Separate to this abovementioned process, and in accordance with Council's 25 February 2020 Resolution, Administration has prepared a Terms of Reference for a Community Working Group (CWG; Attachment 3) for the Rose Garden precinct. The purpose of a CWG established under these Terms of Reference is to only progress with the finalisation of the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document. Membership on the CWG is proposed to be predetermined, given the level of proactive involvement in the preparation of the draft local planning policy and the limited area the local planning policy relates to comparative to the wider City defined planning precincts. Membership to this CWG will be by direct invitation to the following members:

- Ward Councillors (x3)
- Community members who have already met with the City to discuss the community prepared local planning policy (x4)

Administration recommends that Council adopts the Terms of Reference for a CWG (Attachment 3) for the Rose Garden precinct and instructs the CEO to establish a CWG in accordance with these Terms of Reference.

2. Engage with the abovementioned community working group to prepare a local planning policy for the Peace Memorial Rose Garden precinct, which also considers the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community.

Given the required process timeframes between Council's 25 February 2020 Resolutions and the 28 April 2020 Ordinary Council Meeting, Administration has not had sufficient time to develop the Terms of Reference for establishing the Community Working Group (CWG), present these Terms of Reference to Council for adoption, and meet with the CWG to review and finalise the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community.

A final revised copy of the local planning policy was provided to Administration for review on 20 March 2020, following a meeting with some of the community members involved in preparing the policy, that was held on 19 March 2020 at Ms Libby Newman's request. Subsequent to this meeting, Administration developed a Terms of Reference for the CWG (Attachment 3) to help clearly define the purpose and role of the group, including membership, and establish the expectations of the community group as far as function and conduct.

Following engagement with the CWG, Administration will present a report back to Council to consider the amended 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document.

3. Present the abovementioned local planning policy to Council in April 2020 for adoption to advertise.

Administration is presenting the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document (Attachment 1) to Council to adopt as a local planning policy and advertise for a period of 21 days. In light of the restricted time frames outlined above, no changes have been made by Administration to Version 9 of this document, which was presented to Administration on 19 March 2020.

Administration Concern with Progressing the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' Document Prepared by the Community

Administration has reviewed the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document prepared by the community, and notes a number of concerns, as outlined in Attachment 4.

While Administration has prepared this report in response to Council's 25 February 2020 Resolution, Administration has also provided an alternate recommendation to Council (Attachment 5) to not proceed with the 'Draft Local Planning Policy – Peace Memorial Rose Gardens Precinct, Nedlands' document, given that it has not been based on built form modeling, or a rigorous character and context assessment of the precinct which means it will be open to avoidable challenge.

Instead, the alternative recommendation from Administration is that Council instruct the CEO to progress with the precinct planning schedule of works outlined earlier in this report. Community engagement would still be a focus of this schedule of works, through the establishment of a CRG and more extensive engagement with the community, similar to the engagement undertaken previously for the Nedlands Town Centre and Waratah Village precincts.

To expedite policy development for this area, Administration recommends that Council allocate additional budget to allow the City to engage appropriate expertise to undertake built form modelling required for the two precincts. Based on price estimates obtained for the Broadway Activity and Transition Precincts, Administration estimates that \$50,000 would be needed for this purpose.

Built form modelling and character and context assessment will assist in formulating a strong and sound town planning background for establishing the local planning framework. It will form the basis for decisions as to whether to rezone, what built form primary controls should or shouldn't be amended whilst maintaining strategic objectives outlined in the City's adopted Local Planning Strategy and in alignment with dwelling targets under Perth to Peel @ 3.5 million policy framework. Without this work being undertaken the policy does not provide the City with a strong basis for decision makers. Testing and modelling will allow the City to form a strong position in substantiating localised planning controls as needed.

5.0 Consultation

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

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

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

In addition to the formal advertising of the policy, Administration will also undertake more extensive engagement with the community, similar to the engagement undertaken previously for the Nedlands Town Centre and Waratah Village precincts, as well as engagement with the CRG once established.

6.0 Budget/Financial Implications

The recommendation is this report has no budget implications other than the reprioritising of the work programme. However, in order to expedite the policy development for the Rose Garden Transition and Stirling Highway Activity West precincts, Administration alternatively recommends that Council allocate additional budget of \$50,000 to allow the City to engage appropriate expertise to undertake built form modelling of the two precincts as a matter of urgency.

7.0 Statutory Provisions

Under Schedule 2, Part 2, Clause 3(1) of the Planning and Development (Local Planning Scheme) Regulations 2015, the City may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.

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

8.0 Conclusion

In response to Council's 25 February 2020 Resolution, Administration is presenting this report with the following recommendations:

- 1. Prepares and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2, Part 2, Clause 4, the Local Planning Policy Rose Garden Transition Area (Attachment 1);
- 2. Adopts the Rose Garden Precinct Community Working Group Terms of Reference (Attachment 3); and
- 3. Instructs the Chief Executive Officer to establish the Rose Garden Precinct Community Working Group in accordance with the Community Working Group Terms of Reference (Attachment 3).

Draft Local Planning Policy

- Peace Memorial Rose Garden Precinct, - Nedlands



March 2020

Draft Local Planning Policy for Rose Garden Precinct, Nedlands

About the draft Local Planning Policy

- 1. This draft Local Planning Policy (*LPP*) has not been prepared or sanctioned by the City of Nedlands (*City*), but has been submitted to the City for consideration and action.
- 2. The LPP has been prepared by a group of local residents within the Rose Garden Precinct locality. Whilst the City is the responsible authority empowered to make and formalise LPPs, there is nothing to prevent a draft LPP being prepared by the community as a positive initiative to engage in and contribute to the planning and development of its municipality, for the City to take into account.
- 3. The LPP is drafted to be consistent with the State Planning Framework, as set out here:
 - https://www.dplh.wa.gov.au/policy-and-legislation/state-planning-framework
- The LPP is based on State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3 Vol 2) as set out here: https://www.dplh.wa.gov.au/getmedia/5926602c-ab14-46f0-be6f-56dc31c45902/SPP-7-3-R-Codes-Apartments
- 5. Examples of other LPPs, such as those prepared by the City, have informed the content and level of detail in this draft LPP.

How this helps residents and the City

- 1. The City as part of its process of preparing LPPs for Nedlands will in due course seek community feedback on a proposed LPP for our area.
- We believe that our draft LPP will facilitate and expedite the process, enabling the community to inform the City in advance of what we have examined and by the City

How has the community been involved in this?

Community members were able to give feedback online, via email and at 2 community sessions. Every house within the precinct area was letter-dropped to inform residents of the document and invite them to attend an information session or provide feedback. More than 200 responses were collected with over 95% in support of the draft local planning policy. The small percentage who did not support the LPP advised that they did not want to see any increased development in the area.

The draft LPP was provided to the City of Nedlands Councillors and Administration on the 17th February 2020. A resolution for the Administration to develop a LPP, taking into consideration this draft LPP, was passed at the 25th February 2020 Council meeting. A subsequent meeting was held on the 17th March 2020 with the City Administration to further refine this LPP.

What has changed

- 1. The height controls for the RAC-1 zone on Stirling Highway and the proposed minimum lot size have been removed.
- 2. Minor wording and language changes.

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1. PREAMBLE

This Local Planning Policy (*LPP*) is consistent with the purpose, objectives and design guidance of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (*SPP7.3 Vol 2*) and refines that policy.

Under SPP7.3 Vol 2 complementary or supplementary LPPs can be made by local government (with WA Planning Commission approval where required) to:

- vary the Acceptable Outcomes of Part 2 Primary Controls to respond to local character and context;
- amend or replace the Acceptable Outcomes of the Parts 3 and 4 Primary Controls in certain sections; and
- augment the SPP regarding additional aspects required by the local context, subject to being consistent with the Element Objectives of the SPP.

The role and benefit of an LPP, therefore, is to provide tailor-made and fine-grain measures to suit the circumstances of an area. In relation to SPP7.3 Vol 2, an LPP and/or Local Development Plan (*LDP*) can elaborate upon and fine-tune development parameters and design requirements for apartment proposals. An LPP is to be regarded together with SPP7.3 Vol 2 and other applicable instruments, in the preparation, assessment and determination of development applications.

2. INTRODUCTION

The gazettal of the City of Nedlands Local Planning Scheme No. 3 (*LPS3*) on 16 April 2019 increased the potential for substantially higher density, taller and more intensive development throughout rezoned parts of the City. Given the need to manage this change, the City has commenced preparing a suite of precinct plans and *LPPs* for comprehensive local area development control, including density transition areas. There is presently no *LPP* in place to recognise the specific requirements of developments that may occur in the area surrounding this heritage-listed location.

A key purpose of this LPP is to ensure that the character of the well-established precinct is sustained and evolved as new development occurs.

In this respect SPP7.3 Vol 2 provides that:

"...Understanding character is essential to define an appropriate style, scale and form for new development that retains and enhances character in an existing area or contributes to the desired character in a renewing area..."

This LPP aims to manage development with reference to the existing character and historical and heritage context of the area. It has been devised taking into account lot sizes, building typologies, building envelopes and the related detailed design aspects that together will influence the urban character of the precinct.

The preparation and adoption of LPPs accords with the State Government's approach that local planning schemes contain the basic zones, densities and provisions, while local planning policies contain the more detailed design and development requirements.

The diagram below shows where this LPP fits within the Western Australian State Planning Framework:



Trooton Augustanian Flamming Framowork

LPPs being prepared by the City that relate to this LPP are:

- The Town Centre Precinct Plan, for which the study area extends along Stirling Highway as far Louise Street: It aims to ensure new buildings complement each other and the neighbouring residences in adjoining streets. It addresses movement of people and vehicles, land use activity, buildings and infrastructure.
- Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements, for the establishment of laneways.
- Design Review Panel, for the operation of such to provide design advice.
- Waste Management and Guidelines, to providing design and operational requirements for such.

3. APPLICATION OF POLICY

This LPP applies to all planning proposals for new development within the Rose Garden Precinct (excluding minor additions or extensions to existing developments).

In accordance with section 1.2 of SPP7.3 Vol 2, this LPP contains provisions that amend or replace Acceptable Outcomes set out in of SPP7.3 Vol 2. If an element in SPP7.3 Vol 2 is not amended or replaced by this LPP, the applicable Acceptable Outcomes in SPP7.3 Vol 2 remain and apply. The Element Objectives of SPP7.3 Vol 2 remain unchanged and apply. This LPP also introduces additional aspects of development control for the Precinct and all changes made by this LPP prevail over development in the Precinct.

4. OBJECTIVES

The objectives of this LPP are to ensure that development in the Precinct:

- Is consistent with and appropriate to the **context and character** of the precinct.
- Respects and protects the **cultural heritage significance** and ambience of the State and local heritage-classified Peace Memorial Rose Garden (*PMRG*).
- Achieves sympathetic transitions between zones of different type, density and height limits and between each development site and existing surrounding properties.
- Has controlled **building height**, **bulk**, **form**, consistent with the character of the precinct, and related design parameters, with unambiguous standards.
- Is of **architectural style and materials** compatible and cohesive with the traditional garden-suburb character and heritage park setting.
- Supports sustainable design throughout the precinct.
- Preserves or improves the **amenity** of streetscapes and surrounding properties, including **trees**.
- Fosters the retention and sharing of **views** available from properties and attractive views to and from the Rose Garden park.
- Is of a scale and design that does not result in adverse traffic impacts.

5. PRECINCT

Draft State Planning Policy 7.2 Precinct Design aims for precinct planning to achieve good design quality and built form outcomes. It provides for heritage-based precincts, includes design review and has supporting guidelines. Precinct outcomes include *ensuring sense* of place, integrated landscape, comfortable public spaces, coherent identity, cultural relevance and development responding to context and character.

The Nedlands locality is the result of past planning and development to create garden suburbs in metropolitan Perth, which have matured to exhibit their distinctive contexts and characters.

The Rose Garden Precinct to which this LPP applies covers the area as shown on the map below (Figure 1). It is centred on the PMRG and extends from Stirling Highway on the north to Jenkins Avenue on the south, and from the east side of Doonan Road to the west side of Mountjoy Road. The Rose Garden Precinct embraces the proximity to the PMRG and recognises that away from Stirling Highway the area is zoned residential with the need to manage the interrelationships between abutting lots and zonings.

Aiming to maintain a residential feel within this Precinct is consistent with the draft Town Centre Precinct Pan which proposes a residential transition area on the Stirling Highway and Louise Street corner opposite the PMRG.

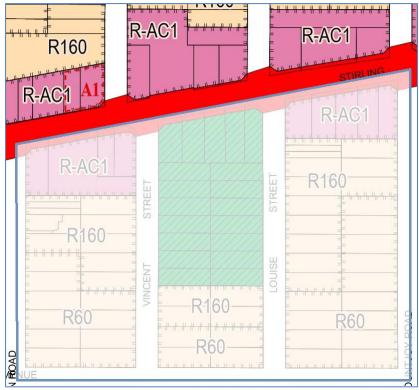


Figure 1 Rose Garden Precinct.

Under LPS3 the PMRG is reserved Local Open Space, while the zones and density codings over lots in the precinct comprise Mixed Use R-AC1 along the highway (except for the park frontage) which is the most intensive, followed by Residential R160 extending southward partway along the local streets, then Residential R60 extending to the northern side of Jenkins Avenue. The southern side of Jenkins Avenue is outside the precinct area and is zoned low density Residential R10.

These zones and density codings allow higher density and taller mixed-use buildings and residential apartments, whereby there is a need to manage development in terms of the transitions between the zones/density codings and the effects on adjoining/surrounding properties (both new and existing), streetscapes and the PMRG (which is bordered entirely by Mixed Use RAC1 and Residential R160).

The Precinct is bounded on the north by Stirling Highway which is a main road. The southern side is bounded by Jenkins Avenue which is a traffic-calmed Safe Active Street. Vincent Street is local route for north-south traffic with Doonan Road, Louise Street, and Mountjoy Road used predominantly for local residents only. Development in the Rose Garden Precinct, the Town Centre Precinct and along the highway will have significant traffic implications for the locality.

6. HERITAGE

The PMRG is on the State Register of Heritage Places and the City's Heritage List, as one of the most significant parks in the City. It is also recognised by Monument Australia and shares its significance with peace memorials across Australia and around the world as a place dedicated to humanity. At the heart of the PMRG's heritage significance is that it is much more than simply a pretty park. In addition to its functional and visual attributes of open space, greenery and beauty, the PMRG embodies historical, social, cultural, scientific/horticultural and rarity values – in essence, it is a spiritual place.

Also in the precinct is the Art Deco style Greenough Home Units at 114 Stirling Highway corner of Louise Street, which is on the City's Municipal Inventory, and the Tudor style Renkema Building at 134 Stirling Highway corner of Doonan Road, which is identified for State-level heritage classification assessment (Figure 2). Several other properties nearby, notably along the highway, are either State or local heritage-classified.



Figure 2 Heritage areas as identified from Department of Lands, Planning and Heritage Database

In WA, heritage protection permeates planning instruments and practice from State down to local level and is especially applicable to the PMRG and precinct. State planning legislation and policies, and the City's Local Planning Strategy (*Strategy*) and LPS3,

supported by State heritage legislation and governance, all address the heritage dimension of planning and development. Directly relevant provisions include:

City's Strategy:

Protect and promote places of heritage significance throughout the City, including civic, commercial and residential buildings, parks and gardens.

Local Planning Schemes Regulations:

In considering an application for development approval the local government is to have due regard to the following matters: (I) the effect of the proposal on the cultural heritage significance of the area in which the development is located.

State Planning Policy 3.5 Historic Heritage Conservation:

Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.

The WAPC and local governments should have regard to heritage places and areas in formulating planning schemes and strategies. Care should be taken to minimise the extent to which land use zoning and other planning controls conflict with, or undermine, heritage conservation objectives.

State Planning Policy 7.0 Design of the Built Environment:

Describes the core design principle of context and character, with reference to heritage and related aspects:

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. Good design responds intelligently and sensitively to these factors in order to positively contribute to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood. New development should integrate into its landscape/townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development. Consideration of local context is particularly important for sites in established areas that are undergoing change or identified for change.

SPP7.3 Vol 2 policy objectives for multiple dwellings:

To encourage design that considers and respects local heritage and culture.

Heritage Council of WA Development Assessment Framework:

Adjacent development should:

Not negatively impact on the identified significance of a culturally significant garden or park and should not endanger the ecological equilibrium of the place.

Recognise and respond sympathetically to the predominant scale of the setting and the adjacent heritage place.

The PMRG is the defining feature and focus of the Rose Garden Precinct contributing to its context and character. Density developments surrounding the PMRG are individually and collectively likely to have substantial adverse impacts on the character of the precinct and the heritage values and integrity of the park. The weight of the planning and heritage framework relating to the PMRG and the control of development affecting it warrants a strong approach to limiting detrimental impacts on the PMRG. In the formulation, assessment and determination of proposals affecting the PMRG, applicants, consultants, consultees and decision-makers are all obligated to have particular regard to the heritage imperatives, implications and impacts involved.

7. SUMMARY OF POLICY MEASURES

This LPP prescribes a number of control measures for the Rose Garden Precinct. It does not address all of the design outcomes but has focused on the key issues. It aims to:

- Reduce building bulk and visual and acoustic impacts of new development on the adjoining residential zone.
- Provide natural amenity and landscaping within new developments, including areas of deep soil planting that support healthy plant and tree growth and is consistent with the existing character of precinct.
- Optimise comfort and energy efficiency of new dwellings through passive solar design while minimising overshadowing.

In support of the objectives, this LPP seeks to amend or replace the Acceptable Outcomes of the following R-Code Volume 2 elements:

- Building height;
- Street setbacks;
- Side and rear setbacks;
- Tree canopy and deep soil areas;
- Communal open space;
- Visual privacy;
- · Solar and daylight access; and
- Façade design.

Brief descriptions of the changes are outlined below with a summary provided in Table 1.

7.1 Building Height

In accordance with the R-Codes Volume 2, five-storey buildings are an Acceptable Outcome for areas coded R160. This is of a substantially larger scale than the existing

streetscape in the zone, which is typically comprised of one to two-storey residential buildings. Larger-scale development around the Rose Garden has the potential to impose building bulk and overshadowing impacts on adjoining properties and surrounding streets. New developments should therefore be of limited scale and carefully designed to mitigate these impacts and provide an appropriate transition to lower-density areas.

In order to manage the transition to lower density surrounding properties this LPP defines a maximum height of 3 storeys (12m) for R160 and 2 storeys (10m) for R60.

7.2 Street Setbacks

This LPP requires that the lower levels of development in Residential zones (R60 and R160) are setback 4m from the primary and secondary streets, with upper storeys being progressively stepped back from the street. The intent of these moderate street setback requirements at lower levels is to preserve the character of streetscape and to manage the transition between existing residential properties that have been built under a 9m setback provision. Progressively increasing upper storey setbacks from the street will ensure that new developments do not impose excessive building bulk and overshadowing over the public domain.

For the Mixed Use Zone R-AC1 setbacks of 2m or Nil where a nil setback is appropriate if commercial use at ground floor.

7.3 Side and Rear Setbacks

For the third storey and above, this LPP requires greater setbacks to the southern side boundary than the northern side. As the majority of the blocks are aligned east -west, and the topography of the local area slopes to the south west, the intent of this provision is to minimise overshadowing of adjacent properties.

7.4 Plot Ratio

In order to control bulk and scale of new developments and ensure they are appropriate for the streetscape and desired character of the area, this LPP reduces the maximum plot ratios to 2 for R-AC1, 1.5 for R160 and 0.8 for R60.

7.5 Tree Canopy and Deep Soil Areas

Deep soil areas (DSA) are areas of soft landscaping on a site which support medium to large canopy trees. For the Rose Garden Precinct the provision of DSAs within new developments will help offset the loss of front verge and backyard green space which is

part of the current character and amenity of the neighbourhood. Importantly, it is critical component of ensuring that the PMRG retain the feel that was part of the original design – a garden to encourage reflection within a 'garden neighbourhood' where the peaceful nature of the PMRG setting extends to the surrounding streets where extensive tree plantings break up the urban setting. In addition, DSAs can also be very effective is providing a buffer between high intensity and low intensity developments, reducing the perceived building bulk of new developments.

The LPP sets out that 50% of the DSA required under the R-Codes Volume 2 is to be located adjoining the boundary with sites of a lower density code. It also requires that at least 80% of width of this boundary is provided as tree canopy. The intent of these requirements is to utilise DSAs and tree canopy as a visual buffer between new, larger-scale developments and the lower-density Residential zone to the rear.

The LPP also requires that DSAs are provided a maximum of 1m above the natural ground level of the development site. The intent of this requirement is to avoid medium to large trees being provided on-structure at upper storeys, where minimal soil depths restrict trees from growing to maturity.

7.6 Communal Open Space

For developments of more than 10 dwellings, the R-Codes Volume 2 requires dedicated areas of communal open space, which can be used for recreation by occupants of the dwellings. The LPP differentiates between 'active communal open space', which contain facilities likely to encourage residents to congregate and generate noise, such as BBQs, alfresco areas and swimming pools, and 'passive communal open space', which do not contain these facilities.

This LPP requires at least 50% of the required minimum communal open space, including all active communal space, is located adjacent to the street boundary rather than adjacent to shared boundaries with residential properties. This provision seeks to locate those communal spaces which are more likely to generate noise impacts away from residential properties and encourage engagement with the local community.

7.7 Visual Privacy

The visual privacy setbacks set out in the Acceptable Outcomes of the R-Codes Volume 2 are not considered to adequately contemplate the existing single, detached nature of dwellings within the Residential zone and the transition to new, higher density dwellings or the Mixed Use Zone.

The LPP therefore increases the required visual privacy setbacks for major openings and unenclosed private open space (balconies/terraces) from the adjoining R60 and R160 Residential properties.

7.8 Solar and Daylight Access

Appropriate shading of a dwelling's major openings and outdoor spaces can reduce internal summer temperatures, improve comfort and reduce energy consumption. This core component of passive solar design is incorporated into the LPP through requirements for shading devices for major openings and private open spaces.

7.9 Façade Design

Compared to the existing development within the Rose Garden Precinct, larger-scale new developments are likely to be more prominent from surrounding properties and the public realm. It is therefore important that the façade design of new development is designed to enhance the visual interest and amenity of surrounding properties and the public realm. The LPP therefore requires that building facades at all levels are articulated and detailed wherever they are visible from these areas.

It is recognised that any new developments should not necessarily try to replicate the artdeco architecture which dominates the precinct. However, any new development should actively address the manner in which it aligns, with the existing context and character of the locality. This may include the materials used, the building design and the landscape design.

Table 1 Summary of policy changes with reference to R-Codes

R-codes Element	Applicable Clause of this Policy	Applicable Acceptable Outcome
2.2 Building height	8.1	A 2.2.1 of the R-codes Volume 2 is replaced by Clause 8.1 of this Policy
2.3 Street setbacks	8.2	A 2.3.1 of the R-codes Volume 2 is replaced by Clause 8.2 of this Policy
2.4 Side and rear setbacks	8.3	A 2.4.1 of the R-codes Volume 2 is replaced by Clause 8.3 of this Policy.
2.5 Plot ratio	8.4	A 2.5.2 of the R-codes is replaced by Clause 8.4 of this Policy
3.3 Tree canopy and deep soil areas	8.5	A 3.3.7 of the R-codes Volume 2 is replaced with the Clause of 8.5 of this Policy.
3.4 Communal open space	8.6	A 3.4.1 of the R-codes Volume 2 is augmented to also include clause 8.6 of this Policy.
3.5 Visual privacy	8.7	A 3.5.1 of the R-Codes Volume 2 is replaced with Clause 8.7 of this Policy.
4.1 Solar and daylight access	8.8	A 4.1.4 of the R-Codes Volume 2 is replaced with Clause 8.8 of this Policy.
4.10 Façade design	8.9	A 4.10.1 of the R-codes Volume 2 is augmented to also include Clause 8.9 of this Policy.

7.10 Mixed Use controls

This LPP covers some controls related to Mixed Use (R-AC1), however, it is recognised these will need to be further developed, especially as the City completes studies on Stirling Highway.

8. POLICY CONTROLS

SPP 7.3 Volume 2 Part 2 Primary Controls

8.1 Building Height

Development shall comply with the building height limit (storeys) set out in Table 2 and the maximums shall not be exceeded.

Table 2 Building Height.

Zoning	Maximum Building Height (storeys)	Maximum height* (m)
R160	3	12
R60	2	10
Maximum height at natural ground level.		

8.2 Street Setback

Development shall comply with the street sets backs as set out in Table 3.

Table 3 Street Setbacks

Zoning	Minimum Primary and Secondary Street setbacks	
RAC1	2m or Nil*	
R160	4m	
R60	4m	
*Nil setback applicable if commercial use at ground floor.		

8.3 Side and Rear Setbacks

8.3.1 Side Setbacks

Development shall comply with the setbacks set out in Table 4.

Table 4 Side Setbacks (for all zones)

Storov	Side ¹ (mi	nimum)**
Storey	South	North
1	2.	~
2	31	TI .
3	4.5m	3m
4	4.5m	3m
5-6	6m	4.5m

^{**} Or in accordance with clause 4.5 Visual Privacy (whichever is the greater setback requirement).

¹ Average side set back where building length exceeds 16m increases from a) 3m to 3.5m for R60, b) 3m to 4m on R160 for levels one and two.

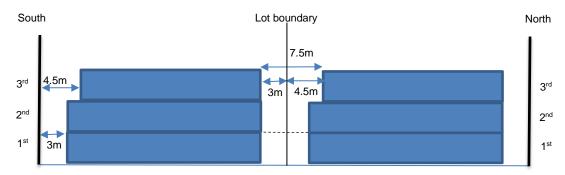


Figure 3 Example of side building setback. Front view showing side setback (where building length is less than 16m).

8.3.2 Rear Setbacks

Development shall comply with the setbacks set out in Table 5.

Table 5 Rear Setbacks.

Storov	Rear Setbacks		
Storey	R60	R160	RAC1
1	5m	6	
2		6m	4.00
3*	n/a	9m	4m
4*			
5		n/a	6m
6			6m

^{*} Where a building exceeds the number of storeys due to the site topography the maximum height from natural ground level outlined in Table 2 applies.

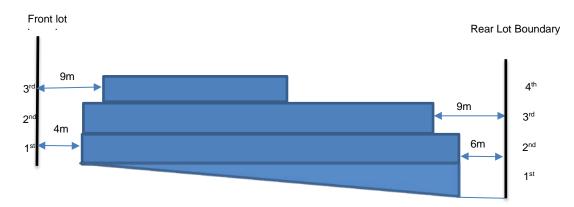


Figure 4 Example of front and rear setbacks for an R160 sloping block. Where the slope results in a fourth storey this storey to be set back to where it meets the maximum height restriction from natural ground level as set out in Table 2.

8.4 Plot Ratio

Development shall comply with the plot ratio as set out in Table 6.

Table 6 Plot Ratio

Zoning	R60	R160	RAC1
Plot ratio	0.8	1.5	2

8.5 Tree Canopy and Deep Soil Areas

Development share comply with the following requirements:

- a. Where the subject site adjoins a site with a lower density code to the rear, at least 50% of the deep soil area required under Clause A 3.3.4 of the R-Codes Volume 2 is to be located adjoining the boundary with that adjoining site.
- b. Deep soil areas shall be provided at a maximum of 1m above the natural ground level.
- c. Mature tree canopy cover shall be provided to at least 80% of the rear lot boundary width (refer to indicative canopy diameter at maturity, as set out in Table 3.3b of the R-Codes Volume 2).

8.6 Communal Open Space

Development share comply with the following requirements:

- a. Active communal open space is located adjacent to the primary street (and/or a secondary street, where applicable), and is not provided adjacent to a shared boundary with a Residential-zoned lot.
- b. Passive communal open space may be located anywhere on the lot.
- c. At least 50% of communal open space (active or passive) is located adjacent to the primary street (and/or secondary street where applicable).

8.7 Visual Privacy

Development shall comply with the visual privacy setbacks to side and rear boundaries set out in Table 7.

Table 7 Required Privacy Setback to Adjoining Sites

Cone of vision from unscreened	Adjoining R60	Adjoining R160 or R-AC1	
Major openings to bedroom, study and open access walkways	6m	4.500	
Major openings to habitable rooms other than bedrooms and studies	8m	4.5m	
Unenclosed private open space	8m	6m	

8.8 Solar and Daylight Access

Development shall comply with shading of major openings and private open space/balconies for dwellings as set out in Table 8.

Table 8 Shading Devices Required for Dwellings

Orientation	Required shading device
North and south	Fixed or adjustable horizontal shading above (Figure 6) at appropriate angle to exclude summer sun and admit winter sun
East and west	Adjustable shade screens or deep overhangs (Figure 6)

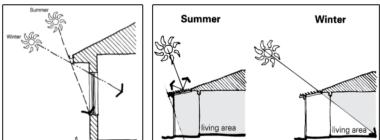


Figure 6 Shading for north south orientations. Diagram taken from City of Nedlands Draft Interim Guidelines for Broadway.

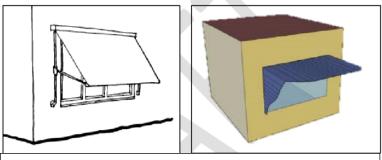


Figure 6 Shading for east and west orientations. Diagram taken from City of Nedlands Draft Interim Guidelines for Broadway.

8.9 Façade Design

Development shall comply with the following requirements:

Building facades at all levels shall be articulated and detailed (broken into distinct visual elements) wherever they are visible from an adjoining property, or from the street.

8.10 Additional Items

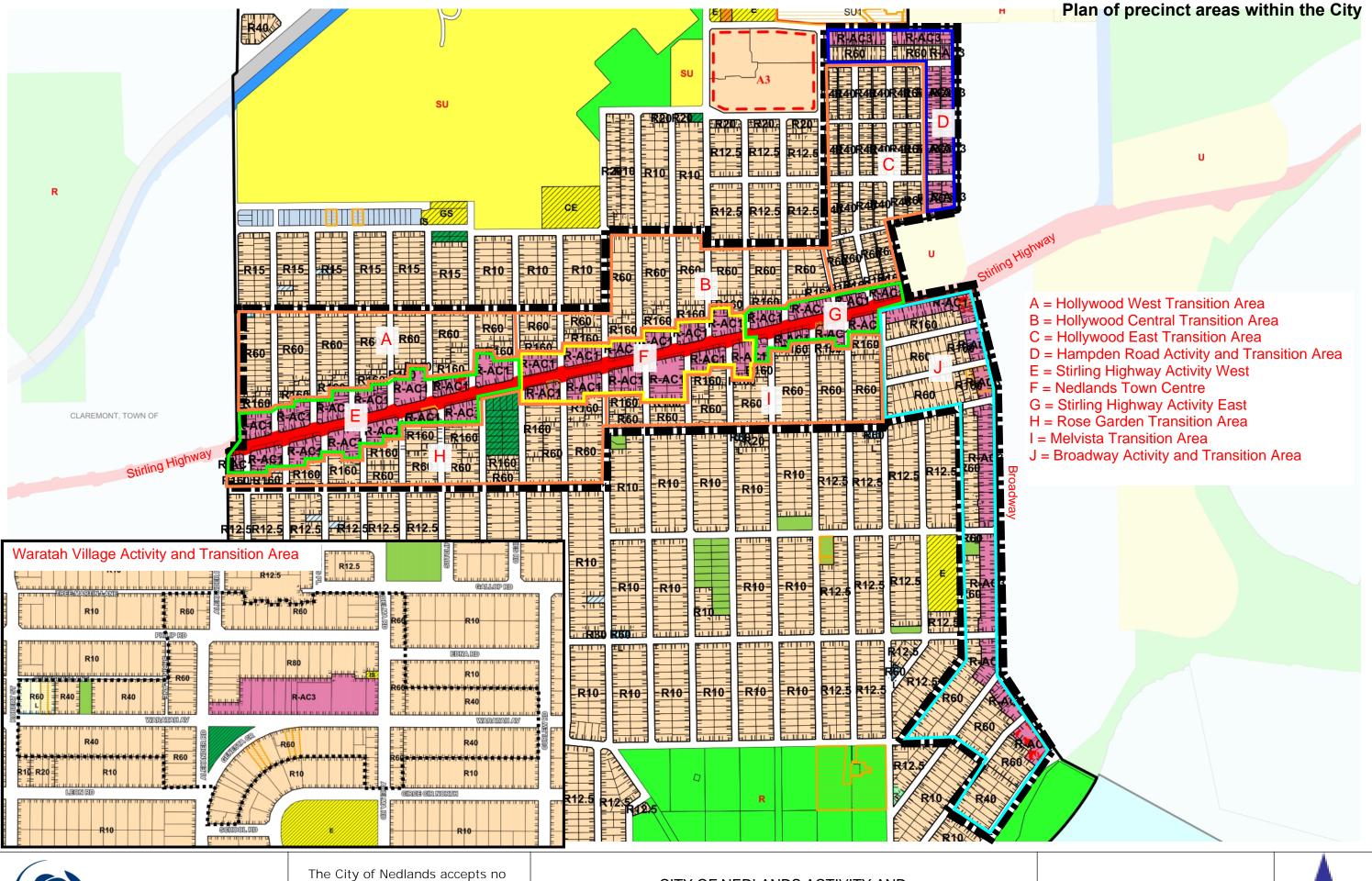
It is recognised that these proposed amendments are not exhaustive however they have been proposed to provide some interim controls. Additional items from SPP7.3 Volume 2, Part 3 and Part 4 may be relevant and while they have not been included here it is expected that they would be developed as part of comprehensive urban form guidelines.

The final LPP may also include further provisions, to augment SPP7.3 Volume 2 regarding additional aspects required by the local context, such as in relation to the character, heritage and streetscapes of the Precinct, and to design and amenity considerations, etc.

APPENDIX I - ROSE GARDEN PRECINCT PRIMARY CONTROLS TABLE

Applies to R-Code areas, default settings apply unless alternative provisions defined in local planning instruments			Applicable where designated by local government in local planning scheme, activity centre plan, structure plan, local development plan, local planning policy		
fledium- rise	LPP - City of Nedlands - Rose Garden Precinct	Higher density residential	LPP - City of Nedlands - Rose Garden Precinct	High density urban centres	LPP - City of Nedlands - Rose Garden Precinct
R60	R60	R160	R160	R-AC1	R-AC1
(3)	(2) 10m	(5)	(3) 12m	(9)	_8
(1) ³	(1) ³	(2) ³	(2) ³	(4)	(4)
2m	4m	2m	4m	2m or Nil ⁴	2m or Nil ^{4,5}
3m	3m	3m	3m	Nil	3m
3m	5m	6m	6m	Nil	4m
3.5m	3.5m	4.0m	4.0m	NA	4.5m
0.8	8.0	2	1.5	3	2
Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions					
2 Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code					
3 Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.					
4 Minimum secondary street setback 1.5m					
6 Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC. 7 Refer to Definitions for calculation of plot ratio					
ValvneENNEtF	R60 (3) (1) ³ 2m 3m 3m 3.5m 0.8 Vall may bell of equal Where the gight and hele lower der Boundary with minimum so belower der Boundary with sefer to De	Redium- rise Rose Garden Precinct R60 R60 (3) (2) 10m (1)³ (1)³ 2m 4m 3m 3m 3m 5m 3.5m 3.5m 3.5m 0.8 0.8 Vall may be built up to a lot bould or greater proportion of the subject site and an get and height of any boundary set back applicable if common soundary setback applicable if common soundary setbacks will also be shin this SPP and building seprent set set set set set set set set set se	Redium-rise Rose Garden Precinct Redo Redo Redo Redo Redo Redo Redo Redo	rise Rose Garden Precinct Reformation Redunds - Rose Garden Precinct Reformation Reformati	edium-rise

PD17.20 - Attachment 2



COMMUNITY WORKING GROUP - TERMS OF REFERENCE - MARCH 2020

The Terms of Reference define the role of the Rose Garden Precinct Community Working Group (CWG) and provide a framework for its establishment and operation. All members of the CRG will be asked to agree to the following Terms of Reference.

PROJECT OVERVIEW

The Council at its meeting held on 25 February 2020 resolved to establish a Community Working Group (CWG) for the Peace Memorial Rose Garden precinct ('Rose Garden Precinct').

The basis for establishing this CWG was to progress with the finalisation of a community prepared local planning policy for the Rose Garden Precinct. The draft Rose Garden Precinct Local Planning Policy has been prepared by the community in direct response to the increased development pressures being experienced as a consequence of the recent upcoding within their immediate locality following the adoption of Local Planning Scheme No.3 (LPS3).

The following depicts the extent of the extent of the Peace Memorial Rose Garden Precinct area, as defined by the draft community prepared Local Planning Policy.



ROLE OF THE CWG

The Council, its administration and the community recognise the opportunity to collaborate in developing local planning policies that provide clearer guidance relating to future development in the City.

The establishment of the CWG for the Peace Memorial Rose Garden Precinct will enable the community to be directly involved in finalising the development of the draft local planning policy for the Precinct area. The CWG will serve the sole purpose of refining the draft Local Planning Policy for the Peace Memorial Rose Garden Precinct.

The feedback provided by the group will assist the City and Council in making an informed decision relating to the draft Local Planning Policy. A Council report will be prepared and submitted for consideration following the CWG meeting with an officer recommendation.

OBJECTIVES OF THE CWG

The objectives of the CWG are to:

- Provide community members involved in the development of the draft local planning policy for the Rose Garden Precinct to further refine the policy and its provisions, in collaboration with appointed Council representatives.
- Assist in raising the City of Nedlands's awareness of community concerns and aspirations for the community defined precinct area; and
- Obtain local input and knowledge into the development of appropriate local planning policies that are cognisant and responsive to the specific precinct areas

The CWG is an advisory group only and does not have any decision-making authority. Decisions relating to the final inclusions of existing are the responsibility of the City of Nedlands administration and Council.

MEMBERSHIP

Participation in the CWG is voluntary. For this CWG, the membership has been predetermined, given the level of proactive involved in the preparation of the draft local planning policy and the limited area the local planning policy relates to comparative to the wider City defined planning precincts.

Membership to this CWG will be by direct invitation to the following members:

- Ward Councillors (x3)
- Libby Newman (community member)
- Andrew Jackson (community member)
- Andrew Edwards (community member)
- Martin Stewart (community member)

ADMINISTRATIVE ACTION AND SUPPORT

The CWG will be supported by a Council staff member who will be responsible for:

- Issuing the agenda
- Recording of apologies prior to the meeting
- Preparation of the Minutes/Meeting notes
- Room Booking
- Bringing formal recommendations to Council through reports

CONFLICT OF INTEREST

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

PROTOCOLS

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

Conduct

Members are required to:

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

Sharing of Information

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

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

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

MEETING PROCEDURES

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

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

CWG FACILITATION

The CRG workshops will be facilitated by a representative from the City's Urban Planning Directorate but will not provide any technical advice.

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

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

Members' responsibilities and outcomes

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

GENERAL PROVISIONS

Differing views and consensus

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

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

Privacy

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

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

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

Peace Memorial Rose Garden Precinct

Administration response to Version 9 – Community Submitted Policy March 19th, 2020

Policy Clause	Policy Element / Theme	Issue with the Element / Theme	Proposed Remedy to the issue
Clause 4 Objectives	Context and Character	A Context and Character assessment has not yet been completed by the City of Nedlands	That the Council support the request for additional funding for the City to undertake Built Form, Character and distinctiveness assessment, as is currently being undertaken for the Nedlands Town Centre, Broadway and Waratah Village as a priority. Until this work is completed the administration do not support the adoption of a Local Planning Policy which is not based on research and modelling as this is unlikely to be supported by the WAPC and will be challenged in JDAP and SAT
Clause 4 Objectives	Cultural heritage significance	How does an applicant meet this objective?	In accordance with Part 3 CL7 Heritage Protection, (9) Designation of heritage areas, of the Deemed Provisions this provides the City of Nedlands with the ability to designate an area for heritage protection. Is this something that the community and Council would like the City to explore?

Clause 4 Objectives	Sympathetic transitions	The City acknowledges that there are harsh transitions between unlimited height on Stirling Highway back down towards R10/R12.5 low density away from the Highway. This needs further refinement through the development of a local planning framework, built form modelling and testing to establish the strong foundation for policy formulation.	Built form modelling will assist the City in achieving this objective similar to what has been commissioned for Waratah Village and Broadway. It is suggested that the City bring forward a request for Built form modelling which looks at the Rose Garden Precinct as well as Stirling Highway Activity Corridor (East) Until this work is completed the administration do not support the adoption of a Local Planning Policy which is not based on research and modelling as this is unlikely to be supported by the WAPC and will be challenged in JDAP and SAT.
Clause 4 Objectives	Building Height, Bulk and Form	As above, the local planning framework being refined and developed by the City will assist in augmenting where required the primary controls table of the R Codes, however, to better provide an informed decision on this built form modelling should be tested.	Built form modelling will assist the City in achieving this objective similar to what has been commissioned for Waratah Village and Broadway. It is suggested that the City bring forward a request for Built form modelling which looks at the Rose Garden Precinct as well as Stirling Highway Activity Corridor (East) Until this work is completed the administration do not support the adoption of a Local Planning Policy which is not based on research and

			modelling as this is unlikely to be supported by the WAPC and will be challenged in JDAP and SAT. The built form modelling also needs to provide the City with evidence that the revised built form controls do not reduce the number of dwellings that can be provided within that precinct in accordance with Perth to Peel @ 3.5 million.
Clause 4 Objectives	Architectural Style and Materials	No issue to this raised by the City. As for Building Height, Bulk and Form	As for Building Height, Bulk and Form
Clause 4 Objectives	Sustainable Design	No issue to this raised by the City.	Through development of the local planning framework this can be defined and form part of the local area policy.
Clause 4 Objectives	Amenity, Streetscapes, Trees	No issue to this raised by the City. This is sought to be resolved through LPS3 Amendment 3 which is being tabled to Council in March 2020 Any amendment to primary controls will need to be supported by built form modelling	To continue to refine the local planning framework including to adopt Scheme Amendment #3
Clause 4 Objectives	Traffic Impact	No issue to this raised by the City. The City is bringing an item to Council to award a tender for traffic modelling for Stirling Highway and the local road network.	To continue to develop the local planning framework and for it to be informed by the traffic modelling about to be awarded for tender.
Clause 5 – Precinct	Designated Boundary	The City has a wider boundary for the Rose Garden Precinct which includes all upcoded density transition area to the South of Stirling	It is recommended that the boundary remain as per the Density Transition H Precinct for Rose Garden, and that built form modelling include all of

		Highway to Jenkins Street to the South. Bay Road to the West and Dalkeith Road to the East.	Precinct E which Stirling Highway Activity West Precinct. Until this work is completed the administration do not support the adoption of a Local Planning Policy which is not based on research and modelling as this is unlikely to be supported by the WAPC and will be challenged in JDAP and SAT. The built form modelling also needs to provide the City with evidence that the revised built form controls do not reduce the number of dwellings that can be provided within that precinct in accordance with Perth to Peel @ 3.5 million.
Clause 6 - Heritage	Heritage	The policy provides a background story and documented account of what is there, but it does not provide a legislative framework to protect heritage outside of the PMRG itself. Developments at 13 Vincent Street and 17-19 Louise Street have been referred to the Heritage Council who have exhibited no objection to those development in a heritage context. The City will take advice on this policy from the HCWA and will refer it accordingly during the advertising period.	In accordance with Part 3 CL7 Heritage Protection, (9) Designation of heritage areas, of the Deemed Provisions this provides the City of Nedlands with the ability to designate an area for heritage protection. Is this something that the community and Council would like the City to explore?

Clause 7 – Summary of Policy Measures	7.1 Building Height	As above, the local planning framework being refined and developed by the City will assist in augmenting where required the primary controls table of the R Codes, however, to better provide an informed decision on this built form modelling should be tested.	It is recommended that either the scope of works from Hassell Consultants be extended or a new request for quotes be sought to undertake built form modelling, character and distinctiveness analysis for Stirling Highway Activity Corridor West and the Rose Garden Precinct to provide sound town planning background to any proposed policy measures in this regard.
Clause 7 – Summary of Policy Measures	7.2 Street Setbacks	This again needs character and streetscape analysis, coupled with built form modelling to test various scenarios.	Built Form modelling required.
Clause 7 – Summary of Policy Measures	7.4 Plot Ratio	Plot ratio forms part of primary controls, this as per setbacks and height needs-built form modelling to test various scenarios.	Built Form modelling required.
Clause 7 – Summary of Policy Measures	7.5 Tree Canopy and Deep Soil Areas	Administration have no issue with this theme. It is however covered in LPS3 Amendment #3 which will be tabled to Council in March 2020	Continue with current Scheme Amendment which will apply to all Density Transition areas for single and grouped dwellings. This element is adequately covered by SPP 7.3 V2 for Apartments and Mixed-Use developments.
Clause 7 – Summary of Policy Measures	7.6 Communal Open Space	This can form part of an LPP – however the provisions need to be justified with town planning merit and it requires the WAPC's approval under Clause 1.2.3 of SPP 7.3 R Codes V2.	Can proceed via policy subject to sound town planning advice.

Clause 7 – Summary of Policy Measures	7.7 Visual Privacy	This can form part of an LPP – however the provisions need to be justified with town planning merit and it requires the WAPC's approval under Clause 1.2.3 of SPP 7.3 R Codes V2.	Can proceed via policy subject to sound town planning advice.
Clause 7 – Summary of Policy Measures	7.8 Solar and Daylight Access	This can form part of an LPP – however the provisions need to be justified with town planning merit and it requires the WAPC's approval under Clause 1.2.3 of SPP 7.3 R Codes V2.	Can proceed via policy subject to sound town planning advice.
Clause 7 – Summary of Policy Measures	7.9 Façade Design	This can form part of an LPP – however the provisions need to be justified with town planning merit and it requires the WAPC's approval under Clause 1.2.3 of SPP 7.3 R Codes V2. Primary Controls table Table 1 is sitting under this Element, but I don't believe its intended to.	Can proceed via policy subject to sound town planning advice.
Clause 7 – Summary of Policy Measures	7.10 Mixed Use Controls	Noted – this work will be undertaken as part of the Precinct Plan for the Activity Corridor.	Proceed as per plan to develop Activity Corridor Precinct Plan for Stirling Highway West
Clause 8 Policy Controls	8.1-8.10	As per points above relating to Clause 7. These diagrams relate to those provisions and should sit under them in Clause 7. The same comments and actions apply to each of those policy elements	Advice from Clause 7 provisions also apply to the associated provision in Clause 8

Recommendation to Committee

Council:

- 1. Instructs the Chief Executive Officer to continue with the planned schedule of works relating to developing local planning policies for the identified activity and transition precincts within the City (as shown in Attachment 2), using the methodology set out in draft State Planning Policy 7.2 Precinct Design; and
- 2. Approves the additional budget funding of \$50,000, in addition to its existing budget, for the purpose of engaging consultants to deliver built form modelling for the Rose Garden Transition Area and Stirling Highway Activity West precincts as a high priority.